



Hamilton Police Services Board

Thursday, June 11, 2020, 1:00 P.M.

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Pages

1. Call to Order

1.1 Changes to the Agenda

2. Public Presentations & Deputations

2.1 Pride in Hamilton: An Independent Review Into the Events Surrounding Hamilton Pride 2019 (dated June 8, 2020) - Scott Bergman of Cooper, Sandler, Shime & Bergman LLP

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2.2 COVID-19 - Eric Girt, Chief of Police (verbal update)

2.3 New Investigative Services Building Update - Anna Filice, CAO Hamilton Police Service (verbal update)

3. General

3.1 Declarations of Interest

4. Consent Agenda

4.1 Approval of Consent Items

That the Board approve and receive the consent items as distributed.

4.2	Adoption of Minutes - March 12, 2020	139
	That the minutes of the meeting held Thursday, March 12, 2020, be adopted as printed.	
4.3	Correspondence from Scott Bergman, Cooper, Sandler, Shime & Bergman LLP re: Independent Review of the Events Surrounding Hamilton Pride 2019 (Electronic approval of this request and media released occurred on April 7, 2020)	146
	That the Board support the change of date for the release of the Independent Review Final Report to June 1, 2020, at the earliest; and	
	That following the approval of the change of date, a media release be provided with the attached correspondence from Mr. Scott Bergman.	
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5. Discussion Items

- 5.1 Extension Application Pursuant to Section 83(17) of the Police Services Act – OIPRD Complaint Investigation – Constable Paul Manning Badge #835 (PSB 20-015) (The Hamilton Police Services Board has approved this report & Appendix 'A' be made public) 870

5.1 a. That the Hamilton Police Services Board receive for processing the Application for Extension of the six-month time period for the service of a Notice of Hearing against Constable Paul Manning regarding allegations of misconduct under Part V of the Police Services Act, as amended.

5.1 b. Correspondence from Sam Merulla dated March 4, 2020

5.1 c. Correspondence from Belchior Arruda on behalf of Mr. Manning dated March 4, 2020

5.1 d. Correspondence from Sam Merulla dated April 8, 2020

- 5.2 Dedicated City-Wide Traffic Enforcement Unit and School Bus Enforcement Cameras 883

That the Board approve correspondence from Chief Eric Girt dated March 24, 2020 with respect to Item 5 of the Public Works Committee Report 20-022 City of Hamilton Vision Zero Action Plan 2019-2025 Update (PW19015(a)) (City Wide) (Item 10.1); and

That the Board approve this correspondence be forwarded to the City of Hamilton to the attention of Legislative Coordinator Alicia Davenport and copied to General Manager Dan McKinnon and Administrative Coordinator Nancy Wunderlich.

- 5.3 Hamilton Accident Support Services LTD. - Collision Reporting Centre: Five (5) Year Agreement (PSB 03-015f) 885

That the Hamilton Police Services Board enter into an Agreement with Hamilton Accident Support Services Ltd. (HASSL), by which HASSL will provide collision reporting services to the Hamilton Police Service (HPS) as defined in the said Agreement, for a five (5) year period, commencing on July 1, 2020 and ending June 30, 2025; and

That the Chair and Administrator of the Board be authorized and directed to enter into said Agreement in a form satisfactory to Legal Counsel.

5.4 2019 Year-End Surplus Allocation Plan (PSB 20-049) 903

That the Hamilton Police Service Board (Board) approve the Allocation Plan for the 2019 Operating Budget favorable variance (surplus) of \$1,425,221.

5.5 Police Station 40 - Waterdown (PSB 20-052) 909

That the Hamilton Police Service Board (HPSB) approve the construction of a new Police Station 40 in partnership with Hamilton Fire Department (HFD) for a combined Police and Fire facility; and

That the Board request the City of Hamilton (City) to confirm and include the construction of a new Police Station 40, as part of and in partnership with the HFD approved Waterdown Fire station, in the 2021 Capital Budget; and

That the funding of the Police portion of the proposed combined facility, estimated to be \$8M, be funded from the City's Police Development Charges (DC) reserve; and

That the Hamilton Police Service (HPS) review and analyze the annual operating budget impact for Station 40 and report back to the Board for review and approval.

6. New Business

At the Ontario Association of Police Services Boards' (OAPSB) Annual meeting held on May 29, 2020, Don MacVicar was nominated and confirmed as a Director for the OAPSB.

7. Adjournment

The Police Services Board will adjourn the Public portion of the meeting and reconvene in camera for consideration of private and confidential matters.

Pride in Hamilton

AN INDEPENDENT REVIEW INTO THE EVENTS
SURROUNDING HAMILTON PRIDE 2019

SCOTT BERGMAN
COOPER, SANDLER, SHIME & BERGMAN LLP
JUNE 8, 2020

Pride in Hamilton

An Independent Review into the Events Surrounding Hamilton Pride 2019

Executive Summary

The Two-Spirit and LGBTQIA+¹ communities are entitled to celebrate their sexual orientation, diversity, gender identity and expression. They must be afforded full protection of the law in doing so. They are equally entitled to bias-free policing in their daily lives.

The majority of Canadians understand this. Some do not, including homophobes, white supremacists and organized agitators. They spew hatred, vitriol and derision. They are quick to rely on freedom of speech, while intolerant of the constitutional freedoms and rights of a multicultural, diverse society.

A democratic society must recognize that the expression of abhorrent views is a necessary price to pay to enjoy our freedoms. But there are limits. Enforceable limits.

On June 15, 2019, homophobes, white supremacists and organized agitators disrupted Hamilton Pride 2019. Their activities could reasonably have been anticipated by police, but they weren't. As a result, the police response was inadequate — before, during and after the event. This added to the distrust of police in some circles.

With every crisis comes opportunity. There has been a legacy of distrust of police among many, not all, members of the Two-Spirit and LGBTQIA+ communities in Hamilton. This crisis provides an opportunity for lessons to be learned and for a new relationship to be forged between the Hamilton Police Service (“HPS”) and these communities. I am convinced there is a strong appetite on the part of police and community members to do exactly that. It will not happen overnight. But this Report is designed to provide a blueprint for renewal. The community and the police require no less.

Key findings

The HPS fell short in its planning and preparation for Pride 2019. The HPS did not prepare an Operational Plan (OP) until two days before the event. They failed to properly and effectively consult with Pride organizers prior to and during the event. The preparation and coordination was wholly inadequate. As a result, the

¹ LGBTQIA+ communities include Lesbian, Gay, Bisexual, Transgender, Questioning (or Queer), Intersex, Asexual (or Ally) plus other communities

OP lacked important details, including a map of the park outlining the permitted areas of the event and the location in the park where agitators were likely to arrive. The OP did not identify the fact that the attendance of agitators at the event was likely to cause a disturbance of the peace. The OP also failed to specify legal mechanisms such as relevant *Criminal Code* provisions and municipal by-laws that could be used to protect the event and its attendees from being disrupted and intimidated by agitators.

The HPS's inadequate preparation for Pride 2019 resulted in a failure to protect the public and Pride attendees during the event. The four officers assigned to Pride 2019 had no prior communication with or contact information for any of the Pride organizers. Officers at Pride did not know where the permitted areas for the event were or where the agitators were likely to attend. Once the four officers arrived at the confrontation, they responded appropriately to a chaotic and volatile situation. It was not safe to break up the confrontation without more resources. They did not directly witness any criminal conduct and had to wait for backup.

Public comments from the Chief of Police and from the HPS after Pride 2019 demonstrated a lack of concern for the LGBTQIA+ communities. The responses failed to demonstrate an understanding of what community members had experienced at Pride 2019. Four days after Pride 2019, the Chief appeared on a local radio show and was asked about the police response to the violence that broke out. He said:

We were not invited to the event. We were asked not to be at the event and we remained on the perimeter. We have to respect the requests, too. It's kind of a no-win situation where you're asked not to be there, and then when you're not there, how come you weren't there?

The public messaging coming from the HPS after Pride 2019 was seen by community members as an abdication of the Service's essential function – to serve and protect. When asked, most community members felt that the sole message coming from the HPS after Pride 2019 was that organizers had not invited police to the event and had they done so, the HPS would have intervened more quickly. This may not have been true and was not the Chief's or the HPS's intended public messaging (the Chief later apologized for his comments). However, it was the message that the community took away. Whether invited to participate in Pride or not, HPS has an overriding obligation to police the event, protect the public and maintain order.

The relationship between the HPS and the Two-Spirit and LGBTQIA+ communities is damaged. The HPS is committed to and has taken steps to improve the relationship, but more must be done. The HPS has committed to do this difficult work. There are many Two-Spirit and LGBTQIA+ community

members who want to work with the HPS to improve the relationship. But there are also many who do not.

Overview of Recommendations

- The HPS should unequivocally apologize to the community for its inadequate planning, the absence of communication with Pride organizers, and for creating the impression that the police response to agitators would have been different had the HPS been formally invited to the event.
- For 2021, officers, including the LGBTQ Liaison Officer, should meet with Pride organizers to discuss public safety issues after the OP is drafted and before the event takes place.
- The OP must include far more information than it has in previous years, including the numerous legal tools available to prevent agitators from disrupting the event.
- On the day of the event, supervising officer(s) should arrive at the park and contact organizers before the event starts. They should be in constant communication with organizers throughout the event.
- The HPS and the Hamilton Police Services Board should publicly acknowledge that building a relationship of mutual trust will take years and should publicly commit to the hard work necessary for that to happen.
- The HPS must develop and mandate more in-depth seminars and hands-on training for officers with respect to Two-Spirit and LGBTQIA+ issues.
- HPS officers should be required to work within the Two-Spirit and LGBTQIA+ communities in order to receive experiential training in conjunction with more traditional, lecture-oriented sessions. Officers of all ranks should interact with LGBTQIA+ community members on a more regular basis.
- All senior command officers should receive enhanced media training to ensure any media appearances are conducted with professionalism and appropriate messaging.
- The HPS should carefully consider undertaking a diversity audit or organizational culture review.
- The HPS should issue a statement such as “The Hamilton Police Service is committed to protecting the public safety and ensuring that Pride 2021 is a success for everyone that attends to celebrate the diversity of Hamilton. HPS will work with Pride organizers to ensure a safe event where everyone is respected regardless of whether the HPS is asked to participate in Pride.”
- The Board and/or the HPS should institute a mechanism for external review and audit of these recommendations and grading of compliance. The HPS should be prepared to address how and in what manner it has responded to

these recommendations 12 months and 24 months after the release of this Report.

Conclusion

Although significant tensions and distrust exist between the Two-Spirit and LGBTQIA+ communities and the Hamilton Police Service, there is still promise. Much can be done by the HPS that will help foster a stronger relationship with the Two-Spirit and LGBTQIA+ communities in Hamilton.

With effective, ongoing and committed community outreach, along with revised public communications efforts and a demonstrated desire on the part of the HPS leadership to prevent hateful Agitators from attending and interfering with Pride events, the relationship can make positive steps forward. This will undoubtedly take time. It requires a concerted effort on the part of all parties, but as a public institution, the onus rests first and foremost with the HPS.

Change often comes as a result of difficult circumstances and challenging events. My discussions with the HPS leadership indicate a strong desire to engage in the work necessary to build trust with the Two-Spirit and LGBTQIA+ communities. The cooperation and transparency with which the HPS operated throughout this Review must be emulated in its actions toward the Two-Spirit and LGBTQIA+ communities on a consistent basis moving forward.

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Overview

The Two-Spirit and LGBTQIA+² communities are entitled to celebrate their sexual orientation, diversity, gender identity and expression. They must be afforded full protection of the law in doing so. They are equally entitled to bias-free policing in their daily lives.

The majority of Canadians understand this. Some do not, including homophobes, white supremacists and organized agitators. They spew hatred, vitriol and derision. They are quick to rely on freedom of speech, while intolerant of the constitutional freedoms and rights of a multicultural, diverse society.

A democratic society must recognize that the expression of abhorrent views is a necessary price to pay to enjoy our freedoms. But there are limits. Enforceable limits.

On June 15, 2019, homophobes, white supremacists and organized agitators disrupted Hamilton Pride 2019. Their activities could reasonably have been anticipated by police, but they weren't. As a result, the police response was inadequate — before, during and after the event. This added to the distrust of police in some circles.

With every crisis comes opportunity. There has been a legacy of distrust of police among many, not all, members of the Two-Spirit and LGBTQIA+ communities in Hamilton. This crisis provides an opportunity for lessons to be learned and for a new relationship to be forged between the Hamilton Police and these communities. I am convinced there is a strong appetite on the part of police and community members to do exactly that. It will not happen overnight. But this Report is designed to provide a blueprint for renewal. The community and the police require no less.

Terminology

I refer to the Two-Spirit and the LGBTQIA+ communities and community members throughout my Report. In some historical contexts, I may refer to GLBT or the LGBTQ community, which were names used at the time. I have relied upon the Ontario Human Rights Commission Glossary of Human Rights Terms for definitions.³ The Two-Spirit community is very much part of Indigenous culture and is distinct from LGBTQIA+ community members, both in identity, lived

² LGBTQIA+ communities include Lesbian, Gay, Bisexual, Transgender, Questioning (or Queer), Intersex, Asexual (or Ally) and plus other communities

³ Ontario Human Rights Commission, Glossary of Human Rights Terms, Online: <http://www.ohrc.on.ca/en/teaching-human-rights-ontario-guide-ontario-schools/appendix-1-glossary-human-rights-terms>

experiences and their interactions with police and society at large. I refer to LGBTQIA+ communities because it is not a single community but many communities, some with different experiences from each other.

Part 1: Introduction

Background

“We have the right to expect [a] fast, thoughtful and planned response.” (LGBTQIA+ community member)

The City of Hamilton’s vision statement proclaims that Hamilton is “the best place to raise a child and age successfully.” The desired outcome of the City’s 25-year community vision includes a Culture and Diversity Priority that Hamilton be “a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.”⁴ In 2019 and into 2020, Hamilton’s commitment to this vision has been questioned by many community members.

The almost weekly right-wing “Yellow Vest” protests at Hamilton City Hall, the violence at Gage Park during Hamilton Pride (“Pride”),⁵ the continuing tensions in the City between the Two-Spirit and LGBTQIA+ communities and the Hamilton Police Service (“HPS”), all seem to challenge the official vision and inclusivity of the City.

On June 15, 2019, a group of agitators (“Agitators”) came to the Pride festivities at Gage Park to disrupt and protest the event.⁶ The Agitators comprised of several groups of people, including:

- Street evangelists and individuals who believe their religion teaches them that anyone who is not heterosexual is sinful and going to hell. They attend Pride events to protest against those who identify as Two-Spirit or LGBTQIA+;
- White supremacists and members of the Sons of Odin, Proud Boys and the Canadian Nationalist Party;
- Members of the Yellow Vest movement, a protest movement associated with being anti-carbon tax and anti-immigration. They are described more fully in Part 2.

A larger group of Pride Defenders (“Pride Defenders”) met and confronted the Agitators about three hundred metres from the Gage Park bandshell, where most

⁴ <https://www.hamilton.ca/government-information/trust-and-confidence-report/our-commitment-our-community>

⁵ The event at Gage Park and previous Pride events in Hamilton are referred to as Hamilton Pride or simply Pride. “Pride Hamilton” is the incorporated non-profit organization that planned Hamilton Pride 2018 (before they were incorporated) and 2019 in Gage Park.

⁶ I will be referring to the group of people who came to Gage Park to disrupt festivities as Agitators and not “protestors” or “demonstrators”. Those who showed up at Hamilton Pride 2019 came with hateful messages and a clear intention to inflict emotional and psychological, if not physical harm, on attendees of the celebration. This was not a “protest” in any meaningful way.

of the festivities were taking place. The identity of all Pride Defenders was not easily ascertainable but included:

- Members of the public attending the all-ages Pride event;
- Allies of the Two-Spirit and LGBTQIA+ communities; and
- An unidentified group of people wearing black clothes and pink face coverings.

The Pride Defenders who were dressed in black carried a large, black tarp to block the Agitators' signs from the main Pride event. The situation was tense. Violence erupted between some of the Agitators and some Pride Defenders. Four HPS officers were at the opposite side of Gage Park policing the Pride festivities. They arrived at the confrontation after much of the violence had taken place. Members of the public, some Pride Defenders and Agitators confronted the officers. The situation was highly contentious and volatile. The police called for additional officers to assist and after some period of time, backup arrived. HPS officers controlled the situation and escorted the Agitators out of the park.

Almost immediately, community members raised concerns about the timeliness and effectiveness of the police response. A few days after the event, the Chief of Police publicly commented on the police response. Many community members interpreted his comments to mean the police would have responded sooner if they had been "invited" to the event and permitted to have a recruitment booth there.

The violence at Gage Park and the police response brought national and international attention to the City of Hamilton, the HPS and the historic and continuing tensions between it and Hamilton's Two-Spirit and LGBTQIA+ communities. The Two-Spirit and LGBTQIA+ communities complain of being targeted by the HPS (that is, being over-policed) and underserved as complainants (that is, being under-policed). A combination of over-policing and under-policing often figures prominently in claims of police bias or discrimination against vulnerable or marginalized groups. Indeed, a number of people I met with expressed concerns about biased-policing in Hamilton.

The violence on June 15, 2019, was shocking to many Hamiltonians. It traumatized the Two-Spirit and LGBTQIA+ communities. Many community members felt the HPS failed in its planning and response. This is yet another stain on the relationship between their communities and the police. Many were also outraged by the HPS's public comments about its deployment and conduct.

Throughout the summer of 2019, questions continued to be raised about the HPS's planning for and response to Agitators attending Gage Park. In late June, the HPS made its first arrests arising out of the violence. These involved charges against three Pride Defenders for breaches of court orders. The fact that the initial arrests focused on Pride Defenders, rather than the Agitators, heightened

community anger and called the HPS's impartiality into question. Statements the Chief made did little to satisfy community members that the planning and response had been adequate. There was deep concern that the police had inadequately planned and policed the event, or worse, they had deliberately not policed the event properly because they were offended at having been excluded from participation.

Many community members called for an independent investigation and review into what happened at Gage Park on June 15, 2019. They wanted to hold the HPS leadership accountable for its planning and response to the Agitators and the violence that occurred. After Pride 2019, community meetings were heated. Hamilton Police Services Board (the "Board") meetings were focal points for the community's frustrations. The Board explored different options for reviewing what happened. The Board wanted to ensure that what transpired during Pride 2019 never happens again. In November, 2019, the Board retained me to conduct this Independent Review (the "Independent Review" or the "Review").

This Report is the culmination of the Review and fulfills the Terms of Reference the Board approved in its December 12, 2019 meeting.

I am grateful for the invaluable support and dedication of my colleague, Ben ElzingaCheng. He played a vital role in managing the Review, interviewing members of the public and police, and drafting the Report.

Terms of Reference

In most instances, the Terms of Reference, the document that details a review's mandate, is drafted by the organization that calls for the review – in this case, the Board. However, here, the Board asked me to propose the Terms of Reference. Before submitting the Terms of Reference for the Board's consideration, with the Board's support, I met with many community members to obtain their input on the issues that were of significance to them. My involvement in crafting my own Terms of Reference, with community feedback, reinforced the independence and objectivity of this Review.

The Terms of Reference can be found here ([Terms of Reference](#)). They require me to examine and report back to the Board on the following issues:

1. Whether and to what extent the HPS failed to respond to the hate-based conduct, violence and related events in relation to Hamilton Pride 2019 in an effective, timely and bias-free way.
2. Whether and to what extent the HPS coordinated and communicated with Hamilton Pride organizers leading up to the Pride 2019 event at Gage Park.

3. Whether and to what extent the HPS investigated the events that unfolded at Hamilton Pride 2019 after June 15, 2019.
4. Whether and to what extent existing practices, procedures, the leadership or culture within the HPS explains, facilitated or contributed to the violence surrounding Hamilton Pride 2019 or have contributed to a significant level of distrust towards HPS by members of the Two-Spirit and LGBTQIA+ communities.
5. What, if any, changes should be made to existing practices, procedures, leadership or culture of the HPS so as to promote effective, timely and bias-free policing in the future.
6. Whether and to what extent existing practices or procedures of the HPS adequately address the operational issues raised by the events surrounding Hamilton Pride 2019.
7. What, if any, changes should be made to existing practices or procedures to address such operational issues.
8. Whether and to what extent existing training or education of HPS officers adequately addresses bias-free policing as well as strategies in dealing with homophobia, transphobia, xenophobia, racism, ableism or hate motivated violence.
9. What, if any, changes should be made to existing training or education of HPS officers to address any inadequacies in such training or education and what steps can be taken to ensure competency and accountability among HPS officers and its leadership.
10. What, if any, support processes and procedures are already in place or should be put in place to promote safe and inclusive future Hamilton Pride celebrations free from, hate, homophobia, transphobia, racism, ableism, and any apprehended or actual violence.
11. Apart from practices or procedures of the HPS, whether and to what extent existing policies of the Board adequately address issues raised by the events under consideration.
12. What, if any, changes should be made to existing policies of the Board to address such issues, recognizing the statutory prohibition against directing the Chief of Police with respect to specific, operational matters or with respect to the day-to-day operation of the HPS.
13. What, if any, additional measures should be taken by the Board or the HPS to build and maintain a relationship of mutual trust and respect with

the Two-Spirit and LGBTQIA+ communities in Hamilton, and to restore confidence in the HPS going forward.

My Report was originally to be provided to the Board and publicly released no later than April 30, 2020. This date was chosen to ensure that my recommendations could be implemented in time for Pride 2020, scheduled to take place on June 20, 2020. Unfortunately, the COVID-19 pandemic resulted in the cancellation of the Pride event.

In these circumstances, I recommended my Report be released once this could be done in a public setting. However, there continues to be uncertainty over when meaningful public gatherings can safely take place. All affected parties are also entitled to answers in a timely way. Accordingly, I recommended (and the Board agreed) that this Report be formally presented to the Board during its June 11, 2020 virtual Board meeting. In order to afford all parties an opportunity to review and consider the Report prior to the Board meeting, I simultaneously released the Report by email to the public, media, the Board and the HPS on June 8, 2020.

Independence of the Reviewer

It was essential that I be permitted to conduct a truly independent and objective review, free from external influence or political interference. Many community members I met with expressed skepticism about my ability to work independently. However, I am pleased to report that the Board and the HPS facilitated a truly independent process. As already indicated, this started with my role in drafting my own Terms of Reference. Throughout my mandate, as I learned more about what had actually transpired that prompted the Review, I decided upon who I needed to interview and which documents to request from the HPS.⁷ The HPS complied with my extensive requests for documents in a timely way. Mr. ElzingaCheng and I interviewed over two dozen HPS officers and civilian staff. We were afforded access to everyone we asked to interview. To my knowledge, no one attempted to vet or improperly influence the extent of my investigation or the contents of this Report.

In summary, the Board and the HPS, cooperated fully in our work. We had candid conversations about the HPS's relationship with the Two-Spirit and LGBTQIA+ communities. Their approach to the Review was commendable and hopefully bodes well for the implementation of the recommendations I have made.

⁷ Superintendent Goodes-Ritchie expedited and helped coordinate all HPS interviews and fulfilled every documentary request I made. She is to be commended for her professionalism throughout.

The Nature of the Review

This is a systemic review. It was designed to identify systemic issues and make recommendations for change. It was not designed to make findings of misconduct or civil or criminal responsibility, nor am I permitted in law to do so. I have made some findings relevant to my recommendations. Although some facts remain in dispute, I found that it was unnecessary to resolve the disputed evidence to identify which issues exist and how they should be addressed.

The nature of this Review enabled me to speak with many individuals in a confidential setting. My ability to provide assurances of confidentiality enabled both HPS employees and community members to speak candidly, without fear of reprisal or backlash. References to Chief Girt, Mayor Eisenberger and individuals named in media reports or who made public statements were unavoidable. Otherwise, this Report does not attribute comments or submissions to individuals or provide information that might lead to their identification. To give voice to members of the community, I reproduce direct quotes from those with whom I met (without identifying them).

I met with and received input from 42 community members and 24 HPS officers and civilian staff. I also received submissions, including proposed recommendations, from a wide range of individuals. Community and HPS members spoke candidly about the events of June 15, 2019 and, more generally, about the relationship and other interactions between the HPS and the Two-Spirit and LGBTQIA+ communities.

I was prepared to meet with anyone who wished to speak with me, except anyone associated with the Yellow Vest movement, far-right ideologies, street evangelists or the Agitators who showed up at Gage Park. There was nothing to be gained by meeting with these Agitators and their supporters. They have been involved in disrupting Pride celebrations all over Ontario. Their actions demonstrate that they would have no respect for this Review. More importantly, they have no understanding that others have the right to lawfully assemble and celebrate in peace, free from interference. In any event, no Agitator or Yellow Vest member sought to meet with me.

In Part 3, I discuss the law as it relates to protecting the Agitators' constitutional right to freedom of expression in the context of the constitutional right of Pride attendees to freely and peacefully assemble. The police have legal tools at their disposal to ensure that the Agitators' right to "protest" or "demonstrate" does not interfere with the lawful use and enjoyment of Pride attendees at permitted, City sanctioned events. Interference with Pride attendees' use and enjoyment of City spaces can and should be protected from disruption.

I was prepared to meet with some people who chose not to meet with me. In particular, the Review contacted The Tower⁸ and some individuals associated with it and Hamilton's anarchist movement. They represented what some describe as a more "radical" perspective within the Pride Defenders. They politely declined our invitation, as they were entitled to do. They held reservations about the process of the Review and were concerned about meeting with someone who had been retained by the Board. They indicated they would only be involved if the criminal charges against Pride Defenders had first been withdrawn.

In addition to those I met with or heard from, I reviewed police officer notes, dispatch records and audio dispatch recordings, the OP, the Special Events Advisory Team application for Pride, training materials, HPS policies, media stories, social media, videos from police and online sources as well as some from community members. I also was provided with and reviewed investigative reports from the Office of the Independent Police Review Director (OIPRD).

The OIPRD accepts, reviews and investigates public complaints against the police. It is an independent civilian oversight agency that receives public complaints about police conduct. Complaints are either investigated by OIPRD staff or referred back to investigators within the professional standards divisions of the relevant police service. The OIPRD receives and reviews complaints about police conduct, policies and services. The OIPRD also has statutory authority to conduct systemic reviews of police services. The OIPRD is distinct from the Special Investigations Unit (SIU) which investigates situations where police are involved and a member of the public has died, been seriously injured or there is an allegation of sexual assault against an officer.

In drafting this report, I also conducted relevant research, reviewed Canadian jurisprudence and relevant federal, provincial and municipal legislation.

I am grateful to everyone who contributed to this work. Their thoughtful perspectives, suggestions and shared experiences enabled me to make meaningful recommendations for change.

Structure of the Report

This report is divided into eight parts:

Part 1: Introduction

Part 2: Background to Pride 2019

Part 3: Laws available to address hateful Agitators

⁸ The Tower is an anarchist social space and group in Hamilton. See <https://the-tower.ca/>

- Part 4: Pride 2019 planning
- Part 5: Events of June 15, 2019
- Part 6: Events after June 15, 2019 and Key Findings
- Part 7: Police Culture, Training and Initiatives
- Part 8: Recommendations

Part 2: Background to Hamilton Pride 2019

Some historical context is critical to understand what took place at Pride 2019. This section briefly describes relevant events that preceded and give context to what happened on June 15, 2019.

The first part discusses the various Hamilton Pride celebrations from 1991 up to 2019, including 2017 and 2018 when Hamilton Pride events were held at Corktown Park and Gage Park. Then I will cover the historical relationships between the Two-Spirit and LGBTQIA+ communities and police across Canada, and specifically in Hamilton.

I finally discuss the Yellow Vest protests at City Hall in 2019 that served as an important backdrop to what happened on June 15, 2019.

Hamilton Pride Events⁹

Hamilton Pride was launched in 1991 as a small event. In the first few years, the events were low key, much like a few community members meeting for a picnic in a park.

Volunteers have organized Hamilton Pride events. There was no single organizing committee. Instead, there was a series of different organizing groups. Throughout the years, Pride event organizers have changed, sometimes with a great deal of controversy. Historically, this made it difficult to get traction for events and an ongoing tradition for Hamilton Pride events.

⁹ This account is taken from interviews with community members and from portions of the following online sources:

Deirdre Pike, "No parade, but Pride is there", *Hamilton Spectator*, June 14, 2014, Online: <https://www.thespec.com/opinion-story/4577777-pike-no-parade-but-pride-is-there/>

Samantha Craggs, "Hamilton Pride rally relocates after anti-Muslim group event planned at same time", *CBC News*, June 16, 2017, Online: <https://www.cbc.ca/news/canada/hamilton/pride-rally-relocates-to-corktown-park-1.4163992>

Samantha Craggs, "City kickstarts new era of Hamilton Pride - with government funding", *CBC News*, June 9, 2016, Online: <https://www.cbc.ca/news/canada/hamilton/news/city-kickstarts-new-era-of-hamilton-pride-with-government-funding-1.3623658>

Pride at the Pier twitter feed, Online: <https://twitter.com/PrideAtThePier>

Dylan Kulcher, "(Where's the) Pride in Hamilton", June, 2016, Online: <https://thebuzzmag.ca/2016/06/wheres-the-pride-in-hamilton/>

Tanya Gulliver, "Portuguese congress sorry for Hamilton Pride incident", *Xtra*, July 19, 2006, Online: <https://www.dailyxtra.com/portuguese-congress-sorry-for-hamilton-pride-incident-21161>

Culture Trip, "A Brief History Of Pride Toronto", *Culture Trip*, November 16, 2016, Online: <https://theculturetrip.com/north-america/canada/articles/a-brief-history-of-pride-toronto/>

After Pride 2017, a volunteer group came together to organize and plan for Hamilton Pride 2018 in Gage Park. In November 2018, the group incorporated as Pride Hamilton, a non-profit group. Pride Hamilton planned and organized Hamilton Pride 2019, which took place at Gage Park on June 15, 2019. Planning for Hamilton Pride 2020 was underway when the COVID-19 pandemic hit.

Prior to the pandemic and government mandated social distancing measures, Pride Hamilton planned for the event to take place at Gage Park on June 20, 2020. There was to be a march from City Hall to Gore Park on June 19, 2020 and a Pride “chill” event on June 21, 2020. Smaller events and workshops were also planned to take place throughout May and June 2020.¹⁰ Many Hamilton Pride 2020 events, including the main event at Gage Park, have been cancelled as a result of COVID-19. While Pride Hamilton intends to celebrate Pride this year with an online event scheduled for June 14, 2020, the pandemic and related social distancing measures have created uncertainty over what other celebrations will involve and when they will take place.

Some community members shared with me portions of Hamilton’s history with respect to Two-Spirit and LGBTQIA+ issues. Some of the more significant developments and events are described below.

1991 – No Civic proclamation

After the Gay and Lesbian Alliance (“GALA”) started Hamilton Pride in 1991, Hamilton Mayor, Bob Morrow, refused to issue a formal civic proclamation for the event, citing a lack of consensus on council – as opposed to any anti-LGBTQ views on his part.

Civic proclamations are a way for a city to publicly recognize and promote events, cultural groups and causes that are significant to the life of a city. Many cities in Ontario accept applications for and issue civic proclamations. When Mayor Morrow refused to issue one for Hamilton Pride, GALA filed a complaint with the Ontario Human Rights Commission in 1994. In 1995, the Commission found the Mayor’s refusal to issue the proclamation was discriminatory. Morrow was personally ordered to pay \$5,000 in damages to GALA and to issue the proclamation.

After issuing the proclamation, Morrow also announced the end to all civic proclamations for all Hamilton events going forward.¹¹ To this day, the city of Hamilton does not issue any civic proclamations.¹²

¹⁰ Please visit their website for more information on planned events and how to participate: <https://www.pridehamilton.com>

¹¹ "At least Hamilton's last proclamation was a meaningful one". *Hamilton Spectator*, June 23, 1995

2006 - Violence on James Street

In 2006, as part of Pride celebrations, there was a march in Hamilton along James Street. The march coincided with the World Cup of Soccer. Portuguese soccer fans celebrating their national team's win jeered Pride marchers. The following week, Portuguese National Congress leaders joined together with Pride organizers to condemn the fans' deplorable conduct. Based upon my review of articles from that time and interviews with some who were present, it is evident that the HPS response was appropriate, measured and carried out in a manner that allowed the march and marchers to continue safely. The HPS promised to be prepared should similar incidents unfold the following year.

2010s - The Well, city grants and the rise of the Agitators at Pride

Throughout the early and mid 2010s, The Well in Hamilton was a central fixture for the Two-Spirit and LGBTQIA+ communities. During those years, people from The Well helped coordinate various Pride events, including Pride at the Pier from 2012 to 2016. Pride was celebrated in some form every year but not always with a march.

2016 stands out as it was the first time, the City of Hamilton provided Pride organizers with a grant (\$7,500).

Pride 2017

In 2017, planned Hamilton Pride celebrations at City Hall were forced to relocate to Corktown Park. Anti-Muslim groups, the Canadian Combat Coalition and a group known as the True North Patriots planned to demonstrate at City Hall that same day (unrelated to Pride). The initial plan for Pride was to hold a rally at City Hall and then march to Corktown Park. Organizers thought it best to avoid the hateful protesters at City Hall altogether. All Pride events were moved to Corktown Park. According to one of the 2017 Corktown Park Pride organizers, there was a lone "protestor" who appeared at the event holding a sandwich board with anti-Pride messaging. The individual was a distance away from the celebration and went largely unnoticed by most participants.

Importantly, on the day of the 2017 event, police officers approached the Pride organizer and passed along their contact information. They indicated they would not interfere in any way with the celebration. The organizer was told that if police were needed, he could call, and they would respond. The organizer appreciated the approach taken by these officers.

¹² "Hamilton committee says no to issuing proclamations", *Hamilton Spectator*, May 5, 2016, Online: <https://www.thespec.com/news/hamilton-region/2016/05/05/hamilton-committee-says-no-to-issuing-proclamations.html>

2018-2019 - Dunnville, Haldimand-Norfolk Pride celebrations

Hamilton Pride 2018 was held at Gage Park. The presence of street evangelists at the event was expected. In May 2018, the same group disrupted the Haldimand-Norfolk Pride event in Dunnville, Ontario. A brief review of the Haldimand-Norfolk Pride celebrations in 2018 and 2019 is important for additional context.

In 2018, agitators showed up at Dunnville Pride. They used a megaphone to convey their homophobic, anti-Pride messages. The agitators were met by Dunnville Pride attendees who used drums and their own signs to drown out the hate-filled messages. However, the Dunnville Pride agitators set up their signs and stood right at the event stage. They blocked parts of the stage and interfered with live performances.

Police negotiated with the Pride organizers and agitators, and arrived at an agreement. The agitators agreed to leave the event altogether if permitted to go on stage and preach their hateful messages for a short period of time. While this happened, Dunnville Pride attendees turned their backs, chanted and drummed to drown out the hateful messages.

The OPP's preparation for and handling of Dunnville Pride 2018 was wholly inadequate. The OPP detachment commander, Inspector Carter, was the subject of misconduct findings by the OIPRD, which directed that a disciplinary hearing be held.¹³ According to media reports, Inspector Carter had been informed by Pride organizers of the event and also told they did not want police present. Inspector Carter did not prepare an operational plan or have officers ready to attend the event in case any issues arose. The first officers to respond to problems in the park had no knowledge about the event. Officers from neighbouring jurisdictions were called in to assist with policing the event.

I reviewed video from this event. It is impossible to comprehend why police permitted agitators to stand directly in front of the stage – with megaphones – to disrupt the celebration. The disruption and chaos that was generated during Dunnville Pride 2018 was traumatizing to many. Hamilton Pride organizers knew that what happened in Dunnville could easily be repeated in Hamilton.

2019 Dunnville Pride celebrations were moved to a larger park with fencing around the perimeter. This was done, in part, to prevent a repeat of the 2018 events. The agitators arrived again in 2019 but they were unable to go beyond

¹³ Natalie Paddon, "Watchdog alleges misconduct by Haldimand OPP commander following last year's Dunnville Pride", *Hamilton Spectator*, May 12, 2019, Online: <https://www.thespec.com/news/hamilton-region/2019/05/12/watchdog-alleges-misconduct-by-haldimand-opp-commander-following-last-year-s-dunnville-pride.html>

the perimeter fencing. Pride defenders drowned them out with their own signs and loud drumming. There were no physical confrontations at Dunnville Pride 2019.

Hamilton Pride 2018

2018 marked the first year Pride celebrations were held at Gage Park. The 2018 event was highly successful, with over 80 vendors, food trucks, a beer tent, family-friendly areas and numerous live performances in the bandshell. The success of the event brought more awareness and public attention - not all of it positive or supportive.

Leading up to Hamilton Pride 2018, the Two-Spirit and LGBTQIA+ communities met and planned their response to the anticipated presence of the agitators who had disrupted Dunnville Pride. A number of counter strategies were discussed, including playing very loud music to drown out the agitators and crafting large signs with messages of love and positivity. They wanted to be prepared when these hateful agitators showed up at Gage Park.

At 1 p.m., approximately a dozen of the same self-proclaimed street evangelists (agitators) from Dunnville Pride 2018 showed up at Hamilton Pride 2018. Like they had in Dunnville, the agitators arrived to spread hateful, anti-LGBTQ views. They appeared at the northeast end of the park near the fountain and displayed hateful, homophobic and transphobic signs. As planned, the street evangelists were drowned out by Pride attendees who played loud music and drums. Some carried signs of love and inclusivity. The groups yelled at each other. However, no physical altercation took place and the evangelists were at a distance from the main festival area. Police were present the entire time.

There was no reported violence. The presence of these agitators was concerning. However, it did not detract from the success of the festival. Pride 2018 was one of the largest and most successful Pride celebrations Hamilton ever held.¹⁴

Hamilton Police Service and Pride events

Pride events in North America began largely in response to the Stonewall Riots in New York on June 28, 1969 when the New York Police Department raided the Stonewall Inn, a popular gay bar in Greenwich Village. The police raid and their treatment of staff and patrons sparked a riot and led to ongoing demonstrations that are seen as the catalyst for the modern LGBTQ rights movement.

¹⁴ Laura Clementson, "'Love is louder' than hate, Hamilton Pride supporters tell 'street evangelists'", *CBC News*, June 18, 2018, Online: <https://www.cbc.ca/news/canada/hamilton/hamilton-pride-2018-protest-1.4710324>

In Ontario, Toronto's Pride festival and Pride Week arose from large scale protests and rallies in response to "Operation Soap" in 1981, where Toronto Police raided four gay bathhouses. Unlike Pride celebrations in other large cities, Pride events in Hamilton did not arise from a specific incident like Operation Soap, which galvanized community protests against police conduct.

Community members who organized past Hamilton Pride events told me that historically, the Mayor and/or Chief would deliver a speech to open the event. Although, the police and military had booths at these events, their presence was fairly low key. I learned that around 2009 organizers decided not to include the police or the military in Pride. This decision was made by a new and more politically active group of Pride event organizers who were displeased by police treatment of LGBTQ+ community members. The decision was not unanimous - many in the community disagreed.

Hamilton Pride 2018 did not include a police recruitment booth, nor did the 2019 event. In 2018, despite not having a recruitment booth, officers were present and responded quickly to the confrontation between agitators and Pride attendees. There were no reports of Pride attendees being upset about the police presence. By all accounts, people understood the police needed to be there to prevent a volatile situation from escalating.

To be clear, whether police are allowed to recruit at Pride or formally participate in the celebrations in other ways, they are not relieved of their responsibility to keep the peace and maintain public order. The absence of an invitation to join the festivities must not in any way impact the manner in which the HPS prepares for and polices events. There is no correlation between how events are policed and whether the HPS is welcomed at Pride with a recruitment booth or other official presence. One is not contingent upon the other and this needs to be made clear by the HPS to the public. The police have a central role in maintaining public order and ensuring public safety. They are obligated to do so in a manner that respects individual rights. All officers and community members I interviewed understood this distinction and conveyed the view that regardless whether police are "welcome" at Pride, they must continue to serve, protect and maintain public order and safety.

Two-Spirit & LGBTQIA+ relationships with police in Ontario and Canada

For some of the material contained in Part 2, I am indebted to my colleagues working on the Independent Civilian Review into Missing Person Investigations in Toronto.¹⁵ That Review is an ongoing Independent Review into how Toronto police conduct missing person investigations, particularly involving vulnerable or

¹⁵ Please visit their website for more information on the Review, Online: <https://www.missingpersonsreview.ca>

marginalized individuals. It was prompted by concerns, including those expressed by LGBTQ2S and racialized community members, about how the police handled the investigations into those ultimately identified as the victims of a serial killer, Bruce McArthur, and other high-profile missing person cases.

As part of its mandate, The Review commissioned several papers from leading academics. Several of those papers address issues common to my own work. The papers include: “Relations between Police and LGBTQ2S+ Communities” by Dr. Kyle Kirkup and “Missing Persons Investigations and Police Interaction with Racialized People who Identify as LGBTQ2S+” by Sulaimon Giwa, PhD. They are accessible through the website for [The Independent Civilian Review into Missing Person Investigations](#). Both papers are extremely informative and help in understanding the historically strained relationships between LGBTQ2S+ communities and police services. The papers also provide some important recommendations for moving these relationships forward, some of which have been incorporated into my recommendations in Part 8.¹⁶

One of the central takeaways from those I spoke with in the Two-Spirit and LGBTQIA+ communities is the ongoing discriminatory policing that they experience. This unfortunate reality is echoed in the academic papers. It represents the lived experiences of too many members of marginalized communities. The experience of being over-policed and under-protected is all too common among those who are part of racialized, Two-Spirit, LGBTQIA+ and other minority communities. I heard stories from people from all different walks of life. Some of the stories shared include the following:

“At my first Pride parade, I was not even in it...this guy was going on and on about drag queens and floats, I just walked up and said look we’re just trying to enjoy the parade, shut up. He punched me square in the face...when I woke up...when I went to the police they said sorry ma’am, too busy, traffic. Even when I called later, they basically told me I instigated because I told him to shut his mouth.”

“People don’t feel safe with the Hamilton Police Service. End of story. It’s not a queer thing. It’s a black thing. It’s an Indigenous thing.”

“Cannot generalize the whole institution...some wonderful officers...but every profession has crooks. My experiences with police here in general have not been good. It definitely is racially motivated. I told the police about one of my personal experiments when I first moved here... When I came downtown I would always get stopped. I kept wondering why...In a car. Just driving along,

¹⁶ The Independent Civilian Review into Missing Persons Investigations Research Program, Online: <https://www.missingpersonsreview.ca/researchprogram>

always got stopped. Then I noticed the common denominator was this featherhead dress on my mirror. I never got stopped after.”

Community members have historically been over-policed by targeted laws or targeted application of the law. For example, the *Criminal Code of Canada*¹⁷ (“Code”) historically criminalized consensual sexual activity between adults. These laws were used against the LGBTQ community. The most obvious examples were charges of gross indecency and buggery, laid under the Code. These criminal offences were frequently used to criminalize consensual sexual activity between men. In 1969, the law changed to allow these activities between two consenting adults over 21 in private settings. This was hardly sufficient to fully protect the rights of LGTBQ people.

Many members of marginalized communities are also underserved by police. Complaints of criminal offences are frequently not fully investigated or not taken seriously by police. The Missing and Murdered Indigenous Women and Girls Inquiry and the Thunder Bay Police Service OIPRD Report are two concrete examples of this phenomenon. Both found differential treatment in the investigation of Indigenous people who had either disappeared and/or died. Similarly, members of the Two-Spirit and LGBTQIA+ communities in Hamilton and elsewhere have conveyed experiences of feeling targeted by the police while also not having their criminal complaints taken seriously.

“Intersectionality” also plays a critical role in the lived experiences of those I met with and the academic papers that were reviewed. Many people experience oppression and marginalization on multiple, intersecting fronts. This phenomenon must be taken into consideration to fully appreciate the challenges faced by the Two-Spirit and LGBTQIA+ communities. For example, in Hamilton, a transgender woman of colour living in poverty has very different lived experiences than a gay, middle-class white man. It would be folly to assume otherwise. Many LGBTQ community members who report having experienced poor treatment by the police are also members of other marginalized communities and it is essential that this be taken into consideration when reviewing police conduct.

Hamilton Police Service’s relationship with LGBTQ communities

In a broad study published in 2019, *Mapping the Void: Two-Spirit and LGBTIQ+ Experiences in Hamilton*,¹⁸ community members filled out a survey of their experiences in a variety of different areas. One of the surveys, the Justice and Violence section, was optional. Of the 305 respondents to that section, 53.4%

¹⁷ *Criminal Code of Canada*, Online: <https://laws-lois.justice.gc.ca/eng/acts/C-46/>

¹⁸ Suzanne Mills, Michelle Dion, Daniel Thompson-Blum, Chris Borst, James Diemert, “Mapping the Void: Two-Spirit and LGBTIQ+ Experiences in Hamilton”, McMaster University and The AIDS Network, 2019, Online: <https://labourstudies.mcmaster.ca/documents/mappingthevoid.pdf>

reported experiencing harassment, violence or a hate crime at least once while a resident in Hamilton.¹⁹ Approximately 10% of these community members responded that they had reported the experience to the police. Half of the respondents answered that they “would not be likely to report” future incidents to the police.²⁰ Approximately a third of the respondents believed that the police had treated them unjustly.

Historically, Hamilton Police had a GLBT Advisory Committee. It was disbanded a number of years ago. The committee was first formed in the late 1990s after the HPS had initiated “Project Rosebud”, a police sting operation targeting men engaging in sexual acts on the grounds of the Royal Botanical Gardens.²¹ Like some men who were arrested in raids on bathhouses, many of the men arrested through Project Rosebud were not openly gay or bisexual and the possibility of being publicly identified could have led to devastating impacts in their lives. There was a great deal of outrage in the community that the police had not consulted with them before the operation.

In 2004, there were two public incidents that play a significant role in the ongoing relationship between the HPS and the Two-Spirit and LGBTQIA+ communities in Hamilton.

1. In February of 2004, a man was attacked and wounded (requiring 200 stitches to his face) at the Absinthe Bar. His attacker said: “that homo got what he deserved, I’ll tell you that much.”²² This was a hate crime that shocked the city and many were quick to condemn the incident. The HPS was public in their show of support for the victim.
2. In August of 2004, a multi-agency task force, including the HPS, raided the Warehouse Spa and Bath in Hamilton. The police arrested two men for committing indecent acts in a common space of the spa. The police had initially said the task force was there to investigate hygiene and by-law infractions, but subsequently admitted that they had initiated the raid after reading comments on a gay cruising website.²³ This admission was made after the Deputy Chief said he did not know it was a bathhouse. Community members believed that the police were targeting gay bathhouses.

¹⁹ Mapping the Void, page 35

²⁰ Mapping the Void, page 36. These survey results were also done prior to Hamilton Pride 2019.

²¹ Lyla Miklos, “Representation, Policing and Lived Experience”, *Raise the Hammer*, April 22, 2019, Online:

https://raisethehammer.org/article/3628/representation_policing_and_lived_experience

²² Samantha Craggs, “How a homophobic hate crime changed Hamilton”, *CBC News*, January 5, 2015, Online: <https://www.cbc.ca/news/canada/hamilton/headlines/how-a-homophobic-hate-crime-changed-hamilton-1.2886614>

²³ Tanya Gulliver, “Charged for bathhouse sex”, *Xtra*, August 18, 2004, Online:

<https://www.dailyxtra.com/charged-for-bathhouse-sex-41175>

In terms of the relationship between police and the LGBTQ communities, there is a growing understanding of intersectionality. I spoke to more than one community member on the forefront of fighting for LGBTQ rights in the 1980s and 1990s, who acknowledged that while significant progress has been made by the communities and the police, there are others who are racialized or transgender that have not been part of this progress. The relationship between some in the communities and the police is still highly problematic and there are many community members who continue to feel uncomfortable being in the presence of uniformed police officers.

The Rainbow flag in Hamilton

Traditionally, at the beginning of June every year, the City of Hamilton holds a formal Rainbow flag raising ceremony to mark its support of Pride and Pride month in Hamilton. This was typically done in conjunction with the City's LGBTQ Advisory Committee.

In 2019, there were a number of ongoing issues for the Hamilton Two-Spirit and LGBTQIA+ communities. In May 2019, the LGBTQ Advisory Committee asked the City not to fly the Rainbow flag at City Hall and to refrain from holding any flag raising ceremony. The Advisory Committee scheduled a town hall for June 18, 2019 (after Pride 2019) to discuss this decision and the following issues:

1. the City's ongoing employment of the former head of The Heritage Front, a white supremacist and Neo-Nazi group;²⁴
2. the appointment of a former police auxiliary officer to the Board. The appointment was widely seen in the community as a missed opportunity to create diversity within the Board. I spoke to community members who criticized the Board as simply being a "rubber stamp" for whatever the HPS wished to do;
3. the City's delay with implementing the transgender and gender non-conforming protocol.²⁵ The protocol had been approved by city council in 2017 in response to a human rights complaint settlement; and

²⁴ After numerous public complaints and an internal investigation, Lemire's employment with the City came to an end in August 2019; see Dan Taekema, Samantha Craggs, "Marc Lemire and city 'mutually agree' to end his employment following investigation", *CBC News*, August 16, 2019, Online: <https://www.cbc.ca/news/canada/hamilton/marc-lemire-city-investigation-1.5248972>

²⁵ Samantha Craggs, "City will fly Pride and trans flags, but won't host flag-raising ceremony", *CBC News*, May 30, 2019, Online: <https://www.cbc.ca/news/canada/hamilton/city-will-fly-pride-and-trans-flags-but-won-t-host-flag-raising-ceremony-1.5156442>

4. the selection criteria for the LGBTQ Advisory Committee and a cap of nine members and a lack of consultation with the Two-Spirit and LGBTQIA+ communities.

Mayor Eisenberger took the public position that the Advisory Committee did not speak for the entire Hamilton LGBTQIA+ communities. Despite the Advisory Committee's request, the City decided to raise the Rainbow flag at City Hall in June 2019 without any ceremony. Speaking about the relationship between the City and its LGBTQIA+ communities, Mayor Eisenberger acknowledged that there was "much we need to do" and that "meaningful dialogue to ensure all in the community feel truly respected" was required.

The Chair of the LGBTQ Advisory Committee acknowledged that the Advisory Committee had passed the motion to request the City not fly the Rainbow flag at their first official meeting²⁶ and had not had the opportunity to consult with the broader community. The Chair stated "I understand people are going to feel differently about it. It's a powerful symbol, and you can't perfectly represent everybody."

Unlike the Hamilton City Hall Rainbow flag, there was no controversy or issue with the HPS raising the Rainbow flag in 2019. Historically, the HPS started flying the Rainbow Flag in 2015 as a show of public support. They were the third police service in Ontario to do so.²⁷

The Yellow Vest protests at Hamilton City Hall in 2019

The Yellow Vest movement describes itself as a group that protests "the carbon tax and the Treason of our country's politicians who have the audacity to sell out OUR country's sovereignty over to the Globalist UN and their Tyrannical policies."²⁸ Many associate the Yellow Vest movement with far-right political ideologies that converge around racist, xenophobic and homophobic views.

In 2019, people identifying with the Yellow Vest and other alt/far-right movements appeared at Hamilton City Hall to bring attention to their "cause." Hamiltonians

²⁶ Advisory Committee members are selected after municipal elections and sit on the committees for the length of the council term. There were previous LGBTQ Advisory Committees with different membership. There were returning committee members but this was the first official meeting of this LGBTQ Advisory Committee.

²⁷ Michael Miles, "Hamilton Police raise Pride flag", *CHCH News*, June 15, 2015, Online: <https://www.chch.com/hamilton-police-raise-pride-flag/>

²⁸ Maham Abedi, "Here's what to know about 'yellow vest' protests happening across Canada", *Global News*, December 17, 2018, Online: <https://globalnews.ca/news/4770509/yellow-vest-protests-canada/>

from various walks of life banded together and attended City Hall to counter-protest the Yellow Vest and far-right demonstrators.

The Yellow Vest demonstrations and counter protests raise significant issues around hate crimes and the constitutional limits of free speech in Canada. These same issues are directly relevant to what transpired at Gage Park in 2018 and 2019. As such, it is important to canvas Canada's hate crimes legislation and the constitutional limits of free speech. The legal framework is addressed in detail in Part 3 below.

Throughout 2019, people associated with the Yellow Vest movement and members of far-right groups attended City Hall to voice anti-Trudeau, anti-immigrant and anti-carbon tax views. On various occasions, these protests included other people from far-right groups like the Soldiers of Odin, Canadian Nationalists and Proud Boys, each of which hold anti-immigrant, Islamophobic and white nationalist views.²⁹ In response, many concerned Hamiltonians from various walks of life banded together to attend City Hall and conduct counter protests with messages of inclusion and tolerance. On numerous occasions, the two groups clashed at City Hall.

The counter-protestors are made up of Hamiltonians who are professionals, stay at home parents, and citizens generally concerned about Hamilton's gaining the unenviable reputation in the media as the "hate capital of Canada."³⁰ Included among the counter-protestors were people associated with the anti-fascist movement and self-described anarchists from The Tower in Hamilton.

The HPS attended many of the protests and counter-protests at City Hall in 2019. Although there were no major altercations, tensions were high on a number of occasions and there were some isolated incidents that resulted in violence and criminal charges being laid.

On June 15, 2019, the same day as Hamilton Pride 2019, a Yellow Vest demonstration was planned for Hamilton City Hall. The HPS had information that counter-protesters and possibly a bus full of more confrontational anti-fascist group members would be attending. Tensions at the City Hall protests had been escalating in the weeks leading up to June 15, 2019 and as a precaution, the HPS's Public Order Unit ("POU") was deployed to City Hall. Given that Hamilton Pride 2019 was taking place at Gage Park, the POU was deployed to City Hall but prepared to attend Gage Park that day, if necessary.

²⁹ Teviah Moro, "Hamilton's landscape of hate: How far-right extremists are finding fertile ground", *Hamilton Spectator*, June 28, 2019, Online: <https://www.thespec.com/news-story/9480306-hamilton-s-landscape-of-hate-how-far-right-extremists-are-finding-fertile-ground/>

³⁰ Steve Arnold, "WELCOME TO HAMILTON – THE HATE CAPITAL OF CANADA", *The Canadian Jewish News*, August 8, 2019, Online: <https://www.cjnews.com/news/canada/welcome-to-the-hate-capital-of-canada>

There is a clear sense among those who have gone to City Hall to counter the Yellow Vest and far-right protesters that police were using free speech laws as a shield to protect hateful people. The counter-protestors I spoke with have the distinct impression that the HPS is on the side of these alt-right groups. I repeatedly heard from community members that police do not respond fairly to the counter-protesters' complaints. Many within the counter-protestors group feel as though the police treat them as the problem and that life would just be easier for everyone if they did not show up to counter the xenophobic, hateful messages being spread by the Yellow Vest and far-right groups.

A few of the community members report having been told by police that assault charges would only be laid if the victim of the assault formally complains – that video or other objective evidence of assaults is insufficient. One community member recounted having been told by an officer that if charges were laid, the complainant's personal information, including his or her home address, would be provided to the accused. Members of the public should know that police do not require a complaint by the actual victim to lay a charge and complainants' home addresses are as a matter of course never provided to accused.

The HPS command officers who I interviewed fully comprehend the perception held by community members. Although these officers do not agree that they are favoring or "protecting" the Yellow Vest and far-right protesters to any greater degree, they do maintain that they are duty bound to keep the peace and ensure that lawful speech, *not hate speech*, is protected.³¹

One of the primary challenges for the HPS is that the Yellow Vest and far-right demonstrations take place at City Hall where permits are not required. No individual group has exclusive use of the City Hall forecourt and with two opposing groups showing up, the police seek to maintain the peace by keeping each group on different sides, sometimes with the use of physical barriers. With that said, the HPS officers are peace officers and do have the power to issue trespass to property warnings to people who are engaged in improper, offensive or disruptive behavior on city property. If those who are warned do not comply they can be arrested and escorted off the property. To date, this power has not been employed but the HPS's senior command should seriously reconsider doing so.

³¹ For example, officers I interviewed said that if there is a large crowd or demonstration and an assault occurs, they may not arrest someone immediately if they do not have control of the situation – particularly if they perceive that an arrest might escalate the situation. The officers' immediate goal is to de-escalate the situation and maintain public order and safety. Individual arrests should wait until after control of the situation is gained, even if this means effecting arrests on a later date.

Part 3: Laws available to address hateful Agitators

Most people I met with were concerned about what appeared to be an unlimited freedom of speech being extended to the Hamilton Pride 2018/19 Agitators and their hate fueled allies. The ultimate question being posed by those I interviewed was “what can be done to prevent these hateful people from spreading their message at events like Hamilton Pride?” While there are limits to what the criminal law can do to quash such conduct, there do remain alternative strategies.

The police have a number of legal tools at their disposal to combat hateful Agitators attending Pride in order to disrupt the event. The laws and how police enforce these laws must strike a balance between the Agitators’ right to “protest events” and exercise free speech (however repugnant and obnoxious the speech is) with the rights of others to lawfully use and enjoy public property, like Gage Park. The HPS should consider employing some of these legal mechanisms at future Pride events.

To be clear, the purpose of reviewing these laws is not to advocate for limits on legitimate protests or to prohibit people from expressing distasteful or repugnant views. To the contrary, police have tools available to ensure that Pride attendees are able to enjoy the events without interference or disruption while at the same time permitting Agitators to express their hateful views – from a distance. Just as Agitators have a right to express repugnant, offensive views, Pride attendees have a constitutional right to peacefully assemble. The following discussion sets out the legal framework that can be employed to ensure all constitutional rights are respected.

Some of the tools provided by the *Code* are used in response to more serious conduct and carry more serious consequences. That doesn’t mean the tools I will review that are available under municipal by-laws should not be taken into account. They too convey a message. They can be effective in preventing disruption of Pride by Agitators.

Potential criminal charges

There are a number of different ways that the *Code* provisions and police powers can be used to combat hateful Agitators and their attendance at Pride events. In addressing some potential charges, I will not discuss physical assaults as the police and the public have an understanding of what constitutes assault.

Mischief to property

Mischief to property under section 430 of the *Code* has multiple definitions and can be committed by someone who “obstructs, interrupts or interferes with the lawful use, enjoyment or operation of property; or obstructs, interrupts or interferes with any person in the lawful use, enjoyment or operation of property.”

By interfering with a person's lawful use, enjoyment or operation of a permitted event, a person can commit mischief to property. People who streak at sports events do not damage or destroy any property but are frequently charged with mischief for having interrupted others' use and enjoyment of the stadium/event. An agitator interfering or interrupting a lawful use of a permitted park like a Pride event at Gage Park could easily be subject to a mischief charge. There are also specific provisions of the *Code* (section 430(4.1) dealing with mischief to property of identifiable groups, including LGBTQ members.

Threats and criminal harassment

Words and statements do not have to constitute legally defined hate speech to be criminalized. Threats of death or bodily harm constitute criminal conduct under section 264.1 of the *Code*. Criminal harassment (section 264 of the *Code*) is an offence that can be charged if an agitator repeatedly and continually communicates with a Pride attendee in a way that makes the attendee reasonably fear for their safety or the safety of anyone known to them.

Causing a disturbance and unlawful assembly

The criminal offence of causing a disturbance under section 175 of the *Code* can be committed in a public place by: (i) fighting, screaming, shouting, swearing, singing or using insulting or obscene language; (ii) being drunk, or (iii) impeding or molesting other persons. This provision can be used to prevent more aggressive agitation.

The offence of unlawful assembly can be committed by groups of three or more individuals who gather with a common purpose and act in a manner that causes other people to reasonably fear that they will "disturb the peace tumultuously". The police also have the authority to arrest individuals who they witness breaching the peace or they believe will join in or renew the breach of the peace.

Hate crimes in the *Code*

Offences committed under the *Code* that include an element of hatred against an identifiable group can be considered by a sentencing judge as "aggravating" factors to support harsher penalties.³² These provisions apply in circumstances

³² Section 718.2 A court that imposes a sentence shall also take into consideration the following principles:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing,

(i) evidence that the offence was motivated by bias, prejudice or hate based on race, national or ethnic origin, language, colour, religion, sex, age, mental or physical disability, sexual orientation, or gender identity or expression, or on any other similar factor,...

where a crime is committed against a member of the Two-Spirit or LGBTQIA+ communities, as a result of their membership. However, absent an underlying criminal offence like assault or mischief to property, hateful comments alone do not constitute criminal offences in Canada.

Hateful comments may not be criminal but speech that crosses the line into hate speech is criminalized. Hate speech – as opposed to hateful speech - is a legally defined term under the *Code*. Not all hateful words and comments will constitute criminal hate speech. Indeed, most hateful words and comments are not criminalized under Canadian hate speech laws.

Sections 318 and 319 of the *Code* specifically criminalize: (i) advocating or promoting genocide (calling for the killing or destruction of any identifiable group or their members); (ii) publicly inciting hatred against an identifiable group; and (iii) wilfully promoting hatred against an identifiable group.³³

The case law interpreting the hate crimes sections of the *Code* consistently seek to balance the delicate freedom to hold and express offensive opinions in a free and democratic society with the very real social and individual harm caused by words that advocate for the harm or killing of specific groups. In Canada, offensive – even highly offensive - speech is permitted, hate speech is not.³⁴

The line between hate speech and speech that is “merely” offensive has been addressed by the Supreme Court of Canada:

Justice Dickson in *R. v. Keegstra*, [1990] 3 S.C.R. 697 wrote:

Hatred is predicated on destruction, and hatred against identifiable groups therefore thrives on insensitivity, bigotry and destruction of both the target group and of the values of our society. Hatred in this sense is a most extreme emotion that belies reason; an emotion that, if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill-treatment on the basis of group affiliation.³⁵

Justice Rothstein in *Saskatchewan Human Rights Code* wrote:

In my view, "detestation" and "vilification" aptly describe the harmful effect that the Code seeks to eliminate. Representations that expose a

³³ See the *Code* for full text of the provisions.

³⁴ Judges are required to interpret the *Code* to factual situations that arise in society and end up in their courts. These legal decisions on how the section is interpreted can be appealed to the Supreme Court of Canada and decisions of the Supreme Court of Canada are binding on police and the courts. ...

³⁵ *R. v. Keegstra*, 1990 CanLII 24 (SCC), [1990] 3 SCR 697, Online: <https://www.canlii.org/en/ca/scc/doc/1990/1990canlii24/1990canlii24.html?resultIndex=1>

target group to detestation tend to inspire enmity and extreme ill-will against them, which goes beyond mere disdain or dislike. Representations vilifying a person or group will seek to abuse, denigrate or delegitimize them, to render them lawless, dangerous, unworthy or unacceptable in the eyes of the audience. Expression exposing vulnerable groups to detestation and vilification goes far beyond merely discrediting, humiliating or offending the victims.³⁶

There are various limitations when it comes to prosecuting offences under these provisions. The first is that a number of these offences – advocating or promoting genocide - require the Attorney General's consent prior to charges being laid. This serves to greatly limit the ability of front-line officers to arrest at the scene of a hateful situation. In order to lay a charge under these sections of the *Code*, there must be far more in-depth investigation, involvement from senior commanding officers and Crown counsel. For example, see the Your Ward News prosecution³⁷ recently in Toronto.

The offence under section 319(1), public incitement of hatred, does not require the Attorney General's consent before charges are laid. This provision provides officers with authority to arrest individuals who are holding signs in public that are likely to lead to a breach of the peace. These provisions permit police to arrest someone holding a sign denigrating Two-Spirit and/or LGBTQIA+ community members if they feel the sign is publicly inciting hatred and would lead to a breach of the peace. However, the threshold for establishing the public incitement of hatred is very high.

Prosecutions under section 319 of the *Code* are somewhat rare. In *R. v. Mackenzie*, an Alberta man who placed graffiti on private vehicles and public transit with swastikas and messages advocating the killing of Muslims and Syrians was charged and convicted under this section.³⁸ In sentencing Mackenzie, Justice Fradsham conducted an extensive analysis of cases and penalties imposed for hate crimes committed under section 319 of the *Code*. The circumstances in which individuals have been convicted under s. 319 of the *Code* all clearly cross any conceivably acceptable line and call for death, injury and/or destruction of identifiable groups.

Another impediment to laying hate speech charges is the fact that the threshold for what constitutes hate speech is, at times, unachievably high. This would likely apply to the Agitators and far-right anti-LGBTQ people who have shown up at

³⁶ Saskatchewan (Human Rights Commission) v. Whatcott, 2013 SCC 11 (CanLII), [2013] 1 SCR 467, Online: <https://www.canlii.org/en/ca/scc/doc/2013/2013scc11/2013scc11.html?resultIndex=2>

³⁷ *R. v. Sears*, 2019 ONCJ 104 (CanLII), Online: <https://www.canlii.org/en/on/oncj/doc/2019/2019oncj104/2019oncj104.html?resultIndex=1>

³⁸ *R. v. Mackenzie*, 2016 ABPC 173 (CanLII), Online: <https://www.canlii.org/en/ab/abpc/doc/2016/2016abpc173/2016abpc173.html>

Hamilton Pride 2018 and 2019. The signs on display at Gage Park in 2018 and 2019 are undoubtedly hateful but they are also strategically written in an attempt to avoid attracting criminal sanction. The signs do not advocate genocide or death to Two-Spirit and LGBTQIA+ people. They are couched and (poorly) camouflaged in quasi-religious tones in an attempt to avoid criminal sanction.³⁹ Given these challenges, the other criminal legal mechanisms mentioned above – mischief to property, criminal threats and harassment and causing disturbance are likely far more effective measures for police to employ to ensure peaceful, uninterrupted future Pride celebrations.

Municipal By-Law enforcement and Provincial Offences

The City of Hamilton has the ability to enact by-laws that limit the ability of Agitators or anyone else to demonstrate if doing so interferes with a person's use and enjoyment of a public space. Police officers have the authority to enforce by-laws. Organizers and/or the police can also contact Municipal By-Law Enforcement to assist with enforcing by-laws.

The City of Hamilton By-Law 01-219⁴⁰ applies to City parks. The By-law contains two provisions that can and should be used to limit the ability of Agitators or anyone else to disrupt festivities, especially ones that are city sanctioned and have City permits:

Section 15. While in any park, no person shall:

- (a) unless authorized by permit, hold a picnic, public meeting, or other organized gathering or event for more than twenty persons; or
- (b) interfere with a picnic, organized gathering or event authorized by permit.

Section 16. Unless authorized by permit, no person shall operate loud speakers or amplifying equipment in any park, provided that this shall not prohibit the use of a portable radio, tape player or compact disc player, in a manner which does not disturb any other person or otherwise interfere with any other person's enjoyment of the park.

Agitators may have the right to display their signs. However, without a permit, they are not entitled to amplify sound and disrupt the lawful use and enjoyment of

³⁹ Examples of the hateful signs that were displayed by the religious and far-right Agitators include: "Jesus Opposes Your Pride Repent"; "Jesus is God Alone"; "Your Sins are a Hate Crime Against Jesus"; "The Wicked shall be cast into hell and all the nations turn to God"; "LGBT Agents at War with Jesus and Free Speech / Repent"; and "If you humble yourself God can Forgive you". There are others that are difficult to make out in the videos and still photographs taken from 2019.

⁴⁰ City of Hamilton By-laws accessed Online: <https://www.hamilton.ca/government-information/by-laws-and-enforcement/city-hamilton-by-laws>

a Hamilton park.⁴¹ Displaying signs outside of the permitted area at Gage Park is unlikely to “interfere” with Hamilton Pride. Surely, unwanted and uncomfortable interactions with Pride attendees heading towards the event is interference. As discussed in Part 8, going forward police can and should guard against this type of conduct.

Officers are empowered to issue trespass notices and ask individuals to leave City parks or other City property. Permit holders have the right to ask people who are disruptive to their event to leave the permitted area. If organizers possess a valid permit for an event on city owned property, police can and should assist in protecting the event from the interference of Agitators. Police officers have the authority to escort individuals off city property and if they refuse to leave, they can be arrested under the *Trespass to Property Act*. Clearly it would be important for officers who are policing an event to know where the permitted area begins and ends and to have an open line of communication with event organizers to ensure those who are disruptive are appropriately identified and promptly removed from the event.

At the end of October, Hamilton City Council passed By-Law 19-259, that formalized a procedure for City employees to issue trespass notices to individuals on City owned property. Senior city staff are also able to ban individuals from City owned property. The by-law formalized a process to ensure anyone who is removed from city property has recourse to review the removal decision. The by-law itself did not create new powers – the power of police and city employees to ask disruptive individuals to leave city property has always existed and remains intact.

Human Rights legislation in Canada and Ontario⁴²

Many community members asked me why Human Rights legislation could not be used to combat hateful Agitators and their attendance at Pride. There is

⁴¹ An organizer informed me that in 2018 City staff told them that individuals without a permit were not allowed to amplify sound in a City park. In 2019, one of the 9-1-1 callers was a local resident who offered to file a formal complaint about the noise coming from the agitators in order to start enforcement of by-laws against that group.

⁴² See Julian Walker, “Hate Speech and Freedom of Expression: Legal Boundaries in Canada”; Library of Parliament Background Paper, Published June 25, 2018, Online: https://lop.parl.ca/sites/PublicWebsite/default/en_CA/ResearchPublications/201825E and Luke McNamara, “Negotiating the contours of unlawful hate speech: regulation under provincial Human Rights Laws in Canada”, University of Wollongong Australia, 2005 (originally published in *University of British Columbia Law Review*, Vol. 38, No. 1, 2005), Online: <https://ro.uow.edu.au/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1007&context=lawpapers&sei-redir=1#search=%22Luke%20McNamara%2C%20Negotiating%20Contours%20Unlawful%20Hate%20Speech%3A%20Regulation%20Under%20Provincial%20Human%20Rights%20Laws%20Canada%20%282005%29%2C%2038%20U.B.C.L.%20Rev.%201.%22>

continuing debate about whether human rights law should be used to combat hate propaganda and hate speech and different approaches have been taken throughout Canada.

The broad goal of provincial and federal Human Rights legislation across Canada is the elimination of discrimination based on enumerated grounds (including sexual orientation and gender identity and expression). Human Rights Codes prohibit discrimination relating to employment, schooling, housing and the provision of services. Each legislative regime creates a process for filing and hearing complaints. Tribunals empowered to hear complaints can fashion appropriate remedies, including monetary compensation for harm caused by discriminatory practices.

The Ontario and most other provincial Human Rights Codes contain prohibitions against publicly broadcasting or posting an intention to discriminate against an identifiable group. This includes the prohibition against publishing or posting anything that may incite others to discriminate against an identifiable group. For example, the laws are designed to prevent a restaurant owner from posting a sign that they will not serve an identifiable group or a landlord advertising a vacant apartment with a notice that applications from members of certain identifiable groups will not be considered. Regrettably, these Human Rights laws do not apply in the context of the messaging that the street evangelists bring to their anti-Pride demonstrations.

While other provinces have legislation that prohibits the promotion of hatred or contempt against an identifiable group, Ontario and the federal government do not.⁴³ The *Ontario Human Rights Code* has no provision that prohibits displaying messaging that could expose an identifiable group to hate. Whether Ontario should adopt similar legislation is a matter for policy debate, but even with this legislation, it allows for a complaints mechanism and not necessarily immediate action to be taken by police officers at the scene of a conflict. Even if the *Ontario Human Rights Code* included similar provisions, this would not be sufficient to stop the Agitators from spreading their hateful messages on the day of a Pride event.

⁴³ Section 13 of the *Canadian Human Rights Code*, before it was repealed in 2013, read: “13. (1) It is a discriminatory practice for a person or a group of persons acting in concert to communicate telephonically or to cause to be so communicated, repeatedly, in whole or in part by means of the facilities of a telecommunication undertaking within the legislative authority of Parliament, any matter that is likely to expose a person or persons to hatred or contempt by reason of the fact that that person or those persons are identifiable on the basis of a prohibited ground of discrimination.” This would have had no application either in anti-Pride demonstrations as they did not use a telephone or a facility of a telecommunication undertaking.

Part 4: Pride 2019 planning

Hamilton Pride 2019 at Gage Park

June 15, 2019 marked the second consecutive year that Pride celebrations were held at Gage Park. I met with several people involved in planning Hamilton Pride 2019. I also met with community members who attended the event and witnessed the violence. Many HPS officers present at Gage Park were also interviewed.

This part lays out my findings with respect to the planning for and unfolding of events during Hamilton Pride 2019 celebrations. I have reconstructed as detailed a timeline as possible based upon civilian and officer accounts, officer notes, police dispatch records and other sources.

Special Events Advisory Team (S.E.A.T.) applications

S.E.A.T. is a team comprised of City staff representing various municipal divisions that facilitate and support outdoor events taking place on City property and, in some cases, events on private property that have a significant impact on City services. S.E.A.T. ensures that “these events have all the necessary permits, permissions and insurance in place to ensure that the event is healthy and safe for the organizers, participants, the corporation and other citizens.”⁴⁴

Members of the S.E.A.T. committee include representatives from the HPS, Hamilton Fire Department, Hamilton Paramedic Service, Hamilton Public Health, Waste Management, and Parks and Recreation divisions. Members from each division of the S.E.A.T. committee receive event applications and are responsible for ensuring that the necessary permits, documentation and organization are in place prior to approval. For example, Hamilton Fire is responsible for ensuring an event complies with the Fire Code; Hamilton Public Health ensures that proper permits are in place for food vendors, etc. Each member of the S.E.A.T. committee reviews an application in relation to their specialized area.

Organizers of public outdoor events like Hamilton Pride 2019 are required to submit a S.E.A.T. application for review and approval. The S.E.A.T. application is found online and requires the organizer to provide information about their event, including the number of anticipated attendees, the location of the event, whether alcohol will be served, the plan for medical services, arrangements for private security or the need for “paid duty officers”, etc.

⁴⁴ City of Hamilton 2017 Special Event Advisory Team (S.E.A.T.) – S.E.A.T. Requirements & Application Guideline available Online:
<https://www.hamilton.ca/sites/default/files/media/browser/2016-11-25/2017-seat-guidelines-2017-v2.pdf>

The S.E.A.T. committee receives approximately 400 applications a year and of those, about half of them are for events of over 1000 people, similar in scope to Hamilton Pride in 2018 and 2019. S.E.A.T. committee members individually review applications online and the entire committee meets in person once a month to discuss applications. The Chair of the S.E.A.T. committee serves as the “gatekeeper” for applications to get into the system.⁴⁵

For relatively straightforward, low-risk event applications that have minimal impact to the general community and carry little to no public safety concerns,⁴⁶ approvals are completed by committee members online without the need for further discussion during the monthly in-person meeting. For example, an application from a neighbourhood group planning to hold a summer movie night in a park would not require in-person discussion by the S.E.A.T committee.

Larger events, first time events and events that raise issues flagged by a S.E.A.T. committee member are discussed at the monthly S.E.A.T. committee meetings. Occasionally, the S.E.A.T. committee requires event organizers to attend in person to address questions or concerns the committee has about the proposed event.

The City of Hamilton wants public events to be held. They are a source of cultural enrichment. They also serve to support and promote local businesses and the City in general. As such, if issues arise with a particular S.E.A.T. application, the committee engages event organizers to address and rectify concerns in order for the event to run successfully.

A S.E.A.T. application must be submitted 60 days before the scheduled event. However, if there are no conflicting events planned for the particular venue, the deadline can be waived. Based upon my review and inquiries, it appears as though the S.E.A.T. committee operates more to facilitate events than to conduct any type of formal regulatory oversight. Regulatory oversight is left to each of the individual departments that have representation on the S.E.A.T. committee.

The HPS has an officer who is a member of the S.E.A.T. committee. The HPS member reviews applications through a public safety lens to ensure that adequate security by way of paid duty officers (or private security) is arranged and proper planning is in place, especially if public roadways are to be used for the event. In the past, paid duty officers were required if alcohol was served at a S.E.A.T. event. Currently, private security is permitted to monitor areas in S.E.A.T. events where alcohol is being served and consumed. This is similar to the door security or “bouncers” employed by bars and nightclubs.

⁴⁵ For example, during the COVID-19 pandemic and emergency response, no event applications were accepted for April 2019.

⁴⁶ For example, no road closures or traffic concerns involved.

Other than for S.E.A.T. events that require road closures, the HPS S.E.A.T. committee officer is not empowered to require the use of paid duty officers.⁴⁷ Many S.E.A.T. event organizers, including the 2019 Hamilton Pride organizers, opt for private security. This is because most S.E.A.T. events are organized by non-profit local organizations with budgetary constraints, and hiring paid duty officers is more expensive than private security.

The HPS officer who sits on the S.E.A.T. committee does not have the authority to veto an application. Any issues the officer raises with the S.E.A.T. committee that may impact the approval of an application have likely been vetted with that officer's supervisor. This is because decisions that may impede the approval of a S.E.A.T. event may carry political considerations and can be sensitive.

Significantly, if no paid duty officers are required and no policing issues are identified, the police division in which the event will be held does not receive a copy of the approved S.E.A.T. application. S.E.A.T. event plans are only forwarded to the relevant police division if there is intelligence to suggest that a public safety issue may arise or a police operational plan (discussed in detail below) needs to be implemented.

Hamilton Pride S.E.A.T. application

The Hamilton Pride 2019 S.E.A.T. application was submitted on April 9, 2019 and approved on May 23, 2019. The HPS S.E.A.T. committee member did not flag any policing issues with the application. Pride organizers did not plan to have paid duty officers at the event and the HPS S.E.A.T. representative was not aware of any safety issues that would require the presence of paid duty police officers. As such, the HPS S.E.A.T. representative approved the application, which included plans for private security at the event.

The Hamilton Pride 2019 S.E.A.T. application was never forwarded to HPS Division 20, which has jurisdictional responsibility over Gage Park, the location of the event. Approximately a week before Hamilton Pride 2019, the HPS S.E.A.T. representative had a conversation with the crime managers at Division 20 who were responsible for drafting an operational plan for the event. The HPS S.E.A.T. representative had no specific recollection of providing the crime manager with the S.E.A.T. application but thought they would have done that.

Based upon my discussions with the crime manager and the documentary record, I find that the Division 20 crime manager tasked with preparing the HPS operational plan for Hamilton Pride 2019 was not provided with the S.E.A.T. application for the event. Indeed, the crime manager responsible for drafting the

⁴⁷ The paid duty program at the HPS allows event organizers to hire off-duty officers to provide a police presence at their event.

operational plan had no familiarity with and did not know what a S.E.A.T. application was.

Communications between the HPS and Hamilton Pride 2019

Organizers of Hamilton Pride 2018 and 2019 advised the community they would consult with the HPS to determine the role, if any, that they would play at Pride celebrations. A further discussion within the community would then be possible. Toward the end of 2018 and early in 2019, organizers emailed Sandra Wilson, the HPS Community Relations Coordinator. They did not receive a response for a few weeks. Unbeknownst to Pride organizers, although Ms. Wilson's email was still active, she had in fact left her position in January 2018.⁴⁸ They sent another email to the same email address but did not get a response.

After several attempts at locating someone within HPS to discuss the 2019 event, Hamilton Pride 2019 organizers were put in contact with the co-chairs of the HPS Internal Support Network ("ISN"). As discussed in greater detail in Part 7, the ISN is an internal support group within the HPS intended to support both sworn and civilian employees of the service who identify as members of the Two-Spirit and LGBTQIA+ communities. The ISN has previously conducted educational programs for HPS employees and have been involved in outreach programs with the broader Hamilton community, in particular with LGBTQ youth through fundraising for the Rainbow Prom.⁴⁹ To my knowledge, the ISN had never before been a liaison or conduit between the HPS and Pride event organizers. That is not the ISN's role.

Pride organizers and the ISN co-chairs arranged two meetings, but they did not transpire. The first meeting was cancelled due to an injury sustained by one of the ISN co-chairs. The second meeting never took place due to a change of location communicated to the ISN co-chairs by email during non-work hours. Unbeknownst to the Pride organizers, the ISN co-chairs did not have access to email outside of work hours and the change of location email was not received in time.

A third meeting date was set for April 15, 2019. Although the meeting did take place, there appears to have been confusion with respect to the agenda. Pride organizers were of the view that they would be meeting with HPS members with some seniority and therefore some authority to make decisions. They were not aware that they were meeting with members of the ISN who had no such authority. At the meeting, the ISN co-chairs canvassed the possibility of a

⁴⁸ The Community Relations Coordinator position was filled in July 2019 by Jasbir Dhillon. During the time between January 2018 and July 2019, the Community Mobilization office was fulfilling the responsibilities previously assigned to the Community Relations Coordinator. This transition period is discussed in greater detail in Part 7 below.

⁴⁹ The role and purpose of the ISN is discussed in greater detail in Part 7 below.

recruitment booth for the HPS at Hamilton Pride 2019. Pride organizers encouraged the HPS to submit an application but were told it was unlikely to be approved as there would not be time to consult with their communities.

HPS recruitment staff submitted an application shortly after this meeting. Pride organizers advised by email that there was insufficient time for community consultation and on about May 21, 2019, the HPS application for a recruitment booth at Hamilton Pride 2019 was denied. The HPS responded cordially to the denial.

There were no other communications between the HPS and the organizers of Hamilton Pride until June 13, 2019. This was but two days before the event.

The HPS's Operational Plan for Hamilton Pride 2019

Within the HPS, an operational plan (OP) formally sets out the police plan for an event. An OP sets out details about the nature of the event in question, the anticipated participants, the number of officers required for the event, the role each will play, the police command structure for the operation and any other relevant information necessary for ensuring public safety at the event. It also describes the relevant legal authority for police action. Crime managers within the relevant division where the event will be taking place draft the OP. The crime managers take direction from the inspector of their division regarding resources and officers assigned to an event when drafting the OP. The OP is available to all involved officers and forms part of any briefing for those officers. As discussed below, an OP was created for Hamilton Pride 2019.

There is generally no set deadline for when an OP must be drafted. Flexibility in this regard is necessary given that many events requiring an OP may come to the HPS's attention at the last minute. For example, politicians or dignitaries may decide they are visiting Hamilton on very short notice to the HPS and an OP must be created days before the event. In contrast, there are many annually recurring events in Hamilton, such as the annual Festival of Friends event and Hamilton Pride that allow the HPS to create an OP well in advance.

To state the obvious, it is always advisable for the HPS to be drafting their OP as far in advance of the event as possible. While details and logistics are always subject to last minute changes in accordance with shifting event plans and police intelligence, having an early plan in place provides commanding officers the chance to properly prepare for and staff the event.

Hamilton Pride 2019 at Gage Park was scheduled for Saturday, June 15, 2019. On Thursday, June 13, 2019, the Crime Management Office at Division 20 received an email from another officer advising that the event was taking place and that there was some intelligence that street evangelists who "protested" at the event the previous year may return. An OP was required. Prior to receiving

this information, no one within the Division 20 Crime Management Office was aware of the event and no steps had been taken to prepare an OP. Division 20 crime managers had less than two days to prepare the plan. In that time, they had to conduct their own research into the event, determine the number of officers to be deployed in conjunction with senior officers, and determine the method of deployment. The officer drafting the OP on the Thursday leading up to the event was off duty on Friday, so the OP was finalized by another officer altogether.

As part of drafting the OP, the Crime Management Office spoke to one of the organizers of Hamilton Pride 2019. The telephone call was approximately twelve minutes long. I interviewed both parties to the call and was provided with the following conflicting versions of what was discussed.

The Hamilton Pride organizer's recollection of the call

I was informed that organizers had been contacted by Hamilton Fire and Public Health with questions well in advance of the event. The Pride organizer received a call from an HPS officer from the Crime Management Office just two days before the event. The Pride organizer was both surprised and confused by the timing and purpose of the call. There had been no direct contact with police since the ISN meeting in April. The Pride organizer referred the officer to Pride's S.E.A.T. application but the officer did not have it and had no knowledge of what a S.E.A.T. application was. The organizer referred the officer to the Gage Park permit obtained from the City of Hamilton in connection with the approved S.E.A.T. application.

During the call, the Pride organizer told the officer where in Gage Park the street evangelists had been in 2018 and indicated that this would likely be where they would show up again in 2019. The organizer pulled up an online map of Gage Park and thought he went through the map with the officer while on the phone.

The Pride organizer said the officer indicated that officers knew they were not welcome at Gage Park during the event. The organizer asked the officer where that information had been obtained.

The Pride organizer told me that when he received the officer's call, he was confused and anxious about why the police were calling two days before the event. He did not know that the police were drafting an OP and did not know why the police wanted to speak to him. The officer asked whether there were any concerns about "protestors" showing up at the event and the organizer told me that they may have left the officer with the impression that they were not overly concerned about protestors, in part because the HPS would be there. According to the organizer, Pride Hamilton, as an organization, assumed that the police would step in if Agitators attended. This is what had happened in 2018.

The HPS Crime Manager's recollection of the call

The officer from the HPS Crime Management Office who spoke with the Pride Organizer said she included all information obtained during the call in the OP. The OP also contained information from her own independent research. The following information is set out in the OP:

- 2000 people were expected to attend Gage Park on June 15, 2019.
- There was concern that the same street evangelists from 2018 would return to “protest” the event in 2019. These same people had attended the 2019 Pride event in Dunnville, Ontario, and there was a high likelihood they would show up at Hamilton Pride 2019.
- Hamilton Pride organizers did not want uniformed officers inside their event.
- There was a Yellow Vest protest at City Hall on June 15, 2019. POU officers would be deployed to City Hall.
- Hamilton Pride hired private security. No paid duty officers had been hired for the event.

The officer told me that during the phone call, the Pride organizer specifically mentioned the bandshell and some of the areas in Gage Park that Pride had obtained permits for – these areas extended north to the fountain. According to the officer who drafted the OP, the Pride organizer told her that the “protestors” in 2018 had been on the edges of the park near the fountain and they were not concerned about them. The officer told me she was not referred to a map or asked to review an online map of Gage Park. The officer indicated that the organizer did not seem concerned about the street evangelists’ attendance or any potential that the situation might escalate. According to the officer, the Pride organizer indicated that they would do things similar to those they had done in 2018 when Agitators showed up.

Differing versions of this call

Clearly, there is significant disparity between the Pride organizer’s and the officer’s recollection of the call. There is no recording of the conversation, and while it is impossible to reconcile the discrepancy, fortunately, it is unnecessary to do so for the purpose of the Review.

What is abundantly clear from the two versions personally recounted to me is that there was a fundamental misunderstanding and breakdown in communication between the officer who drafted the OP for the HPS and the Hamilton Pride organizing committee. As is discussed in greater detail below, this miscommunication contributed to some of the challenges that arose during the event.

This miscommunication resulted in the mistaken impression held by the Pride organizer that the officer who had called would be present and available on the day of the event if necessary. Pride organizers thought they were provided with that officer's cell phone number when in fact the number they were given was for the Crime Management Office at Division 20. The Pride organizer assumed the officer who they spoke with was the police point person to contact on the day of the event. In fact, they were not provided with the name or contact number for any police point person. Furthermore, they did not receive information with respect to who the senior officer attending the event would be. This mishandling of communication contributed to how the unfortunate circumstances unfolded on the day of the event and is addressed in greater detail in the recommendations below.

Operational Plan

The OP for Hamilton Pride 2019 called for four uniformed officers to be stationed around the perimeter of Gage Park and for two plainclothes officers to be inside the park posing as event attendees. The plainclothes officers' role was restricted to monitoring the event. Absent exigent circumstances, they were not to identify themselves to the public as police officers or make any arrests. Their only role was to monitor and report back to the four uniformed officers on the perimeter of the park. The Public Order Unit (POU) had been deployed to City Hall for the Yellow Vest/far-right demonstration and POU commanding officers would monitor the situation at Gage Park. The OP stipulated that POU officers at City Hall would be available to deploy to Gage Park if anything escalated or became volatile.

What is evident from the OP is that HPS command made a tactical decision to only deploy four uniformed officers to Gage Park and Hamilton Pride 2019. The decision was based on: (1) the tense but non-violent events of 2018; (2) an absence of concrete intelligence that there would be any type of violent confrontation in 2019; and (3) intelligence suggesting a possibility of violent confrontations at City Hall that same day.

As mentioned above, the officer drafting the OP had not reviewed and was not familiar with Pride Hamilton's 2019 S.E.A.T. application. Indeed, the officer had no knowledge of what a S.E.A.T. application was. The officer drafting the OP had no access to the information that the Pride organizers had provided to the city for planning purposes. When I reviewed the OP for Hamilton Pride 2018 (drafted by a different officer) I found that one of the appendices attached to the plan was the S.E.A.T. application for the 2018 event. It appears that the documentation submitted and reviewed by Pride Organizers does not consistently find its way to the officer drafting the OP in any given year. This should be mandatory.

Public Order Unit (POU) deployment as part of the OP

On June 15, 2019, POU officers were deployed to City Hall for the anticipated demonstrations. They were to be available to attend at Gage Park if the situation became volatile. Their deployment would be “utilized at the discretion of the Duty Officer in consultation with the Superintendent of Support Services and Deputy Chief of Operations.” That was the extent of coordination between the POU and Division 20 with respect to Pride 2019 and the OP.

Part 5: Events of June 15, 2019

Hamilton Pride 2019

What follows is a reconstruction of events that transpired on June 15, 2019 at Gage Park. In determining the facts set out below, I rely upon the following sources of information:

- (1) interviews with over two dozen community members who witnessed the unfolding of events in Gage Park on June 15, 2019;
- (2) the notes of and interviews conducted with dozens of police officers that attended Gage Park on June 15, 2019;
- (3) the report issued by an investigator within HPS Professional Standards who conducted an investigation in connection with a service complaint that was filed by members of the public with the OIPRD;
- (4) the report issued by the OIPRD in connection with a conduct complaint against two HPS officers;
- (5) the review of police dispatch records and 911 calls; and
- (6) videos of the events in Gage Park taken by members of the community that were either provided to police or posted online.

The reports stemming from the OIPRD service and conduct complaints (items 3 and 4 above) included detailed summaries of statements provided by members of the public and police officers. I also interviewed most of the same civilian witnesses and police officers.

Gage Park map and layout for Hamilton Pride 2019

Schedule 1 of the Report consists of three maps of Gage Park. The maps assist in identifying: the layout for Hamilton Pride 2019 as well as the locations where the Agitators came from and positioned themselves inside the park, the location of the four uniformed officers prior to the escalation of tensions and the place where additional officers arrived to assist.

- Map 1 is a map of Gage Park downloaded from Google Maps.
- Map 2 is a City of Hamilton map showing areas that are available for rental/permit.
- Map 3 is the map included in the 2019 Pride Hamilton Program.

I attended at Gage Park and walked around the perimeter and throughout the interior of the park. This helped me gain a better understanding of the distances

involved, the overall scale of the park and the precise location of various aspects of Hamilton Pride 2019, including the location of the family area, vendors, bandshell and beer garden.

With reference to Map 2, Pride Hamilton rented and had permits to use the bandshell with green space, picnic area 1 with tables, picnic area 2 with tables, picnic area 3 and picnic area 4. The majority of the event's festivities occurred in and around the bandshell with vendors located to the south and east sides of the bandshell. There was a beer garden towards the back of the bandshell towards the east and a family area to the north. Different organizations were represented at the event and each had a vendor booth/table.

Pride Hamilton hired five security guards from a private security company.⁵⁰ The security guards were monitoring the beer garden and walking around the event. I was informed they were specifically instructed by Pride organizers not to engage with the Agitators or "protesters" if any showed up at the event. In 2018, private security had engaged with the Agitators by yelling back and forth with them. Some of the event's attendees thought this was inappropriate.

Events leading up to the attendance of Agitators

Hamilton Pride 2019 was to commence at 11:45 a.m. with formal greetings and an official welcome. Organizers and volunteers were at Gage Park early in the morning to set up and prepare for the day.

At 8:50 a.m. the three uniformed officers assigned to Hamilton Pride 2019 at Gage Park attended a briefing by the acting sergeant. During the briefing, the OP was distributed and reviewed. The four officers (including the acting sergeant) planned to meet at Gage Park at 11:30 a.m.

At approximately 11 a.m., the acting sergeant separately briefed the two plainclothes officers assigned to the event. The plainclothes officers left the briefing and went to Gage Park, arriving there close to 12 p.m. They walked around the event posing as attendees for an hour before the street evangelists and other Agitators arrived at the park.

Three of the four uniformed officers arrived at the park separately between 11:15 a.m. and 11:30 a.m. The fourth officer arrived closer to noon after responding to an unrelated traffic call. The officers arrived in separate police cruisers and each parked at the southwest corner of Gage Park in a gravel lot near the corner of Lawrence St. and Gage St. The officers remained in their respective vehicles on the other side of the street and outside the park. They did not seek out or speak with any of the event organizers.

⁵⁰ The Pride S.E.A.T. application indicated five security guards. I received conflicting accounts of whether there were five or six security guards.

The acting sergeant was waiting for the fourth officer to arrive so they could split into two pairs to patrol the perimeter of Gage Park on foot. The plan to patrol the perimeter of the park on foot may not have been communicated to the other three officers as some thought they were to remain at the gravel lot across the street from the park the entire time and monitor the situation by way of reports coming in from the plainclothes officers.

It is significant to note that the gravel lot where the officers were situated and remained was, in relation to the park, the furthestmost area away from the location where the evangelists and other Agitators had appeared in 2018 and arrived again in 2019. The officers were stationed outside the southwest corner of the park and the Agitators appeared at the northeast corner of the park.

12:45 p.m. to 12:50 p.m.

At approximately 12:45 p.m., 10-15 Agitators carrying homophobic signs and hateful messages entered Gage Park from the northeast corner of the park. The large signs being carried appear to be the same hateful signs that were used in 2018. In addition to the same religious Agitators that attended in 2018, in 2019 there were members of the Yellow Vest, Canadian Nationalist and other far-right groups who showed up. The overwhelming majority of community members I interviewed described the Canadian Nationalists' and other far-right peoples' presence as physically intimidating. The message being conveyed was that they were the "white muscle" there to support the homophobic and hateful Agitators and street evangelists. This was an element that was not present when the Agitators attended Hamilton Pride 2018. Without doubt, the presence of far-right groups and Yellow Vesters raised the temperature of the group who had already assembled, greatly increasing the possibility of violent incidents.

At approximately 12:50 p.m., a member of the public (not a Pride organizer) saw the Agitators entering Gage Park from Main Street and called 9-1-1. The caller reported no disturbance or trouble at that time but told the 9-1-1 dispatcher that although they understood free speech and protesting, the presence of the Agitators and their signs was going to upset people and things could end badly. In response, the 9-1-1 dispatcher stated that "the organizers asked that police not go, not sure what we are supposed to do here...they don't want police presence and makes it very difficult to respond to protest...will put it on the board for information but not sure what we are supposed to do..." The dispatcher created a formal call record and placed the incident "on the board." The caller was never asked where the Agitators were in the park, nor did they provide that information.

At the same time that the 9-1-1 call was placed, a group of three to five Pride Defenders dressed all in black with pink face coverings began moving from the south to the north end of the park where the Agitators had arrived. The Pride Defenders were carrying a very large black curtain/tarp that was approximately 10

feet high and 30 feet long. Despite numerous attempts to meet with and interview the Pride Defenders who were dressed in black and/or those affiliated with them, my requests were politely turned down. While I am unable to directly ascertain these Pride Defenders' intentions, it is evident from those I spoke with that their purpose was to intercept the religious, Yellow Vest and far-right Agitators and use the large black curtain as a screen to block or drown out the hateful messages. The black curtain did, in fact, succeed in blocking the hateful signs from being seen by Pride attendees at the main event inside the park.

Although I have not sought to identify the masked Pride Defenders, most attendees, community members and police officers assume they are politically active individuals from Hamilton who self-identify as anarchists and are associated with a space in the city called The Tower. For the purpose of this Review, whether or not any of the Pride Defenders carrying the tarp consider themselves anarchists or members of The Tower is completely immaterial. What is evident from my review of the facts is that a group of Agitators with hateful messages attended Hamilton Pride 2019 with an intent to intimidate attendees and interrupt an otherwise peaceful, family-friendly celebration. They were met by Defenders of Pride, some of whom were holding a large black tarp employed (successfully) to block out the hate.

12:50 p.m. to 12:58 p.m.

The Agitators travelled from the north end of the park to just southeast of the fountain – precisely where they had shown up in 2018. Shortly after they arrived, the Agitators were met by the masked Pride Defenders carrying the tarp, as well as other, unmasked Pride Defenders carrying signs with messages of love and acceptance. Some of the unmasked Pride Defenders had drums and other noise making instruments. One of the apparent leaders from the Agitator group was using a megaphone to spread hateful messages. In addition to the Agitators and Pride Defenders who were directly engaged with each other, a relatively large group of individuals was drawn to the disturbance to watch and/or film what was happening during the confrontation. Estimates place the entire group at the location of the confrontation anywhere between 75 and 100 people.

The confrontation occurred roughly 250 to 300 metres away from the bandshell towards the northeast. Pride attendees could hear a disturbance but many did not see the black curtain and for those who could, it was blocking out the hateful signs the Agitators held.

At approximately 12:51 p.m., one of the POU officers at City Hall overheard one of the Yellow Vest demonstrators discussing plans to move toward Gage Park. This information was provided to the supervising POU officer and then passed on to the uniformed officers present at Gage Park. While POU commanding officers were also monitoring the situation at Gage Park, they did not send any officers to the Park at that point.

The four uniformed officers got ready to move into the park when they received information that Agitators had arrived at the event. The notes of the uniformed officers had the call coming to them that Agitators had entered the park between 12:45 p.m. to 12:50 p.m., one of the officers had it as 12:52 p.m. The acting sergeant contacted the two plainclothes officers inside Gage Park to determine what, if anything, they noticed. At that point, the plainclothes officers had not noticed or been alerted to the presence of the Agitators.

Pride Defenders and the Agitators engaged in a verbal confrontation that began escalating. Two additional calls were made to 9-1-1 to report the disturbance, one of which was at 12:58 with a report that while there was no violence, the situation was getting heated.

12:58 p.m. to 1:05 p.m.

At 1 p.m. the plainclothes officers were by the bandshell in the main area of the Pride festival. As attendees began walking towards the northeast area of the park, the plainclothes officers became aware of noise and activity in that area. They followed the attendees to see what was going on. At that point they had not heard anything from the four uniformed officers outside of the park or from any other officer.

While they were en route, the verbal confrontation between the Agitators and Pride Defenders became violent. In addition to the raucous yelling back and forth between the Agitators and some Pride Defenders, people had begun pushing and shoving one another.

The Pride Defenders holding the black tarp were strategically positioning it to block out the Agitators, their signs and their hateful messages. In doing so, they were not physically violent. Contrary to some public speculation, there is no evidence that the black tarp was ever used in a way to “trap” any of the Agitators, Yellow Vesters or far-right group members. The tarp was constantly moving to block out the Agitators. Having had their messages blocked, some physical confrontations broke out.

One of the Agitators punched a Pride Defender who was holding the tarp. The violence escalated from pushing and shoving to more punches being thrown by both sides. The height of violence occurred with one of the Agitators, who was wearing paramilitary gear, wildly swinging a helmet and striking one of the Pride Defenders in the face. He continued to use his helmet as a weapon on another Pride Defender. This was extremely violent conduct and ultimately – albeit weeks after the event - resulted in charges being laid against the so-called “helmet guy”, a Kitchener, Ontario resident. At the time of writing this Report, the assault with a weapon charge against the “helmet guy” remains before the court.

Community members and attendees at the event estimate the violence lasted approximately five to 10 minutes. From the interviews conducted of all the officers who attended Gage Park that day, it is clear that no officers were present during the height of the physical violence. By the time officers arrived at the scene, the confrontation remained verbally tense with some pushing and shoving, but not physically assaultive. Except for one incident discussed below, none of the officers who attended the scene observed any assaults or criminal acts.

At approximately 1 p.m., the four uniformed officers entered Gage Park at the main entrance off Gage street on the west side of the park close to the bandshell. They did not know where the Agitators and Pride Defenders were when they first got inside the park. As the four officers walked through the park, a number of Pride attendees pointed them in the direction of the commotion. At the same time, the officers were receiving information from the HPS's dispatch that the Agitators were located near the rose garden. None of the four officers knew where the rose garden was. There were no roses in bloom in the park on June 15, 2019.

Officers advised that they were walking diagonally through the park from the southwest corner to the northeast. Community members I interviewed noted that the officers appeared to be taking their time.

1:05 pm to 1:15 pm

The plainclothes officers arrived at the confrontation at approximately 1:05 p.m. It took them approximately five minutes to walk from the bandshell to the scene. When they arrived, they observed people yelling at each other and the tarp was obscuring their view. They called the acting sergeant to try and get a sense of what was going on. They did not get involved in breaking the groups up. Rather, they stayed back and observed the confrontation.

A fourth call to 9-1-1 came in at 1:05 p.m. with a report that there was a "violent riot" with about 20 people fighting (no report of weapons). The caller was never asked and did not provide a specific location in the park where the fighting was taking place. The call was very short. The recording makes it clear that there was a great deal of yelling and commotion in the background.

The four uniformed officers arrived a few minutes after the plainclothes officers.

At 1:06 p.m. a fifth 9-1-1 call was received. The caller reported fighting, which had stopped. The caller indicated that the fighting was by the rose garden and that they did not observe any weapons being used and that no one was injured.

By 1:07 p.m., eight units were dispatched to Gage Park to respond to the 9-1-1 calls. These additional officers soon began to arrive at the park.

At 1:11 pm, POU units from City Hall were ordered to Gage Park. They made their way to Gage Park in unmarked vans. The POU commanders also drove to Gage Park.

Interactions between the public and HPS officers

While en route to the confrontation, the four uniformed officers were approached by a number of event attendees and community members. Most were directing the officers toward the confrontation. At least one Pride attendee expressed frustration toward one of the officers stating that it was about time the police showed up.

Near the confrontation, the uniformed officers were also met by a woman who was with her twelve-year old child. She questioned the officers about why they were not doing their jobs to stop the violence. There was a back and forth between one of the officers and the woman. The involved officer told me that the community member was swearing and yelling but that officers remained calm and tried to explain that event organizers had not wanted officers in the park and that it would take time to get enough officers to the scene to control the situation. The officer said that this community member then continued to yell at her and interpreted the officer's comment about police not being wanted in the park to mean that the police were not doing their job because they had not been invited.

I spoke to the community member who engaged with the officer and she shared a different version of events. She advised me that the officer was yelling at her and that the interaction was quite heated on both ends. She stated that she would not have sworn at the officers as she had her child with her. As the interaction continued with the officer and being concerned that she might find herself in trouble, she decided to disengage and walk away. The acting sergeant was with the officer but was not able to provide any information about this confrontation. He had not been paying attention to the interaction as he went over to speak with two people who appeared injured.

This was the interaction that formed the basis for an OIPRD conduct complaint discussed in Part 6. The complaint alleges that the officer said words to the effect that officers had not been invited; had been denied a recruitment booth and the violence was not the officers' problem.

Around the time the altercation was taking place, the Hamilton Pride 2019 organizer who spoke with police on June 13, 2019, approached the uniformed officers who had just arrived at the scene of the confrontation. The organizer was confused to learn that none of the officers on scene were the officer the organizer had spoken with two days earlier. The organizer was advised that the acting sergeant was the supervising officer at the event. At that time, the acting sergeant was on his cell phone attempting to coordinate the police response and calling for officers from central command to attend Gage Park.

Understandably, the Pride organizer wanted the four uniformed officers present at the event to stop the disturbance and control the situation. Given the number of people present and the potential for escalation, the acting sergeant determined that the four officers could not control the situation without additional support. He therefore decided to wait for back up officers to arrive before intervening. The officer told me that the organizer wanted the Agitators removed from their permitted area. However, at that point the officers were concerned first with controlling the situation. The Pride organizer then had to leave the location of the confrontation to attend to event related duties.

Two of the uniformed officers walked to the Agitators' side of the black tarp. I met with both officers, who told me that that people seemed to be responding positively to their presence and were not physically fighting. However, they did advise me that the situation remained very tense with a great deal of yelling, pushing and shoving back and forth. They described that the tarp was pushing against them in an apparent effort to block the Agitators and their signs from being seen by Pride attendees at the main part of the event.

All of the witnesses I spoke to, including all of the police officers I interviewed, described a highly charged and chaotic situation. While the officers I interviewed all report having seen yelling, pushing and shoving, none witnessed any punches thrown or other more physically assaultive acts during this time. Bear in mind, there was a large tarp and there were only six officers present at that point (the four uniformed and two plainclothes). It is therefore entirely possible that more violence was occurring, outside their field of vision, while they were present.

Many civilian witnesses and some police officers I interviewed described Agitators attempting to provoke violent reactions from Pride Defenders in an effort to capture them on video with a view to later publishing their identities online – a practice known as “doxing.” The Agitators were trying to provoke violence by invading the personal space of Pride Defenders and then quickly pulling back and filming the reaction from Pride Defenders. I was told by community members this was clearly a pre-planned strategy that some of the same Agitators have used before and after Hamilton Pride 2019.

1:15 p.m. to 1:30 p.m.

Between 1:15 p.m. and 1:20 p.m., approximately 10 more officers arrived at Gage Park. Some drove directly to the fountain before getting out of their vehicles. With the support of these additional officers, a police line was formed to separate the Agitators and Pride Defenders. By this time there were approximately 15 to 20 officers present. The situation remained tense, but officers began gaining control of the large crowd.

During this time, one of the Agitators' apparent leaders continued to use his megaphone to amplify highly provocative and hateful messages toward Pride Defenders including "you're full of hatred. Sexual deviance leads to more sexual deviance. It's a fact...Nothing but violence." HPS officers permitted this to continue without directing the Agitator to stop or confiscating his megaphone. As previously indicated, absent a permit, amplified sound is prohibited within City of Hamilton parks. The Agitators did not have any such permit.

One of the responding officers observed an assault committed by an Agitator against a Pride Defender. The officer arrested the individual but soon after released him after issuing a trespass to property notice but without laying any charges. While the victim of the assault refused to be identified or provide a statement to officers, it is unclear why a charge of assault was not laid given that an officer was a direct witness to the incident.

Between 1:22 p.m. and 1:27 p.m., POU units from City Hall arrived at Gage Park. They organized a more formal line between the Agitators and Pride Defenders. By this time there were approximately 25 to 30 officers present. Many of the community members I spoke to described the police line having been formed with officers facing Pride Defenders with their backs to the Agitators. To the attendees of the event I spoke with, this posture conveyed a message by police that they were present to protect the Agitators (including members of far-right, white supremacist and hateful groups) against Pride Defenders. The message conveyed by the line of officers facing Pride Defenders was that the Defenders were the aggressors and posed a greater risk. With their backs facing the Agitators this sentiment is fully understandable.

However, in fairness, the officers I spoke to described a situation where there were a great deal more Pride Defenders than Agitators present at that time and some of the Pride Defenders were dressed all in black with their faces covered. Whether warranted or not, police viewed those dressed all in black with their faces covered as a greater threat. From the accounts provided by officers and members of the community, at this point in time the Agitators had had enough and wished to leave the park.

1:30 p.m. to 2 p.m.

By 1:30 pm, the police had control of the situation. The two groups were still yelling at each other but were physically separated by the police line. Both Pride Defenders and Agitators were speaking with (yelling at) police officers in an attempt to report assaults. Officers advised both sides that unless they directly witnessed an assault taking place, they were going to calm the situation down before taking down reports and speaking to witnesses. They wanted the confrontation de-escalated before conducting any investigation of what had taken place.

Around 1:45 p.m., the leader of the Agitators approached one of the officers and wanted to report assaults committed against their group by Pride Defenders. The officer again responded that they needed to restore order, de-escalate the situation and then deal with reports of assaults and possible arrests after this was done.

The officer offered to speak with the leader of the Agitators after everything had calmed down and asked the leader to help them do that. The leader of the Agitators indicated that they wanted to leave and would do so if police helped them recover signs and cameras they lost during the commotion. Police agreed and at approximately 2 p.m., the Agitators were escorted from Gage Park near the northeast corner of the park.

I heard different accounts of when the black tarp and the masked Pride Defenders left the area. Officers had asked them to remove their masks but they declined to do so. Sometime between 1:30 p.m. and 2 p.m., the masked Pride Defenders with the black tarp left the area as well.

2 p.m. onward

After the Agitators left, some officers remained inside Gage Park. The Pride event continued uninterrupted throughout the confrontation. Indeed, many attendees at the event who were located near the vendor booths, beer garden and bandshell were completely unaware of what had transpired.

There were subsequent media reports that after leaving the park, some of the Agitators chased a group of youth who had been attending Pride. I was not able to confirm these reports. No one I interviewed had direct knowledge of these alleged incidents. While I did observe a brief video that some suggest may be the incident in question, given the quality and duration of the video, I was not able to confirm this allegation.⁵¹

The officers who remained inside Gage Park reported that most attendees were happy to see police at Pride and welcomed them with smiles and handshakes. Some attendees approached the officers and apologized for what had happened and the fact that some people had become upset with the police for their response to the confrontation.

Pride organizers asked police to leave Gage Park as the confrontation was over, Agitators were gone, and some attendees were feeling uncomfortable with a police presence inside the park. The officer now in command at Gage Park advised the organizers that police could not leave the park, but would move closer to the perimeter of the park and stay outside the main area of the event.

⁵¹ The short video can be seen here: <https://twitter.com/i/status/1140083997822861312>

After 2 p.m. no further altercations between the Agitators and Pride Defenders occurred. The festival continued without incident until its scheduled conclusion later that day.

I heard from community members that some attendees did leave Pride because of the presence of the Agitators and the altercation that took place. I learned that at least one family did not attend because someone they knew at Pride let them know of the presence of the Agitators and the violence that was occurring.

Police interactions with organizers

Some of the Pride organizers spoke with more senior commanding officers after the Agitators had left Gage Park and the situation had de-escalated. The situation was tense between the organizers and officers. Organizers were of the view that the police response should have been quicker and they ought to have been at the location of where the Agitators showed up because it was the same spot as 2018.

Officers had heard from media reports and from the OP that the organizers did not want uniformed officers at the event. The officers also wanted to get information on potential witnesses and complainants to any criminal offences.

Both the organizers and the police officers were somewhat frustrated with their communications. One of the officers asked an organizer if it was true that they did not want uniformed police in the park and the organizer denied saying that. The organizer told me that an officer asked “did you consider if you had given us the recruitment booth we would have deployed differently and none of this would have happened?” I spoke with the officers present during this conversation and they all deny making any comments about a recruitment booth. The officer who asked about the organizers’ not wanting uniformed officers said that his interaction with the organizer was approximately 30 seconds. The organizer thought it was inappropriate that the officers were talking about these issues and was upset with the police for their response to the situation created by the Agitators.

I was told by officers that the Pride organizer asked about officer deployment and response. Another officer present during the conversation said that for them it was more important to deal with the situation and not worry about pre-deployment planning until after that day.

This was a tense exchange with the organizers and officers having just dealt with a highly charged and emotional incident. The exchange was described as being “chippy”. It was relatively short and did nothing to resolve the feeling held by the organizers that police had not responded appropriately or professionally to the Agitators attending Pride at Gage Park.

Part 6: Events after Hamilton Pride 2019

Introduction

For many Hamiltonians, including members and allies of the Two-Spirit and LGBTQIA+ communities, the actions of certain Hamilton Police officers and senior command *after* the events of June 15, 2019 caused as much, if not greater, damage to the communities than the ugly events that unfolded in Gage Park.

Part 6 will review the events and issues that transpired after Hamilton Pride 2019.

Unhelpful communications

The relationship between the Two-Spirit and LGBTQIA+ communities and the HPS deteriorated further after June 15, 2019. Many members of the public I spoke with point to the HPS's Chief, Eric Girt's public statements as the underlying cause. Chief Girt's public comments shortly after the incident were taken by many to mean that the police responded slowly and inadequately to the violence at Gage Park because Hamilton Pride organizers did not "welcome" the police at the event and refused to grant the HPS a recruitment booth. The Chief told me that this was not his intention. Nevertheless, this was the message many took away from his comments.

LGBTQ Advisory Committee meeting held on June 18, 2019

The City's LGBTQ Advisory Committee meeting planned for June 18, 2019 turned into a public meeting about the events of June 15, 2019. Many community members spoke passionately about what they perceived as a wholly ineffective response by police. Two officers were in attendance at the meeting and they were called out. The meeting grew confrontational and quite heated.

Criminal investigations

Criminal investigations into what had transpired at Gage Park were ongoing. Police reviewed publicly available videos and interviewed witnesses who were willing to speak with them. Two-Spirit and LGBTQIA+ community members felt particularly betrayed when the first arrests arising from the investigations were against Pride Defenders. Demonstrations were held to protest police arresting Pride Defenders and people from The Tower, at least one of whom, by all accounts, was not even present at Gage Park on June 15, 2019.

Yellow Vest protests at City Hall

The ongoing Saturday protests by Yellow Vest and far-right groups and counter-protests at City Hall continued after June 15, 2019. Although police routinely

monitored the situation and kept the two groups apart, there were a few incidents that resulted in violence and criminal charges.

HPS Community Relations Coordinator

In July 2019, a new Community Relations Coordinator was hired to replace the previous coordinator who had retired in January 2018. The new Coordinator worked with the Chief and the HPS to hold consultation meetings with invited members from the Two-Spirit and LGBTQIA+ communities.

HPS's Communications: Media and social media coverage of June 15, 2019

In the immediate aftermath of Hamilton Pride 2019, there was criticism of the HPS's response and officer attitudes. A social media post described an interaction with officers who had shown little concern for the violence allegedly because police had not been invited to Pride and the violence was therefore not their problem. This enraged many Hamiltonians. This emotional pitch was heightened by the impact of videos of the event and confrontations, including footage of assaults that were posted online and viewed by many.

The HPS issued a press release on June 15, 2019 asking for witnesses:

"Disturbance at the Gage Park Pride Festival"

Hamilton Police Service are investigating a disturbance at the Gage Park Pride Festival.

On June 15th, 2019, Hamilton Police responded to reports of a large disturbance between two opposing groups at the Gage Park Pride Festival.

In the middle of the park away from the main festivities, officers located a large disturbance between two groups of individuals. Numerous people were engaged in a physical confrontation where several individuals received minor injuries. Police separated both groups and they were escorted off the property. At this time no victims or witnesses have come forward.

If you have any information that you believe could assist Police with the investigation you are asked to contact the Hamilton Police Service by calling 905-546-.2929.

To provide information anonymously, call Crime Stoppers at

1-800-222-8477 or submit your anonymous tips online at <http://www.crimestoppershamilton.com>⁵²

Hamilton Pride organizers issued a letter on June 16, 2019. The letter stated, in part, that:

“Upon reflection, we feel that much of what happened yesterday could have been prevented by Hamilton Police Services. Despite several attempts to meet with police in advance of Pride to hear their requests, we weren’t able to connect with them until April, which did not provide us enough time to hold a town hall with the community.

Hamilton Police Services did contact us this past Thursday to ask for information about what we were expecting would happen this year to inform their operational plan for the day. We explained, in detail, that this happened last year, where it happened, that this was happening at Pride celebrations in neighbouring cities, and that we expected there to be an escalation from protestors this year. Despite this, only a small number of officers were on hand on the opposite side of Gage Park (in parked vehicles).

There have been long-standing issues between the 2SLGBTQIA+ community and Hamilton Police Services that remain unresolved. We feel that this was an opportunity for police to demonstrate that they were there to protect and act in solidarity with the community. The operational plan discussed on Thursday was not put into place and it took far too long for police to respond to the escalating situation created by the protestors.”⁵³

The disturbance and violence at Gage Park received a great deal of media attention scrutinizing the adequacy of the HPS’s response. A few of the stories:

Dan Taekema, “Police took ‘far too long’ to respond to ‘violent’ Pride protest: Pride Hamilton”, *CBC News*, June 17, 2019, Online:

<https://www.cbc.ca/news/canada/hamilton/pride-hamilton-protest-1.5178037>

Raneem Alozzi, “Hamilton police investigating large fight at Gage Park Pride Festival”, *Toronto Star*, June 15, 2019, Online:

<https://www.thestar.com/news/gta/2019/06/15/hamilton-police-investigating-large-fight-at-gage-park-pride-festival.html>

⁵² Hamilton Police Service, Online: <https://hamiltonpolice.on.ca/news/disturbance-at-the-gage-park-pride-festival/>

⁵³ Pride Hamilton, June 16, 2019 letter, Online: https://static.wixstatic.com/ugd/3f1d0c_377f7a0347f84e459b18244968ed2e35.pdf?fbclid=IwAR0Nl-kqzzzEyIDli00kz2kHMjOjULGhJeBgKdGHVYhixLi_4jJaal0FNeE

“Hamilton police looking for witnesses after an altercation at Pride Hamilton”, *CHCH News*, June 16, 2019, Online: <https://www.chch.com/hamilton-police-looking-for-witnesses-after-an-altercation-at-pride-hamilton/>

City of Hamilton and Mayor’s response to events at Gage Park

The Mayor (and Chair of the Board) issued statements condemning the violence at Gage Park. There were also responses and initiatives from the City of Hamilton. Given the scope of this Review, I will only address the City initiatives that relate to the HPS response and the impact these initiatives have had on the HPS’s relationship with the LGBTQIA+ communities and their allies. For example, one of the City’s initiatives was that the Mayor attempted to convene a meeting with LGBTQ community leaders. In doing so, he appointed two advisors. This was met with pushback from the communities. At a public gathering the Mayor also apologized for the pain and fear that the LGBTQ communities were experiencing in the aftermath of Pride.⁵⁴

Many members of the community expressed deep concern with the Mayor’s role as Chair of the Board and the manner in which the Board oversees the HPS. There is a clear sentiment within the community that the Board has not and does not hold the HPS accountable with respect to issues surrounding policing and the Two-Spirit and LGBTQIA+ communities. One example was a tweet posted by the Mayor shortly after June 15, 2019. The Mayor referred to public criticism that HPS officers hung back and were reluctant to respond as a “false narrative.”⁵⁵

On June 16, 2019, in response to the events at Gage Park the day before, the Mayor tweeted that “Hate speech and acts of violence have no place in the City of Hamilton. We are committed to being a Hamilton For All where everyone feels safe and welcome.” The Mayor’s tweet prompted replies questioning why a known Neo-Nazi was still employed by the City (his employment ended in August 2019) and why members of the Yellow Vest and far-right movements were permitted to spread their hateful views every Saturday at City Hall. To many in the community, the Mayor’s tweet was seen as hypocritical.

⁵⁴ Dan Taekema, “Mayor apologizes for ‘pain and fear’ felt by LGBTQ community after Pride violence”, *CBC News*, July 6, 2019, Online: <https://www.msn.com/en-ca/news/canada/mayor-apologizes-for-pain-and-fear-felt-by-lgbtq-community-after-pride-violence/ar-AADYYGH>

⁵⁵ Fred Eisenberger Tweet, June 22, 2019, Online: <https://twitter.com/fredeisenberger/status/1142373485508997125?lang=en>

June 18, 2019 community meeting at City Hall

As previously described, the City of Hamilton's LGBTQ Advisory Committee had scheduled a community meeting on June 18, 2019 to discuss the Rainbow flag raising at City Hall. In light of what transpired on June 15, 2019, the entire focus of the community meeting was the violence at Pride and the police response. Deputy Chief Bergen attended the meeting in uniform along with a plainclothes officer within the hate crimes division of HPS. The officers said they were there to listen to the communities' concerns. However, some attendees did not appreciate the officers' presence and were very vocal about it.

A large group of people attended the meeting held in council chambers. Community members spoke about Gage Park and how the police had responded to the Agitators and the violence that ensued. There was some debate about the police response – whether it was simply too slow or whether police actively stood by and allowed violence to unfold. It is important to point out that not all attendees expressed disdain for the HPS's response. While there was a great deal of anger and resentment at the way in which the police responded to the hateful events on June 15, 2019, some community members were grateful for the police support and had no concerns about their response.

The meeting was heated and in a widely reported exchange, Cedar Hopperton, a LGBTQ activist and self-proclaimed anarchist affiliated with The Tower, publicly called out the two officers present at the meeting, stating "I would encourage those people right now sitting at the back to get the fuck out...The idea that we should turn to them for protection is actually ludicrous."

During the speech, Hopperton said "I am not part of any community that includes police." Instead of relying on the police for protection from hate groups, "let's figure out how to use measured force ourselves and figure out when it's appropriate to do so." According to a news report of the meeting, Hopperton said that "the queer community...should find the strength to be violent, or its choice to be peaceful will mean nothing."⁵⁶ At the time the comments were delivered, Cedar Hopperton was on parole in connection with a conviction for vandalism that took place on Locke Street in Hamilton in 2018.

I met with and interviewed many of the community members and both of the officers present at the meeting. Although the two officers viewed their attendance as a means of furthering the HPS's understanding of community concerns by being there to listen and learn, community members in attendance had a different impression. Many felt that the police were inappropriately intruding and hijacking the meeting to make it about the HPS. Some attendees felt that the officers were

⁵⁶ Samantha Craggs, "'We f-cking see you': Hamilton LGBTQ meeting turns into anger at police", *CBC News*, June 19, 2019, Online: <https://www.cbc.ca/news/canada/hamilton/pride-community-conversation-1.5180950>

only present to keep an eye on what was happening. They felt as though they were being spied upon by the officers. Some community members did appreciate the police attending and listening to the community.

The communities' sentiment of being spied upon was reinforced after Hopperton was arrested on June 22, 2019 on the ostensible grounds of a parole violation for allegedly having attended Pride as a defender. Hamilton Police participated in Hopperton's parole violation hearing to support the revocation of parole. According to the Parole Board's decision: "the [HPS] investigators suspected that the bodily features match several people who are part of The Tower, and that one of the photographed masked individuals was the applicant (Hopperton)."

During the parole revocation hearing, 13 people swore affidavits in support of Hopperton, stating that Hopperton had not been at Gage Park on June 15, 2019. The Parole Board ruled that Hopperton had not breached a condition of parole on June 15, 2019, finding that it "was improbable that the applicant [Hopperton] was in attendance."

Despite this finding, Hopperton's parole was in fact revoked on the basis of the comments made during the June 18, 2019 public meeting.⁵⁷ Understandably, this created further frictions and distrust between the Two-Spirit and LGBTQIA+ communities and the HPS. From community members' perspectives, the HPS had no apparent concern and took no action when Agitators spewed hateful messages in order to intimidate Hamilton Pride 2019 attendees and supporters – they were exercising their right to free speech under the *Charter* and not breaking any laws. In sharp contrast, Hopperton's critical comments about police, delivered at a public meeting in City Council Chambers, resulted in a parole violation and incarceration. The community expressed concerns to me that the HPS does not consistently protect free speech – that freedom of speech seems to depend upon the speaker. These events further exacerbated the mistrust of HPS leadership.

Chief Girt's Comments on the Bill Kelly Show⁵⁸

June 19, 2019 Comments regarding Deployment

On June 19, 2019, Chief Girt spoke to Bill Kelly as part of the Chief's regular Town Hall segment on the Bill Kelly Show on the radio. The Chief referenced Cedar Hopperton's speech during the interview and also talked about the deployment of HPS officers to Gage Park on June 15, 2019. He addressed Pride Hamilton's statement that it took far too long for the police to respond and that officers had not implemented their OP.

⁵⁷ Parole Board of Ontario decision can be found Online:

<https://www.scribd.com/document/416741271/Parole-decision-Cedar-Hopperton>

⁵⁸ Audio recordings of Bill Kelly Show, available Online:

<https://globalnews.ca/hamilton/program/bill-kelly-show>

The Chief spoke about “people, who either extreme left or extreme right wanting to engage in fundamentally criminal acts.” Many view the Chief’s comments as morally equating the conduct of hateful anti-LGBTQ Agitators with that of Pride Defenders. During the interview, the Chief also referred to Hopperton’s comments regarding the need for violence and mentioned that there were “groups looking for a fight,” implying that the Pride Defenders dressed in black with pink face coverings, who employed the black tarp were simply looking for a fight. To many in the Two-Spirit and LGBTQIA+ communities, the Pride Defenders’ actions, unlike those of the HPS, were welcomed and served to protect Pride event attendees from hate, hateful messages and white supremacists.

Chief Girt also told Bill Kelly during that interview that if organizers had not requested uniformed officers not be in the festival, “we would have had people in the crowd pretty much the whole time...On the property. It’s pretty simple...Keeping mind the context here. We were not invited to the event. We were asked not to be at the event and we remained on the perimeter. We have to respect the requests, too. It’s kind of a no-win situation where you’re asked not to be there, and then when you’re not there, how come you weren’t there?”

The Chief referred to the fact that Hamilton Pride 2019 organizers also denied the HPS’s request for a recruitment booth, but that it was their prerogative to do so. The Chief said the response by police was “very quick.” The POU was at City Hall monitoring the Yellow Vest demonstration but ready to respond to Gage Park if necessary. However, it would take time to drive from City Hall to Gage Park.

The Chief also stated that Gage Park was a large park and talked about the difficulties surrounding identifying where an incident was occurring and giving landmarks to officers in responding to an unfolding situation. According to the Chief, police did not know where any potential incidents would occur and they did not know where and when people might show up at Gage Park on June 15, 2019.

The Chief stated that they had reached out to the organizers with their own Internal “GLBTQ” support network (the ISN) and had been told they should not be present for a variety of reasons and that they could not have a recruitment booth, which the Chief said “was fine and their right to do so.”

Many Two-Spirit and LGBTQIA+ community members were angered by the Chief’s comments on the Bill Kelly Show. The Chief attempted to explain why officers were on the perimeter of the park and how the response was “very quick” given their location. The public heard a very different message. From those I spoke with, and based upon media and social media accounts, the message received by the Two-Spirit and LGBTQIA+ communities was that police would have responded more quickly and effectively if they were welcomed inside the event and if permitted to have a recruitment booth. To many, the Chief’s

comments on the Bill Kelly Show seemed to imply that policing of the event was contingent upon event organizers endorsing and welcoming police.

One listener asked the Chief if the police planned to make any arrests, to which the Chief indicated, yes. The Chief also indicated that some witnesses and complainants might also be an aggressor or an individual bound by court order not to be present at demonstrations. To many community members these statements were implicitly about some of the Pride Defenders and their alleged affiliation with the anarchist Tower movement. These comments were also interpreted as a type of moral equivalency. As one community member I spoke to put it, this was Hamilton's version of President Trump's Charlottesville "very fine people on both sides" comment.

Many community members felt the messaging from the Chief and other officers about police not being "invited" to Pride celebrations implied that because they were not invited to the event, HPS was "punishing" Pride by not enforcing the law. Many community members made the point that policing is an obligation, not an "invitation only" event, and while not formally part of an event, police officers cannot be prohibited from entering any public space. None of the officers I interviewed, including the Chief and others in senior command, drew a connection between the HPS response at Gage Park and the refusal to grant HPS a recruitment booth at the event. Many were not even aware of the request (and denial) for a recruitment booth.

During the interview, the Chief mistakenly (and repeatedly) referred to the Two-Spirit community as "twin spirit". He later acknowledged and apologized for the error. But to many, the error further exacerbated the hurt felt by marginalized communities.

July 12, 2019 follow up comments on deployment

The Chief appeared on the Bill Kelly Show again on July 12, 2019. The Chief further discussed the deployment of officers at Hamilton Pride 2019. He indicated that there were more than two officers at Gage Park and that out of respect for the request of organizers that uniformed officers not be present at the event, there were no uniformed officers present within the park. He confirmed that there were plainclothes officers in Gage Park. The Chief stated that officers needed to make an assessment about when and how to intervene. If officers were outnumbered and/or incapacitated, their use of force options (for example, a firearm) would potentially be available for someone to take and use. This concern is legitimate and entirely understandable. If there is a large group of people engaged in aggressive and escalating behavior, having two or three officers try to intervene may well pose serious risk to all involved.

The Chief did not get into the specifics of the deployment but did state that there was another event at City Hall that HPS was monitoring and that he had

authorized the deployment and readiness of the POU at City Hall to also be ready to respond to any situation that developed at Gage Park. The Chief did not want to get into the intelligence the police had or other police tactics. The Chief stated that the HPS needed to balance the needs of policing with the wishes of the organizers. They needed to balance business continuity, meaning that the HPS needed to be able to respond to other calls for service from the rest of the City.

With respect to a question about the HPS being denied a recruitment booth, the Chief said "I don't take offence and I never did, if you're not invited to do a recruiting booth, that's fine. Some events, not just this, we're asked and others we're not. I don't take any great umbrage to that."

According to the Chief, cost was never a factor in terms of how the HPS officers were deployed. While there are obviously costs associated with large scale deployments, the Chief was not concerned with any pushback from the Board when he had to present the costs of how the HPS responded and allocated resources.

When asked by Bill Kelly if an apology was required, the Chief stated "well this is the problem. You've got one side of the story but not the alternate. And I think, you know, if we go to an investigation or overview or review, however the board determines, that will come out in due course...what you've got is one side of the story and then we need to respond in front of an adjudicative body. I don't think it's productive to have a trial or review strictly in the media. I think we have oversight bodies, they have authority to review those things, and those things are in place for particular reasons and as I say I look forward to the review and the full review of that by those adjudicative bodies." When asked if they would do things the same way the Chief replied they were always "open to learning from events but had to make decisions with information" available. The Chief went on to say that this was about relationships and there were "opportunities on both sides for learning" referring to organizers and police working together to ensure safety at events.

The Board meeting - July 18, 2019

On July 18, 2019 Chief Girt presented some information at the Board meeting regarding policing at Pride. Deputations were also made by organizations that supported an independent review of the HPS with regards to Pride 2019. Two board members from Hamilton Pride presented a deputation countering some of the information the Chief had provided both at the Board meeting and during the Chief's Town Hall interview on the Bill Kelly Show. When the Chief was presenting information, there was some heckling and profanities shouted from the crowd. The meeting had to be recessed at one point in order to escort some members of the public out of council chambers.

The Chief stated that the HPS response to what transpired at Gage Park was in no way dependent upon having been invited to the Pride celebrations. The Chief indicated that police had been ready to respond and in fact did respond when violence broke out. The Chief further stated that the HPS tried to work with organizers prior to the event and that an officer had spoken with one of the organizers days before the event. The Chief said that he was not sure anyone would have known where the Agitators would come from. In terms of lessons learned and what the HPS would do differently going forward, the Chief indicated that the drafting of OP's would remain the same and that allocation of resources is necessarily done on a case-by-case basis. The HPS reserved judgment on what further changes should be made based upon the outcome of this review.

The Board meeting was the start of the process that ultimately resulted in the decision to conduct an independent review of the events that transpired at Gage Park and the police response to those events.

September 10, 2019 comments regarding working with LGBTQ communities

On September 10, 2019, the Chief appeared on the Bill Kelly Show for his regular Town Hall segment. This appearance was after the August 29, 2019 initial meeting that the Chief had attended with LGBTQIA+ community members that will be discussed below. Part of the Town Hall included a discussion of that meeting.

As part of that meeting, one of the community members had talked about how the police had worked with the LGBTQIA+ communities in the past on issues such as some men not having a safe space for sexual encounters, and sexual activity in public places. This is an issue that requires greater understanding from the police.

While discussing HPS's cooperation with the LGBTQIA+ community on air, Chief Girt told Bill Kelly that "one of them (a community member) talked about the approach we had to take collectively for public sex in washrooms. And you've got the complaints perspective from families attending, Centre Mall, for whatever reason used to be kind of an epicenter. So, we worked collaboratively to say that we understand that, this may not be the best place to do it. I understand you've got consenting adults that want to do that, but it's in a public place so kind of have to strike a balance there. It's different than the bathhouse, it's different than the other things that have gone on through the course of time, but my point is if you can work collaboratively to meet both objectives because the last thing we want to do is cause additional harm to whoever is involved in that activity. So we're working towards that, we have another meeting coming up."

Later in the segment, Chief Girt was speaking about the law and how he was required to uphold the law, especially the constitutional right to free speech even

in circumstances where there are demonstrations and hate-fueled speech. The Chief stated that he is bound by what the courts have said about hate speech.

The Chief attempted to illustrate how laws and court interpretations of laws can and do change in progressive ways over time: “For example, we’ve had some recent amendments to the Criminal Code that have finally removed anal intercourse as a prohibited activity. Finally. And that’s after years and years of petitioning. So, when you have consenting adults engaged in it was fine. If you have conditions where you have a youth involved, that’s a whole other ball of wax but on the Code for years was this particular offence. Now with the change in times it hasn’t been enforced, for good reason.”

These comments were immediately condemned by the community and met with extraordinary disdain. Whatever the intent, the Chief’s comments were hurtful and incredibly harmful to many.

The Chief apologized shortly after the Town Hall appearance, issuing a media release: “On Tuesday, I made statements on CHML that were offensive to the 2SLGBTQ+ community. These comments were made as I attempted to illustrate a point about legislative change. I appreciate the impact of the words I chose and for this, I apologize. I recognize the relationship with our 2SLGBTQ+ community is strained but I am committed to repairing this relationship and moving forward.”

Without exception, those I spoke with were both outraged and hurt by the Chief’s comments. No one felt that his apology was sufficient to repair the harm caused. Many viewed the comments as indicative of the Chief’s “true” views and lack of understanding about the LGBTQIA+ communities. The members of the community were outraged that the image of LGBTQIA+ communities conjured up by the Hamilton Chief of Police was little more than people indiscriminately having sex in public places and of gay men preying on vulnerable youth. The comments, whether intentional or not, had the effect of dehumanizing valuable members of Hamilton society and simply reducing them to sex craved caricatures. Most of the community members I spoke with conveyed a sense of irreparable betrayal and a deep loss of trust in the Chief and the HPS.

Based on my meetings with the Chief and HPS’s corporate communications manager, it is evident that the Chief never intended to be offensive or hurtful with his comments. Despite this, the actual impact of the Chief’s comments, have, in fact, been harmful and deeply offensive to many Hamiltonians.

The Chief is the head of and public voice for the HPS. The Chief sets the tone for the entire HPS and how it is perceived throughout Hamilton and beyond. The Chief has committed to further training on LGBTQIA+ issues and greater media awareness and training. The comments made on the Bill Kelly Show have, to many, irreparably harmed the chances for mending the relationship between the HPS and the Two-Spirit and LGBTQIA+ communities in Hamilton. One of the

views expressed by community members is that these comments have disqualified Chief Girt from his position and that a new Chief should be appointed. This issue is well outside the scope of my mandate and this Review.

Community views on police response to Gage Park

From the depositions made by community members at the Board meeting on July 18, 2019, as well as during the dozens of interviews I conducted with the community, it is evident that the community has very strong, resentful feelings about the police response at Gage Park and the subsequent comments by HPS commanding officers. Many community members who attended Gage Park on June 15, 2019, feel that police officers were dismissive of their concerns and treated them rudely. The feedback I received from community members make it clear that there is a distinct feeling of having been neither protected nor supported by the police:

“No one asked ‘how are you doing?’ No humanity was expressed. Instead what was said on public television...[Mayor] Fred Eisenberger said quite frankly we have a problem with the Pride committee... I don’t know how to come back from that when they aren’t in a position to understand how to apologize.”

[The police are] *“not responsible for that physical act of violence. Nobody can hold you to it. But you can at least acknowledge it. Take some responsibility. At least do that. If you can’t do that, say sorry I fucked up, nothing’s gonna happen.”*

“After the violence I am witnessing the trauma in people...not trusting...the Mayor and the Chief should let the community know you understand they are living with this trauma...the first thing is don’t even say you know how we feel, you don’t...no one should have to witness this type of violence.”

Many expressed the view that HPS officers approached the situation at Hamilton Pride 2019 as though it was simply a protest with two opposing sides. Community members expressed frustration that the HPS was not more sensitive to the legitimate concerns of Pride attendees. Community members I met with were unanimous in the view that comments from officers about deployment and police not being invited have been extremely hurtful and harmful. Whether intentional or not, the message conveyed to members of the public was that because the police were not invited to the event, they were not going to rush to protect attendees from Agitators and their hate-fueled messages. To many, this reinforces the notion and existence of the phenomenon of under-protection and over-policing marginalized communities.

Many community members indicated to me that they thought officers who responded or were involved in Pride policing should have been more knowledgeable about historical LGBTQ interactions with police and should have possessed a greater understanding of the sensitivity required to address these interactions. A community member who organized previous Hamilton Pride events told me that when there had been issues in the past, police had reached out to community members and checked in with them.

“Attacked by soccer fans, the Mayor and Chief checked in with me, what can we do, what message can we send out?”

In the immediate aftermath of Hamilton Pride 2019, many felt as if the HPS did not care about their community and they had failed to reach out to see how community members were managing.

This sentiment was magnified by the fact that the first three people arrested in connection with the Gage Park events were Pride Defenders. In the community, the overwhelming reaction to the arrests was that the police were protecting and had given a pass to the Agitators who came to disrupt the celebration. These arrests reinforced rather than condemned their actions.

Whether objectively true or not, the communities feel that the HPS has not taken any responsibility for how the officers responded to the violence at Gage Park. This perception must be resolved for the relationship to begin to move forward in a positive manner. The consistent message being conveyed by the HPS is that police deployed properly and immediately, and that any delay in arriving at the location of the confrontation was due to Pride organizers not wanting police inside the park. Many in the community take umbrage with this and say that it was widely known that the same Agitators were expected to re-attend in 2019 and likely at the same location as they had been at in 2018.

Community members consistently indicated to me that an immediate apology from HPS command, along with a commitment to review the OP and the deployment of officers, would have gone a long way to reassure them that the HPS took their concerns seriously. The community was looking for a very clear statement by the Chief that the HPS will always ensure public safety and order at Hamilton Pride and other City sanctioned events, regardless whether they are formally invited to participate in the event or not.

HPS investigations and charges laid for Gage Park and their effect on the Two-Spirit and LGBTQIA+ communities

Officers within the criminal investigation division (CID) at Division 20 investigated the events of June 15, 2019. As previously indicated, press releases were sent out asking for witnesses and victims to come forward. Investigators reviewed videos that had been posted online.

Some of the Pride Defenders were charged criminally. In speaking with dozens of officers, it is clear that the HPS views the Pride Defenders as being comprised mostly of anarchists from The Tower. For many members of the community, there is deep concern that equating Pride Defenders with anarchists from The Tower is a convenient and improper way for police to vilify those who sought to keep hateful people from Hamilton Pride 2019. Many feel that labeling Pride Defenders as the “anarchists from The Tower” serves to deflect attention away from the police and create a false narrative that criminals and thugs who were responsible for the Locke Street riot and property damage also caused the violence that unfolded at Gage Park.

Many feel this is being done to create division, as many Two-Spirit and LGBTQIA+ community members and the wider Hamilton community do not support anarchists from The Tower and condemn the property damage committed on Locke Street. Regardless of the sentiments toward Pride Defenders and individuals from The Tower, many members of the community expressed concern over the HPS’s handling of Hamilton Pride 2019, some of the post-Pride event comments made by senior officers, and the criminal investigations and charges that followed.

Following the event, the first three people charged with criminal offences were Pride Defenders. The charges all relate to breaches of probation and parole, not violence. As discussed above, one of those arrested was Cedar Hopperton, who was arrested for a parole violation related to the June 18, 2019 community meeting.

As investigations continued, Hamilton police made a few more arrests and laid criminal charges. However, the initial arrests of Pride Defenders for non-violent offences created a tremendous strain on the relationship between the HPS and Two-Spirit and LGBTQIA+ community members and their allies. Many think that in order for the relationship to begin to mend, charges against the Pride Defenders ought to be withdrawn. It is significant to note that once a criminal charge is laid against an individual in Ontario, police officers do not have the power or authority to withdraw the charges - only Crown counsel have that authority. Police are able to provide input to Crown counsel but they do not possess the authority to have charges withdrawn. Based upon my interviews with senior ranking HPS officers, they do not plan on recommending the withdrawal of charges against any of the Pride Defenders.

The charges against Pride Defenders resulted in demonstrations outside Hamilton Police Central Station. A march/rally was also held at Gore Park in late June 2019. Most of these demonstrations were sparked by the controversial arrest of Hopperton. One of the demonstrations took place outside the Mayor’s

personal residence. Various arrests and criminal charges were laid in connection with this protest.⁵⁹ The arrests created further friction with the police. Many in the community viewed the demonstrations as peaceful (albeit loud) while the Mayor and the HPS labeled the demonstrations as “serious” and “harassment.” Many in the community compared these arrests with the failure to stop the Yellow Vest and far-right protests at City Hall. Many feel as though there is a clear inequity in the police approach to the two situations – that police and the Mayor are pro-hate and anti-inclusion.

A number of the people I interviewed expressed frustration over the refusal of Hamilton Police to arrest more of the Agitators at Gage Park. Many were told by police that arrests could only be made if the victim provides a statement. This is not correct in law. While direct witnesses and a co-operating victim are typically the backbone for criminal prosecutions, police have discretion to lay charges if there are reasonable and probable grounds for believing a criminal offence has been committed. Reasonable and probable grounds can be formed with evidence from the victim, but even without a cooperating victim, prosecutions can and frequently do proceed with eyewitnesses, third party witnesses, video footage and/or photos. A cooperating victim is important but is not essential to criminal prosecutions.

Many in the community hold the view that the HPS investigations unfairly targeted Pride Defenders, particularly individuals associated with The Tower. There is a feeling that criminal charges against Agitators were only laid after public outrage and critical media reports surfaced over Cedar Hopperton’s and other Pride Defenders’ arrests. This is despite the violent conduct of Agitators like the “helmet guy” that were captured on video and widely circulated in traditional and social media. I heard from more than one community member that the “helmet guy” attended Toronto Pride and was equally as violent in Toronto as he had been in Hamilton the week before. Community members said that if the “helmet guy” had been arrested and charged immediately after Hamilton Pride 2019, his continued aggression at Toronto Pride would not have taken place.

Given that charges related to the events at Hamilton Pride 2019 remain before the courts, this Review will not directly address the nature or merit of the criminal cases. The Terms of Reference for this Review do not require any such assessment. However, the fact of and timing surrounding the laying of criminal charges is itself relevant to the context of the Review and the communities’ perception of the HPS.

⁵⁹ Dan Taekema, Samantha Craggs, “Mayor says sign posters outside his house don’t represent LGBTQ Hamiltonians”, *CBC News*, June 28, 2019, Online: <https://www.cbc.ca/news/canada/hamilton/mayor-says-sign-posters-outside-his-house-don-t-represent-lgbtq-hamiltonians-1.5193760>

The police have the duty to investigate and to lay charges when there is evidence that criminal offences have occurred. Investigators must be fair and impartial when exercising their discretion and deciding whether or not to lay criminal charges. For good reason, not every allegation of a crime results in a criminal charge being laid.

The HPS senior command is of the view that the investigation and charges laid in connection with the violence at Hamilton Pride 2019 were executed with impartiality. According to the HPS officers I met with, charges were laid against those who committed criminal offences, without regard to their affiliation with the Agitators or Pride Defenders. The HPS takes the view that criminal conduct is criminal conduct, regardless of social or political views. A physical assault is a criminal act no matter how hateful and harmful the statements of the Agitators might be. While indeed vile and disturbing, the hateful signs and comments do not constitute criminal hate speech. Likewise, if individuals are bound by court orders, they must abide by the terms of those orders.

From the community's standpoint, the police ought to have approached events at Hamilton Pride 2019 through an "equity" not "equality" lens. It was unnecessary for the police to treat everyone involved in the confrontation the same. Many people showed up at Pride to use messages of hate to disrupt a City permitted, family-oriented celebration. They were there for one reason – to agitate and provoke confrontation. The overwhelming majority of community members who shared their views with me felt that the police could have prevented the confrontation by ensuring that the Agitators were not allowed to enter or remain in the park.

City Hall protests continued through 2019

Following Hamilton Pride 2019, members of the Yellow Vest and some far-right groups continued to demonstrate at City Hall every Saturday. Concerned Hamiltonians from all walks of life attended City Hall to counter these "demonstrations". They include school teachers, academics, union members and some people from The Tower. One small group of Hamiltonians banded together to form "PLAID" (Peace Love Acceptance Inclusion and Diversity). PLAID members have sought to counter the Yellow Vest and far-right messages of hate and exclusion with positive messages, including having a choir group sing at City Hall on Saturdays.

As noted in Part 2 and Part 7, the HPS has, on some occasions, physically separated the two groups by using barriers. However, many community members I met with expressed the view that HPS officers were protecting and therefore emboldening the Yellow Vest and far-right demonstrators, despite the hateful messages they spread. Many believe that the HPS officers favour the far-right groups and it is difficult for PLAID and other community members to report crimes.

I heard from a number of community members about an incident at City Hall where a far-right demonstrator slowly drove a bus up the sidewalk at City Hall in the direction where PLAID members were gathered. The driver of the bus was not arrested or ticketed by police. After some time and discussion with police, the driver of the bus was permitted to leave the front of City Hall to drive around back and park the bus. Those I spoke with felt confident that had a member of The Tower or a PLAID member done the same thing, they surely would have been arrested and charged. One of the senior officers I spoke with referenced this situation and indicated that the driver of the bus had mental health issues and there were considerations that the police had to take into account with respect to arresting and charging the driver.

Multiple community members recounted an incident on a hot summer day where a young LGBTQIA+ person dancing in the street at a cross walk outside City Hall was taken into custody and placed for an extended period of time in the back of a cruiser with the windows up and the car turned off. This was cited as an example that Hamilton police officers are biased in favour of the Yellow Vest and far-right demonstrators. Community members were outraged by what they perceived as the “hot boxing” of a young, LGBTQIA+ person simply dancing in the street.

Regrettably, the City Hall demonstrations resulted in violence on a couple of occasions. In the fall of 2019, one of the PLAID counter-demonstrators was arrested and charged with assaulting a Yellow Vest member. In December 2019, a Yellow Vest member was arrested and charged with kicking a PLAID member in the head. Both people who were charged are prohibited from attending City Hall and both charges are still before the court.

Given the escalating tensions at City Hall each Saturday, in late October, 2019, the City of Hamilton implemented a by-law (By-Law 19-259 mentioned in Part 3) that permits officials to issue trespass to property notices against members of the public where warranted.⁶⁰ Notices have since been issued to a number of members of the Yellow Vest group.

While the number of Yellow Vest and far-right demonstrators dropped as winter approached, this was expected to change with warmer weather. It remains to be seen whether the Yellow Vest and far-right demonstrations will continue once COVID-19 restrictions on public gatherings and social distancing are lifted. Since the pandemic measures were implemented, no such gatherings at City Hall have been permitted or have taken place.

⁶⁰ <https://www.hamilton.ca/sites/default/files/media/browser/2019-10-25/19-259.pdf>

HPS and LGBTQ community meetings

Soon after being hired in July 2019, the HPS's new Community Relations Coordinator helped convene meetings between senior HPS officers and members of the LGBTQ community. The intended purpose of the meetings was to build a stronger relationship between the HPS and the LGBTQ community. Meetings were held on August 29, 2019 and October 29, 2019. A March 16, 2020 meeting was scheduled, but cancelled due to COVID-19.

From the start, questions were raised about the attendees at the meeting. Many in the community felt that the meeting should not have been by invitation. A number of people also expressed concern that those who were invited were not necessarily representative of the Two-Spirit and LGBTQIA+ communities' diversity of experiences and views.

Additionally, one of the anticipated facilitators for the meeting (chosen by the HPS) was seen by some community members as being pro-police, lacking independence and therefore credibility. These concerns were raised with the HPS at the first meeting and the other co-facilitator took over facilitation of the meeting and continued to do so for the next meeting.

The August 29, 2019 meeting opened with Chief Girt's providing an apology to the community. The apology was released to the community members present at the meeting and provided to me by some of those in attendance. The Chief's apology is attached as Appendix 1 of this report. The Chief took responsibility for the strained relationship between the police and the LGBTQ community. He expressed regret and understanding as to how his remarks on the Bill Kelly Show caused hurt and anger in the community. The Chief also apologized for using the phrase "twin spirit" on the Bill Kelly Show.

During the first meeting, HPS senior officers listened to community members express their experiences with the HPS and discuss how they could move the relationship forward. The community expressed anger, fear and hurt at the HPS's handling of the Gage Park events and the historical relationship with the police. There were a number of important topics and themes that the community raised. The HPS heard that community members were further angered by comments made by the Service and that these comments contributed to the distrust of the Service. They heard that the Service needed to be more transparent and accountable. They heard that the community felt targeted and worried about the treatment of youth and the rise of hate in Hamilton.

Frustration was expressed over the fact that year after year the community is asked to share its experiences with police and government officials yet nothing ever seems to change. These were just some of the topics that were discussed at the first meeting. One of the important points made was that there needed to be

measurable, documented steps, indicating both a commitment and a tracking of progress made.

During the second meeting the Chief presented an action plan entitled “The Way Forward.” The meeting was organized as a workshop to discuss the action plan and answer questions from the community members in attendance. Some of the questions related to the Chief’s appearance on the September 10, 2019 Bill Kelly Show, when he commented about men engaging in sexual acts and anal intercourse. To put it mildly, members of the community were very upset by the Chief’s comments.

At the second meeting, Detective Constable Rebecca Moran was introduced as the LGBTQ liaison officer – although, as discussed in Part 7, D.C. Moran was not formally introduced to the wider public until February 14, 2020. The action plan and steps that the HPS has taken since presenting the Plan, including the appointment of D.C. Moran as LGBTQ liaison officer, are discussed in detail in Part 7.

The HPS tried to organize a meeting in December but with the holiday season, scheduling was difficult and the meeting was postponed until the new year. The next meeting was set for March 16, 2020 but was cancelled as a result of COVID-19. Given current circumstances, no meetings have been held since October 29, 2019.

The community feels they continue to re-tell the same experiences without any significant change

Many of the community members I met with expressed frustration over having to volunteer their time to provide insight and share their lived experiences for yet another inquiry/review process related to the Two-Spirit and LGBTQIA+ communities. Community members I met with are tired of giving their time, giving of themselves in a very real way, only to see little, if any, change come from it. Based on past experiences, many are skeptical of the meetings with the police and the merit of this Review, particularly what it will accomplish. There is concern that this Report will merely find its place on a shelf like so many other reports that have come before.

“I can speak on behalf of so many of us. We’re tired of engaging in this. We just want to live our fucking lives...this has sucked so many of our volunteer hours. I’d rather be creating instead of responsive and reactive to systems of oppression...We don’t want to fight, we want to move along. We want some accountability, tidy up and move along.”

Speaking about the impact of the report on the police and the community, one person I met with stated:

“The police are going to survive. They’re going to fuck up and get increases in their budget every year. This has more impact on our community.”

I repeatedly heard from community members that they were not telling their stories and experiences for the first time. They had been voicing their concerns for a long time and did not feel that they were being listened to. At the meeting on August 29, 2019, one of the community members present challenged senior officers about the stories and experiences that had been listed on the flipchart and officers responded that they recognized these were not new issues and that the HPS had heard them all before. The senior officers I spoke with did not disagree. Many of the same issues from years - if not decades – ago, remain unresolved.

I spoke to community members who have been advocating on behalf of LGBTQ communities for close to 40 years. These community members have had experiences of being accosted and assaulted by police. They describe incidents of police having dismissed their complainants of being victims of criminal offences. Many acknowledge that while the police have made a great deal of progress in the last 40 years, there still remains a great deal of tension between the community and police officers. This is especially true of transgender people and others that have an intersection of marginalized identities. Many community members expressed significant concern about LGBTQ youth having to go through these experiences, yet again without the support of the police.

Many in the community were very protective of LGBTQIA+ youth who were at Gage Park. Some were drawn to the confrontation and became actively involved in countering the Agitators. Many of the community members I heard from were very concerned for the safety of youth and young people at Hamilton Pride 2019. They expressed concern for the traumatic experiences they had to endure as a result of the hateful conduct of the Agitators, facilitated by the apparent disinterest of the police.

Like other Pride celebrations, Hamilton Pride events are intended to be celebrations open to families, youth and children. Regrettably, I heard from many Hamiltonians that they did not attend Hamilton Pride 2019 with their families because they felt it was not a safe or welcoming environment due to the Agitators and risk of violence. Prior to the COVID-19 pandemic and the cancellation of this year’s Pride event at Gage Park, some community members told me they would not be attending the event with their children. There is a great deal of concern that the hateful Agitators, along with their far-right “white muscle” will return to the next Hamilton Pride celebration. There is great concern that there will be an increasing presence of the Yellow Vest, street evangelists and white supremacists, going forward.

Pride Hamilton letter to the community (September 12, 2019)

After hearing from the community in a debrief on July 24, 2019, Pride Hamilton issued a letter of apology to the community on September 12, 2019. The letter is publicly available on the Pride Hamilton Facebook page and through other sources online.⁶¹ Pride Hamilton wrote:

We apologize for hurting the community, for failing to make our event safer, and for not responding and supporting our community quickly enough after what happened at Pride.

We acknowledge that we were more focused on the celebration itself than the potential for violence. We now clearly see that hiring a private security company for Pride was not enough to ensure our community's safety and we pledge to make this a major priority for Pride 2020. We will focus on making everyone in Two-Spirit and LGBTQIA+ communities welcome, safe and included.

We are sincerely grateful for those who stepped up to defend Pride from the white supremacists that came to attack Pride-goers. Thank you.

The letter outlined commitments that Pride Hamilton would do in anticipation of Pride 2020 including "Holding our City government and police accountable for inaction, gaslighting, and other toxic behaviours." As a board, they also made the point that "We're not comfortable inviting police to have a recruitment booth at Pride or having them attend armed or in their uniforms. Our position on this is not going to change in the short term. As community conversations continue to happen, we'll check in about it. But, so far, the vast majority of our community does not feel safe having police participate in this way and we're going to honour what we've heard and stick to our existing policy. It's Pride's decision to make as an incorporated organization and we take that decision seriously." Pride Hamilton will "continue to be political. We will also continue to celebrate our community. These things are not mutually exclusive."

At least for the foreseeable future, Pride Hamilton takes the position that uniformed and armed officers should not be at Pride and the HPS will need to take that into consideration for planning purposes.

⁶¹ Pride Hamilton, September 12, 2019 letter, Accessed Online: <https://www.facebook.com/pridehamilton/photos/pcb.2385799575007380/2385797018340969/?type=3&theater>

Public Complaints to the OIPRD

The OIPRD received two complaints about officers from members of the public in connection with Hamilton Pride 2019. One was a conduct complaint that was investigated by an OIPRD investigator. The other was a service complaint that was referred back to the HPS's professional standards division.

As mentioned in Part 5 above, the conduct complaint was from a community member who was at Gage Park on June 15, 2019. The complainant alleged that after seeing violence in the park and approaching an officer for help, the officer replied "Yah, don't you remember we were not invited to Pride." There was a heated verbal exchange between the officer and the complainant. The officer allegedly made some comments about the police not being granted a recruitment booth and then said "we were not invited, not our problem, I'm just going to stand here."

The complainant attempted to speak with the officer's supervisor but the concerns were dismissed by the supervisor as well. Although there were divergent views of the interaction and how heated it was, the officer acknowledged saying to the complainant that organizers had not wanted officers at Pride and they were getting additional resources to the park.

As part of the investigation, the OIPRD investigator interviewed the complainant, a civilian witness and the involved officers. The OIPRD investigator found insufficient evidence to substantiate the complainant's allegations of neglect of duty and discreditable conduct. Ultimately, it came down to the complainant's version of events against the two officers'.

The service complaint received by the OIPRD and investigated by HPS's professional standards division was in fact three separate complaints received from members of the public. The service complaints alleged that the HPS: (i) inadequately prepared for Hamilton Pride 2019; (ii) took too long to respond to the confrontation; and (iii) failed to arrest Agitators at the scene.

The service complaint investigator interviewed the involved officers, civilian witnesses, the complainants and reviewed many of the same materials I looked at for my review, including dispatch records, online videos, the OP and policies/procedures within the HPS. The investigator concluded that the service complaints were all unsubstantiated.

The investigator found that based upon the information at the time, the OP was measured and proportionate to the circumstances. The investigator also concluded that the police response to calls for service to assist at Gage Park on the day of the event were immediate and appropriate. Finally, the investigator concluded that the criminal investigations were conducted appropriately and in accordance with HPS policy. The policy dictates that preservation of life and

protection of property are of immediate and primary concern with the apprehension of suspects and preservation of evidence being secondary.

An additional complaint was made to the OIPRD against Chief Girt for the comments he made on the Bill Kelly Show on September 10, 2019. This complaint was dismissed as not being in the public interest to pursue. The OIPRD took the view that the comments likely did not rise to the level of misconduct and any issues surrounding Hamilton Pride 2019 and the HPS, including policing at Pride and the relationship between the Service and the Two-Spirit and LGBTQIA+ communities, could be addressed by this Independent Review.⁶²

In conducting this Review, I had access to the OIPRD and HPS Professional Standards' reports. While I have taken both reports and findings into consideration, I am by no means bound by the conclusions of those investigators. In fact, some of this Review's findings differ from the findings of those investigators.

Ongoing events in late 2019 and 2020

In response to public outcry about Hamilton Pride 2019 and the HPS's response, the Board retained my services to conduct this Review.

Early in 2020, the HPS reached out to Pride Hamilton to discuss police presence and planning around Hamilton Pride 2020, scheduled for June 20, 2020. Many community members had told HPS that safety at Pride was one of the priorities. Advance and more extensive communication between the police and organizers is one of the recommendations I make in Part 8, and I commend the HPS for reaching out to the Pride organizers well in advance of the anticipated 2020 event. Pride organizers expressed a desire to meet after the S.E.A.T. application was submitted to the S.E.A.T. Committee in March or April 2020. Regrettably, that application was never submitted due to the COVID-19 pandemic.

On March 25, 2020, with social distancing measures in force and public gatherings prohibited, Pride organizers made the inevitable decision to cancel the Hamilton Pride event in Gage Park.

⁶² Don Mitchell, "LGBTQ2 comments made by Hamilton police chief during radio interview dismissed by watchdog", *Global News*, January 17, 2020, Online: <https://globalnews.ca/news/6426419/lgbtq2-complaint-police-chief-radio/>

Key Findings on Pride 2019 and the aftermath

The events described above lead me to the key findings set out below. These findings greatly inform the Recommendations set out in Part 8 of this Report.

1. Prior to Pride 2019

The HPS fell short in its planning and preparation for Pride 2019. There was no articulated process established by the HPS for steps that should have been taken prior to Pride 2019. More specifically:

- The Division 20 Crime Management Office was not aware of Pride 2019 until two days before the event because the S.E.A.T. application was not forwarded to their Office. It is unclear why the S.E.A.T. application never made it to the Crime Manager responsible for drafting the OP.
- The Service failed to properly and effectively consult with Pride organizers. The OP was drafted after speaking with a Pride organizer for 12 minutes two days before the event. The preparation and coordination were wholly inadequate.
- The OP lacked important details such as information from the S.E.A.T. application; a map of the permitted areas for Pride 2019; and detailed information about the Agitators and the tactics they used in Dunnville Pride 2018.
- The HPS could reasonably have anticipated that Agitators disrupting the event would lead to a breach of the peace. The OP failed to specify legal mechanisms such as municipal by-laws, relevant *Code* provisions and Provincial offences that could be used to protect the event and its attendees from being disrupted and intimidated by the Agitators.

Pride Hamilton acknowledged they were more focused on their celebration than on the potential for violence and that hiring private security was not enough to ensure the community's safety. As organizers of a large, public, family friendly event, they bear some responsibility for coordinating with the police to ensure public safety. My recommendations in Part 8 reflect the need for better coordination.

2. During Pride 2019

- The HPS's inadequate preparation for Pride 2019 resulted in a failure to protect the public and Pride attendees during the event. Before police arrived on scene, there was a violent confrontation that resulted in multiple injuries. This confrontation lasted between 5 and 10 minutes before the first four

officers arrived. The absence of police presence during these initial violent moments is due to these factors:

- The four officers assigned to Pride 2019 had no prior communication with or contact information for any of the Pride organizers. There was no coordination between the HPS and the organizers.
- Officers at Pride were not provided with and did not seek out any information about where the permitted areas for the event were or where the Agitators were likely to attend.
- There was no effective communication between 9-1-1 dispatchers and officers on the ground. The four officers at the event had no idea where the confrontation was happening, and 9-1-1 dispatch was unable to assist in any meaningful way. The officers simply did not know where to go to respond effectively to the 9-1-1 calls.
- Once the four officers arrived at the confrontation after being directed towards it by Pride attendees, they responded appropriately to a chaotic and volatile situation. It was not safe to break up the confrontation without more resources. They did not directly witness any criminal conduct. They had to wait for backup before they could control the situation.
- There were a number of highly charged interactions between officers, community members and organizers. This led to frustration and anger on the part of all involved. Community members felt that the HPS officers showed no concern for the wellbeing of Pride attendees traumatized by the Agitators.
- The majority of Pride Defenders were *not* anarchists from The Tower.
- The Agitators included street evangelists, Yellow Vest members and others from various white supremacist groups.

3. After Pride 2019

- To many in the community, the Chief's public comments about HPS's deployment and his defence of the response at Pride 2019 damaged the relationship.
- The Service's public comments after Pride 2019 demonstrated a lack of concern for the Two-Spirit and LGBTQIA+ communities. The responses did not demonstrate an understanding of what community members had experienced at Pride 2019.
- The HPS seemed to equate all Pride Defenders with anarchists from The Tower. This had the effect of linking Pride Defenders to the Locke Street

vandalism from 2018. What happened at Pride 2019 had nothing to do with Locke Street in 2018.

4. The HPS's relationship with Two-Spirit and LGBTQIA+ community members

- There is a strong perception among many in the community that the HPS favours the Agitators and Yellow Vest members. Whether true or not, the fact that the perception is out there is highly problematic and must be addressed.
- The relationship between the HPS and the Two-Spirit and LGBTQIA+ communities has been damaged by what transpired at Pride 2019. The Service has taken steps to improve this relationship. However, more must be done. The Service has committed to do this difficult work.
- Not all Two-Spirit and LGBTQIA+ community members have the same negative views regarding the HPS or similar views on Pride Defenders.
- There are many Two-Spirit and LGBTQIA+ community members who want to work with the HPS to improve the relationship. There are many who do not.

Part 7: The HPS culture, training and initiatives

The Terms of Reference require me to review the culture within the HPS as well as training with respect to LGBTQ issues. In conducting the Review, I was provided with HPS training documents, including materials bearing upon policing issues in connection with the LGBTQ and other marginalized communities. I also was provided with training materials related to bias-free policing and hate crimes.

As a means of assessing how impactful and successful these training measures have been, I asked the Two-Spirit and LGBTQIA+ community members I interviewed about their experiences dealing with the HPS. This informed my review of the HPS culture and ongoing initiatives put in place by the HPS command in an attempt to mend its fragile relationship with the LGBTQ community.

Police organizational culture

Police culture has been the subject of extensive academic study and public discussion. Generally speaking, “police culture” refers to the set of “informal, cultural norms that are unique to the occupation of law enforcement.”⁶³ By way of a simple definition of police culture to assist in framing my examination, I quote from the introduction to a 2007 summary of the review of the literature on police governance, culture, and management prepared for the Task Force on Governance and Cultural Change in the RCMP, ‘Rethinking Police Governance, Culture and Management’⁶⁴. In it, the authors write:

Police culture is explained as a functional, even necessary cultural response to the broad, complex and uncertain nature of doing police work; especially managing the discretionary exercise of coercive police powers in uncertain and potentially risky situations. Police culture thus serves as an informal guide to the situational enactment of the police role, providing the informal rules of engagement (Ericson 1982). In short police culture helps officers negotiate their complex uncertain working environments in ways that let them get the job done. Internalized, police culture is also a form of governance as it provides group based behavioural guides, interactional rules and proscribed codes of conduct.

⁶³ Barbara Armacost. “The Organizational Reasons Why Police Departments Don’t Change”, Harvard Business Review, August 19, 2016, Online: <https://hbr.org/2016/08/the-organizational-reasons-police-departments-dont-change>

⁶⁴ Christopher Murphy and Paul McKenna, “Rethinking Police Governance, Culture and Management: A Summary Review of the Literature”, the Task Force on Governance and Cultural Change in the RCMP, Online: <https://www.publicsafety.gc.ca/cnt/cntrng-crm/tsk-frc-rcmp-grc/fl/archive-rthnk-plc-eng.pdf>

Police officers learn the culture or are socialized into its collective values and understandings, though (sic) informal groups interaction, both on and off the job. To become a police officer means learning and internalizing the culture and adhering to its core values and rules. Acceptance by one's peers as being trustworthy and reliable often depends on being aware, and accepting, this culture or code and subscribing to its various behavioural and attitudinal tenets.

Some perceive this view of police culture as too simplistic. Given the complexity and diversity within policing today, some take the view that there is no single "police culture" and that there are subcultures that exist within police services. While the precise definition of police culture may be subject to some debate, consensus does exist that the culture within a police service can be and often is an impediment to positive change and accountability.⁶⁵

Some characteristics of police culture can be beneficial to officers in terms of the solidarity that it engenders. The obvious concern is that those same characteristics can be detrimental. Solidarity can easily turn into the "thin blue line" that allows misconduct to go unsanctioned.

Significantly, police services have historically been (and continue to be) organized as para-military bureaucratic organizations. Police services are, by definition, hierarchical and follow a clearly defined, formal chain of command. With few exceptions, officers with superior rank are empowered to issue commands that must be obeyed by subordinates. By statute, failure to carry out orders from a superior can, and frequently does, result in disciplinary action for insubordination.⁶⁶ The police have to guard against this engendering an "us versus them" mentality between police officers and civilians.

Many aspects of police culture continue to evolve and change. In past decades, policing was traditionally associated with Caucasian, heterosexual men. Some inroads have been made for greater inclusivity for people of colour, women and LGBTQ community members. In 2020, there are undoubtedly more racialized officers and openly LGBTQ officers within Ontario police services. Progress has been made. However, surveys of female and LGBTQ officers in Ontario reveal that policing institutions continue to be viewed as "old boys clubs" where micro-

⁶⁵ See Barbara Armacost's article, *supra*. Also, Rosie DiManno, "Whatever police culture is, it needs changing", *Toronto Star*, February 23, 2017, Online: <https://www.thestar.com/news/gta/2017/02/23/whatever-police-culture-is-it-needs-changing-dimanno.html>

⁶⁶ *Police Services Act*, O.Reg 268/10 section 30(1), Schedule section 2(b) states an officer commits misconduct if they engage in: "(b) Insubordination, in that he or she, (i) is insubordinate by word, act or demeanour, or (ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;"; Online: <https://www.ontario.ca/laws/regulation/100268>

aggression⁶⁷ in the form of offensive (hurtful) “jokes” about marginalized groups and sexually inappropriate behavior continue to exist.⁶⁸

As is true with any organization, the culture and tone are set from the top - by management and the senior leadership team. In policing, the Chief and Deputy Chiefs set the tone for their service. To state the obvious, if racist, misogynistic, or homophobic remarks or jokes are not tolerated in any manner, they quickly become less prevalent in police services.

Although an exhaustive assessment of the HPS culture is beyond the scope of this Review, I have focused on aspects of the HPS culture that pertain to the Two-Spirit and LGBTQIA+ communities and Hamilton Pride 2019. An important theme that emerged from my meetings with both police officers and community members is the immediate need for a snapshot and audit of where HPS is in terms of its relationships with marginalized communities and related policies. As set out in Part 8, one of the recommendations arising from this Review is that the HPS should undergo a diversity audit similar to what was conducted by the Ottawa Police Service released in November 2019. Something of this nature is long overdue and would be welcomed by the greater community. A diversity audit would allow the HPS to assess its demographics and where it is as an organization. But importantly, to continue to work towards bias-free policing, a diversity audit would also allow the HPS to review training and policies to help achieve this goal.

HPS culture and the LGBTQ Internal Support Network (ISN)

From a 2014 survey of LGBTQ officers in Ontario, it is clear that while there has been some movement towards greater inclusivity over the past 20 years, responding officers felt that police services continue to be conservative, “straight” male dominated institutions.⁶⁹ Not all LGBTQ police officers will have the same experiences. For example, as a society we still have much work to do in welcoming transgender people who continue to be marginalized. These challenges are also reflected in our police services, who count few transgender people among their ranks.

⁶⁷ Micro-aggressions are defined as brief, everyday exchanges that send a denigrating or prejudicial message to members of a particular group. They may be intentional or unintentional.

⁶⁸ Graham Slaughter, “Lives of Ontario LGBT cops revealed in new study”, *Toronto Star*, September 8, 2014, Online:

https://www.thestar.com/news/gta/2014/09/08/lives_of_ontario_lgbt_cops_revealed_in_new_study.html See Joe L. Couto, “Covered in Blue: Police Culture LGBT Police Officers in the Province of Ontario”, Master’s Thesis, Royal Roads University, Online: <https://viurrspace.ca/handle/10170/736>

⁶⁹ Joe L. Couto, “Hearing their voices and counting them in: The place of Canadian LGBTQ police officers in police culture”, *Journal of Community Safety and Well-Being*, 2018 Dec;3(3):84-87, Online: <https://pdfs.semanticscholar.org/dad7/0e0a5401b1587bd9ae81334fb80129b7c168.pdf>

Formally, the HPS is supportive of Two-Spirit and LGBTQIA+ issues and those of its members who identify as part of the Two-Spirit and LGBTQIA+ communities. There are clearly some issues and challenges for the HPS to address (see Part 8 and Recommendation #35 below). However, I found that officers generally feel supported by HPS senior command and the leadership team. Sworn officers and civilian staff were near unanimous in telling me that they have not experienced or heard any derogatory or homophobic remarks or jokes. I was consistently advised that this type of behavior is not and would not be tolerated.

In speaking of the working environment, one person within the HPS stated that:

"[I] truly believe...[HPS is] not anti-gay or anti-Trans...I never once in my years here felt unwelcome, discriminated against. I don't know whether that's because people know that I am out...if there are people still stuck in the old ways, I haven't heard it, haven't felt it. Until this [Pride] thought we were doing well."

However, there are limitations in coming to conclusions with respect to the senior command given that the officers I met with were ordered by senior command to attend for interviews with me. In these circumstances, I cannot help but wonder how forthcoming or comfortable some of these officers felt they could be.

For the most part, officers were open and willing to discuss senior command during interviews. However, there remains a reluctance to be critical of police leadership by most rank and file officers. Many officers, while acknowledging how damaging the Chief's remarks on the Bill Kelly Show have been to the HPS's relationship with the Two-Spirit and LGBTQIA+ communities in Hamilton, did not express any views to me that the Chief holds any underlying bias or stereotypical views of the communities. Most officers explained that while the Chief's comments were unfortunate, they were taken out of context. Despite this overwhelming sentiment from within the HPS's ranks, they recognize that this is not the view held by the community.

Internal Support Network

The ISN is an internal HPS group dedicated to discussing and addressing LGBTQ issues. The ISN meets monthly and provides support to HPS members (civilian and sworn) who identify as LGBTQ community members. The ISN is open to all HPS members, regardless of gender, sexual orientation or gender identity. Over the past couple of years, the ISN's membership ranged between 15 and 20 HPS officers and employees. On average, anywhere from six to 10 ISN members attend the meetings.

Historically, the ISN conducted training sessions for HPS officers on LGBTQ issues. This training is not part of each officer's mandatory annual "block training." Rather, the ISN workshops are optional and attendees receive certificates for

participation. From those I spoke with, it appears that many officers attend the ISN training sessions simply to receive the certificates, which are viewed as helpful for career advancement.

Prior to the 2019-2020 year, the ISN traditionally participated in some community outreach and fundraising. Before the events at Hamilton Pride 2019, the ISN had been a significant fundraiser and supporter for Hamilton LGBTQ Youth and the local, annual Rainbow Prom event. Since 2015, ISN members have also played an important role in organizing the Rainbow Flag raising ceremony every June at HPS Central Station.

As a support initiative, the ISN has worked with senior command to ensure that there is space within the HPS's buildings for members to congregate and discuss issues of concern in a safe manner. While I certainly support the creation of safe spaces, utilizing designated areas within HPS buildings does not in and of itself foster safety. Indeed, the very existence of pre-determined and openly known safe spaces could easily have the opposite, adverse effect upon members. It could lead to the outing of members who wish to maintain confidentiality and privacy. The creation of a safe space is much more than just a physical location.

One of the governing tenets of the ISN is that there is no rank. Each member is entitled to speak freely without fear of reprisal. This is challenging to achieve given the para-military organizational structure of a police service. Members of the ISN will understandably be reluctant to be critical of HPS senior command if members of senior command are present at the meetings. Currently, one of the members attending the ISN is a Deputy Chief who, does not identify as being a member of the Two-Spirit or LGBTQIA+ community. The ISN must be a safe space for LGBTQIA+ members to share their experiences and concerns. It is difficult to imagine how ISN meetings can be perceived to be safe spaces for discussion given the ongoing attendance of a Deputy Chief who is not a member of the LGBTQIA+ community. While it is laudable that senior command are supportive of the ISN and wish to show support for the Network, this should be done in policy and practice, not by attending ISN meetings.

Another concern about the ISN and their meetings is that the ISN welcomes allies who do not identify as LGBTQ members. While commendable and necessary, those who identify as being straight do not necessarily have the same issues or experiences with the HPS as those from the LGBTQ community. I heard from several people that ISN membership, like membership in other internal groups, was seen as necessary if officers were looking to advance in the organization. Some members thought there were HPS members who were instructed to attend ISN meetings. These perceptions and concerns undermine the purpose of the ISN and should be addressed.

In some police services, membership in an ISN is only open to officers who identify as LGBTQ members. This should be seriously considered by the HPS

and its ISN. While allies are extremely important to the safety of the HPS's LGBTQIA+ members, this does not mean that allies should necessarily be part of the ISN's membership. Support from senior command and the HPS as an institution should primarily be in the form of financial and organizational support.

The future of the ISN is a significant issue as the ISN is currently at a cross-roads. The aftermath from Hamilton Pride 2019 included a significant reduction in the ISN's membership. There is an open question among ISN members as to whether the Network should continue with its historical community outreach and fundraising initiatives. Many hold the view that the ISN should be reserved for internal matters that focus on supporting those within the HPS who are members of the Two-Spirit and LGBTQIA+ communities. On this view, community outreach and fundraising initiatives could (and should) reside with the newly appointed LGBTQ Liaison Officer, whose role, by definition, is to liaise with the greater community. It is important to note that the newly appointed Liaison Officer is now a member, and current co-chair of the ISN.

Police culture, Two-Spirit and LGBTQIA+ community relations and accountability

Most of the officers I interviewed feel that overall, Hamilton LGBTQ community members support the HPS. Many of the officers I spoke with who were at Gage Park on June 15, 2019 told me that after the Agitators left the park, numerous attendees at the event approached and thanked the police for being there. Many officers are of the view that while their relationship with the LGBTQ community can and should be improved, the situation is not as dire as what is portrayed in traditional and social media. Many point to the fact that the loudest voices, those who seek to create further tension and division, are the ones that receive the most media attention. Officers I spoke with emphasized the outreach work that many officers do with respect to the LGBTQ community. They feel that worthwhile initiatives that have positive impacts are not being reported on. They see traditional and social media as reporting only negative stories that cast HPS officers in a negative light.

One officer said:

“Rhetoric that police don’t care about LGBTQ community. Not at all [true]...I get there is a huge history with the community and police. Talking about Stonewall Riots and bathhouse raids in Toronto. It sucks what the police have done in the past. But we are trying to move forward.”

In contrast, many community members I met with expressed deep frustration over the manner in which HPS officers have addressed their concerns. There is a clear difference between the HPS officers' and the Two-Spirit and LGBTQIA+ communities' perception of their interactions and overall relationship. The majority

of community members I interviewed discussed what they view to be biased policing against the Two-Spirit and LGBTQIA+ communities. Whether this is, in fact, true or not, what is significant is that this is the perception of the HPS within the community. Community perception about police bias and unfair treatment is, in many ways, as important as the existence of actual bias. All public institutions require, at a minimum, trust from the communities they serve. Widespread community trust is essential to the proper functioning of a police service. The trust of community members is vital to the maintenance of order and for the successful investigation and prosecution of crime in Hamilton.

Significantly, the HPS senior command recognizes the need for building greater trust with the Two-Spirit and LGBTQIA+ communities in Hamilton. They recognize that regardless of some counterproductive, anti-police messages in traditional and social media, the HPS itself can and must do more to bridge the gap and mend the relationship.

Regrettably, the Chief's public comments, specifically those on the Bill Kelly Show in June, July and September 2019, created further and deeper divisions between the HPS and the Two-Spirit and LGBTQIA+ communities in Hamilton. Despite publicly apologizing for the comments, there is a significant segment of the community that feel the Chief does not possess adequate communications skills to effectively manage the relationship. This view has been repeatedly stated in traditional and social media and has served to reinforce an "us versus them" mentality within the HPS. Criticism of the HPS, primarily as a result of the Chief's comments, has been extensive. Many within the HPS feel that they are being unfairly attacked by the public.

The communication from the HPS and the Board after June 15, 2019, was significant in shaping the communities' views. Social media can be a powerful tool for communicating with the public, but it is neither productive nor advisable for a public institution or the leadership of those institutions to get involved in public debates through social media. For example, having the Mayor and Chair of the Board label a community member's account of the police response on June 15, 2019 as a "false narrative" on Twitter reinforced some Hamiltonians' view that the Board is not objective or balanced in its approach to the HPS and how it treats LGBTQIA+ community members.

Moreover, the public messaging coming from the HPS after Hamilton Pride 2019 was seen by the community as an abdication of the HPS's essential function – to serve and protect. When asked, most community members felt that the sole message coming from the HPS after Pride 2019 was that organizers had not invited the HPS to the event and had they done so, the police would have intervened more quickly. In other words, community members consistently conveyed to me the view that HPS officers did not respond sooner because they were not permitted to have a recruitment booth and were not invited to the event. This may not have been true. It was certainly not the Chief's or the HPS's

intended public messaging. However, it was the message the community took away.

Police culture and views regarding demonstrations

On March 4, 2018, a large group of demonstrators marched along Locke Street setting off fireworks and using bricks to smash windows, causing a great deal of property damage to vehicles and storefronts. The “demonstration” was against gentrification of the area and appeared to have started from an anarchist book fair that was taking place at the local Westdale school. This event traumatized many in the community.⁷⁰

Several people associated with The Tower, including Cedar Hopperton, were arrested in relation to the Locke Street vandalism. In November 2018, they eventually pled guilty to charges arising out of the incident. Hopperton was on parole for these charges when arrested in June 2019 for their (unfounded) alleged participation” In Hamilton Pride 2019.

In May 2018, after the Locke Street vandalism, the City of Hamilton ordered The Tower to remove the anarchist symbol - it considered the symbol to be “hate material”. A City spokesperson announced that the HPS also regarded it as “hate material”. However, the HPS publicly stated that they took no such position. The decision to order the removal of the symbol was reversed days later.⁷¹

Most of the officers I spoke to feel that legitimate demonstrations and activism in Hamilton have been “hijacked” by anarchists and individuals associated with The Tower. The HPS has been concerned with activists from the far left for some time. For example, I was advised that the 2008 and 2009 annual Hate Crimes Reports set out concerns in connection with demonstrations connected to the upcoming G20 meetings in Toronto and the PanAm games in 2015. Concerns related to potential property damage and rioting from far-left demonstrators.

Many of the officers I spoke with hold the view that individuals associated with the far left and The Tower have hijacked various social causes and have placed

⁷⁰ Natalie Paddon, “Organized mob used G20 tactics in Locke Street attack”, *Hamilton Spectator*, March 6, 2018, Online: <https://www.thespec.com/news/crime/2018/03/06/organized-mob-used-g20-tactics-in-locke-street-attack.html>

⁷¹ Natalie Paddon, “Mayor backs staff decision on anarchist symbol”, *Hamilton Spectator*, May 17, 2018, Online: <https://www.thespec.com/news/hamilton-region/2018/05/17/mayor-backs-staff-decision-on-anarchist-symbol.html>

Adam Carter, “Hamilton now says it gave ‘improper’ order to remove anarchy symbol”, *CBC News*, May 17, 2018, Online: <https://www.cbc.ca/news/canada/hamilton/anarchy-symbol-hamilton-1.4667240>

themselves front and center at demonstrations. These far-left protesters tend to be anti-police, anti-establishment, and more aggressive in their demonstration tactics and far more confrontational with police. There is great disdain and mistrust of these protesters among the HPS officers, including those in senior command. HPS senior command views anarchists from The Tower as being criminal thugs who are extremely difficult to reason with or control.

One senior officer said:

“unfortunately that dynamic [The Tower] has hijacked the relationships that the police service have with the LGBTQ2+ community as well as with other marginalized communities. I feel that narrative has not been publicly discussed...Locke Street involved many of the same individuals. That resulted in a Patriot march a few weeks later again involving some of the same people. Many other incidents that have compelled us to create operational plans to respond to issues of dissension in the community. Lots going on that has led to, really a hijacking of our relationships.”

When people associated with The Tower show up at public demonstrations, those who are demonstrating the same cause but who are not affiliated with The Tower are lumped together with Tower members. A perfect example of this are the weekend counter demonstrations at City Hall against hateful groups. HPS officers and senior command view the Yellow Vest and far-right demonstrators as far more reasonable and easier to reason with than the anarchists and other counter demonstrators. As a result, police tend to speak more directly with those on the far right and this engenders a sense of biased policing from those on the left.

The HPS holds the view that this anarchist group seeks to create rifts in the relationship between police and the community. In the context of Hamilton Pride 2019, many police officers and community members I spoke to thought the black clad, pink masked “ninjas” holding up the large black tarp, were anarchists associated with The Tower. From the officers I spoke with, there was an overwhelming sense that the only Pride Defenders present that day were “anarchists.” This is completely inaccurate. Anarchists from The Tower were by no means the only Pride Defenders that day. Many Pride attendees who have no affiliation with The Tower were present and confronted the Agitators with colourful signs containing messages of love and acceptance. There was a wide diversity of Pride Defenders who stood up to the Agitators and purveyors of hate on June 15, 2019.

The majority of HPS senior officers I met with believe that the situation only escalated because of the presence of anarchists from The Tower. I was told by community members that there are officers within the HPS, including within the

Hate Crimes division, who view police officers as being targets of hate crime.⁷² To be clear, police officers are not members of an enumerated group under provincial or federal human rights codes. Police officers may draw scorn and hatred from members of the public, but this does not, in any way, equate with being victims or targets of hate crimes.

I heard a variety of opinions from the community regarding the black tarp and The Tower. Some were appreciative of their efforts, while a few others thought that they also ended up unnecessarily escalating the situation. Many in the community feel that this was unnecessary and that Pride attendees and the Two-Spirit and LGBTQIA+ communities are more than capable of defending Pride celebrations from anyone wanting to cause disruption.

Alternatively, a few community members told me that the dynamic with the Agitators was different in 2019. Unlike the Agitators who arrived in 2018, in 2019 there were also people from the Yellow Vest and far-right movements, including some who acted as “white muscle.” This, they say, created a much greater potential for violence to break out. These community members hold the view that violence would have erupted regardless whether individuals from The Tower were present. These community members share the view that absent the tarp and the presence of the Defenders dressed all in black, more Pride attendees would have been injured, including many youth who were at the scene of the confrontation and face to face with the Agitators.

Some in the community voiced a concern that the HPS has equated Pride Defenders with anarchists from the Locke Street riot. This view was reinforced for many after Cedar Hopperton’s arrest for purportedly being present at Hamilton Pride 2019. There is no evidence that Hopperton was at the event and there are concerns in the community that labeling Pride Defenders as “anarchists” is a simple way of undercutting the severity of what transpired at Hamilton Pride 2019 and serves to further de-legitimize the risks and concerns faced by Two-Spirit and LGBTQIA+ community members.

There is no doubt that the Agitators who showed up at Hamilton Pride 2019 were qualitatively different than those in 2018. There was an increased number of Agitators and many were from the Yellow Vest movement and from more militant, hateful groups. It is my conclusion that individuals from The Tower and other Pride Defenders were not responsible for escalating the situation and did not in any way cause the violence. Agitators arrived at a festive celebration that was open to the entire community, including children and families. Hamilton Pride 2019, as with all other Pride festivities, is a celebration of life and humanity. Those who chose to “protest” this otherwise peaceful and joyous day were directly responsible for the hurt and violence that occurred on June 15, 2019.

⁷² For example, I was advised that in the 2008 Annual Hate Crimes Report, police officers are listed a category of individuals that have had hate crimes committed against them.

Blame cannot and should not be shifted to individuals from The Tower or any other Pride Defender. Had there not been Agitators or hateful people at Hamilton Pride 2019, there would have been no violent confrontation, period.

Wearing a face covering and employing a large black tarp are not unlawful acts. Standing up to and countering hateful groups by attempting to drown out their message is not unlawful. In fact, many Pride attendees should be commended for standing up for a more inclusive, diverse and caring community. To the extent that those Hamiltonians feel that the HPS conveyed a message that Pride attendees or Pride Defenders are partly to blame for the violence and hate that day, this is incorrect. The evidence does not support a finding that the Pride Defenders did not have the support of the larger community or that when violence started, the police were not committed to support them.

Community views on police cultural assessment and diversity audit

I heard from several community members that the HPS's organizational culture requires a fulsome review. Many in the community are pleased that the Terms of Reference for this Review include an assessment of police culture and senior leadership. However, there are clear limitations on my ability and authority to conduct an exhaustive assessment of police culture in Hamilton, both as a result of the limited Terms of Reference I am bound by, and the limited amount of time I was provided to conduct this Review.

It has been suggested that the HPS conduct an assessment of its culture similar to what the Toronto Police Service (TPS) recently undertook. The TPS retained MNP Consulting to conduct an Organizational Culture Assessment in 2018.⁷³ The assessment was a snapshot of the TPS' organizational culture, along with recommendations for positive change. As part of the assessment, officers took part in what is called the "Denison Culture Survey." The community took part in online surveys, eight community roundtables and two virtual town halls. The TPS' organizational culture assessment took a broad approach and did not focus on any particular issue within the service. The HPS should seriously consider undertaking this type of external, objective culture review.

Another noteworthy suggestion is to conduct something similar to the Diversity Audit undertaken by the Ottawa Police Service between 2018 and 2019.⁷⁴ The report stemming from the Ottawa Police audit reviewed the service's approach and general progress with respect to issues surrounding equity, diversity and

⁷³ 'Toronto Police Service Organizational Culture Assessment 2018 Report' Online: <https://www.torontopolice.on.ca/TheWayForward/files/organizational-culture-assessment-report.pdf>

⁷⁴ 'Ottawa Police Service 2019 Diversity Audit Report' Online: <https://www.ottawapolice.ca/en/news-and-community/resources/EDI/OPS-Diversity-Audit---Final-Report-Nov2019-Word.pdf>

inclusion (EDI). The report made a number of forward-looking recommendations to continue with the progress that Ottawa has made.

It is necessary to undertake a review of the HPS's organizational culture and the manner in which issues related to the Two-Spirit and LGBTQIA+ communities are institutionally addressed. Whether this is done through a diversity audit or cultural assessment or in some other manner, having a moment in time snapshot will provide a baseline for assessing progress (or regression) of the HPS as an organization going forward. Regrettably, this is outside the scope of my Terms of Reference.

Individual front line officers

One of the recommendations that I received from community members was for there to be greater accountability and harsher discipline for officers who engage in transphobic or homophobic conduct. Keeping in mind that my mandate does not permit me to make findings of misconduct on the part of HPS officers, the notion of greater accountability is viewed by some in the community as an opportunity for the HPS to express a zero tolerance policy towards hateful conduct which will, in turn, foster a greater sense of trust. For officers found to engage in homophobic, transphobic or insensitive attitudes towards Two-Spirit and LGBTQIA+ community members, one remedial measure that has been suggested is that they be required to complete both enhanced training and also be placed within the Two-Spirit and LGBTQIA+ communities as a means of directly interacting with and learning about members' lived experiences. It should be clear that being placed with the community should only be done with the support and consent of the community and direct involvement of the HPS Community Liaison Officer or others within the HPS who have strong pre-existing relationships with the community. If this is pursued, precautions must be taken to ensure that involved officers have the full support of the community prior to placement.

Officer training

Rank and file HPS officers go through recruit training when they are first hired. Thereafter, they must complete annual block training that takes place over a week and consists of 40 hours of instruction. Half of the block training time is dedicated to use-of-force training and officers' use-of-force options. The remainder of block training consists of more traditional in-class sessions and presentations. Each year, there are different presentations which cover a range of topics. Senior command officers have a different training program.

There is also an online learning portal that includes courses and presentations/workshops. Some of these courses are mandatory but many are optional. The optional courses are important for continuing education and assist

officers in career advancement. HPS officers are also required to remain current with respect to HPS's policies and procedures.

I reviewed training slides relating to LGBTQ issues. I also spoke to officers about their training on LGBTQ issues. I find that in many respects, the training is inadequate. Although I did not have the benefit of sitting through the actual presentations, my discussions with numerous front line and senior officers support this conclusion. While officers who have taken the training feel it is informative and useful, much of the takeaway is likely not beneficial to an officers' interactions with members of the Two-Spirit and LGBTQIA+ communities.

For example, two officers said this about their training:

"It just obviously, kind of teaches us about the community. More or less just trying to inform us more that they exist here. How to interact with everybody. [The LGBTQ training] doesn't really go into real depth about it. I mean it's just basically to treat everyone the same...for me it's what I do everyday. They just kind of remind you of that...I don't [think] training ever hurts...more training would help us."

"Probably somewhere along the way but [no] takeaways at all... if it was an issue last year it becomes a training point. More training would be worth it."

Officers I interviewed did not have a clear recollection of the training or when they last took training regarding Two-Spirit and LGBTQIA+ issues. Most officers conveyed a general sentiment that from their training they understood that they should treat all people with dignity and respect. There were a few officers who also told me they had learned some of the terminology as it related to the LGBTQ community. Some officers told me that they learned about the need for greater sensitivity towards the LGBTQ community in light of their historical relationship with the police. Overall, the training for HPS officers about interactions with the Two-Spirit and LGBTQIA+ communities is inconsistent and inadequate.

HPS senior command recognizes the need for more fulsome training. In fact, one of the items in the Action Plan 'The Way Forward' presented during the HPS and community meeting on October 29, 2019 (see below), was Two-Spirit and LGBTQIA+ training for officers. The HPS is currently and actively reviewing its training on Two-Spirit and LGBTQIA+ issues. One of the important items from the Action Plan is that an evaluative tool is required to assess the efficacy of training. For training to be effective, officers need to actually retain information and be in a position to use what they have learned. For the specific purposes of this Review, they must be able to explain how the training has affected their interactions with the LGBTQIA+ communities.

From those I interviewed, it is evident that officers are currently unable to articulate what concrete lessons they have taken away from training they have completed. As mentioned, most officers I interviewed are not even able to identify when they last participated in training sessions related to Two-Spirit and LGBTQIA+ issues. The training does not take place annually and likely not even every other year. Based upon my inquiries and the materials I received, it appears that even this most basic metric is not monitored.

Officer training in this area should be led by members of the Two-Spirit and LGBTQIA+ communities who have lived experiences, especially in relation to interactions with police. The community members who attend and provide the training should be properly compensated for their time. I spoke to many community members who would be excellent candidates for these teaching and training positions. From my discussions, it is evident that Chief Girt understands these pressures and is assessing the issue.

I understand that there is only so much time available for annual block training and that the HPS is limited in how much emphasis it can place on the amount of time and training for its rank and file officers. However, in light of the issues that have developed recently, greater emphasis must be placed upon the provision of enhanced officer training related to Two-Spirit and LGBTQIA+ issues.

Community views on police training and cultural competency

The Two-Spirit and LGBTQIA+ community members I met with were unanimous in the view that HPS officers require more extensive training on LGBTQ issues and greater cultural competency regarding their interactions with the community. To gain a better understanding of their lived experiences, more officers must engage directly with Two-Spirit and LGBTQIA+ community members. For most in the community, town halls, independent reviews and public relations campaigns will not suffice. I repeatedly heard that if the HPS is going to bridge the divide and begin rebuilding trust, its officers need to spend a meaningful amount of time getting to know and working with members of the Two-Spirit and LGBTQIA+ communities.

While the exercise of discretion and good judgment are to some extent innate human traits that some possess in greater degrees than others, they are also skills that can be taught, refined and strengthened. The same goes for discretion and good judgment in police officers. Additional training and on-the-job experience lead to greater self-awareness and sensitivity toward issues faced by many within the Two-Spirit and LGBTQIA+ communities.

Reviewing other police services and departments

The HPS's senior command is familiar with the 'Ontario Association of Chiefs of Police Best Practices in Policing and LGBTQ communities in Ontario' guidelines

and take them into consideration when developing policy.⁷⁵ It has been suggested that the HPS should look to initiatives undertaken by other police services as a means of assessing what changes can/should be made to the HPS's approach. I agree. It would be helpful to undertake a review of existing training and other initiatives utilized by other police services to assess how effective such measures might be in Hamilton.

Hamilton Police Service initiatives

Beginning in 2019 and continuing through 2020, the HPS has undertaken several Two-Spirit and LGBTQIA+ initiatives. For the benefit of the community, I have identified and described these initiatives below. With that said, it is difficult to evaluate how effective some of these initiatives are without the passage of more time and community participation. An important recommendation will be to review, audit and evaluate these initiatives on a bi-annual basis to assess their efficacy.

Community Relations Coordinator

The Community Relations Coordinator is responsible for building relationships between the police and different groups and associations in the community, including the Two-Spirit and LGBTQIA+ communities. The Community Relations Coordinator position was vacant from January 2018 when Sandra Wilson retired, until July 2019. The position was posted more than once and went unfilled primarily because the HPS's senior command knew it would be a demanding position and wanted the best candidate for the job. During the time the position was open, an officer in the Community Mobilization Team assumed the responsibilities.

Jasbir Dhillon was hired as the Community Relations Coordinator in July 2019, just prior to Hamilton Pride 2019. I did not review how effectively the responsibilities were handled over the year and a half the role remained vacant, but it is indeed unfortunate that when Pride Hamilton reached out to the HPS in early 2019, they only had contact information for Ms. Wilson who had already retired. This caused delay and confusion.

Given what had transpired at Hamilton Pride 2019, when she began working for HPS, Ms. Dhillon's priority was to reach out to and meet with the Two-Spirit and LGBTQIA+ communities. Now in tandem with the LGBTQ Liaison Officer, Ms. Dhillon has continued these community outreach efforts. However, the LGBTQIA+ communities are only one of many communities that Ms. Dhillon is

⁷⁵ "Ontario Association of Chiefs of Police Best Practices in Policing and LGBTQ communities in Ontario", Online:
<http://www.oacp.on.ca/Userfiles/Files/NewAndEvents/OACP%20LGBTQ%20final%20Nov2013.pdf>

responsible for. I highlight this because her position is very important for the HPS in building trust with the broader community and I feel it important to acknowledge the many community meetings (not just with the LGBTQIA+ communities) Ms. Dhillon has attended during evenings and weekends. Among many other responsibilities, Ms. Dhillon was involved in organizing and attending the community meetings held on August 29 and October 29, 2019. She is also a co-chair of the ISN. While Ms. Dhillon did not state this directly, the sense I got from reviewing her portfolio is that Ms. Dhillon's responsibilities could easily be divided into two fulltime positions.

'The Way Forward'

At the October 29, 2019, meeting between the HPS and Two-Spirit and LGBTQIA+ community members, an action plan titled 'The Way Forward' was presented by the HPS to attendees. The HPS acknowledged that the relationship with the Two-Spirit and LGBTQIA+ communities requires the HPS to develop an action plan with concrete measurable steps. This would provide some clear accountability for future meetings – either targets have been achieved or they have not. The HPS acknowledges the community's frustration over the same concerns and issues being raised year after year with little to no change in the relationship. For the relationship to begin healing, this situation must improve.

HPS's Two-Spirit and LGBTQIA+ Liaison Officer

At the October 29, 2019, meeting, the HPS introduced Detective Constable Rebecca Moran as the Two-Spirit and LGBTQIA+ Liaison officer. This was a "soft reveal" and D.C. Moran was not publicly introduced as the Two-Spirit and LGBTQIA+ Liaison Officer until February 14, 2020. By that time, she had been attending community meetings and had already met with different community members. Detective Constable Moran is a proud member of the Two-Spirit and LGBTQIA+ community and has been a police officer in Hamilton for about 9 years.

The press release announcing D.C. Moran's new role stated that she will:

[A]ct as a conduit to address community concerns, as well as initiate outreach to provide information about police process, particularly around how individuals can report to police. Moran will also provide a safe space for individuals to come forward to address concerns or report crime."

...

The Two-Spirit and LGBTQIA+ liaison will also collaborate with various police divisions within the service to educate, assist and interact with residents, businesses and organizations about issues facing the Two-

Spirit and LGBTQIA+ community and advise on training within the organization.⁷⁶

This is a pilot project for the HPS and a review of the program is necessary to determine how effective the position is and what changes, if any, need to be made, going forward. Significantly, D.C. Moran's responsibilities as the Two-Spirit and LGBTQIA+ Liaison Officer are *in addition to* her role as a Detective Constable with a full caseload in the Criminal Investigations Division. I met with D.C. Moran and was very impressed with her as an officer as well as her energy and the ideas that she is bringing into her new role. Undoubtedly, D.C. Moran has the very best intentions at heart and is in the role to help foster a more productive and trust-based relationship between the HPS and the Two-Spirit and LGBTQIA+ communities.

D.C. Moran has the full support of her supervising officers and the HPS leadership. However, it is important to note that the Liaison position is not a full time, fully funded position within the HPS. Despite D.C. Moran's clear qualifications and capability, it is my view that she is being asked to perform two full-time jobs without any ascertainable support. While the HPS leadership may have concerns with human resources, financial and labour-related issues surrounding the liaison role, the position needs to be made a permanent position. This would send a clear message to the public that the HPS is taking the position seriously. By making the position full time, his or her duties can be expanded.

The Two-Spirit and LGBTQIA+ Liaison position, as currently envisioned, is meant to be ground level and community based. D.C. Moran will attend community meetings and be a police point person for the Two-Spirit and LGBTQIA+ communities in Hamilton should concerns about community or individual safety arise. As indicated in the press release announcing D.C. Moran's appointment, she said "My hope is this new liaison position will start to build bridges between the Two-Spirit and LGBTQIA+ community and our service. Knowing there is someone in the service they can reach out to that understands their lived experience could help victims of crime feel more comfortable coming forward to police."

In her role as Liaison Officer, D.C. Moran has been working closely with Jasbir Dhillon, the new Community Relations Coordinator for the HPS. D.C. Moran may also take on the community outreach work previously undertaken by the ISN. This remains a topic for further discussion.

While the HPS senior command recognizes that many more changes are necessary to rebuild trust with the Two-Spirit and LGBTQIA+ communities in Hamilton, the creation of a community liaison position is a good first step. The

⁷⁶ Hamilton Police Service Press Release, February 14, 2020, Online:
<https://hamiltonpolice.on.ca/news/hamilton-police-appoint-2s-and-lgbtqia-liaison-officer/>

greatest concern I have with respect to the effective implementation of the position relates to the fact that the current liaison position is not a fully funded, union recognized position.

Online hate crimes reporting tool

The prevailing view within police services and from academic study is that certain offences, including hate crimes, tend to be underreported: steps should be taken to make the reporting as simple and seamless as possible. In keeping with this view, the HPS implemented an online Hate Crimes Reporting Tool in March 2020. The online reporting tool is not specific to the Two-Spirit and LGBTQIA+ communities. Rather it is open to all people, communities, religions and ethnic groups targeted by hate crimes. The online reporting tool allows friends and family to report on behalf of loved ones who have been victimized by a hate-based crime.

Hamilton has the highest rate of hate crimes in Canada.⁷⁷ The HPS encourages members of the public to report all hate motivated crimes and actively tracks the complaints/crimes. However, the mechanism for reporting has historically had issues. The Hate Crimes Reporting Tool creates simplicity in the reporting process and makes tracking complaints far easier. Clearly, the most important factor in evaluating the usefulness of the new tool will be how seriously and how effectively the HPS investigate and address hate crime complaints in the future. For many community members I spoke with, there was great concern over the seriousness with which complaints are taken by HPS officers – as opposed to how easy or difficult the process of making a complaint is. An important evaluative measure for the new Reporting Tool will be how people who have reported online feel about their subsequent interactions with the HPS and whether they feel their complaints have been investigated thoroughly and taken seriously.

LGBTQ Advisory Committee or Task Force

Both the HPS and some Two-Spirit and LGBTQIA+ community members have put forward the possibility of reviving the LGBTQ Task Force/Advisory Committee that disbanded years ago. Police officers and community members also expressed reservations about reviving it too soon.

The primary concern relates to timing. Given the strained relationship between the HPS and the Two-Spirit and LGBTQIA+ communities, many from both sides say now is not the appropriate time to revive the Task Force. Without laying a solid, trust-based foundation and setting a clear mandate, it is likely premature to

⁷⁷ Megean Deuling, "Hamilton has the highest rate of hate crimes in Canada: Report", *CBC News*, July 23, 2019, Online: <https://www.cbc.ca/news/canada/hamilton/hate-crime-statistics-canada-hamilton-1.5221663>

reestablish the Task Force. The mandate for the Task Force must be developed in consultation with the community. This cannot be dictated by the HPS. If and when reinstated, the Task Force needs to act as a conduit between the HPS and the Two-Spirit and LGBTQIA+ communities. It must be able to meaningfully provide recommendations for improving the relationship and the HPS's service delivery to the community.

As part of the mandate, clear metrics need to be established in terms of the number of meetings that are held, and what would constitute successful implementation of the Task Force. One criticism leveled against other task forces of this nature is that they exist merely to serve as a public relations exercise; for police services to be able to say they are open to input from the community. Task forces such as this have very little influence or authority when it comes to implementing change. Recommendations and suggestions may be considered but are rarely acted upon. To combat this perception, press releases ought to follow each meeting to ensure the public is well informed of the issues being addressed, the progress made and any work arising from commitments made at the meetings that still needs to be done.

Another important consideration is how the Task Force members are selected. The HPS has been the subject of criticism for how the August 29 and October 29 community meetings were held and attendees were selected. The meetings were closed-door meetings attended only by those invited by the HPS. There was little transparency on how attendees were chosen or how the meetings were held.⁷⁸

In contrast, when the Task Force is revived, the process for selecting and appointing members of the public must be fully transparent and accessible. One way to achieve transparency might be to hold an election among those within the community who have expressed interest in participating. Of course, the terms and the manner of any such election would need to be worked out in the Terms of Reference of the Task Force.

Another potentially less polarizing method of appointing community members to the Task Force is to appoint individuals who hold senior positions within local Hamilton organizations who represent the divergent interests of Two-Spirit and LGBTQIA+ community members. Community members who have extensive experience in community activism have raised the concern about how much legitimacy the Task Force can have with the community. Community members would potentially see anyone who sat on the Task Force as a "sell out" and someone that is too friendly with the police. In order to implement the Task Force, how the members are selected will be critical. The community does not want to see members who will simply "cheerlead" the police and are not willing to take a critical look at what the HPS is doing.

⁷⁸ Having chosen to do a smaller meeting like this instead of a more public town hall, the HPS attempted to invite a cross-section of the community some of which were critical of the HPS.

In terms of police composition, the LGBTQIA+ Liaison Officer must be part of any future Task Force and they must have the full support of and access to senior command. Moreover, any public statements or positions emanating from the HPS that potentially impact the Two-Spirit and LGBTQIA+ communities in Hamilton should be vetted through the Task Force beforehand. Doing so will help build trust between the Service and community.

Police training

The action plan included the need for ongoing and enhanced officer training. The HPS Professional Development Division is responsible for implementing more training. A review and evaluation is to be conducted of the current training on Two-Spirit and LGBTQIA+ competency. The office was to explore Request for Proposals to develop competencies. An updated Hate Crimes Manual for HPS staff was an item for consideration to be developed. The office was also to monitor developments in the Anti-Racism Anti-Oppression framework, *Police Services Act* and the Anti-Racism Directorate to determine alignment with the HPS's policies.⁷⁹ Based on all the information I received from the HPS to date, each of these initiatives remain outstanding "to-dos."

The HPS senior command must prioritize implementation of these new initiatives along with ensuring ongoing, in-depth evaluations to monitor the effectiveness of the new programs. For many community members, the concern with training is that it becomes another check box that gets ticked off and little changes in how officers deal with the community members. For officers, this may appear as one more component in an already packed training schedule, and the officers may not subsequently be able to recount much from these sessions. There are ways to measure the level of retention from officers who take such training. They should be utilized.

The Way Forward

The March 16, 2020 meeting between the HPS and Two-Spirit and LGBTQIA+ community members was cancelled in the light of COVID-19. That meeting was to provide an update on the action plan that was put forward on October 29, 2019. In many respects, I hope that this Report will provide an update to the initiatives that the HPS has undertaken in a wider context to more of the community.

⁷⁹ There is little detail provided regarding this action item and it remains unclear. In terms of accountability, these items must be clearer and easier to understand. Presumably, the item refers to the fact that any legislative developments and what arises from the Anti-Racism Directorate will be monitored. For example, in January 2020 police services were required to start collecting information on race in their Use of Force reports.

When circumstances allow, the HPS should conduct a larger public town hall to discuss the action items and provide updates to the community as a whole. Any legitimacy or buy-in from the community depends upon how transparent this process is and whether community input has been acted upon. I recommend that the HPS undertake a community town hall to present 'The Way Forward,' that will provide updates on the Action Plan and other initiatives, as well as canvas community views with respect to who ought to be attending the smaller, closed-door community meetings. While there may no longer be a formal LGBTQ task force, these smaller meetings with select community members are viewed by the Two-Spirit and LGBTQIA+ communities as the same thing. As such, the process for choosing attendees and the agenda must be more transparent for the community to feel that the meetings carry any real legitimacy.

Part 8: Recommendations

My primary purpose underlying this Review was to assess the police response to Hamilton Pride 2019 and provide the community and the HPS with concrete recommendations to facilitate more successful Pride celebrations moving forward. In order to achieve this goal, the Review necessarily had to consider the fractured relationship between the HPS and the Two-Spirit and LGBTQIA+ communities in Hamilton. The continuing success of Hamilton Pride events requires a stronger, trust-based relationship. While this Review is not about attributing blame to particular parties, it is vitally important that our public institutions are accountable to and garner the trust of the communities they serve.

This part sets out recommendations in three broad categories. The first relates to police planning for the next Pride in the Park event, which will take place in 2021. These recommendations should be carefully considered and implemented. Should the HPS decide not to implement any of the following recommendations, it should clearly articulate the reason for not doing so and set out what alternative steps it plans to pursue.

The second category of recommendations relates to steps the HPS should consider with a view to improving its relationship with the Two-Spirit and LGBTQIA+ communities.

The third category of recommendations focuses upon the culture, practices and training within the HPS that should be considered in order to foster a more inclusive and welcoming service.

Finally, some community members requested that I make recommendations that, despite being outside the scope for this Review, are worthy of the City's consideration. To this end, I have included some of these suggestions at the conclusion of this part.

A. Pride in the Park, Gage Park 2021

Planning for the event

Recommendation #1: The HPS should draft a formal policy and procedure to mandate communication between the HPS S.E.A.T. representative and the Crime Management Office within the respective divisions.

The policy should clearly set out that in circumstances where a S.E.A.T. application relates to an event where it is anticipated that 1,000 or more people will attend, or for events where there are known concerns, HPS S.E.A.T. approval requires review and input from the relevant HPS Crime Management office. Prior to HPS S.E.A.T. approval, a determination with respect to police resources and the necessity for an OP ought to be made.

Recommendation #2: Upon receipt of a S.E.A.T. application, the relevant HPS Crime Management Office should prepare an OP for the event.

For S.E.A.T. events with 1,000 or more attendees, or events where known concerns exist, OPs should be put in place as early as possible by the divisional HPS Crime Management Office in which the event will be taking place. Any such OP must be developed and account for information included within the S.E.A.T. application. The S.E.A.T. application must always be appended to the OP to ensure that any officer reviewing it is also aware of the S.E.A.T. application for that event. For Pride in the Park 2021, I strongly recommend that the HPS OP be prepared at least 30 days before the event with the flexibility to amend the plan as necessary in the days leading up to the event.

In conducting this Review, I requested any HPS policies that exist in relation to special events. I was not provided with any such policies. It is evident that there was a fundamental absence of communication between the officer who sat on the S.E.A.T. committee and the officer who prepared the OP for Hamilton Pride 2019. The officer who prepared the Pride OP had never heard of a S.E.A.T. application. The OP for any S.E.A.T.-approved event must be informed by the information within the S.E.A.T. application. This information will include whether any paid duty officers are required; the number of anticipated attendees; any past security concerns, the need for traffic control measures, and other important details.

The S.E.A.T. application should also clarify which areas the organizers have received City issued permits for. This is important for drafting the OP and considering where Agitators will be located if they attend Pride 2021.

Hamilton Pride 2019 marked the second year that the event was held at Gage Park. The fact that the Crime Management Office within Division 20 only came to know of the event two days before it took place is both incomprehensible and unacceptable.

It is incomprehensible because the S.E.A.T. application for the event was submitted and approved a month before the event, and Pride was advertised throughout the City. There was a Rainbow flag raising at Central Station at the beginning of June 2019.

It is unacceptable because proper planning and preparation takes time and consultation.

Recommendation #3: The OP should be drafted after consultation with Pride organizers.

Taking into consideration the confidentiality of police intelligence, resource deployment, security measures and tactics, portions of the OP should still be

reviewed with Hamilton Pride event organizers. This should include clear discussions about who the HPS supervising officers at the event will be, how to contact them and their rules for engagement. If Pride organizers have any concerns, these should be addressed and documented.

Recommendation #4: The OP must include the name and contact information for at least one Pride organizer and organizers should be provided with contact information for a commanding officer who will be present at the event.

The 2019 OP had the cell number of one of the Pride organizers. The HPS should be able to easily contact a Pride organizer prior to and throughout the duration of the event. Bearing in mind that Pride organizers are all volunteers, it would be helpful if the HPS and the Hamilton Pride organizers each have a point person for ongoing communication, as necessary.

Recommendation #5: HPS officers, including the LGBTQ Liaison Officer, should meet with Pride organizers to discuss public safety issues after the OP is drafted and before the event takes place.

As previously stated, I found that the HPS should have had more communication and coordination with Pride organizers. When circumstances became heated on the day of the event, organizers were left scrambling and were only able to communicate with officers who were on scene. Of course, there were only four uniformed officers, and they were occupied with a hectic and escalating situation. This demonstrates an absence of effective planning by the HPS.

The HPS should meet with and review aspects of the OP with Pride organizers in order to obtain feedback regarding any concerns about the safety of the event. While I fully appreciate that that Pride organizers only wish to meet with the HPS after approval of the S.E.A.T. application, given the violence that broke out in 2019 and the possibility of further incidents in the future, HPS's approval of the S.E.A.T. application should be contingent upon a prior meeting with Pride organizers. The best time to discuss safety concerns is when the S.E.A.T. application is submitted and under consideration. Any such meeting should be clearly documented to ensure there is no future misunderstanding.

Many of the community members I met with indicated that their biggest concern with future Pride events is safety. The HPS LGBTQ Liaison Officer has received the same concerns. A jointly issued public statement from HPS and Pride organizers ensuring cooperation with respect to safety would alleviate many of the concerns in the community. While there is no expectation in the short term that the HPS will formally be part of Pride celebrations, a public statement with respect to the protection of attendees at the event is a positive step forward.

If a joint statement is not possible, the HPS should issue a release wishing Happy Pride to attendees and assure the entire City of Hamilton that they support the event and are ready to respond if Agitators show up to disrupt the celebration.

Recommendation #6: HPS, the Board or the City of Hamilton should consider providing a grant to Pride Hamilton to subsidize the cost of paid duty officers.

I have been advised by Hamilton Pride organizers that the cost of hiring paid duty officers is prohibitive and that it is more affordable to hire private security. While Pride organizers and Pride attendees may not want uniformed officers present and patrolling within the event space, the option of having paid duty officers do so should at least be available to organizers.

Recommendation #7: The OP for Pride in the Park 2021 must include far more information than it has in previous years.

To assist in drafting and finalizing the OP, the HPS should have an officer who has had some experience with Pride 2018 and 2019 draft or review the plan.

In particular, the OP for future Pride events should include detailed information with respect to the following:

- i. Identify the permitted areas of the park, including where the event will be taking place and a buffer that can be created between any potential Agitators and Pride attendees;
- ii. The details Pride organizers have provided to the HPS about the presence and role of uniformed officers within the event space;
- iii. The circumstances in which deployment of officers inside the event space may be necessary and how such deployment can most reasonably accommodate the requests of organizers while at the same time maintaining public safety and the peace;
- iv. Based upon the anticipated number of attendees, identify a proportionate number of officers that will be stationed around or near the event space; the location of the officers and the nature of their patrol;
- v. The statutory authority of officers to keep the peace and remove Agitators who are interfering with the lawful use and enjoyment of the park. This should include provisions under the *Code*, the *Trespass to Property Act* and municipal by-laws that prevent people from interfering with the use of a public park during a permitted event;

- vi. An overview of the events that unfolded during Hamilton Pride 2019 along with clear guidelines on how officers should interact with Pride attendees;
- vii. Provision for and manner in which additional HPS resources such as the POU and ACTION teams will be deployed. Consider again the use of HEAT plainclothes officers (perhaps more than two) within the event space to assist with monitoring the event;
- viii. Clear guidance for POU or other officers who may be deployed if clashes between groups occur, including how officers will separate the groups and de-escalate tensions. Any police line put in place to separate groups should ensure officers are staggered and facing both Pride Defenders and Agitators.

Recommendation #8: The OP should be available for officers to review at least two weeks prior to Pride in the Park 2021.

Officers who will be deployed to the event should have access to the OP and review it in advance of the briefing on the morning of the event. Officers on patrol who may be called in on the day of the event should have access to the OP in advance as well.

Policing on the day of the event

Recommendation #9: Pre-Pride HPS briefings for officers must be detailed.

The importance of the relationship between the Two-Spirit and LGBTQIA+ communities and the HPS should be emphasized during pre-event police briefings. While the Agitators have the right to display their hateful signs, they have no right to interfere with or engage any Pride attendees on the way to the festival.

The morning briefing should identify the permitted areas, where Agitators were in 2018 and 2019 and where they may likely attend in 2021. Clear direction with respect to the nature of officer deployment, the location of patrol and the scope of their authority must be discussed during the morning briefing.

Recommendation #10: On the day of the event, supervising officer(s) should arrive at the park and contact organizers well in advance of the start.

The supervising officer(s) should walk through the park to survey the permitted and public areas. HPS officers and Pride organizers should ensure their contact information for each other is accurate and that there is an open line of communication. The HPS officers must clarify that they can be contacted if there is a disruption and someone needs to be removed from the permitted space.

Given what transpired in 2018 and 2019, the HPS and Pride organizers should expect and plan for Agitators and other far-right group members to show up in 2021. The sense from many of the community members I met with is that a large number of the far-right and Yellow Vest people who came to Gage Park on June 15, 2019 were from out of town, including, for example, the “helmet guy”, who is from Kitchener. There is a sense that in 2019 some far-right people from Hamilton felt “left out” and may be eager to attend in 2021 to further interfere with the celebrations. Every effort must be taken to prevent this from happening. HPS officers cannot prevent Agitators from attending. Officers can certainly remove Agitators from Gage Park during the event if they are interfering with the constitutional and legal right of the park users, including Pride attendees.

Recommendation #11: The HPS should seek the assistance of a City by-law enforcement officer to enforce by-laws that ensure a peaceful and celebratory event.

Although HPS officers have the inherent authority to enforce City of Hamilton by-laws, municipal by-law enforcement officers have more experience in doing so and may have more knowledge of the range of applicable by-laws that can be relied upon.

Recommendation #12: Officers should be prepared for the arrival of Agitators.

When Agitators arrive at the event, officers should be immediately deployed and remain in that area. Multiple groups of officers patrolling the perimeter of Gage Park and/or having some officers in the area of Main St. and Gage St. would facilitate this and allow officers to be with Agitators as soon as they arrive at or near Gage Park. This may help prevent the escalation of tensions.

Recommendation #13: HPS supervising officers at Gage Park should be in constant communication with Pride organizers for the duration of the event.

This will ensure they are promptly informed of the arrival and location of Agitators, and informed of any other issues.

Recommendation # 14: Police should attempt to engage and coordinate with Pride defenders to the greatest extent possible.

HPS supervising officers should attempt to engage and coordinate with Pride Defenders to assist in de-escalating and making sure everyone remains at a respectful distance from each other.

I heard from several community members and HPS officers who emphasized that a buffer zone and some physical distance would go a long way towards de-

escalating any confrontation between Pride Defenders and Agitators. I heard as well that the presence of police officers in the vicinity was helpful and appreciated in 2018. In 2019, the officers who first appeared at the confrontation helped minimize further escalation or incidents of violence. Clearly, more officers were needed to end the confrontation and separate the groups.

One of the primary issues of concern relates to the absence of clear communication to officers about the location of the Agitators.

Many community members I spoke to had submissions regarding the Yellow Vest demonstrations at City Hall and concerns about Hamilton's reputation as a haven for hate and intolerance. In the context of Pride, community members expressed the need for the City and the HPS to keep Agitators and their hateful messages far away from Pride events. This can be accomplished by ensuring that only those welcomed within the permitted areas of Pride events are allowed to remain. The events held at Gage Park are conducted on City-owned property and those bringing messages of hate who disrupt the festivities can and should be denied entry to the park while Hamilton Pride is taking place.

The recommendations set out above are intended to *prevent* situations from escalating into violence.

B. Improving the relationship between the HPS and the Two-Spirit and LGBTQIA+ communities

Public statements and apology

Recommendation #15: The HPS should unequivocally apologize to the community for creating the impression that the police response to Agitators would have been different had the HPS been formally invited to the event.

Recommendation #16: The HPS should apologize to the community for inadequate planning and lack of preparation for Hamilton Pride 2019.

Recommendation #17: The HPS should apologize to the community for the public statements made during and after the event and for equating the conduct of the Agitators with that of Pride Defenders.

Recommendation #18: The HPS should apologize to the community for the lack of communication with Pride organizers.

Recommendation #19: The HPS and the Board should publicly acknowledge that building a relationship of mutual trust will take years and should commit to the hard work necessary for that to happen.

Recommendation #20: The HPS should acknowledge to the community that more needs to be done to protect Pride attendees and Two-Spirit and LGBTQIA+ community members from Agitators who wish to disrupt events and cause conflict. The HPS should acknowledge they understand the perception in the community that they are protecting hatemongers and commit to doing more to balance these Agitators' free speech rights without interfering with the community's peaceful, lawful use of public spaces.

The messaging and statements from the HPS after Hamilton Pride 2019 were inadequate, hurtful and contributed to the ongoing tension with the Two-Spirit and LGBTQIA+ communities. Rather than accepting responsibility and acknowledging that HPS's planning and response to the events should have been better, the HPS leadership defended the HPS's actions. To the community, this appeared as an attempt to shift blame onto the Pride organizers and Defenders.

The HPS is a public institution that depends on the community for its legitimacy and funding. The HPS should have immediately acknowledged that the situation was not handled as effectively as it ought to have been, a review would be undertaken of its response and the Service would take concrete steps to ensure the safety of attendees at future events. In the immediate aftermath of Hamilton Pride 2019, the HPS leadership ought to have assured the public that they will be accountable, transparent and make any necessary changes going forward.

From my meetings with community members, it is clear that many of the Pride Defenders were Pride attendees ready to try and stop the Agitators from disrupting festivities. Only the ones holding the black curtain were assumed to be from The Tower. There is no evidence to suggest The Tower members were there to engage in a physical confrontation with the Agitators. To give the impression that there were two groups looking to fight is simply not accurate. To equate the black curtain and the wider Pride Defenders as anarchists evokes images of the vandalism on Locke Street and is not a fair characterization of the Pride Defenders.

Recommendation #21: The HPS should refrain from making comments around recruitment booths and police inclusion at Two-Spirit and LGBTQIA+ events until a joint statement can be issued with Pride Hamilton. Instead, the HPS should issue a statement such as "The Hamilton Police Service is committed to protecting the public safety and ensuring that Pride 2021 is a success for everyone who attends to celebrate the diversity of Hamilton. The HPS will work with Pride organizers to ensure a safe event where everyone is respected regardless of whether the HPS is asked to participate in Pride."

The issue of police participation in Pride events across North America is highly divisive within the Two-Spirit and LGBTQIA+ communities.⁸⁰ Some community members told me that by continuing to insert themselves into this discussion, the HPS is fostering division and strife within the Two-Spirit and LGBTQIA+ communities.

The issue of uniformed police taking part in a Pride celebration is distinct from uniformed officers being present at the event. Regardless of police participation, police presence is essential for public safety and order. Many community members I met with hold the view that the HPS should, as an institution, take a step back from Pride and for the time being not ask to be a part of or have a recruitment booth at Hamilton Pride celebrations. Along with this initiative, the HPS should communicate to organizers and the public at large that while it does not intend to take part in Pride, it fully supports the event and will ensure that there are uniformed officers present sufficient to ensure the event is a success. The HPS can and should communicate the message that in the future it hopes to be able to celebrate Pride with the Two-Spirit and LGBTQIA+ communities and to that end will be working with the communities to build the trust necessary for a time when police participation is not controversial.

Public statements and apologies must be accompanied by a commitment to change and are important first steps to build relationship by accepting accountability and demonstrating the desire to move forward.

LGBTQ Liaison Officer position within the HPS

Recommendation #22: The HPS should carefully review the role of and responsibilities associated with the LGBTQ Liaison Officer position and whether it ought to be a full-time, Sergeant level position.

Recommendation #23: The HPS should integrate the LGBTQ Liaison Officer position with the Community Relations Coordinator position and consider expanding these roles.

Recommendation #24: The HPS, in consultation with the LGBTQ Liaison Officer and members of the ISN, should determine what role the LGBTQ Liaison Officer should have within the ISN.

I have concerns that a detective constable with a full case load cannot at the same time adequately execute all responsibilities associated with being the LGBTQ Liaison Officer. Despite the very best intentions of the current LGBTQ Liaison Officer, it appears that she is being tasked with two full-time jobs.

⁸⁰ Liam Stack, "Do the Police Belong at Pride? Marches Face a Difficult Question", *New York Times*, June 26, 2019, Online: <https://www.nytimes.com/2019/06/26/us/pride-parade-police-cops.html>

While I fully appreciate that the Liaison role is being piloted by the HPS, the responsibilities associated with the position require that it be an independent and full-time position. For anyone to have success in the role, additional leadership support and resources are required. I take no position whether the role should have a higher rank. The more important consideration is that the Liaison Officer have access to HPS's leadership and senior command. The LGBTQ community should know and be confident that the Liaison Officer will bring their concerns to senior command, and that senior command is actively engaged in the relationship.

Community Task Force/Advisory Committee

Recommendation #25: The HPS should retain a third-party facilitator or mediator from a list provided by community members to facilitate future community meetings moving forward.

Any such facilitator/mediator must work independently of HPS to co-ordinate and facilitate meetings between the HPS and community members. This person would be responsible for identifying suitable community members who are willing to participate in these meetings.

The HPS should acknowledge that it is paying for, but in no way interfering with, the independence of the facilitator. The facilitator should be provided with a clearly articulated budget and have access to resources to ensure the meetings are properly planned and attended by community members.

Recommendation #26: The HPS should consider holding larger town hall meetings to review their action plan, 'The Way Forward'.

I heard concerns that the current group's membership is not known (unless they publicly say they have been to meetings) and the meetings appear to be secretive to the community. Retaining a third-party facilitator that the HPS and the community trusts to assist with this would alleviate these concerns. The facilitator would work with the HPS and the community to arrange larger town hall meetings to discuss 'The Way Forward'.

Recommendation #27: The HPS should consult with the community to determine if and when it may be appropriate to recreate a community task force/advisory committee.

If and when such a task force is re-instated, the HPS and community members should work closely together to consider the following issues:

- i. Any community task force or advisory committee must have a clear mandate and regularly scheduled meetings with detailed, focused agendas;
- ii. The process for gaining membership on the task force or advisory committee must be transparent and accessible. The HPS should consider holding public nominations for people to sit on the task force or advisory committee;
- iii. Leaders of local community organizations with strong ties to the Hamilton Two-Spirit and LGBTQIA+ communities should be invited to participate as members of any such task force or advisory committee;
- iv. A senior HPS officer should be a member of the task force or advisory committee along with the LGBTQ Liaison Officer; and
- v. Joint press releases should be issued after every meeting to ensure transparency and to create a public record of the issues being addressed by the task force or advisory committee.

I heard from many community members and officers about a task force or advisory committee. Some felt the time was right for reinstatement of a task force and that such a body could have been effective in dealing with the fallout and increasing tension between the community and the HPS after the events of June 15, 2019.

However, many expressed concerns over the reinstatement of a task force given the fractured nature of the relationship. One concern I have is that the two HPS and community meetings in August and October 2019, in some respects look and feel very much like an advisory group or informal task force. In this forum, the HPS has heard from and presented their action plan but only to specific individuals whose attendance was by invitation only. If these meetings continue, the process for community participation must be more transparent and formalized or there will be little community buy-in.

Any advisory group or future task force will only gain credibility with the community if it is seen as advocating for the community's needs and there is a clear shift in the relationship between community members and the HPS. The goal is to build relationships with mutual trust and respect at the foundation. Given current circumstance, this will take years of hard work to accomplish.

Recommendation #28: To build trust and foster a positive relationship with the Two-Spirit and LGBTQIA+ communities, the HPS leadership should consider having an inspector or higher ranking officer work with the HPS's Community Relations staff to conduct ongoing community outreach.

C. The HPS culture and training with respect to Two-Spirit and LGBTQIA+ issues

Training

Recommendation #29: During block training, the HPS must develop and mandate more in-depth seminars and hands-on training with respect to Two-Spirit and LGBTQIA+ issues.

Many community members pointed out that those conducting the officer training should be community members with lived experiences. They should include people who have lived through negative interactions with police officers and have experienced homophobia and transphobia first-hand. I fully agree with this.

HPS training in these areas must focus on community members' actual lived experiences and the training should include input from community members who experience marginalization on a number of intersecting levels. In other words, a middle class, white gay man or lesbian woman should not be the only source for developing further, enhanced officer training. The HPS should also fairly compensate those who develop and deliver these training sessions.

I heard from officers that the annual block training consists of half classroom instruction and half use of force training. The classroom presentations mostly consist of presenters flipping through static PowerPoint type slides. From the more than two dozen officers I met with, the only consistent takeaway was that they needed to be respectful and treat everyone the same. I understand the demands on officers' time and how difficult it is to pack a large amount of training into 40 hours of instruction. I also understand how difficult it is to retain information sitting in a classroom watching PowerPoint presentations. More needs to be done to ensure officers retain information.

Recommendation #30: The HPS should continue training officers with respect to appropriate and current terminology and the need for sensitivity when it comes to terminology.

Language and terminology are constantly evolving. While at times it was expressed to me that it was difficult to keep up with this evolution, I am of the view that simply keeping abreast of these developments demonstrates sensitivity and respect for the Two-Spirit and LGBTQIA+ communities. For example, a great deal was made of the Chief's use of the term "twin spirit" on the Bill Kelly Show. While inadvertent and certainly not intended to be hurtful or insensitive, this is precisely how it impacted the community. Words do in fact matter. They matter a great deal.

Recommendation #31: The HPS should work in conjunction with the ISN to create additional training materials regarding Two-Spirit and LGBTQIA+

issues, either through lectures or online materials. This training can focus on scenarios that arise in interactions between HPS officers and community members.

In the past, the ISN has provided training sessions and materials to officers to supplement annual block training. Delivery and attendance for this training was completely voluntary. This type of training should both continue and be enhanced. The HPS should provide financial support to the ISN that includes funding for development and delivery of training materials or retention of outside agencies to attend the HPS and deliver training. This has been done in the past on an *ad hoc* basis but should be formalized. Part of the ISN's mandate could be to develop and deliver this type of training to HPS officers on a more regular basis.

Recommendation #32: The HPS should review training materials from other police services with regards to Two-Spirit and LGBTQIA+ issues and determine if there are training materials and programs that are suitable for the HPS to develop and deliver.

Recommendation #33: The HPS officers should be required to work within the Two-Spirit and LGBTQIA+ communities in order to receive experiential training in conjunction with more traditional, lecture-oriented sessions. Officers of all ranks should interact with community members on a more regular basis.

I heard from many community members and officers that professional development and learning is a career and life-long commitment and process. Officers' firsthand, direct contact and experience with community members is key to developing a relationship of mutual trust and understanding. This type of experience and knowledge cannot be taught in a classroom setting with PowerPoint slides. The HPS should consider creating a program that provides officers with credit for training hours if they volunteer and work with community members at events or participate with the various Hamilton agencies that are engaged directly with Two-Spirit and LGBTQIA+ community members. Building these types of programs requires community involvement and partnership. The HPS should reach out to community organizations to develop such partnerships.

Recommendations #29 to #33, with appropriate modifications, should also be instituted with senior command who have their own training and professional development program separate from the block training.

Recommendation #34: All senior command officers should receive enhanced media training to ensure any media appearances are conducted with professionalism and convey appropriate messaging.

I heard that the Chief has undergone further media training. I recommend enhanced media training for officers who will be speaking to the media and

participating in talk shows where they are interviewed. Many of the issues of concern raised by the community relate to the public statements and messages coming from the HPS's leadership, and the Chief in particular. To the extent possible, press releases or statements involving the Two-Spirit and LGBTQIA+ communities should be reviewed with the LGBTQ Liaison Officer and the LGBTQ task force.

Internal culture and practices/policies

Recommendation #35: The HPS must continue to support the ISN and clarify the role of the ISN.

HPS leadership and ISN members should consider whether only Two-Spirit and LGBTQIA+ members should be part of the ISN and if so, how allies can best provide support to the ISN. Senior ranking officers who do not identify as members of the Two-Spirit and LGBTQIA+ communities should not be members of the ISN but should support the work of the ISN in other meaningful ways.

The ISN has always been very informal. It requires more structure and direction in order to fulfill its mandate of supporting Two-Spirit and LGBTQIA+ members of the HPS. Moving forward, the ISN and its members would greatly benefit from a clear mission statement and operational budget. Currently, the ISN does not have a clearly articulated mission statement, governance or financial structure. The ISN seems to function in a very *ad hoc* manner. Further, an internal review should be undertaken with respect to the manner in which those employed with the HPS who identify as members of the Two-Spirit and LGBTQIA+ communities can discreetly seek support. The mere existence of safe spaces within HPS buildings is not sufficient.

Recommendation #36: The HPS should carefully consider undertaking a Diversity Audit or Organizational Culture Review.

This would provide HPS leadership with a snapshot of the HPS's internal culture and how the community at large view the HPS. Any such review would function as a starting point or benchmark from which goals can be identified and positive change towards a more inclusive Service can be tracked.

This Review was limited in scope and focused on the events of Gage Park on June 15, 2019 and the police planning and response to it. I also reviewed the HPS's culture, practices and training as they relate to Two-Spirit and LGBTQIA+ issues and which touch upon the Gage Park violence and police response. The Review is not meant to audit or review the HPS's culture in general nor its relationship with other vulnerable or marginalized communities. A comprehensive diversity audit or organizational culture review is necessary to examine and review the HPS's culture. This work should be conducted by an outside organization that has expertise in this type of review.

A full-scale diversity audit or organizational culture review takes at least 12 to 18 months to complete. Such an endeavour is broad-based and requires significant support (including financial support) from the Board and the HPS's leadership. Given the limited nature of this Review and the very short timeline provided for delivery of my Report, it would have been impossible for me to undertake such an extensive, far reaching diversity audit or organizational culture review. The Board and the HPS should very seriously consider implementing this recommendation during the next Business Planning cycle, which culminates in the delivery of the 2022 Business Plan.

City Hall demonstrations

Recommendation #37: The HPS should consider the legal tools discussed in this Report in the context of demonstrations at City Hall.

The public must be allowed to demonstrate and express their views. As discussed in the context of Agitators at Pride, there are limits to these rights. Some of the legal tools discussed could be employed at City Hall.

Recommendation #38: The Board and/or HPS should institute a mechanism for external review and audit of these recommendations and grading of compliance. The HPS should be prepared to address how and in what manner it has responded to these recommendations 12 months and 24 months after the release of this Report.

For this Review to be meaningful and for progress to be made, it is essential that the Board ensure that the HPS leadership track and report on the steps taken to adopt the recommendations made in this report. I have made concrete recommendations that the HPS can and must undertake if the planning for and response to Agitators who attend at Pride festivities is to be improved.

I have also made recommendations with respect to improving the relationship between the HPS and the Two-Spirit and LGBTQIA+ communities, as well as some recommendations for improving the HPS' internal culture as it relates to the Two-Spirit and LGBTQIA+ communities. The community wants to see change and rightly so. It is up to the Board and HPS leadership to initiate and commit to change. The burden is squarely placed upon the HPS leadership and Board to do so. The Board and the HPS serve the City of Hamilton and its residents and must do so in a manner that is perceived to be, and is in fact, fair.

D. Noteworthy community submissions going forward

I heard from community members regarding recommendations and submissions that were not directly related to or only about the HPS. I feel it is important to list these recommendations so that they are available for review by both the

community and the HPS in the event they can assist the relationship and Hamilton Pride in Gage Park in 2021. They do not form part of my recommendations as they do not directly relate to the HPS and are not recommendations the HPS or the Board can directly implement.

Volunteer marshals

In 2018 there were volunteer marshals at the Pride celebration. I was told that in the past, volunteer marshals helped ensure a smooth event that was safe for all. It has been suggested that going forward, Pride celebrations should include volunteer marshals who have been appropriately trained. Training would emphasize de-escalation techniques and come from the perspective of an anti-oppression framework. Volunteer marshals could be used as intermediaries between the public attendees at Pride events and police. If confrontations arise or Agitators show up to disrupt an event, volunteer marshals can engage with police to seek assistance in de-escalating tensions. While by no means a replacement for proper security measures, the inclusion of volunteer marshals would be an additional layer of protection against violence breaking out.

Rainbow tarp to block out Agitators

The use of a large, opaque tarp to block out the hateful, hurtful signs of the Agitators was a highly successful tactic. However, many I spoke with felt that the use of a black tarp was inconsistent with the festive and joyous celebration that Hamilton Pride 2019 was meant to be. One recommendation that I received and agree with is the use of a large, rainbow coloured opaque tarp. While the difference between an all-black and rainbow coloured tarp is mostly symbolic, it poses a very significant symbolic difference to many. Whereas an all-black tarp is dark and sends a more somber, negative message, the use of a rainbow tarp conveys a message of openness, celebration and joy.

Better coordination between Pride Hamilton and HPS

Many community members also expressed the need for greater cooperation and communication between HPS and Pride Hamilton organizers. There should be a designated “point” person from both organizations, each authorized to speak for their respective organization. Community members expressed to me that Pride Hamilton should work with HPS in planning security. Many community members I met with agreed that for the foreseeable future, the HPS should not have a formal presence at Hamilton Pride events. However, they also expressed the clear sentiment that Pride organizers must communicate more frequently and effectively with the HPS to ensure a safe and secure environment for future Pride events. For Hamilton Pride 2021 to be successful, organizers must be willing to meet with the HPS to discuss safety and security at the event.

LGBTQ community hubs and spaces in Hamilton

One of the concerns expressed to me was the lack of LGBTQIA+ community spaces in Hamilton. Of special concern are the very limited places for youth who are members of the Two-Spirit and LGBTQIA+ communities in Hamilton to congregate safely. The closure of the Well has had a significant adverse impact upon youth in Hamilton. It provided a safe, physical location for members of the Two-Spirit and LGBTQIA+ communities to socialize. While recommendations regarding safe public community spaces are outside the scope of this review, it is important to highlight this concern for the HPS and the Board.

Conclusion

Although significant tensions and distrust exist between the Two-Spirit and LGBTQIA+ communities and the Hamilton Police Service, there is still promise. Much can be done by the HPS that will help foster a stronger relationship with the Two-Spirit and LGBTQIA+ communities in Hamilton.

With effective, ongoing and committed community outreach, along with revised public communications efforts and a demonstrated desire on the part of the HPS leadership to prevent hateful Agitators from attending and interfering with Pride events, the relationship can make positive steps forward. This will undoubtedly take time. It requires a concerted effort on the part of all parties, but as a public institution, the onus rests first and foremost with the HPS.

Change often comes as a result of difficult circumstances and challenging events. My discussions with the HPS leadership indicate a strong desire to engage in the work necessary to build trust with the Two-Spirit and LGBTQIA+ communities. The cooperation and transparency with which the HPS operated throughout this Review must be emulated in its actions toward the Two-Spirit and LGBTQIA+ communities on a consistent basis moving forward. It is indeed possible to make Hamilton “the best place to raise a child and age successfully.”

Appendix 1: Statement from Chief Girt, August 29, 2019



HAMILTON POLICE SERVICE

155 King William Street, Hamilton, Ontario Canada L8R 1A7 | 📞 905.548.4925 | 📠 905.548.3832

Thank you for coming and sharing your experience and your concerns with us. We recognize the relationship is strained and this meeting is an important first step.

I also know you're looking for answers to our operational response on June 15 and so am I. There is a lot of information circulating, some of which is accurate and some of which is not. At this point, we can't comment on the details related to June 15 because we need to let the investigative process unfold. There are several complaints before the OIPRD and the Hamilton Police Service Board is looking at the potential of a third-party investigation. We are bound by those investigative processes. We know there are lessons to be learned in how we responded to the event and how we'll do things differently in the future. We commit to any recommendations that flow from these reviews.

Right now is the time to listen to the diversity of voices around this table and to look toward finding the path forward.

I would also like to start by taking responsibility for our role in the current state of our relationship. I regret that we're in this place.

We know these last few months have been difficult for our entire community. We acknowledge the trauma and fear in the 2SLGBTQ+ community by what took place on June 15 in Gage Park at the Pride Festival. There is no doubt the community experienced trauma at Pride.

First and foremost, our role as peace officers in the community is to ensure Hamiltonians truly feel safe and respected in our city. We remain committed to this. When any member of our community doesn't feel safe, that's not okay.

On July 12, I was interviewed by Bill Kelly. I understand how the interpretation of my comments on the Bill Kelly Show created hurt and anger in the community. I want to be perfectly clear today, whether or not we are invited to a place or event, our primary duty is to make sure that all members of our community are safe.

I am also aware that I misspoke in saying twin spirit instead of two-spirit and for this I apologize.

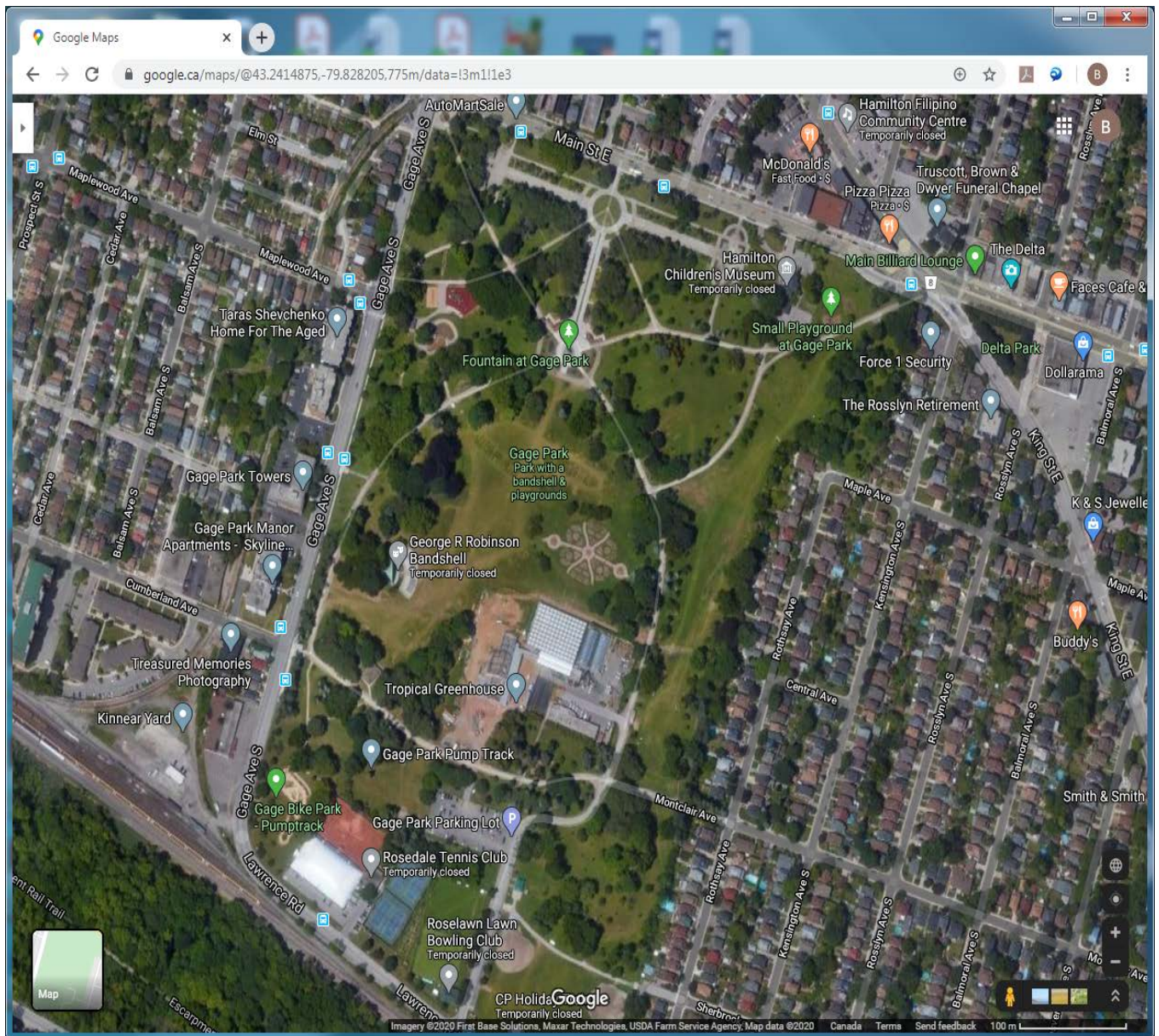
hamiltonpolice.on.ca



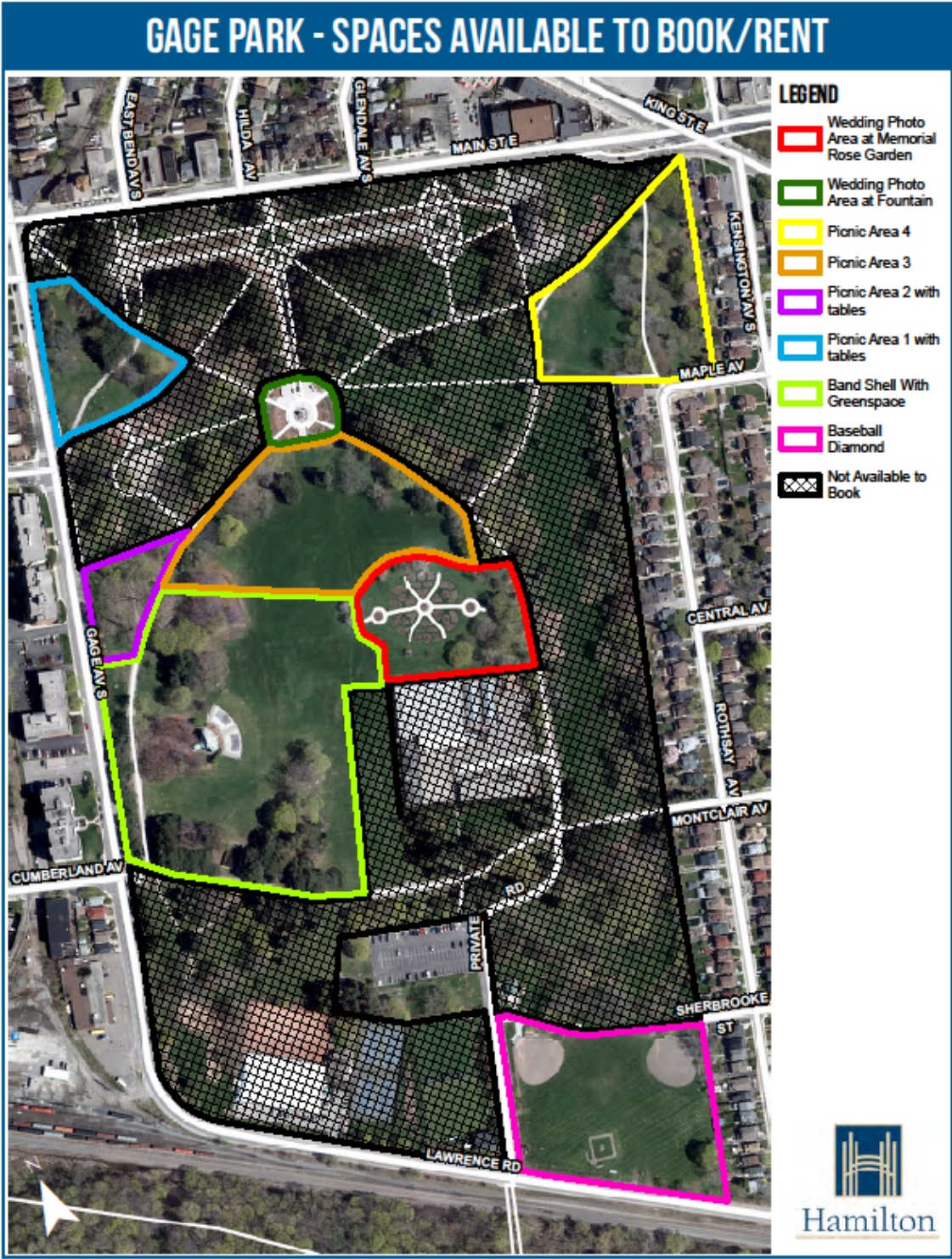
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Schedule 1: Maps of Gage Park

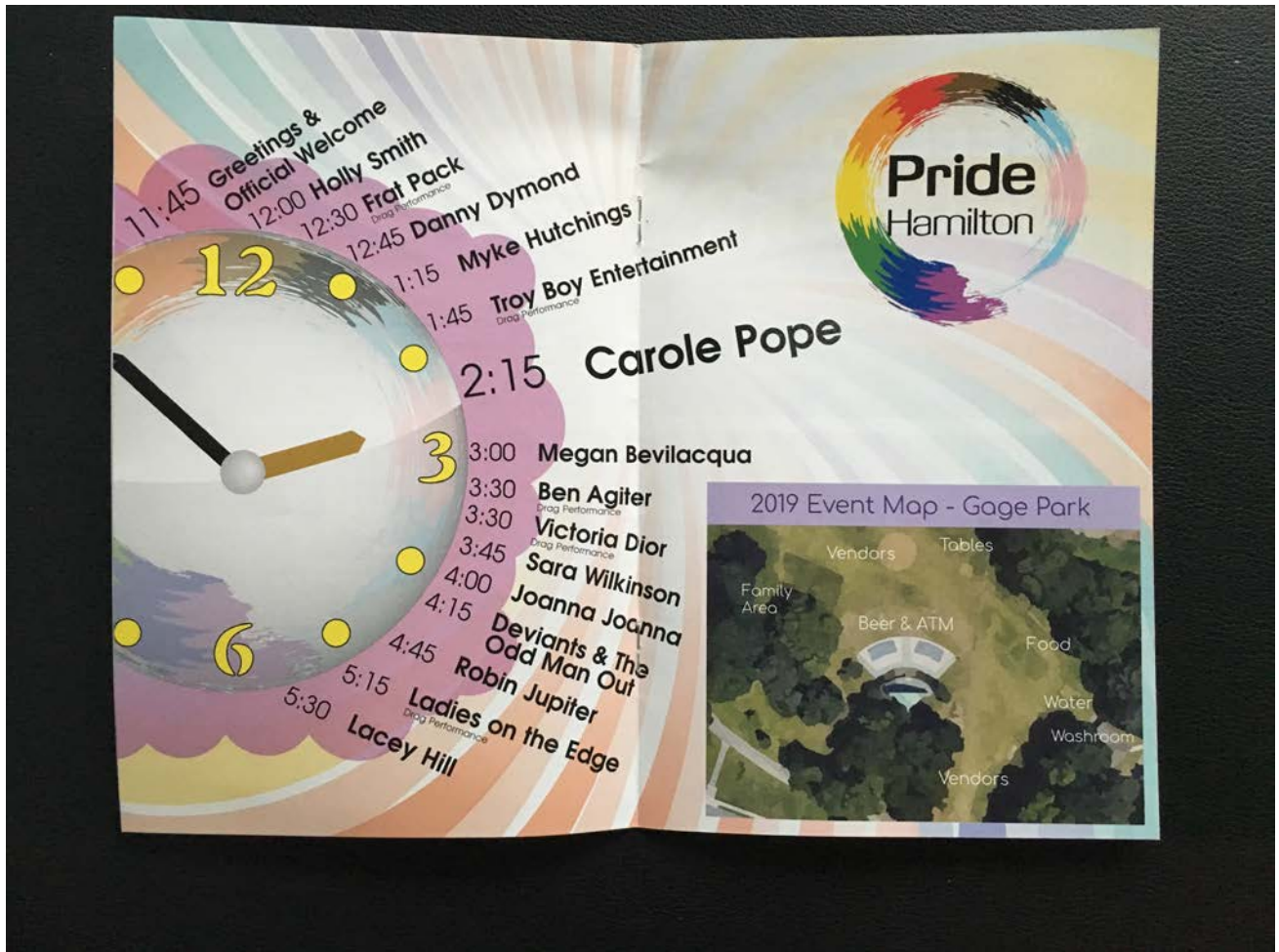
Map 1 Google maps



Map 2 - City of Hamilton Areas for Rent Gage Park



Map 3 - Hamilton Pride 2019 Program and Festival Map



MINUTES OF THE HAMILTON POLICE SERVICES BOARD

Thursday, March 12, 2020
1:00 pm
Hamilton City Hall
Council Chambers

The Police Services Board met.

There were present: Fred Eisenberger, Chair
Donald MacVicar, Chair
Fred Bennink
Chad Collins
Robert Elms
Tom Jackson

Absent: Patricia Mandy

Also Present: Chief Eric Girt
Deputy Chief Frank Bergen
Deputy Chief Ryan Diodati
Anna Filice, Chief Administrative Officer
Superintendent Greg Huss
Superintendent Will Mason
Inspector Robin Abbott
Inspector Dave Hennick
Inspector Mike Spencer
Inspector Mark Stiller
Inspector Wendy Vallesi
Staff Sergeant Greg Doerr
Sergeant Paul Corrigan
Marco Visentini, Legal Counsel
Doris Ciardullo, Director, Fleet & Facilities
Leanne Sneddon, Director, Human Resources
Jackie Penman, Corporate Communicator
Sanela Rusich, Financial Controller
Jasbir Dhillon, Community Relations Coordinator
Christopher Herapath, Zone Advisor, MCSCS
Lois Morin, Administrator

Vice Chair MacVicar called the meeting to order.

Call to Order

Vice Chair MacVicar called the meeting to order recognized that the Hamilton Police Services Board is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

1.2 Additions/Changes to Agenda

NEW Consent Item 4.6: Ontario Association of Police Services Boards Spring Conference and Annual General Meeting.

New Business Item 6.2: Ontario Association of Police Services Boards Big 12 Director

New Business Item 6.3: Update from Chief Grit with respect to COVID19

New Business Item 6.4: Discussion with respect to the Hamilton Police Services Board Budget 2020

After discussion, the Board approved the following:

Moved by: Member Elms

Seconded by: Member Jackson

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

Carried.

Presentations

2.1 Members of the Month

There were no Members of the Month

2.1 Hamilton Police Service Recognition: Certificate of Appreciation from the Royal Canadian Mounted Police Major Crime Section

Chair Eisenberger and Chief Girt presented a Certificate of Appreciation from the Royal Canadian Mounted Police Major Crime Section to Sergeant Richard Wouters. Sergeant Wouters demonstrated flexibility and dedication while performing his duties and represented the Hamilton Police Service in an exemplary and professional manner.

2.2 Deputation: Jennifer Vermeer of SVN (stop violence now)

Jennifer Vermeer of SVN (stop violence now) to Provide a Deputation to the Board with respect to violence in Hamilton Schools provided a deputation to the Board.

Following the deputation, the Board approved the following:

Moved by: Member Jackson

Seconded by: Member Ems

That the Board receive the deputation as provided, and requested that Chief Girt provide a report to the Board on the School Liaison Officer Program at Hamilton Schools which will include the costs and the upside(s) / downside(s) of the Program.

Carried.

General**3.1 Declarations of Interest**

None

**Consent
Agenda****4.1 Approval of Consent Items**

Moved by: Member Elms

Seconded by: Member Bennink

That the Board approve and receive the consent items as amended.

Carried

4.2 Adoption of Minutes – February 14, 2020

The minutes of the meeting held Friday, February 14, 2020, be adopted as printed.

4.3 Donation to Crime Stoppers of Hamilton (PSB 20-020)

- a) That a cheque in the amount of \$5,000.00, be presented to Crime Stoppers of Hamilton in memory of members of the service and their family members who passed away in 2019.

4.4 Auction Account Fund

Support / Upcoming Events

RECOMMENDATION(S)

- That the Board approve the purchase of tickets to attend Helping Hands Annual Fundraising Gala, scheduled for Saturday, April 4, 2020, Grand Olympia on Barton Street, Stoney Creek, at a cost of \$45 per ticket, to be paid from the auction account.
- That the Board approve the purchase of tickets to attend the 12th Annual Paint the Town Red, scheduled for Thursday, May 7, 2020, Michelangelo's, at a cost of \$150 per ticket, to be paid from the auction account.

4.5 For the Information of the Board:

- a) Year-End Report: Freedom of Information Branch Statistics (PSB 20-017)
- b) Year End Report: Towing 2019 (PSB 20-018)

- c) Correspondence from Gita Ramburuth, Appointments Officer, Operations Unit, Ministry of the Solicitor General with respect to the re-appointment of Patricia Mandy to the Hamilton Police Services Board for a further period of one year.
- d) Memorandum from Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to 2019 Novel Coronavirus.

Chief Girt provided an update with respect to the Hamilton Police Service response to COVID19.

- e) Memorandum from Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to 2020 Crimes Against Women Conference: Sexual Violence, Human Trafficking and Ending Violence Against Indigenous Women.
- f) Memorandum from Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to Digital Motorized Snow Vehicle Operator's Licence.
- g) Memorandum from Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to Revised Guidance Notes on High Visibility Safety Apparel and Motor Vehicle Safety for Police Service Workers.
- h) Memorandum from Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to Tele warrants under the *Provincial Animal Welfare Services Act, 2019*.
- i) Memorandum from Oscar Mosquera, for Marc Bedard, Assistant Deputy Minister, Public Safety Division and Public Safety Training Division, Ministry of the Solicitor General, with respect to Basic Constable Training Program – Allocation Request for May 6 – July 3, 2020 Intake.
- j) Correspondence from P.C. David Kerkhof, President on behalf of the Board of Directors of the Hamilton Police Historical Society and Museum, Inc., to Kyle Vermeulen and Ryan Howatt thanking them for transporting the 1856 No. 2 Police Station cornerstone from the Ontario Police College.
- k) Correspondence from Kosita Musabye, President, Rwandan Canadian Community of Hamilton inviting the Hamilton Police Service to participate in the upcoming special commemorative program scheduled for April 25, 2020.
- l) Correspondence from Nancy Smith, Executive Director, Interval House of Hamilton, thanking the Hamilton Police Services Board for the sponsorship of the Set Sail Under the Stars Gala.

m) Outstanding Issues as of March 12, 2020

4.6 Ontario Association of Police Services Board (OAPSB) Spring Conference and Annual General Meeting

That Board Members be approved to attend the OAPSB Spring Conference and Annual Meeting.

**Discussion
Agenda**

5.1 Year-End Report: Hate Crime 2019 (PSB 20-021)

Sergeant Paul Corrigan provide a presentation with respect to the Year End Report: Hate Crime 2019.

5.2 Year-End Report: Active Rewards – 2018 (PSB 20-004a)

After discussion, the Board approved the following:

Moved by: Chair Eisenberger

Seconded by: Member Elms

1. That the funds from the now inactive rewards, STAPLES/BORELLI, PAGE and SULLIVAN, in the amount of \$30,000 which originally came from the ISD Operating Budget, be moved into the Tax Stabilization Account.
2. That the following cases be removed from the Active Rewards list:
 - LAX, Morris – Active reward: \$2,000.00 donated by 3 local businesses. All monies have been returned to the original donors with interest, as follows:
 - Posner Metals Ltd.
 - Original donation: \$1,000.00 / Refund returned: \$2,803.44
 - Steve Szautler Sr. Core Industries
 - Original donation: \$500.00 / Refund returned: \$1,366.13
 - Ken's Salvage
 - Original donation: \$500.00 / Refund returned: \$1,366.13
 - STAPLES, William / BORELLI, Rhonda – Active reward: \$10,000 (\$10,000 is present in account)
 - PAGE, Jean-Paul – Active reward: \$50,000 (\$10,000 is present in the account)
 - SULLIVAN, Michael – Active reward: \$50,000 (\$10,000 is present in the account)

Carried.

5.3 City Clerk's Division, Council Follow-up Notice with respect to a Dedicated City-Wide Traffic Enforcement Unit and School Bus Enforcement Cameras

After discussion, the Board approved the following:

Moved by: Member Jackson

Seconded by: Member Collins

That the Board request Chief Girt to provide a response to the City of Hamilton with respect to a Dedicated City-Wide Traffic Enforcement Unit and School Bus Enforcement Cameras.

Carried.

New Business

6.1 Update from Jasbir Dhillon, Community Relations Coordinator

Ms. Jasbir Dhillon, Community Relations Coordinator provided a presentation to the Board with respect to an update.

After discussion, the Board approved the following:

Moved by: Member Elms

Seconded by: Chair Eisenberger

That the presentation provided by Jasbir Dhillon, Community Relations Coordinator, be received as provided.

Carried.

6.2 Ontario Association of Police Services Boards Big 12 Director

After discussion, the following motion was approved:

Moved by: Member Jackson

Seconded by: Member Elms

That the Board endorse the nomination of Vice Chair MacVicar to the Ontario Association of Police Services Boards Big 12 Director.

Carried.

6.3 Update: COVID19

Chief Girt provided an update earlier in the meeting under Consent Item 4.5(s).

6.4 Hamilton Police Services Board Budget 2020

Member Collins requested information with respect to the new Traffic Unit which was approved in the 2020 Hamilton Police Services Board Budget. As a result, the Board revised the percentage increase for the Total Budget.

After discussion, the Board approved the following:

Moved by: Member Collins
Seconded by: Member Elms

That the Board approve a Hamilton Police Service Total Budget increase of 3.87%.

Carried.

Next Meeting of the Board

Chair Eisenberger announced that the next meeting of the Board is scheduled for Thursday, April 16, 2020, 1:00pm, at Council Chambers, Hamilton City Hall.

Adjournment

Moved by: Chair Eisenberger
Seconded by: Member Collins

There being no further business, the public portion of the meeting then adjourned at 2:36pm.

Carried.

* * * * *

Taken as read and approved

Kirsten Stevenson
Administrator

Fred Eisenberger, Chair
Police Services Board

March 12, 2020
lem:

COOPER, SANDLER, SHIME & BERGMAN LLP

BARRISTERS AND SOLICITORS

MARK J. SANDLER, LL.B. *
JONATHAN A. SHIME, B.A., LL.B.
SCOTT D. BERGMAN, B.A., LL.B.
MEGAN M. SCHWARTZENTRUBER, B.A. (Hon), J.D.
WAYNE A. CUNNINGHAM, B.A., J.D.
AMANDA M. ROSS, B. A. (Hon), J. D.
BENJAMIN ELZINGACHENG, B.Sc., PhD, J.D.
NAZAMPAL JASWAL B.A. (Hon.). B.C.L., LL.B.

AUSTIN M. COOPER, Q.C., LLD (1929-2013)
(FOUNDING PARTNER)

*CERTIFIED BY THE LAW SOCIETY AS A
SPECIALIST IN CRIMINAL LAW

SUITE 1900
439 UNIVERSITY AVENUE
TORONTO, ONTARIO
M5G 1Y8

TELEPHONE: (416) 585-9191
FAX: (416) 408-2372

E-MAIL: info@criminal-lawyers.ca
WEBSITE: www.criminal-lawyers.ca

April 1, 2020

Hamilton Police Services Board
155 King William Street
Hamilton, ON
L8N 4C1

Dear Hamilton Police Services Board Members,

Re: Independent Review of the Events Surrounding Hamilton Pride 2019

I am writing with respect to the ongoing Independent Review I am conducting into the events that transpired during the Hamilton Pride celebrations in Gage Park on June 15, 2019.

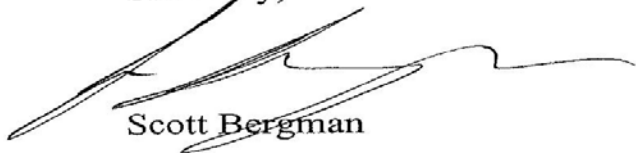
As you are aware, the Terms of Reference for the Independent Review stipulate that my final report be delivered simultaneously to the Board and the public on April 30, 2020. In light of the current COVID-19 pandemic and provincially mandated restrictions on group gatherings, it appears that a public release of the report on April 30, 2020 is not going to be feasible.

Given the extraordinary circumstances we currently find ourselves in, I am writing to respectfully request that the date for the release of my final report to the public and the Hamilton Police Services Board be moved to June 1, 2020, at the earliest.

Hopefully we will be able to hold public gatherings by June 1, 2020, but in the event that this is still not possible, the release date for the final report may have to be further reconsidered to ensure that members of the public who wish to attend for the release are able to do so safely and in person.

Thank you for your careful consideration in these most trying times.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Bergman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Bergman

Stevenson, Kirsten

From: Morin, Lois
Sent: Tuesday, April 7, 2020 3:57 PM
To: DL - News Media (Local)
Subject: Media Release
Attachments: Letter to Hamilton Police Services Board (Apr 1 2020).pdf

The Hamilton Police Service Board, by electronic vote, approved that the release date for the Independent Review of the Events Surrounding Hamilton Pride 2019, be moved to June 1, 2020, at the earliest, as requested by Mr. Scott Bergman. The correspondence received from Mr. Bergman is attached for information.

Chair Fred Eisenberger

Lois Morin

Administrator
 Hamilton Police Services Board
 155 King William Street
 Hamilton, ON L8N 4C1
 Phone: 905-546-2727
 Fax: 905-546-4720
 E-mail: lois.morin@hamilton.ca / www.hamiltonpolice.on.ca

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HAMILTON POLICE SERVICES BOARD

- INFORMATION -

**THE HAMILTON POLICE
SERVICES BOARD HAS
AGREED TO MAKE THIS
REPORT PUBLIC**

DATE: 2019 December 12

REPORT TO: Chairman and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Service Complaint – [REDACTED]*
[REDACTED]
Professional Standards Branch File PCS2019-004 / 005 / 007
PSB 19-108

BACKGROUND:

Pursuant to s. 59 and s. 63(4) of the *Police Services Act*, RSO 1990 (PSA) c. P. 15.1, the Office of the Independent Police Review Director (OIPRD), requires that the Chief or designate shall cause an investigation to be conducted forthwith, into any incident that the OIPRD has been notified and deemed relevant to the policies of or the services provided by a Police Service. Section 59(1) of the *Police Service Act* permits the Independent Police Review Director (OIPRD) to classify complaints regarding the policies of or services provided by a Police Service. The Chief is mandated to complete an investigation and submit the results on the prescribed investigation report to the complainant, the Police Services Board and the OIPRD.

Nature of the Public Complaint

Between July 10, and August 30, 2019 the Hamilton Police Service received three OIPRD Service Complaints. The three complaints relate to the Police response to a disturbance which took place at Gage Park, 1000 Main Street East in Hamilton, during the Pride Festival on June 15, 2019. The complaints were thoroughly investigated and found to be unsubstantiated. See attached report for details.



Eric Girt
Chief of Police

EG/N.Goodes-Ritchie



OIPRD

Service Complaint Investigative Report

**THE HAMILTON POLICE
SERVICES BOARD HAS
AGREED TO MAKE THIS
REPORT PUBLIC**

Complaint Number: PCS2019-004, 005, 007

Investigated by: Det. Sergeant Gary Heron #824

Completion Date: November 28, 2019

Investigative Report

Summary of the Complaint

Three Service Complaints were received regarding the Pride Festival celebrations on June 15, 2019 at Gage Park, 1000 Main St. E Hamilton. The complaints were that the Protesters arrived at the park with no police officers in sight. By the time a visible police presence arrived people had been hurt. Protesters were not arrested. There was information to suggest this may happen, yet there were no preventative measures to stop it.

The OIPRD have classified these matters as Service Complaints to be investigated by the Hamilton Police Service to be dealt with pursuant to section 63 of the *Police Services Act*. The OIPRD suggested that the three Service Complaints, involving the same event, can be captured in one report.

Allegation

- That the Hamilton Police Service failed to properly plan for the June 15th, 2019 Pride Festival.
- That the Hamilton Police Service took too long to respond to a disturbance between Festival attendees and protesters.
- That the Hamilton Police Service failed to arrest the protesters.

Summary of Statement – Complainant

Statement Summary of Complainant 1:

The following is a summary of Complainant 1's statement to the OIPRD submitted on June 21st, 2019.

- On June 15th, 2019 Complainant 1 was in attendance during the Pride celebrations at Gage Park in Hamilton.
- Complainant 1 was concerned about a known threat of anti LGBTQ+ protesters coming to disrupt the festival.
- Protesters arrived at the park at 12:45pm. There were no police officers in sight. It wasn't until 1:20pm that there was a more visible police presence, but not until a number of people had been hurt.
- Complainant 1 felt this was shameful as apparently there were Officers in cars just outside the park.

Investigative Report

- Officers were mostly pleasant with the protesters and one even helped them retrieve one of their anti LGBTQ signs.
- Despite clear evidence of violence, both due to visible injuries to Pride attendees, and media footage, none of the protesters were arrested.
- Complainant 1 asked one Officer if they were there to protect us or them. The Officer condescendingly told her if she went back to the party that the protesters would go away; as if to suggest that Pride attendees were creating drama.
- Complainant 1 advised the Officer that they were there to block the protesters and prevent them from disrupting the event. This was concerning as the protesters were heading in the direction of the family zone.
- There was intelligence from a year ago that suggested something like this would happen; why were there no preventative measures to stop these individuals coming to cause harm?

In a telephone conversation with the Investigator regarding her complaint, Complainant 1 was insistent on not providing further details or clarifying information regarding her complaint.

Statement Summary of Complainant 2:

The following is a summary of Complainant 2's statement to the OIPRD submitted on June 21st, 2019.

- Complainant 2 indicated the event was a dereliction of duty by Hamilton Police Chief Eric Girt.
- Officers were stationed around the perimeter of the event, even though it was known full well there would be violence as there were 'Yellow Vest' protesters there.
- An altercation broke out and the Police were not quick to respond.
- Chief Girt said that Police would have been deployed differently had they been invited to Pride. Chief Girt was the reason the Police were slow to respond.

The Investigator has corresponded with Complainant 2 on 9 occasions in order to obtain an interview. Complainant 2 has failed to provide an interview.

Statement Summary of Complainant 3:

The following is a summary of Complainant 3's statement to the OIPRD submitted on June 20th, 2019.

- Complainant 3 indicated that the Hamilton Police Service (HPS) failed to protect residents from a violent hate group who attended at the Hamilton Pride Festival at

Investigative Report

Gage Park on June 15th, 2019 to disrupt, harass, spread hate and physically attack the festival attendees.

- Complainant 3 advised that the HPS knew the hate groups were planning to disrupt the Festival. The groups congregated at City Hall where police already had a presence. Some [of the hate groups] broke off to travel to Gage Park.
- At 1pm Complainant 3 drove around the area of Gage Park, and despite knowing that hate groups were planning to attack the festival, there were only four Police Cruisers parked at one location; Gage Ave and Lawrence Rd, where it was extremely unlikely the group would approach from.
- Complainant 3 indicated that according to Involved Person 1 the HPS already knew where the groups would likely approach from, as they showed up in 2018. The HPS and Pride Hamilton had discussions about it.
- During the drive around the perimeter of the Park Complainant 3 observed a parked vehicle which he believed was associated to the hate group. Complainant 3 took a picture of the vehicle. There were no Police found anywhere on the streets adjacent to the park. Witnesses can testify that there were no Police in the park.
- At 1pm the hate group that left City Hall entered the park. Citizens were expecting them and erected a large banner in an attempt to block them from harassing participants of the festival. A large group of people formed around the hate groups.
- Videos posted on-line show a religious hate group member sucker punching one of the banner holders. A fight broke out between citizens trying to stop the hate groups. Another male was seen assaulting people with his helmet, breaking a young woman's nose and injuring several others.
- The violence lasted 30 minutes before Police showed up in force to break it up. Despite having four vehicles parked one minute from the park entrance on Lawrence Rd.
- There are photos and videos that can confirm the uniformed HPS Officers stood by while the fight ensued.
- The HPS then escorted the hate groups out of Gage Park, pressing no charges despite witnessing dozens of violent assaults.
- Some members of these hate groups then proceeded to chase "queer teens" down a side street – and live streamed it to their Facebook page.
- In summary, the HPS did nothing to prevent violent extremists from disrupting a public, permitted, peaceful festival. The HPS took an outrageous amount of time to break up a violent fight in progress. The HPS allowed violent thugs to leave the park without charges. Those thugs went on to commit more crimes and terror against citizens.

Investigative Report

- The Chief is quoted in the media saying that the HPS would have approached their response differently if they were invited to the Festival.

The following is a summary of Complainant 3's follow up statement. The statement was provided to the Investigator on September 17, 2019 at the Professional Standards office and was audio recorded:

- Complainant 3 and the Investigator reviewed the complaint submitted by Complainant 3 on June 20, 2019 to the OIPRD.
- Complainant 3 advised that Involved Person 1 had a conversation with the HPS two days before the Pride Festival, at which time Involved Person 1 advised that this was going to happen based on the social media posts.
- Complainant 3 advised that there were social media outlets indicating that groups, which do not normally act in tandem, were planning on doing so at Pride. Such as Nationalist and White Supremacist working with the Religious groups.
- Complainant 3 was not at City Hall on June 15, 2019. He had learned that the protest groups had broke off from City Hall via the media.
- Complainant 3 advised that he had driven around the area of Gage Park to see if he could see any of the protest group people before they got to the park and maybe warn someone. Complainant 3 did locate a vehicle which he believed belonged to one of the religious extremists.
- Complainant 3 advised that he did not report the sighting of the vehicle to the Police as the Police were already in the area.
- Complainant 3 advised that he would forward the photo he took of the vehicle to the Investigator.
- Complainant 3 attended his residence to collect his daughter and attended at the Festival at approximately 2pm. The protest / disturbance had ended at that time.
- The source of Complainant 3's information, relating to the protest, comes from media and other sources.
- Complainant 3 advised that Involved Person 1 had told the Police where the protesters were last year and where they would probably be this year; near the Rose Garden, south of the Fountain.
- The person assaulting people with his helmet was later arrested. The person who 'sucker punched' the banner holder was not arrest. *(The Investigator believes that the person who 'sucker punched' the banner holder was Involved Person 13)*
- Complainant 3 agreed to forward the Investigator the Video of the male throwing the 'sucker punch'.

Investigative Report

- Complainant 3 could not identify the victim of the punch as they were wearing a mask.
- Complainant 3 was unable to answer if Police were present during the violence and assaults, i.e. banner holder being sucker punched and the male assaulting people with a helmet. Complainant 3 will check for video and forward same to the Investigator.
- Complainant 3 advised that the optics indicate that the HPS were more concerned about finding and arresting people who were trying to stop the groups, rather than the people who came and instigated the conflict and violence.
- Complainant 3 indicated that he would provide a link to video of the religious extremists chasing 'queer teens' on nearby streets after leaving the park.
- Complainant 3 was not present during the disturbance. Complainant 3 is unaware if any victims present at park had presented themselves to the police identifying as a victim.
- Complainant 3 did not observe any Uniform Police around the Pride Festival when he arrived at approximately 2pm.
- Complainant 3 advised that there were people at the Festival who attempted to call before, during and after violence happened and were allegedly told by the dispatcher that they were not going to send anyone. Complainant 3 was not sure if this was because the police were already there, or were dispatched.
- Complainant 3 advised that if he can find anyone who had that experience he will advise the Investigator if they are willing to make a statement.
- Complainant 3 spoke in general terms regarding current white supremacy groups in North America and Europe.
- ***On November 19, 2019 Complainant 3 provided the Investigator with video and photo material as previously mentioned in his statement. Complainant 3, however, was unable to provide any further information relating to persons calling 911 and being advised that police were not going to be sent.***

Summary of Statements – Witnesses (Civilian & Police)
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Review Statement of Involved Person 1:

The following is a summary of Involved Person 1's statement. The statement was provided to the Investigator on September 19, 2019 at the Professional Standards office and was audio recorded:

Investigative Report

- Involved Person 1 is a Pride Festival Organizer and a member of the Pride Festival Board of Directors. Involved Person 1 was present at Gage Park on June 15, 2019.
- Involved Person 1 was responsible for organizing the money during the event.
- The Committee obtained permits for three areas within the park [personally obtained by Involved Person 1]. One was the green, or band shell permit area, the second the orange, or picnic area north of the band shell and the third was the purple area or picnic area with tables. The three areas are depicted on an on-line City of Hamilton website as, 'Gage Park – Spaces Available to Book/Rent' map, which was pointed out by Involved Person 1. [See APPENDIX A]
- This information is found on the Committee's S.E.A.T. (Special Event Advisory Team) application. The police would have a copy of the permit.
- The Festival itself was contained to the green band shell area.
- This was the second year for the event in Gage Park.
- In 2019 there were approximately 90 vendors with performances happening from noon until 6pm. There is a family / youth area, a beer tent and food trucks.
- More than a couple of thousand people were in attendance that day. There was no entry fee for attendees.
- The event is not fenced with multiple entry points from Gage Ave, Lawrence Rd and Main St. However, the perimeter is marked by vendors and trees.
- An opposing group (protesters) had attended the event last year, 2018. The protesters had congregated north of the Festival in the orange zone just southeast of the fountain near two white bark trees. (Involved Person 1 marked the protester area on the map using an asterisk)
- Involved Person 1 suggested the Investigator attend Gage Park in order to get a better understanding of the location of the event area and location the protesters occupied in 2018.
- In 2019 the protesters returned to this similar location. This is close to the footpath and within the orange permit area.
- There are two main balloon archways signifying the Pride event. One is located at Gage Ave. and Cumberland Ave., the second is at Main St and Gage Ave. (noted on the map)
- Five uniform Security Officers from Canadian Protection Services Inc. were hired for the event. The owner of the company attended. Involved Person 1 believes it was because there was a lot going on.

Investigative Report

- Involved Person 1 advised that the event did not hire security to provide the kind of security that the police would imagine, because they can't afford to do so. Involved Person 1 indicated that it was important for him to point this out.
- The committee hired five Security Officers because they have certain legal requirements under the Liquor Licence Act, and other kinds of security concerns. Security would monitor the beer tent, monitor behind the performance area [band shell] to make sure performers could come in and out, and one person to walk around to keep an eye out as they expected there would be shenanigans. And when those things happened they could alert everyone immediately.
- Involved person 1 believes the event permit required security, especially for the liquor permit area. It was a suggestion possibly made from the Liquor Control Board; and it was what happened the year previous, the template from the year previous.
- Two days before the event on June 13, Involved Person 1 received a call from Sergeant Jennifer Granatier. Involved Person 1 believes that Sergeant Granatier did not have a copy of the application for the event, as Involved Person 1's phone number was on the application. Sergeant Granatier did not call Involved Person 1; instead she called the Aids Network who used to be more involved with Pride in the past. The Aids Network in turn passed on Sergeant Granatier's contact information and Involved Person 1 called her at 12:02pm. Involved Person 1 provided a screenshot of his cellphone from June 13 making an outgoing call to (905) 540-5179, which lasted 12 mins and 23 secs. *[The Investigator is aware that 905-540-5179 is a Division 20 Crime Manager telephone number].*
- Sergeant Granatier had a lot of questions for Involved Person 1. Involved Person 1 thought it was a strange call. It was two days before the event and he was busy preparing. A lot of the questions were about the event itself. The time the event started. What had happened the previous year. What the organizers expected to have happen at the event.
- Sergeant Granatier advised that they were forming an operational plan. The operational plan would be formed with some of the things Involved Person 1 told Sergeant Granatier, and could Involved Person 1 answer a series of questions; such as when the event started and finished. Involved Person 1 asked Sergeant Granatier why she did not have this information.
- Involved Person 1 reminded Sergeant Granatier the police had been there the year prior and that all the information she would need about the year prior was, A) on the internet, B) should be available to her through the intelligence of her own department. However, Involved Person 1 did explain to Sergeant Granatier what had happened the year prior.
- Involved Person 1 directed Sergeant Granatier to the on-line Gage Park event map. Involved Person 1 guided Sergeant Granatier through the map and explained that the event area will be contained to the green area [band Shell with green space], and that orange area to the north, slightly to east, is where they [protesters] are going to appear. Involved Person 1 told Sergeant Granatier, because Sergeant Granatier has

Investigative Report

access to the internet, there will be a larger presence this year. Sergeant Granatier said, oh yes we know that, we have heard the same things, we have heard other people are coming to town, the things going on with the City Hall protest and so forth.

- Involved Person 1 stopped Sergeant Granatier and said; "I wouldn't find it surprising if all the folks from City Hall come down to Pride." Involved Person 1 advised that he didn't know what other reason they would have to come to Hamilton this weekend except that it is Pride. Involved Person 1 advised Sergeant Granatier that she should be expecting a much larger number of folks to show up at that event. Sergeant Granatier advised that they were.
- Involved Person 1 asked Sergeant Granatier if she had a copy of the application, which she didn't respond. Involved Person 1 advised Sergeant Granatier that, "everyone gets a copy, everyone has contacted us, you're the last."
- Involved Person 1 questioned in his head why Sergeant Granatier was calling him, and what the phone call was all about. He didn't understand it. The police have the application, all the information about the event is public, there's a Facebook page. It lists everything, every performance. Involved Person 1 thought to himself, *why are you calling to ask this information I don't understand*. Involved Person 1 just went over all the public information.
- Sergeant Granatier advised that the police would try to be there by 11:30am, if your event starts at 12. Involved Person 1 advised Sergeant Granatier that it would be better if you came at 11 as there are a lot of logistical things the event organizers would have to do starting at 8:00am. Involved Person 1 advised Sergeant Granatier that thirty minutes would not be enough time to meet and talk to you.
- Involved Person 1 talked about where the protesters showed up last year and went over the map. Talked about the white bark trees. Involved Person 1 explained in detail the number of people who showed up last year; about eight or so wielding large placards. Involved Person 1 told Sergeant Granatier that White Nationalist groups, Yellow Vests and others have all been speaking on the internet saying that they were all coming to town this Saturday.
- Involved Person 1 advised that they didn't necessarily say they were coming for Pride, however Involved Person 1 felt it was quite obvious, what else would they be coming for. This [Pride] was the biggest event that opposes their view.
- Sergeant Granatier's last words at the end of the conversation were, 'on that day if you need to call someone you can call me'. Sergeant Granatier provided (905) 546-2949. [Involved Person 1 produced a small piece of paper with the above number and allowed the Investigator to take a picture of same]
- The Investigator asked Involved Person 1 if there was any mention of Special Duty Officers during the conversation with Sergeant Granatier. Involved Person 1 advised that Sergeant Granatier asked that question and he told Sergeant Granatier that Pride hired five Security Officers, they could not afford to hire five Police Officers, nor was that what the Community wanted. It's been a standing status-quo policy on the books

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for at least a dozen years that folks are not comfortable with both armed and uniformed Officers walking around the park.

- Sergeant Granatier had started the conversation with, 'I heard you didn't want to have Uniformed Officers in the park'. Involved Person 1 asked Sergeant Granatier how she heard that. Sergeant Granatier said something about, 'having read so, or having heard so from someone else on the force. Sergeant Granatier had read it and heard it publicly and read it and heard it internally.'
- Involved Person 1 told Sergeant Granatier that was interesting because no one had said that publicly, it was a presumption. Because the application from Police to Pride was about a recruitment booth. There was no application to walk around in uniform. The response to that was no, we are not going to let you have a recruitment booth. Involved Person 1 went on to say, "but in that email it didn't also say, and you can't come wearing a uniform and arms in the park."
- Involved Person 1 advised it may have possibly come from one of our Board Members who had said it in the paper to that effect, but that may not have been reported until two days later. The Board Member was Terri Wallace. Involved Person 1 advised that it could have been reported sooner, but the point is that no one had called Pride and asked the question. It would have been a presumption, however, it was true, but Involved Person 1 was surprised to be asked the question.
- Involved Person 1 advised that he made it painfully clear to Sergeant Granatier that he was talking about the event space, not about the permit space. Involved Person 1 told Sergeant Granatier that the event was being organized in the green space, and that that's where Involved Person 1 is referring to, not wanting to have folks roaming around the event space in uniforms. That is why the map was so important to that conversation. Involved Person 1 wanted Sergeant Granatier to know that was where the event was happening, and this is where we expected police to be [north of the orange area].
- Involved Person 1 told Sergeant Granatier that he expected Yellow Vests and others from City Hall, would walk down Main St., come through Main St. and Gage Ave., walk down the path to the Fountain and show up at the place that they showed up last year.
- Involved Person 1 further advised that as the police he would expect that the police would be north of the orange area [as indicated on the map], making sure they don't come in. Involved Person 1 said that he had that specific conversation with Sergeant Granatier.
- Involved Person 1 made it extremely clear to Sergeant Granatier that there were different areas, and that the Pride event would not be in the orange area. So if police were set up over here [indicating north of the orange area on the map], no one was going to notice them anyway, if you were standing in the park [the green event area], it's so far [to north of the orange area] it's not a short walk.

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- Having things happen over here [in the orange area] isn't necessarily going to disturb the event, where the vendors are all set up. Many vendors were not impacted by what took place all the way over there [orange area].
- The event was deliberately set up that way [having the orange buffer zone to the north].
- Involved Person 1 marked on the map the north vendor locations within the green area.
- Involved Person 1 also advised Sergeant Granatier that there was a tactic that police had used last year that she should be aware of, and make sure everyone knew about. The tactic was that you needed a permit to amplify sound in the park. The protesters showed up last year with microphones and the police had enforced the rule.
- Last year the police moved the protesters back closer to the line where the permit was. There were about as many Police Officers last year as there were people opposing the event.
- Involved Person 1 indicated that someone had taken the protesters microphone cord and ran away with it, however, he could not remember if that was this year or last year.
- Involved Person 1 also advised Sergeant Granatier that SEAT had an application and if she didn't have one to contact SEAT. And that the event site was separate from the protest area.
- The Investigator asked Involved Person 1 if it was clearly articulated to Sergeant Granatier that Officers were not wanted in the green area [referred to map], but wanted Uniform Officers elsewhere?
- Involved Person 1 advised, "I'll put it to you this way, the best way I can, it was my expectation after the phone call was over that Uniform Officers would show up north of the orange area. So how that communication happened exactly I can't recall. I have my notes here, I don't see or recall saying specifically I'm asking you to do X or I'm asking you to do Y. I was very careful in what I said because I was a little taken aback by the comment that we didn't want Uniform Officers there. So I was thinking that through, thinking where did that comment come from publicly, because we had been very careful what we said publicly. My response to her was, along the lines of, you know it wouldn't make sense for us to have Uniform Officers doing security and here's why, and gave her two reasons. But I said, of course that doesn't prevent the police from doing their job. I've been saying that publicly for a long time. And if you're gonna show up around 11:30, I suggest you show up around 11, and I suggest you show up north of the area so you're not impeding the event. And this whole orange area will be free. There's no one in the orange area. Meaning our event won't be in the orange area. So this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead." [Involved Person 1 had notes on his laptop that he was utilizing during the interview]

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- The Investigator asked Involved Person 1 if Uniform Officers were welcome in the orange area? Involved person 1 advised that he "never said that. But what he's saying is like he made it very clear where the event was taking place in the green area, very clear, and said, this other area is not going to be used, they are going to be walking in from Main [black checkered area on the map], so those areas are where you can intercept them. The words I used were like If you are looking to intercept these people to prevent them from coming into our permitted areas, then obviously the place you would stand is where you would expect them to come. It was more like kind of obvious; hey you would stand there because they're coming from this direction. If you also stand over here if they come from that direction you will also catch them coming" [indicating northeast on the map].
- The Investigator advised that it is very important what exactly was articulated to Sergeant Granatier, reviewing with Involved Person 1 that he had provided information as to where the protesters had arrived and congregated in 2018 [orange area near white bark trees]. The Investigator asked if there was a specific request or instruction from Involved Person 1, or an articulated plan reiterated back to Involved Person 1 from Sergeant Granatier regarding the plan, example: *we are going to be north here, that is where our uniform people are going to be*. Was there any sort of meeting of the minds; as it seems unclear? Involved Person 1 advised that, "it was unclear because again, he was taken aback by this phone call, because he didn't understand why he was being called. All the questions he was being asked was public information. It feels very strange to be called in the first place. I'm not being a hundred percent clear in the phone conversation about everything, and when I get to this point I feel like I'm being asked questions and I don't understand why I'm being asked them, because it's not my job to tell the police what and what they can't do. All I said was that I wanted to make that very clear. I said to Sergeant Granatier I can't tell you what to do, it's not my job to tell you how to do your job. If a huge crime is being committed in the event area and you're going to show up and stop that crime from being committed or stop that crime. That's your job. However, we don't want you to have a recruitment booth, and we don't want armed and Uniformed Officers walking around the park. Those things were made clear through the conversation. I am not saying I said that explicitly except to say the things that were obvious. We did talk about the area here and said that this area here is not going to be used. This is an area where they are expected to come, and if you are looking to intercept people this is the area here where you should be in the black area. Sergeant Granatier said okay we will show up around 11:30 then. I said you should show up around 11 if you are going to be doing that. So it was clear from the conversation without me explicitly saying so, that we didn't want to have folks in the event space, the green area, but we didn't also say this is where you're permitted. I made it clear because it's not my job to tell you how to do your job. We can't give permission. We were just reinforcing our view that we didn't want a recruitment booth, and we didn't think it was appropriate to have Uniform Officers in the event space. I made it clear you would know what the event space was because she asked the question where is the event space. This is where the map came in. I told Sergeant Granatier that the event space was in the green area. She said the green area? And I said yes, if you don't have a copy of the map let's get a copy of the map. She got a copy of the map and I walked her through although this is a permit area it is not where the event is taken place." Involved Person 1 advised that "he did not know what Sergeant Granatier supposed when he said that. But he made it very

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clear that he wasn't telling her where to be. Just saying that we didn't want armed Uniform Officers in the event space or a recruitment booth. That's about as clear as I can be."

- Involved Person 1 was a volunteer, not an organizer last year at the 2018 Pride Festival. Last year 6 to 8 protesters attended the Festival. The on-site security responded. The police also responded and were there quite quickly.
- The protesters remained for about an hour. Both protesters and Pride attendees had banners.
- Involved Person 1 suggested that the Investigator review the 2018 Dunnville Pride Festival OIPRD investigation [Involved Person 1 provided the Investigator with an electronic copy of the OIPRD report]
- Involved Person 1 indicated that he did not spend a lot of time near the protesters in 2018 as he had work to do in the Festival; however, he advised that there were some types of struggles and assaults with protesters at the 2018 Hamilton Pride Festival.
- Police were on site early in 2018 and contained the protesters. There were some scrapes and cuts, but Involved Person 1 did not know what caused them. Involved Person 1 just heard about them anecdotally, he didn't see any of that.
- The protesters put up a website mentioning their tour of Canada. So everyone knew they were coming in 2019.
- Involved Person 1 was near the washroom area of the park when he received a call on his walkie-talkie that protesters had arrived. Involved Person 1 made his way over to the protest area.
- It was a little confusing. There was a black fabric wall and Involved Person 1 did not understand what was going on at first.
- Involved Person 1 could see the religious protester's 12 foot banners.
- Involved Person 1 arrived at the protester area five minutes after getting the call on the radio.
- It was the same banners and people from the previous year. There may be more, it was hard to tell.
- Involved person 1 advised he was concerned for his people's safety, at the same time he was trying to make observations to identify the protesters.
- There were approximately 75 Pride volunteers in the park assisting with the event. The volunteers were wearing red shirts. Involved Person 1 was looking out for the volunteers.

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- Involved Person 1 recalled seeing Involved Person 2 near the protesters.
- Involved Person 1 was a little embarrassed that he did not know the purpose of the black banner / curtain.
- The people holding the banner were wearing pink masks.
- Involved Person 1 realized that the persons wearing the pink masks were standing in opposition of the protesters.
- Involved Person 1 believes it was approximately 12:30pm or 1pm at this time.
- Involved Person 1 made observations of the other side of the curtain. There was a lot of shouting. The people on the curtain were trying to keep the protesters away from the event. There was a lot of motion.
- The religious group broke up a little and moved around the orange area.
- A protester by the name of [Involved Person 13] was pushing and shouting and ends up throwing punches at people.
- A protester with the helmet started swinging his helmet. The protester is known as [Involved Person 11]
- The leader of the protesters is on a mega phone.
- Involved Person 1 stays back and observes people coming out of the area injured. Blood dripping down their face.
- Medics that were hired by Pride were on scene and assisting people. Involved Person 1 had to leave the area at that time to assist with providing vendors with change. Involved person 2 was present at the scene.
- Involved Person 1 felt that the police had a ton of space in order to do their job. Involved Person 1 told Sergeant Granatier, "nothing you do is going to interfere with this event; you have a ton of space to do your job."
- Involved Person 1 recalled that he had the piece of paper with Sergeant Granatier's phone number. Instead of calling the number Involved Person 1 approached two Officers who were standing in the orange area south of the protest area. Involved Person 1 described the Officers as 30 to 50 feet away and they were observational.
- The Officers were Acting Sergeant Sorbara and Constable Vilika Zafirides. However, Involved Person 1 believed at first that Constable Zafirides may be Sergeant Granatier. After learning that she was not, Involved Person 1 advised that he was going to call Sergeant Granatier's number.

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- Constable Zafirides advised not to as Sergeant Granatier was not working today. Involved Person 1 advised that he was irritated as Sergeant Granatier told Involved Person that she would be working that day.
- Involved Person 1 is seeing people shoving and being beat up and there's no police anywhere. Then Involved Person 1 sees Officers Sorbara and Zafirides. Sergeant Sorbara was on the phone. Involved Person 1 engages Constable Zafirides and she directs Involved Person 1 to speak with Sergeant Sorbara.
- Sergeant Sorbara advised that we are not equipped to deal with this and he was calling in backup. Involved Person 1 told Sergeant Sorbara that he found that shocking and surprising as he had told the police what to expect and he did not know why they [police] were not here.
- Involved Person 1 also said to the Officers, I don't why the two of you are standing back, from what's happening here?
- Involved Person 1 also said to the Officers, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening, why can't you?
- Involved Person 1 advised that when he first approached the protest area he spent approximately 10 minutes making observations, he then left to deal with getting money to vendors which took approximately 5 to 10 minutes. It is when he returned the second time that he had the conversation with Officers Sorbara and Zafirides.
- Involved Person 1 then corrected himself and advised that he had the conversation with Officers Sorbara and Zafirides before going on the money detail.
- Involved Person 1 advised that he could not remember the exact timelines of the events; however, he does recall the conversation very clearly.
- Involved Person 1 advised that Involved Person 2 was there the entire and may have a better sense of the timeline.
- The black curtain was south of where Involved Person 1 was speaking to the Officers.
- Involved Person 1 advised that there were approximately 100 people near the protest area.
- People wearing pink masks, people with the preacher signs, other random people, Pride goers who brought their own signs and all kinds of folks.
- There were more protesters than last year, but not up to 20 when Involved Person 1 first arrives on scene [approximately a dozen]. However, more show up, Canadian White Nationalists, Yellow Vests, and random opposers. Numbers grow to 30 or 40.

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- When Involved Person 1 returns after his vendor run people are being tended to by EMS. There are still only a few Officers, but a couple more Officers appear to be arriving.
- Police show up and they're able to walk them out.
- There were approximately eight people in pink masks holding the screen [black curtain].
- Involved Person 1 was unable to provide a number for other people who may be associated to the persons holding the curtain as it was very chaotic.
- Involved Person 1 advised that he observed the assaults the first time that he was on scene, and when he returned the second time he observed the medics tending to the injured.
- Involved Person 1 did not know where Officers Sorbara and Zafirides where when he returned the second time.
- Involved Person 1 cannot see Officer Zafirides, but he can see Officer Sorbara walking around, but he does not know what Officer Sorbara was doing.
- Involved Person 1 was talking to people on his way back to the scene the second time and as a result believes he may have be gone longer than he first mentioned.
- There appear to be other Police there at this point. This is about 30 to 40 minutes after it all starts [when Involved Person 1 received the call on his radio].
- Involved Person 1 speaks to some Officers that appear to be in charge. Higher rank than Officer Sorbara. Involved Person 1 did not know who they were.
- Involved Person 1 asked two other Officers to remove the protesters from the permit area [orange area].
- When Involved Person 1 spoke with Officers Sorbara and Zafirides the first time he did not recall seeing anyone near them that was bleeding, though there may have been.
- When Involved Person 1 returned the second time he recalled seeing three or four people bleeding. Bloodied faces and lacerations to the nose etc. There was also a leg injury, unknown if it was broken. Event medics were on scene, no other EMS was in attendance.
- The Police seemed "clueless." Involved Person 1 had to explain the permit and bylaw rules.
- Involved Person 1 asked a ranking Officer what he was doing. The Officer told Involved Person 1 that the religious group wanted to leave.

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- Involved Person 1 had to leave at that time to tend to more event chores. When he returned there were a lot more people and more Officers.
- Involved Person 1 received information that there may be other protesters on the other side of the park near Lawrence Rd who may come into the park from the back. Involved Person 1 met up with event private security and several event volunteers and walks to Lawrence Rd. to investigate. Involved Person 1 did not see any protesters.
- The situation with the protesters in the park had now concluded. Involved Person 2 and a number of Police Officers were in the parking lot at the south end of the park. Involved Person 2 called for Involved Person 1 to come over to speak with the Officers.
- Involved Person 1 met with Superintendent Schulenberg, Staff Sergeant Miscione, Acting Sergeant Sorbara and Staff Sergeant Groombridge. Involved Person 1 believes that Staff Sergeant Miscione may be the 'ranking Officer' he spoke with earlier near the protest area.
- Superintendent Schulenberg advised that though people were walked out and it's over, he was concerned that the Yellow Vests may start walking through the event and cause trouble in the event space.
- Superintendent Schulenberg asked why Special Duty Police were not utilized. Superintendent Schulenberg did not directly ask that question, it was more like, did you consider using Off Duty Officers? Involved Person 1 explained what he explained to Sergeant Granatier on the phone.
- The president of the private security company was also present [Canadian Protection Services].
- Involved Person 1 was frustrated that he was having this conversation with Superintendent Schulenberg discussing what may happen next. Involved Person 1 did not have the time to discuss what may happen next.
- Staff Sergeant Miscione said, did you consider that none of this would not have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently.
- Involved Person 1 explained that Officers were not welcome in the event space and that they couldn't afford to hire Officers.
- Superintendent Schulenberg advised that he was going to leave the Organizers with the other Officers present and he left. Involved Person 1 felt this was irresponsible.
- He said, we will leave you with Staff Sergeant Groombridge and Acting Sergeant Sorbara who will take your information down. Involved Person 1 questioned why the police would take down his information.

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- Involved Persons 1 and 2 provided their information to Police. Officers Groombridge and Sorbara began to give an analysis, opinion that a guy in a pink mask was making it worse. Involved Person 1 felt that this was not the time to be having this conversation.
- Involved Person 1 described the conversation as 'chippy' on both sides.
- Involved Person 1 excused himself and attended back to his duties.
- Involved Person 1 was flagged down by a Medic who advised him that people were concerned that the Police were all in the event space.
- There was a group of police standing behind the history wall [east side of the event green space].
- Involved Person 1 recognized one of the Officers, known to him as Franklin [Loppie].
- Acting Sergeant Loppie was with a female Officer and two other Officers. Involved Person 1 advised Acting Sergeant Loppie that he recognized there was a concern by the police that the Yellow Vestors may return, but he did not see any around.
- Involved Person 1 advised the Officers that considering what just happened that the Police presence would just make people feel uncomfortable and asked the Officers to stand outside the event space. The Officers left the event space.
- Involved Person 1 indicated that there may have been a compromise regarding boundaries the Officers would occupy, however, he could not remember fully what was discussed. It was a friendly chat and everyone was agreeable.
- Involved Person 1 described the area as noisy with, performers and a group of people drumming etc.
- Involved Person 1 called Superintendent Schulenberg on June 20th to obtain information relating to the Officers that were present on June 15th to help him with his notes.
- Investigator asked Involved Person 1 if he could provide him with a copy of his notes. Involved Person 1 declined.
- Police took 20 to 40 minutes to arrive from when things started. Involved Person 1 knows that there were Officers in the parking lot on Lawrence Ave.
- Involved Person 1 feels that there was no possible way that the Hamilton Police Service did not know exactly what was going to happen.
- Involved Person 1 advised if you call Pride / him and ask what is going to happen, that he would literally tell you what was going to happen. And exactly that thing happens.

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"Your choice to deploy differently doesn't really add up in any meaningful way, it doesn't make sense."

- Involved Person 1 found it hugely offensive, given that the Police had previously spoken to him, and that the Police would make it seem like they were unaware of what was going to happen at Pride.
- Involved Person 1 believed that the Police should not have been located in the Lawrence Ave. parking lot and felt that the Hamilton Police Service disregarded his advice.
- Involved Person 1 believes that the Police should apologize and determine what they did wrong.
- Involved Person 1 feels that police did not take note of what happened in 2018
- Involved Person 1 advised again that he was painfully clear in his description to Sergeant Granatier on the phone about exactly what the Police needed to do if they wanted to prevent there from being violence, where they needed to be north of the event space and when they needed to be there. Had they just taken Involved Person 1's advice this could have been avoided.
- This was also clear in the SEAT application.
- Involved Person 1 advised that he / Pride does not want to be held accountable for this later on.
- Involved Person 1 did not make any 911 calls during the protest / disturbance / assaults; including after receiving information, following the departure of the protesters, that they may be returning to the park via Lawrence Ave.
- Involved Person 1 indicated that Acting Sergeant Sorbara and Constable Zafirides were present in the area, however, he did not know if Police were present on scene during the violence which was later depicted on the news. He advised that Involved Person 2 would know.
- Involved Person 1 could not recall victims or complainants presenting to Police to report an assault. Nor did anyone present to Involved Person 1 looking for assistance in making a report to Police.
- When asked if there was a plan or gateway for anyone wishing to reach out to make a report of an injury or assault, involved Person 1 advised that there was no plan. People would know the means available to them. The Police were vocal on how to get in touch with them. That wasn't their [Pride's] function.
- Involved Person 1 advised he could not remember, then followed up with 'not really' when asked if there was any conversation with Staff Sergeant Groombridge, Staff Sergeant Miscione, Acting Sergeant Sorbara or anyone else regarding anyone wishing

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to come forward that they could do so through the Pride organization. Involved Person 1 went on to say that he was not sure what Acting Sergeant Sorbara said, as Sorbara was speaking to Involved Person 2.

- Involved Person 1 then advised that the conversation did take place. There was an incident number if someone wanted to report something. The offer was there.
- Involved Person 1 finds it incredible that no one from the Police had reached out to him or Involved Person 2 for a statement until now, after an OIPRD complaint.
- Involved Person 1 advised that he had a Police incident number on a business card provided by Acting Sergeant Sorbara. [Involved Person 1 provided a picture of the card to the Investigator]
- Involved Person 1 advised that he did not receive business cards from any other Officers.

Review Statement of Involved Person 2:

The following is a summary of Involved Person 2's statement. The statement was provided to the Investigator on September 24, 2019 at the Professional Standards office and was audio recorded:

- Involved Person 2 is a Pride Festival Organizer and a member of the Pride Festival Board of Directors. Involved Person 2 was present at Gage Park on June 15, 2019.
- Involved Person 2 was also in attendance at the Gage Park Pride Festival in 2018.
- In 2019 Involved Person 2's responsibilities included being the head of the vendors market.
- Involved Person 2 was not wearing a Pride organizer T shirt on June 15, 2019; however, she was wearing a badge and was carrying a clip board. Vendors and Police knew who Involved Person 2 was.
- Involved Person 2 indicated that there were approximately 100 volunteers assisting at the event.
- Involved Person 2, Involved Person 1 and Involved Person 3, who was in charge of the entertainment, were three of the key people in attendance.
- On the volunteer side the two go-to people would have been Involved Person 4 and Involved Person 5.
- Involved Person 2 indicated that she had reached out and organized the private security for the event.

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- Involved Person 2 indicated that there is an ongoing issue between the Pride Community and the Police through Canada and the United States.
- The Board tried hard this year to work with the Police to find a comfort between both groups.
- The Board met with the Police in April. Involved Person 2 felt that was too late for anything to happen.
- The way things were left in April was that it was too late in the game to have the Police come in to Pride. It was too late to move on with the Community. Pride would have to go back to the Community; there were too many other things to do. It was left with, 'we are going to have to wait on this'.
- Involved Person 2 had no information regarding any plans to have a Police presence at the event for security purposes. It was too late in the game and Pride needed to find a security team [private security].
- Involved Person 2 was not aware of any discussions regarding Paid Duty Police Officers. Costs would have also been a factor in considering Paid Duty Officers.
- The general sense is that there is a discomfort with the uniform for a lot of patrons.
- Involved Person 2 had no information in advance of the event regarding the call that Involved Person 1 had received from the police, relating to what role the Police would play.
- There was a debrief the next day after Pride, and that's when Involved Person 2 learned that there had been a call between Involved Person 1 and the Police leading up to Pride.
- Involved Person 2 advised that Pride was putting Police on hold until a later time and that they were hiring private security.
- Involved Person 2 recalled receiving the map of Gage Park and deciding what parts of the park would be utilized for the event as they had to pay for them. Involved Person 2 was very vocal about what parts of the park they would use based on her experience from last year and that advice was taken.
- Involved Person 2 reviewed the Gage Park 'Spaces Available Map' with the Investigator and identified the following areas which were utilized on the day of the event. The orange 'picnic area 3' was utilized with vendors. The green area [Band Shell] was the main area. The purple [picnic area 2] and they may also have booked the red [memorial Garden] area, but was unsure if the red space was actually paid for.
- The orange, green and purple were the main areas.

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- The Investigator asked Involved Person 2 if there was any strategic reason for having the orange space. Involved Person 2 advised that it was a visual wide open space. Most people congregate in the orange and green area.
- Involved Person 2 was present in 2018 when protesters attended the Pride event. It was the same religious group with religious signs that attended in 2018, that also attended in 2019. The younger kids from Pride engaged with the group. There were approximately 10 protesters in 2018.
- It was verbally aggressive in 2018, but this year was scary. There was pushing in 2018, however, Involved Person 2 did not recall anyone being hurt. People were traumatized by the things that were being said.
- Using the map, Involved Person 2 indicated that the protesters attended the same location in 2019, as they had in 2018. Involved Person 2 pointed on the map to the area east of the fountain and north of the orange area. Involved Person 2 believed that the protesters did not come into the area that Pride had paid for.
- Involved Person 2 did not have any information that the orange area was obtained for the purpose of keeping a buffer between potential protesters and the Festival proper.
- Involved Person 2 advised that the buffer was not a consideration. The orange area was chosen because in 2018 there were fire breathers and other entertainers in the orange space. It had nothing to do with where the protesters were going to be.
- In 2019 the event ran from noon until 6pm. There was a vendor market, a food area, a family and youth section, a beer tent and the band shell. There were 85 vendors in total. There is entertainment and performers that ran the entire time. Approximately 3000 attendees throughout the day, and there is no charge. Community drummers were present to help drown out the protesters.
- The event was not that noisy; however, if you were in the main event area you may not hear or see the protesters.
- There may have been 2200 people present between 12pm and 2pm.
- Involved Person 2 advised that the protesters returned in 2019. Involved Person 2 took 30 photos with her cell phone. The first photo is time-stamped as 1:10pm. However, Involved Person 2 is unsure whether she took the photo when she first arrived at the protest site or ten minutes or so after.
- Involved Person 2 declined to provide the Investigator with copies of the photos at this time.
- Involved Person 2 was on scene and advised the 'shit has hit the fan'. Involved Person 2 was scared this year.

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- By the time Involved Person 2 arrived on site they had, what are being called today, the Pride defenders, who came with a big black fabric. They were coming into place and positioning themselves as Involved Person 2 was arriving on scene.
- Involved Person 2 believes that the protesters had been there for at least 10 to 15 minutes. The young people were already engaged.
- Involved Person 2 recalled learning of the protesters via the walkie-talkie.
- Involved Person 2 described one of the protesters as the 'helmet guy', and indicated that this male appeared under the influence of a drug(s) and was crazed. The situation was very overwhelming.
- When Involved Person 2 first arrived they (defenders) were working on getting the screen up. Involved Person 1 was ahead of Involved Person 2.
- There was another volunteer with Involved Person 2 possibly named [Involved Person 6].
- Involved Person 2 recognized some of the religious protesters from the previous year, with the same signs. There was yelling and screaming, members of Pride were yelling back at them. The black fabric screen moved into place. There was agitation between the protesters and the Pride defenders.
- The protesters were spread out. There may have been 20. Someone had gotten hurt, pushed to the ground. Involved Person 2 followed Involved Person 1 to go talk to a Police Officer. There were waves of fighting.
- Involved Person 2 indicated the violence that was depicted on in the media was about to happen. However, Involved Person 2 advised that she was not a witness to the assaults by the helmet guy that was shown in the media. It may have been taking place when she was there; however, there was just too much going on.
- Involved Person 2 advised that she has seen the events on social media so many times that she is not sure if she actually witnessed some of the violence when she was on scene or if she is now recalling it from witnessing the social media following the event.
- Involved Person 2 recalls a male who had been hit in the face, but is unable to recall exactly how he sustained the injured.
- Involved Person 2 believes the protest was taking place in the same general location as last year.
- Involved Person 2 recalled there being a male and female Officer present when she arrived. They were on the outskirts standing back watching. They didn't know what to do.

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- Involved Person 2 was asked if there was anyone near the Officers that may have been injured. Involved Person 2 recalled a person trying to talk to the male Officer. Involved Person 2 could not recall if that person was injured.
- Involved Person 2 recalled being nearby when Involved Person 1 was trying to talk to the male Officer. Involved Person 2 did not have any conversation with the Officers.
- The Officers were 50 to 60 feet south of the protest and they could see what was happening. There was pushing and shoving going on and a lot of verbal assaults at that time.
- Involved Person 2 advised that they were not getting any feedback from the Officers.
- Involved Person 2 advised that it was hard to say how long the Officers remained in that position as she had moved up in front of the fabric to see what was happening.
- Involved Person 2 believes she may have seen the Officers again in the lineup formed between the two opposing groups. At one point there were 50 Officers.
- Involved Person 2 was unsure of her arrival time at the scene. She took her first photo at 1:10pm; however, she is not sure if she took the photo when she first arrived or ten minutes after her arrival.
- Involved Person 2 did not have any conversation with the Officers; however, she believes she may have overheard conversation between Involved Person 1 and the Officers. However, she could not recall what was said.
- The Officers were not interested in having any conversation with us. A male Officer was on a walkie-talkie, he may have said, "hold on I'm busy I'm talking to somebody."
- The private security was not really able to do anything.
- Things got worse. The protesters were yelling so much. The youth were not taking this. They're back and forth. There was a lot of pushing. The vibe of it all got aggressive.
- The Police show up at one point. They were separating people and stopping it from getting any more physical. The Pride defenders were there and there's a lot of aggression going on all over the place.
- According to Involved Person 2's phone she starts seeing a strong police presence at 1:36pm. Though there were other Officers trickling in before that.
- Involved Person 2 believes that the event lasted about 40 minutes from when she first arrived.

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- Involved Person 2 advised that she took a bunch of photos at 1:10pm. At 1:20pm her photos show more police present, 6 Police Officers. 1:36pm there is a lineup of the full Police. At 1:42pm the protesters are marched off by Police.
- Once the protesters left Involved Person 2 received information via her radio that there were protesters [Yellow Vesters] now coming at the south end of the park (Lawrence Rd). However, Involved Person 2 did not see any protesters at this location.
- Involved Person 2 later met with a Police Supervisor and other Officers at the south parking area of the park.
- The Supervisor wanted to have a conversation and asked if Involved Person 2 was in charge. Involved Person 2 alerted Involved Person 1 and they both met with the Supervisor.
- The Officers took their information. One of the Officers made a remark that Involved Person 1 needed to cheer up, or be less stressful [or something similar]. There were remarks about the recruitment booth. Involved Person 1 responded that this was not the time or place to be discussing this.
- Involved Person 2 recalled an Officer asking if they had not thought about hiring Officers as paid duties.
- Involved Person 2 had received a business card from Acting Sergeant Sorbara. Acting Sergeant Sorbara may have advised something along the lines if anyone wanted to come forward to make a complaint to do so by referencing the incident number on the card.
- Involved Person 2 was agitated and had other responsibilities to tend to in the event.
- The Police advised that they would have a couple of Officers riding their bikes around the park to make sure everything was fine. Involved Person 2 felt like they were done now, no one was milling about; we were safe to carry on.
- Involved Person 2 is not aware of any Officers, post disturbance, patrolling the event. Nor is she aware of any Officers being asked to leave.
- Involved Person 2 advised that Involved Person 7 is not involved at all with the Pride Festival. He was involved last year, but not this year. Involved Person 7 was on the Board but stepped down well before the event took place.
- Involved Person 2 advised that she did not want to provide last names or contact information for Involved Persons 3, 4, 5, or 6; however, she would reach out to them on the Investigator's behalf.
- Involved Person 3 was stationed at the band shell, Involved Person 4 and 5 are in charge of the volunteers, and Involved Person 6 was present at the disturbance. Involved Person 6 witnessed a lot of what took place.

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- Involved Person 2 was concerned that though there was an operational plan, it seemed to take a fair amount of time to get enough Officers there in force.
- There was an operational plan and a conversation in advance that there would be Officers there. A vendor in the morning did see a Police Officer in the parking lot at the complete opposite end of the park.
- Involved Person 2 asked the Investigator if there was an operational plan, and was it not put into place for some reason.
- In recalling the events Involved Person 2 questioned what she actually witnessed at the scene compared to what she may have witnessed on social media.
- Involved Person 2 advised that, "it is not so much if the Police showed up fast enough, the real question is was the Police pissed off with us because we wouldn't give them a recruitment booth, and they intentionally did not service us properly."

The following is a summary of a follow up statement with Involved Person 2. The statement was provided to the Investigator on October 1, 2019 by phone and was audio recorded:

- Involved Person 2 has not had an opportunity to reach out to the four organizers mention during her September 24th interview.
- Involved Person 2 provided the Investigator with a copy of the 2019 Pride Festival Programme.
- Involved Person 2 advised that she still has not decided to provide the Investigator with a copy of the 30 photos taken during the disturbance at Pride, because of some of the people who are captured in the photos.
- The Investigator reviewed with Involved Person 2 the Gage Park Spaces to Rent map which was referenced during the September 24th interview.
- The Investigator asked Involved Person 2 if the orange triangle shaped area near the Fountain was deliberately obtained to build buffer zone; a buffer between the event proper and any protesters who may attend?
- Involved Person 2 advised no. To her knowledge that was never really discussed allocating space based on the protesters being there. Involved Person 2 went on to say that we [Pride Organizers] based it on we're holding an event; this is how much space we need. We took spaces out because we didn't feel we needed to spend the extra money for space we were not going to use.
- Involved Person 2 did not recall any conversation relating to getting more space to keep the protesters away.

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- The Investigator asked Involved Person 2 if there was any talk that the orange area would be free from the event, that it would not be involved in the event proper?
- Involved Person 2 advised that there was no talk of getting a space to keep protesters away, that conversation was never had. The orange space was obtained because the Festival wanted the full roaming space. There may have been entertainment in that space. Last year the Festival had fire breathers, magic shows and a DJ in the orange area. The orange area is useable space for the event itself. If that was the case they would have taken the whole park and the protesters would have to stay on Main St. The Festival wanted people to be in that space.
- Involved Person 2 described this year's disturbance taking place in the area north of the orange space and east of the Fountain. [referencing the Gage Park Spaces to Book Map]
- Involved Person 2 confirmed that she would contact the four organizers that the Investigator wanted to speak with. If they are interested then Involved Person 2 will give them the Investigators contact information for them to contact the Investigator directly. Involved Person 2 is still considering whether to share the 30 photos.

On October 16, 2019, Involved Person 2 contacted the Investigator via email and provided the following additional information:

- Involved Person 2 advised that she had contacted potential witnesses Involved Person 3, 4, 5, and 6. Involved Person 5 is the only one interested in speaking with the Investigator at this time. No contact information was provided to the Investigator; Involved Person 5 will contact Investigator.
- Involved Person 2 also advised that she had returned to Gage Park over the weekend, reading the exact location of the protest. Involved Person 2 is confident in recalling to location of the protest and has provided a copy of the Gage Park 'Spaces Available Map' with an X indicating where the majority of the protest occurred.

The following is a summary of a follow up statement with Involved Person 2. The statement was provided to the Investigator on November 12, 2019 by phone and was audio recorded:

- The Investigator asked Involved Person 2 if she could recall which Officer mentioned recruitment booth during Involved Person 1 and 2s meeting with the Police following the disturbance. Involved Person 2 was unable to recall which Officer mentioned recruitment booth, nor could she provide the context of the conversation. Involved Person 2 did, however, recall Involved Person 1 say that this was not the time or place.

Review Statement of Involved Person 16:

The following is a summary of Involved Person 16's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

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- Involved Person 16 was present at the Pride Festival at Gage Park on June 15, 2019. Involved Person 16 was the first to call 911 at 12:50pm.
- Involved Person 16 indicated in the call to 911 that an anti-LGBTQ group was walking into Gage Park, it is going to end up badly. People are going to get upset.
- Involved Person 16 observed the group arriving from the area of Maple Ave. Involved Person 16 had a brief conversation with the group advising them that maybe this wasn't a good idea. She advised the group that it is not the time at this Festival to convey your viewpoints.
- The group consisted of approximately 15 religious based protesters. There were no Yellow Vests at that time. The group stood in a line in the park from approximately 1pm to 1:20pm. The group remained in the north-easterly end of the park 300 or 400 meters from Maple Ave.
- Involved Person 16 recalled seeing the persons with a tarp tucked back near a tree line in the park when she first arrived. Involved Person 16 believed it may have something to do with a croquet game. Their faces were not covered at that time. But were covered later.
- The black tarp was erected to cover the posters. There was an individual with a speaker saying hateful things. A person approached with an airhorn and put it close to the face of the individual with the airhorn.
- The guy with the airhorn looked like he shoved the male with the speaker and that's when it seemed like the fight broke out.
- The police were pretty well right there when the physical violence started. It lasted about 5 minutes. The police showed up and wouldn't let anything else happen, even when it was verbally aggressive, they shut that down. The police jumped right in. They were not watching the fight happening.
- The yellow Vests showed up at the end of the fight. When they became verbally aggressive they were shut down pretty quickly.
- Involved Person 16 was still present when the group was escorted out of the park.
- Involved Person 16 felt that the police handled the situation the best way they could while trying to respect the boundaries.
- Involved Person 16 believed the police were present dealing with the situation when the guy with the helmet struck someone. Involved Person 16 believed the police quickly grabbed him.

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Review Statement of Involved Person 17:

The following is a summary of Involved Person 17's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 17 was present at the Pride Festival on June 15, 2019 and had called 911 at 1:09pm.
- Involved Person 17 had advised the call taker that the protest was getting violent now. People were getting punched. She can see 4 Police Officers coming.
- Involved Person 17 had arrived at the park at noon and was working as a volunteer at the Festival.
- Involved Person 17 advised that the protest group arrived around 12:30pm.
- Involved Person 17 watched the group from her booth, then made her way over when she called the police.
- Involved Person 17 could not see any Uniform Police.
- The protest group were holding religious signs.
- The religious group showed up first. Before the Yellow Vests.
- Involved Person 17 advised that she made the call while on route from her booth to the protest area and that the violence had already started. A tarp was erected at that time.
- Involved Person 17 advised that the Religious group were mainly holding signs and standing pretty stoic and the Yellow Vests were the ones being violent. People were spraying silly spray on them (Yellow Vests).
- Involved Person 17 hung up the phone with the dispatcher and walked toward the police and said, people are being punched over there.
- The four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when Involved Person 17 first saw them. The female Officer said, well people punch people what are we going to do. Involved Person 17 said, stop them. The female Officer responded, there is only four of us we can't do anything.
- Involved Person 17 walked away. The Officers were standing afar watching the scene.
- Involved Person 17 is unaware if or when the Officers made their way to the screen / tarp as she returned to her booth.
- Involved Person 17 provided the Investigator with photos and 2 videos that she recorded at Pride during the protest / disturbance.

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Review Statement of Involved Person 18:

The following is a summary of Involved Person 18's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 18 is associated to the private Security Company contracted to provide Security for the Gage Park 2019 Pride Festival.
- Involved Person 18 advised that there were 5 Security Officers present at the Festival.
- The Security Officers were to provide a Uniform presence at the Festival and to look after the beer garden and the stage area. One Supervisor was charged with walking around and making sure everything was good with all the vendors.
- Involved Person 18 advised that the Security came over the air indicating a disturbance taking place at Gage Park. Involved Person 18 provided instructions for the Security Officers to stand down and not become involved, as that is not their contractual obligation.
- Involved Person 18 advised that Involved Person 1 was directing the Security to break up the fights. Involved Person 18 refused to have his Officers involved.
- The Police and POU Unit were also on scene.
- Involved Person 18 attended the Park following the dispersement of the protesters.
- Involved Person 18 was present when Police Supervisors and POU were speaking with Involved Person 1. There was a female organizer present also.
- The female organizer was screaming that the Security Company did not do their job properly.
- Involved Person 18 advised that the police kept their composure, however, Involved Person 1 was a little irate.
- A Staff Sergeant from the East End was discussing the Operational Plan.
- Involved Person 1 mentioned not wanting a Police recruitment booth being set up and that is why he did not want Police there altogether. Involved Person 1 was the one who brought up the subject of a recruitment booth.
- Involved Person 18 advised that the Police response to the recruitment booth comment was; that one does not have anything to do with the other. The Sergeant explained that the operational department is completely separate from the recruitment department internally.

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- Superintendent Schulenberg arrived. He was very calm and explained the situation similar to how the Sergeant did. Superintendent Schulenberg advised that assets would be remaining in the area to make sure this did not continue through the day.
- Involved Person 18 believes two of the Security Officers were present near the scene of the protest.

Review Statement of Involved Person 19:

The following is a summary of Involved Person 19's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 19 is a Supervising member of the Private Security Company contracted for the Pride Festival at Gage Park on June 15, 2019.
- Involved Person 19 was present at the Festival from 11am to 7pm. Involved Person 19's role was to supervise the other 4 Security Officers. Involved Person 19 detailed his Officers to the bandshell and vendor areas.
- Involved Person 19 was present at the bandshell when he was informed by some of the event organizers of a disturbance taking place at the northeast corner of the park.
- Involved Person 19 made his way to the area of the disturbance arriving on scene at approximately 1pm. There was an ongoing clash between Pride attendees and a group that had shown up to protest the activities.
- There were no Police Officers on scene at that time. The Police arrived approximately five minutes later.
- There were people with megaphones shouting back and forth and some scuffles happening. People were throwing punches and attacking one another.
- Involved Person 19 kept his distance, as did the organizers, until Police arrived.
- The Police arrived within 5 or 10 minutes after Involved Person 19's arrival.
- Involved Person 19 estimated that the fighting lasted about 5 minutes after his arrival. But may have been taking place prior to his arrival. Involved Person 19 has video that he captured.
- There was a bunch of different little bouts taking place with 2 to 3 people in each one.
- The Police arrived when it was going on and were able to effectively disperse most of the crowd, and start to set up a barrier between the two groups.
- There was also a group dressed in black with pink bandana's utilizing a big black tarp. They deployed the tarp to shield the protesters from the attendees.

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- The first Police Officers to arrive consisted of approximately 5 or 6. Within about 10 minutes of that most of the POU were there. A Police wall was formed and approximately 30 minutes later most of the protesters were escorted out.
- Involved Person 19 advised that at no time did he observe someone being physically injured and the Police not reacting.
- Involved Person 19 advised that the Police response was fairly quick with the first few Officers arriving on scene, and within 10 to 15 minutes the Police had pretty much surrounded the park. It was a very large response. They deployed rapidly.
- The fighting that Involved Person 19 witnessed did not include persons wearing Yellow Vests.
- Involved Person 19 was present when the Police met with Involved Person 1 following the disturbance. A Superintendent showed up to explain to Organizers what the plan of action was. There appeared to be a degree of hostility between the Organizers and Police. Confusion whether the Police were welcome on the site and whether they should have responded in the manner that they did. What the plan was going to be for the rest of the day in order to prevent further confrontation.
- Involved Person 19 was present only for a brief time during the conversation, at which time he stepped back and Involved Person 18 became involved. Involved Person 19 did not recall any conversation relating to a recruitment booth.
- Involved Person 19 advised that he was the only Security Officer that attended at the protest area. The other Security Officers were at the vendor area.

Review Statement of Involved Person 20:

The following is a summary of Involved Person 20's statement. The statement was provided to the Investigator on November 14, 2019 via the phone and was audio recorded:

- Involved Person 20 is a member of the Private Security Company contracted for the Pride Festival at Gage Park on June 15, 2019.
- Involved Person 20 attended to the area of the protest approximately 15 to 30 minutes after Involved Person 19 had attended the protested. Involved Person 20 wanted to check on Involved Person 19's wellbeing as he was not answering his phone.
- The three other Security Officers remained in the Festival area.
- When Involved Person 20 arrived on scene people were yelling at each other. Approximately 10 to 15 minutes later violence broke out. People were punching each other, while others were trying to steal cameras.

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- There was a big crowd. The violence continued up to and even after a few Police Officers had arrived. The Police couldn't be everywhere and people just kept getting into it. Involved Person 20 advised that he noticed that the first Police were there 10 to 15 minutes after the fighting started.
- There was still violence taking place, however, the police may have been unaware of it. The Police were dealing with the protesters more than the physical violence. It was a very big crowd. The protesters were crowding certain areas of it with a big banners. Even if you looked over there you may not be able to see the violence.
- Involved Person 20 is not aware of any Police Officer actually observing violence and not responding.
- The Police pretty much got in right away between the protesters for the next 15 minutes or so.
- Other Officers began arriving after about 5 or 10 minutes.
- Involved Person 20 advised that he was not present during a meeting between Police and Organizers following the protest. However, he was aware that the Organizers did not want the Police on the property.
- Involved Person 20 felt that the initial responding Police Officers focused on one portion of the protest, but the protest was much bigger, and those other areas is where the violence was happening. He felt that the Police should have redeployed Officers in other areas.
- Where the Police were focused is a big area with a lot of people. There was no immediate violence in that area, there was a lot of people verbally fighting where the Police were. The other violence was away from the Park. Again, Involved Person 20 was not aware of a Police Officer witnessing violence and not responding. Nor did Involved Person 20 advise Police at the time of violence taking place elsewhere.

Review Statement of Involved Person 21:

The following is a summary of Involved Person 21's statement. The statement was provided to the Investigator on November 13, 2019 via the phone and was audio recorded:

- Involved Person 21 is a journalist who was covering the protest rally at City Hall on June 15, 2019.
- Involved Person 21 also attended at the Gage Park Pride Festival. At 1:05pm Involved Person 21 made a 911 call and screamed , *get over the Gage Park – violent riot – there's 20 people fighting.*

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- Involved Person 21 had arrived at Gage Park approximately 20 minutes prior to making the call. Involved Person 21 was aware that street preachers were going to be attending Pride. Involved Person 21 did not expect anything bad was going to happen.
- The protesters had set up approximately 200 – 250 meters away from the Pride festivities.
- The protesters were rushed, assaulted and had their signs stolen. Involved Person 13 asked Involved Person 21 to call 911.
- There were approximately 10 Religious Protesters trying to defend against 30 to 40 Pride attendees. The Pride attendees were loud but were fairly peaceful. The individuals in the pink balaclavas were the same Antifa members that were at City Hall.
- Approximately 10 minutes after the Pride attendees confronted the Religious Protesters, the Pink Antifa people came with a black cloth to hide the Protesters from the Pride Festival. But also they were using the cloth strategically to isolate and wrap around individuals and attack them inside the closed in cloth.
- That is when the Protest turned violent with people punching. That is when Involved Person 21 made the call to 911. There was no Police presence at that time, however, there was private Uniform Security. They couldn't do anything.
- The violence lasted for 15 to 20 minutes. As soon as Police arrived along other Pride attendees the violent ones settled down.
- Police arrived 10 to 15 minutes after Involved Person 21 made the 911 call. It seemed longer. It was about 10 minutes after when Involved Person 21 saw the first patrol car roll up one of the paths.
- The Police arrived really quickly from all directions. Involved Person 21 estimated there to be 200 to 300 people in the area at the time. The cloth was up the entire time. There was some interaction between the banner being moved around and Police.
- To Involved Person 21's knowledge all of the assaults stopped the minute the Police arrived.
- Approximately 2 or 3 Yellow Vest people arrived after the fighting.

Review Statement of Involved Person 22:

The following is a summary of Involved Person 22's statement. The statement was provided to the Investigator on November 26, 2019 via the phone and was audio recorded:

- Involved Person 22 arrived at the Gage Park Pride Festival between 11am and noon on June 15, 2019.

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- Involved Person 22 advised that the protesters arrived at approximately 12:30pm. The protest was tense but non-violent. There was a curtain erected between the protesters and the Pride Festival. There were 10 – 12 protesters.
- Involved Person 22 made two calls to 911 from the Festival. The first at 1:06pm indicating that there was a fight between two groups near the Rose Garden involving 10 to 20 people. He advised that there were no weapons or injuries seen, and that the fighting had stopped; however, there is a lot of tension.
- Involved Person 22 indicated that there were uniform security guards, and maybe two Police Officers, possibly at the bandshell. A few security guards attended the protest; however, they really couldn't do anything as they were outnumbered.
- The second call was made by Involved Person 22 at 1:13pm. At that time Involved Person 22 called to report an injured male with a bloody nose. The call was transferred to EMS at which time Involved Person 22 advised that the victim had left and that he was okay.
- Police arrived approximately two minutes after Involved Person 22 made the second call. It was two Police cars. Involved Person 22 could not recall if there were Officers present on foot prior to the police vehicles arriving.
- Involved Person 22 advised that even after all the police arrived there were still fights breaking out. Involved Person 22 described the fights as "sparks." The Police would stop the fight and another fight would breakout.
- Involved Person 22 went to say that he thinks one or two people threw a few punches when Police were there.
- Involved Person 22 was unable to clearly articulate if Police were present observing punches being thrown. There were approximately 100 people in the area. Involved Person 22 advised that the curtain shielded the majority of the protesters from the actual fight. The Police couldn't see when protesters got in front of the screen.
- When asked, Involved Person 22 was unsure if Police on scene actually witnessed physical violence taking place and failed to intervene. Involved Person 22 advised that Police stepped in when things got serious, when people started almost knocking each other out.
- Police were not between the opposing groups, they were trying to contain what was going on.
- Involved Person 22 then went on to say that he believed that Police were watching persons being assaulted and were not intervening.
- When asked to explain, Involved Person 22 advised that it was happening really fast, the issue was that everybody was moving around and one or two fights broke out. The Officers just looked and waited too long before intervening.

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- Involved Person 22 provided an example that the 'guy with the helmet' and a person wearing a 'pink ninja' started throwing punches for thirty seconds to a minute. There were Police all around and they didn't do anything. Involved Person 22 advised that the Police were six feet away. Involved Person 22 concluded that he could not be certain that the Police actually seen someone being punched.
- Involved Person 22 advised that he had a video which he had taken with his cellphone during the protest that he would share with the Investigator.
- Involved Person 22 later left the Investigator a recorded voicemail message describing the video which he advised did not contain any assaults, however, shows Police just standing not solving anything or paying attention to anything around them. Involved Person 22 later emailed the Investigator a 6 second video.
- *The video depicted a large group of people debating and arguing. Several Officers can be seen lined up between the group and a large black curtain. There are no physical confrontations captured within the frame of the camera.*

Review Statement of Acting Sergeant Jason Sorbara:

The following is a summary of Hamilton Police Service Acting Sergeant Jason Sorbara's statement. The statement was provided to the Investigator on August 20, 2019 at the Professional Standards office and was audio recorded:

- On June 15, 2019 Acting Sergeant Sorbara was detailed to supervise the Pride Festival event at Gage Park as per the operational plan and to report back to Staff Sergeant Groombridge.
- Six officers, including Acting Sergeant Sorbara, were assigned to the event. Acting Sergeant Sorbara, Constable Vilika Zafirides, Constable William Kreamer and Constable Nelson Fiuza were in uniform. Constable Nick Pacheco and Constable Brandon Smith were in plainclothes utilizing a cellphone for communications.
- Acting Sergeant Sorbara briefed the involved officers as per the operational plan.
- The operational plan indicated that organizers requested a no uniform presence at the festival. Acting Sergeant Sorbara planned to patrol the perimeter of the park in uniform and utilize the eyes and ears of the Plainclothes Officers within the festival to provide updates should any protests begin.
- The operational plan indicated a potential for protests, as took place the previous year, however, there was no immediate intelligence that one would take place.
- The event was to get underway at 11:45AM. At that time Acting Sergeant Sorbara was on scene on the perimeter with Constables Kreamer and Zafirides, awaiting the arrival of Constable Fiuza who had become involved in a motor vehicle collision investigation.

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- Shortly after Constable Fiuza arrived the first 911 call came in at 12:52PM regarding potential protesters showing up at the festival with no issues at that time. Acting Sergeant Sorbara updated Staff Sergeant Groombridge.
- Acting Sergeant Sorbara also contacted Constable Pacheco to update him regarding the 911 call and ascertain if they had any information. Constable Pacheco did not see any issues or protesters at that time.
- The festivities in the park were centralized around the concert (bandstand area) in the southwest area of the park.
- At 1:00PM there is an update via dispatch that things are beginning to escalate. There was no indication of the exact location of the protest. Acting Sergeant Sorbara along with the other three uniform officers entered the park from the southwest (Gage Ave. and Cumberland Ave area).
- A concert was taking place at the bandstand. Attendees at the festival were advising that people were fighting.
- The Uniform Officers located the disturbance on the northeast side of the park at approximately 1:08PM. There was a makeshift black curtain wall which had been erected by persons at the scene to shield the protesters from the event. This contributed to Uniform Officers not seeing what was going on the other side as they approached.
- Acting Sergeant Sorbara observed protesters with signs and counter protesters attempting to wrap banners around the protesters with the signs. There was nothing physical other than people pushing at the signs, trying to get them down so they weren't being viewed.
- Constables Fiuza and Kreamer arrived on the opposite side of the curtain and advised that there was a disturbance.
- Acting Sergeant Sorbara was partnered with Constable Zafirides, and Constable Fiuza was partnered with Constable Kreamer. Acting Sergeant Sorbara and Constable Zafirides became separated in the crowd from Constables Fiuza and Kreamer.
- There were approximately 150 persons present.
- Acting Sergeant Sorbara was notified by Staff Sergeant Groombridge that two POU teams were on route from City Hall where another protest was taking place. Acting Sergeant Sorbara suggested they may require more than two teams.
- Acting Sergeant Sorbara observed a male with a bloody nose standing by a tree. At the same time he could hear on his police radio that an ambulance was responding for an assault.

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- Acting Sergeant Sorbara approached the male and noted that he was being treated by on-site St. Johns EMS.
- Acting Sergeant Sorbara left the male and linked back up with Constable Zafirides. Constable Fiuza came over the radio requesting help. Acting Sergeant Sorbara made his way to the other side of the curtain where he found Constables Fiuza and Kreamer.
- The request for help was not for them personally but because of the number of people engaging each other.
- The curtain was approximately 20 to 30 feet in length and 10 feet in height. The curtain is secured to pieces of 2X4 wood. People dressed in black with pink scarfs were holding the curtain. The curtain was been used to envelop the protesters, making it difficult for the officers to properly engage the group.
- Acting Sergeant Sorbara viewed no assaults actively taking place at that time, however, he observed evidence that assaults had transpired as there were people with bloodied faces.
- Acting Sergeant Sorbara felt that the physical presence of the officers appeared to calm things somewhat. People had come forward alleging they had been assaulted. Acting Sergeant Sorbara's priority was to keep the two opposing groups separated to prevent any further assaults from taking place.
- One individual with a helmet and shield on his chest, and blood on his face advised that he had been assaulted and had googles taken from him. Acting Sergeant Sorbara provided him with the same information he was giving to others; let's get this under control first and then we can talk about your assault. This male later advised that he had got his googles back and said all was good and left.
- Acting Sergeant Sorbara was focused on getting control of the situation prior to engaging complainants and suspects.
- Acting Sergeant Sorbara felt that the crowd realized that there were only four uniform officers on scene at that time and things began to heat up.
- Acting Sergeant Sorbara and his officers were able to maintain a presence between the two opposing groups until 5 -6 other patrol officers arrived within 5 – 8 minutes.
- A few minutes later the POU units began to arrive and assist.
- Acting Sergeant Sorbara's plan was to separate the group, deescalate the situation and begin to take assault complaints.
- There were approximately 100 -150 persons present. People were blowing whistles, one was beating a drum and one had a megaphone. There were approximately 15 to 20 that appeared to identify as protesting the event.

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- Acting Sergeant Loppie arrived and engaged in negotiations at the scene. Staff Sergeant Miscione was also on site.
- The protesters eventually left the park at approximately 2pm.
- Constable Roechner had made an arrest of one of the protesters for an assault.
- Acting Sergeant Sorbara recalled people saying, "He hit me, she hit me are you not going to do anything", there was a lot of shouting. Acting Sergeant Sorbara began advising attendees that he was waiting for other officers to arrive, and once the situation is under control he could discuss assault complaints. However, once the crowd began to disperse no one, to his knowledge, came up and presented wanting to make a report of an assault.
- At the request of Superintendent Schulenberg, Acting Sergeant Sorbara and Staff Sergeant Groombridge met with two of the Festival organizers, Involved Person 1 and Involved Person 2. Acting Sergeant Sorbara provided information to be passed onto anyone who had been victimized and wished to make a report. Acting Sergeant Sorbara provided his business card advising that assault reports would be investigated.
- Involved Person 1 had originally approached Acting Sergeant Sorbara when he initially arrived on scene concerned that the protest group was within their permit area. Involved Person 1 had asked to have them removed. Acting Sergeant Sorbara advised Involved Person 1 that once additional officers arrive they will deal that. Acting Sergeant Sorbara further advised that he was not in a position to have a conversation at that time, as he needed to deal with the situation and would speak with Involved Person 1 after.
- Acting Sergeant Sorbara was aware of one arrest at the scene made by Constable Roechner. However, he believed the victim left or did not wish to support charges.
- Involved Person 1 expressed that he felt the police took too long in arriving and that there were not enough officers on scene. Acting Sergeant Sorbara advised that the protesters had left, however his team would remain until the conclusion of the festival. At that time Acting Sergeant Loppie and several other patrol officers were still on scene.
- The POU officers pulled back to the perimeter of the park and remained there for some time in case the protesters returned. POU eventually left the area.
- Acting Sergeant Sorbara later received an update from Acting Sergeant Loppie indicating that Involved Person 1 had requested that the police vacate the park. That the protest was over and that if the police were required back they would call. Involved Person 1 requested that the officers maintain their perimeter, however that the police were to stay out of the festival area.

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- Acting Sergeant Sorbara made a decision not to take up a perimeter patrol of the park, but instead remain in the park but outside of the festival area.
- Acting Sergeant Sorbara identified on the operational plan map a large circular path that surrounded the festival and also bordered the four sides of the park.
- Acting Sergeant Sorbara advised that there was also on-site uniform security attached to the festival. The security was present during the protest but did not intervene.
- Acting Sergeant Sorbara was aware that there was a protest the previous year; however he was not aware of any violence the previous year.
- Acting Sergeant Sorbara advised that he did not meet the named organizer and permit holder, mentioned in the Operational plan.
- Acting Sergeant Sorbara estimated attendees, post protest, to be approximately 1000.
- Acting Sergeant Sorbara recalled hearing someone on the radio from the City Hall protest indicating that a group may be heading his way.

On November 3, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

As the Investigator I have had an opportunity to interview Involved Person 1 in relation to the Pride Festival Service complaint. As a result I have a few follow up questions since our previous interview. The below questions relate to your initial arrival, or soon thereafter, on scene at the disturbance in the park. In Involved Person 1's statement he indicates that he made observations and had conversation with you and Constable Zafirides. Could you please answer the following questions as best you can.

Q) Do you recall standing 30 to 50 feet south of the disturbance with Constable Zafirides in an observational capacity?

A) No

Q) Do you recall Involved Person 1 asking Constable Zafirides if she was Sergeant Granatier?

A) No

Q) Involved Person 1 advised that he could see people being shoved and beat up then sees you on the phone. Do you recall seeing people being shoved and beat up? Do you recall being on the phone as Constable Zafirides directed Involved Person 1 to speak with you?

A) I did not see people being shoved and beat up. I only arrived during the aftermath and could not initially see what was happening behind the large black curtain. I was on my phone upon first arriving on scene as was mentioned in my earlier interview. I

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do not recall seeing Constable Zafirides interact with Involved Person 1, but I can confirm that he did briefly speak with me (again as mentioned in my original statement). My interaction with him lasted only seconds.

Q) Did you advise Involved Person that we are not equipped to deal with this and that you were calling for back up?

A) I advised Involved Person 1 that I was working to get additional resources to the park and would be able to better deal with the protesters once additional officers arrived. His only comment to me when he approached was that he wanted the protesters removed from the "permit area" of the park. I advised him that the "permit area" was not my immediate focus, but rather getting additional officers on scene to deal with the crowd. That was the extent of my conversation with him and then he walked away.

Q) Do you recall Involved Person 1 saying that he found it shocking and surprising as he had told the police what to expect and he did not know why they [police] were not there?

A) No

Q) Do you recall Involved Person 1 saying to you, I don't know why the two of you are standing back from what's happening here?

A) No

Q) Do you recall Involved Person 1 saying to you, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?

A) Definitely not.

On November 12, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) In addition to the statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Person 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have to happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?"

A) At no point did I hear anyone make those comments to the PRIDE organizers. In fact I don't believe I had any knowledge of the recruitment booth request or refusal until after the incident.

On November 17, 2019 Acting Sergeant Sorbara provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

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Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first saw them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Constable Zafirides, Constable Fiuza and Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) I do not specifically recall being approached by Involved Person 17 as I approached the area of the disturbance. I also have no recollection of any conversation between this female and the female officer (PC. Zafirides).

Review Statement of Constable Nick Pacheco:

The following is a summary of Hamilton Police Service Constable Nick Pacheco's statement. The statement was provided to the Investigator on August 14, 2019 at the Professional Standards office and was audio recorded:

- On June 15th, 2019, Constable Pacheco and his partner, Constable Brandon Smith, were deployed at the Gage Park Pride Festival event in a plain clothes capacity.
- Prior to attending the festival Constables Pacheco and Smith received a briefing from Acting Sergeant Jason Sorbara. The briefing information indicated no known information that protesters were planning on attending the event, however, based on the event history there was potential that protesters may attend the festival.
- Constable Pacheco and his partner were informed that a uniform presence was not welcomed at the event. The Constables were to monitor the event and report any issues back to Acting Sergeant Sorbara.
- Acting Sergeant Sorbara, along with Divisional Safety Officers (DSO), were positioned nearby at Gage Ave and Lawrence Rd.
- The briefing included information regarding a protest involving a group known as 'Yellow Vests' that was taking place at the Hamilton City Hall the same day. The Public Order Unit (POU) was deployed at the City Hall protest. If required, the (POU) would be redeployed from the City Hall location to the park.
- Constables Pacheco and Smith arrived at the park at 12pm. There was also private security working at the event. The private security was not made aware of the plain clothes police presence. At that time there were approximately 200 attendees present.
- Though there were gates to the festival situated at the west side of the park, the event itself was not fenced and could be accessed from other directions.

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- At approximately 1pm Constables Pacheco and Smith were among the majority of the attendees in the center of the event when their attention was drawn to the sound of drumming. The sound was coming from the north near the fountain area.
- Constable Pacheco and Smith walked to the area to investigate. From a distance they could see black curtains / screens being erected by Pride attendees. They could hear yelling and what sounded like a megaphone. Once on the other side of the curtain they observed people arguing and a crowd starting to gather. The Officers were unaware of what may have transpired prior to them reaching the location.
- Constable Pacheco contacted Acting Sergeant Sorbara and advised him that there was an opposing group present and things were getting heated, there may have been a scuffle.
- Acting Sergeant Sorbara attended a few minutes later, along with the two DSO Officers, and began to separate the parties. A few minutes after Uniform Patrol Officers began to arrive. There were approximately 8 to 10 uniform Officers that attended.
- The Officers created a wall blocking the Yellow Jacket protesters from entering the Festival area. The situation began to deescalate. The Yellow Jacket group consisted of approximately 10 protesters.
- The POU arrived approximately 10 to 20 minutes after Constable Pacheco called Acting Sergeant Sorbara. The POU consisted of approximately 15 Officers.
- Based on how heated people were and how quickly the crowd gathered, Constable Pacheco believes the assaults that took place, as depicted on news outlets and on social media, prior to his arrival at the screened area. In particular he recalls observing a male, who was captured on social media with a motorcycle helmet assaulting people; however, he did not observe this male assault anyone after his arrival.
- Approximately 15 minutes after the POU arrived the crowd began to disperse. Sometime Between 1:30pm and 2pm the protesters had vacated the Festival area. The screens were removed soon after. Following this interaction there were no other issues that Constable Pacheco observed.
- Constables Pacheco and Smith remained at the event for the duration of the day as the attendance grew to approximately 500.
- Constable Pacheco was asked about the 30 to 35 minute delay in police responding to break up the violence / disturbance. Constable Pacheco advised the response by police was much faster.
- Constable Pacheco was asked about police witnessing dozens of violent assaults yet making no arrests and laying no charges. Constable Pacheco indicated that he did not

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witness live, the violence that was later posted on social media. Nor is he aware of any other officer who may have witnessed it.

- Constable Pacheco did not personally witness anyone from either opposing group approach police on scene to report an assault or present as a complainant.

Review Statement of Constable Brandon Smith:

The following is a summary of Hamilton Police Service Constable Brandon Smith's statement. The statement was provided to the Investigator on August 22, 2019 at the Professional Standards office and was audio recorded:

- Constable Smith was detailed with Constable Pacheco to attend the Pride Festival on June 15, 2019 in a plain clothes capacity.
- Constable Smith was briefed by Acting Sergeant Sorbara prior to his deployment. He was instructed to monitor the event and provide updates to Acting Sergeant Sorbara regarding any possible issues in the park.
- There was information that protesters may attend as they had attended the year prior. However, there was no current intelligence that they would be at the park.
- There was no indication that there was violence associated to last year's protest, or anticipation of violence this year.
- Constable Smith and Pacheco did not introduce themselves to the organizers; they instead blended in with the attendees.
- Constable Smith was aware that uniform officers were stationed at the perimeter of the park and they were to respond if needed. Communications between Acting Sergeant Sorbara and Constable's Smith and Pacheco was to take place by phone.
- Constable Smith indicated that the actual festival in the park ran approximately from Cumberland Ave. to the north and Maplewood Ave. to the south
- There was a main entrance point to the festival at Gage Ave. and Cumberland Ave., marked by balloons. However, you could enter the festival from any area within the park as it was not fenced.
- Constable Smith was in the main festival area when at approximately 1PM or just before, people began to funnel over to the far northeast side of the park.
- Constables Smith and Pacheco made their way north to the same location, approximately 200 meters from where they were, after receiving a call from Acting Sergeant Sorbara that there were protesters.

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- There were people with signs and a black curtain. When they arrive they observed people holding signs and yelling and others were yelling back. More people began to show up who Constable Smith described as spectators.
- Constable Smith estimated that there were approximately 10 – 15 protesters that appeared to oppose the festival.
- Constable Smith did not observe any violence or assaults taking place. The two groups were actively moving about.
- Constable Smith recalls viewing news footage following the event which depicted violence taking place during the protest. Constable Smith did not witness this when he was present.
- Constable Smith recalled seeing a male on the news assaulting people with a helmet. He also recalled seeing that same individual when he was present. However, he did not witness him assault anyone as seen on the news.
- Acting Sergeant Sorbara and the three other uniform officers arrived within a “couple” minutes of Constables Smith and Pacheco arriving at the protest location.
- Acting Sergeant Sorbara and his officers were attempting to gain order and divide the protesters.
- Within five minutes approximately 8 to 10 additional Uniform Patrol officers began to arrive.
- The Officers were still trying to divide the two groups.
- Within approximately 15 minutes after patrol officers arrived POU arrived. POU formed a line with patrol between the two groups.
- Constable Smith is not aware of anyone presenting to the police as a victim, nor did he see anyone with injuries.
- Constable Smith did observe one male get arrested by police.
- Approximately 15 to 25 minutes after POU arrived the opposing group left the park.
- POU followed the opposing group out of the park. Constables Smith and Pacheco followed then returned to the festival.
- The uniform officers remained at the event, and then eventually made their way to Gage Ave. and Lawrence Ave.
- There were no issues following the protest. Attendees grew to approximately 400 – 500

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- At approximately 5:30PM a call was received indicating that yellow vest protesters were present in the park, however, none were seen by police.
- The festival ended at approximately 7PM with no other issues.
- Constable Smith was aware of approximately 4 visible security guards at the event. The security guards were actively attempting to separate people during the earlier disturbance.

Review Statement of Constable Vilika Zafirides:

The following is a summary of Hamilton Police Service Constable Vilika Zafirides's statement. The statement was provided to the Investigator on August 28, 2019 at the Professional Standards office and was audio recorded:

- On June 15, 2019 Constable Zafirides was working in a uniform capacity assigned to the Pride Festival event at Gage Park.
- Constable Zafirides was working with Acting Sergeant Sorbara, Constable Kreamer and Constable Fiuza, along with two plain clothes Officers.
- At 8:50am Constables Zafirides, Fiuza and Kreamer were briefed by Acting Sergeant Sorbara and provided with an operational plan for the event which was prepared by Sergeant Granatier.
- Constable Zafirides learned that the organizers of the event did not want Uniform Officers to attend the event.
- Constable Zafirides learned that there could be protesters at the event as there had been the previous year. There was no mention of violence taking place the previous year nor was there intelligence indicating that there would be violence at this year's event.
- The Plain Clothes Officers would attend at the event and the Uniform Officers would remain on the perimeter and respond if needed.
- At approximately 1245PM to 1250PM the first 911 call was received indicating that there were protesters in the park. There was no mention of any altercation or assaults; only that the protesters had just shown up.
- Constable Zafirides and the other three Officers began getting ready to go into the park; putting on their vests and hats.
- Several minutes later there were additional calls at which time the Uniform Officers went into the park. Information at that time indicated that fights were starting.

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- The information regarding the location of the disturbance was not specific. Different landmarks were being given: Patrons in the park began providing directions to the Officers.
- It took Constable Zafirides and her partners several minutes to make their way through the festival to the north end of the park where the disturbance was located.
- Constable Zafirides was unable to see any disturbance. A black curtain was being held up. The curtain was 7' to 8' high and 20' to 30' long. The curtain was held up with wooden posts by persons wearing black with pink bandanas or T shirts.
- Constable Zafirides learned that the curtain was in place to block the protesters and their signs from the Festival attendees. The curtain was also blocking Constable Zafirides' view as she approached.
- Constable Zafirides approached two persons with bloody noses who were hunkered down by a tree. Constable Zafirides ask the two individuals if they were okay but they refused to speak with her. They were being attended to by EMS.
- Constable Zafirides observed two distinct groups on the other side of the curtain. One was a religious group holding up signs. The person who appeared to be the leader of the religious group had a megaphone. The other group was dressed in black with the pink facial covering.
- Constable Zafirides recalled seeing media reports after the event of assaults that took place. Constable Zafirides did not see anyone being assaulted the entire time she was present. She believes the assaults took place prior to her arrival.
- Constable Zafirides estimated that there were 50 to 75 people in the area. Constable Zafirides and the other three Uniform Officers were surrounded in the middle of the crowd.
- People were yelling at each other and getting in each other's faces. The group with the black curtain were trying to push the other group away and surround them with the entire curtain.
- People would get close into each other's faces and the Officers would get in between them.
- Back up units began to arrive within 5 to 10 minutes of Acting Sergeant Sorbara asking for additional Officers.
- Officers from all three Divisions arrived. A line was formed between the two opposing groups.
- POU Officers arrived within approximately 10 minutes.

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- Acting Sergeant Loppie spoke with the leader of the religious group and convinced them to leave. He advised that the police would take their complaints if they had any, however, that now was not the time as things were heated. He provided them with a business card indicating that the police would follow up.
- The group agreed to do so and officers escorted them out of the park.
- The other group with the curtain then disbanded.
- Constable Zafirides is not aware of anyone at the scene reporting an assault to police. Other than the two that were by the tree with nose bleeds, Constable Zafirides did not see any other injuries.
- Constable Zafirides and the other three Uniform Officers remained in the park following the disturbance. They patrolled the outer edge of the festival area.
- Approximately 30 minutes later Involved Person 1 approached and asked the Uniform Officers to leave, citing that the police were upsetting the patrons.
- The Officers agreed on a compromise were they would stay in the park, but stay on the outer path outside of the festival area.

On November 2, 2019 Constable Zafirides provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

As the Investigator I have had an opportunity to interview Involved Person 1 in relation to the Pride Festival Service complaint. As a result I have a few follow up questions since our previous interview. The below questions relate to your initial arrival, or soon thereafter, on scene at the disturbance in the park. In Involved Person 1's statement he indicates that he made observations and had conversation with you and Acting Sergeant Sorbara. Could you please answer the following questions as best you can.

Q) Do you recall standing 30 to 50 feet south of the disturbance with Acting Sergeant Sorbara in an observational capacity?

A) I do recall standing 30-50 feet south of where the protest was taking place. (This distance is approximate). This was shortly after our arrival on scene and there were no active assaults taking place. Acting Sergeant Sorbara and I had stepped back slightly so he could make a telephone call to the Commanders to request additional units. We were monitoring at this point and I had just approached two victims who were under a tree with EMS being treated for nosebleeds. The victims wouldn't speak to me. The tree they were under was slightly away from where the protest was taking place so it's fair to say I was approximately 30-50 ft. away.

Q) Do you recall Involved Person 1 asking you if you were Sergeant Garantier?

A) Yes, I did have a short conversation with him and I advised him that Sergeant Granatier was not present at the event.

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Q) Involved Person 1 advised that he could see people being shoved and beat up then sees Acting Sergeant Sorbara on the phone. Do you recall seeing people being shoved and beat up? Do you recall Acting Sergeant Sorbara using a phone? Do you recall directing Involved Person 1 to speak with Acting Sergeant Sorbara?

A) At no time did I see anyone getting "beat up". Acting Sergeant Sorbara and I did step back so that he could make a phone call (see above) but that was not during a time when people were being actively assaulted. I did direct Involved Person 1 to speak to Acting Sergeant Sorbara after he asked me who the Sergeant in charge was.

Q) Do you recall Acting Sergeant Sorbara advising Involved Person 1 that we are not equipped to deal with this and that he was calling for back up?

A) I saw Acting Sergeant Sorbara engaging with Involved Person 1. I was not close enough to hear their conversation as I was still trying to monitor the protest and maintain officer safety with my partner. We were at least 15-20 feet apart.

Q) Do you recall Involved Person 1 saying that he found it shocking and surprising as he had told the police what to expect and he did not know why they [police] were not there?

A) No. I did not hear Involved Person 1 say anything other than to ask where Sergeant Granatier was and who was in charge.

Q) Do you recall Involved Person 1 saying to you, I don't know why the two of you are standing back from what's happening here?

A) No. We did not have any dialogue other than what I've mentioned above.

Q) Do you recall Involved Person 1 saying to you, if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?

A) No.

On November 15, 2019 Acting Constable Zafirides provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Fiuza and Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

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A) This is an out and out lie. I did not have any interaction with any female, other than the female we've already spoken about on my way through the park to the disturbance. I do not know who Involved Person 17 is, nor did I have any conversation with her.

Review Statement of Constable William Kreamer:

The following is a summary of Hamilton Police Service Constable William Kreamer's statement. The statement was provided to the Investigator on August 29, 2019 at Police Station 20 and was audio recorded:

- On June 15, 2019 Constable Kreamer was working in a uniform capacity assigned to the Pride Festival event at Gage Park.
- Constable Kreamer was one of four uniform Officers assigned to monitor the activities and provide assistance to the two plain clothes Officers who were in the festival should they require it.
- Constable Kreamer recalled being briefed by Acting Sergeant Sorbara as per the operational plan at 8:51am. Constables Fiuza and Zafirides were also present during the briefing.
- There was an expected attendance of 2000 people at the event. The previous year there were 6 to 8 protesters in attendance with loud speakers. There was no mention of violence in 2018.
- Constable Kreamer was aware this year of another protest taking place at City Hall involving the POU unit. If more resources are required the Officers at City Hall would assist.
- Constable Kreamer arrived at 11:30am and drove around the park. Constable Kreamer recalled that it was hard to see into the park because of the summer foliage, stages and other things set up there.
- The Officers positioned themselves at Lawrence Rd and Gage Ave.
- At approximately 12:58pm calls started coming in about a disturbance between protesters in the Rose Garden area.
- At 13:02pm Constable Kreamer and the other Officers entered the park and crossed the field. People were pointing to the Rose Garden. The Officers arrived at the disturbance at approximately 1:10pm.
- Upon arrival there is a black tarp obstructing what was going on the other side. The four Officers paired off with Constables Kreamer and Fiuza going to one side of the tarp and Officers Sorbara and Zafirides went the other way.

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- There was arguing and people were screaming and yelling at the Officers. There was no violence taking place at that time.
- Constables Kreamer and Fiuza got behind the tarp and separated from Sorbara and Zafirides.
- People continued to approach the Constables Kreamer and Fiuza telling them about a disturbance that had happened.
- People were still yelling. Constables Kreamer and Fiuza were trying to keep the peace and make sure nothing turned violent. The screaming grew louder and the Officers called for more units to assist.
- There were people with signs and a man with a loudspeaker. There were 4 – 5 persons with pink masks holding the large tarp appearing to prevent the festival goers from seeing the protesters and their signs.
- While waiting for back up, the Officers attempt to position themselves between the protesters and the people with the tarp to prevent them from making contact with each other.
- As the Officers stood there the people with the tarp would slowly come up behind them. The Officers had to keep shifting and holding the tarp back so as not to get trapped.
- The Officers continued to maintain the peace until other units arrived.
- It was only a few minutes until patrol began to arrive, and eventually the POU Officers arrived.
- A line was formed with Patrol Units and POU in order to separate everyone.
- Constable Kreamer estimates that there were approximately 75 to 100, people including protesters, tarp holders and spectators. It was hard to tell who was on what side and who was arguing about what.
- The protesters were escorted out and the people with the black tarp eventually left.
- Constable Kreamer witnessed the media coverage of violence that took place at the protest. Constable Kreamer advised that he did not witness the same violence when he attended. People were yelling and screaming upon his arrival.
- Constable Kreamer advised that no one had presented to him as a victim nor did anyone try to make such a report.
- Constable Kreamer recalled when he first arrived seeing a person with a bloody nose being assessed by medical staff. He learned that an ambulance was responding. By the time Constable Kreamer went back the person was long gone.

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- Constable Kreamer recalled seeing one person being arrested by Constable Roechner.
- Constable Kreamer advised the plan moving forward was, now that the Police were in the park, they were not going to leave the park whether the organizers wanted them out or not.
- Constables Kreamer, Fiuza, Zafirides and Acting Sergeant Loppie were at the back of the festival, between the Rose Garden and where the Festival was happening. One of the convenors came up and had a conversation with Acting Sergeant Loppie.
- Officers were advised that they were making the patrons feel uncomfortable and they were asked to leave.
- The Officers backed away and took up a foot patrol on an outer perimeter path.
- The operational plan also indicated that a uniform presence was not wanted by organizers.
- The Plain Clothes Officers remained in the festival.
- There were no further issues relating to the protest.

On November 15, 2019 Constable Kreamer provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Zafirides and Constable Fiuza made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) I remember someone coming up and directing us in the right direction because when we entered we could not see anything. As for a conversation, I do not recall any of that. I was probably more focused on trying to see where the disturbance was transpiring.

Review Statement of Constable Nelson Fiuza:

The following is a summary of Hamilton Police Service Constable Nelson Fiuza's statement. The statement was provided to the Investigator on August 28, 2019 at the Professional Standards office and was audio recorded:

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- Constable Fiuza was assigned to the Pride Festival on June 15, 2019 along with Constable's Zafirides and Kreamer, and Acting Sergeant Sorbara.
- At 8:50am Constable Fiuza received a briefing as per the operational plan for the Festival.
- There were also two Plain Clothes Officers positioned in the park to act as eyes and ears, should the uniform Officers need to enter the park.
- It was Constable Fiuza's understanding that the Festival Organizers did not want a uniform presence in the park. Constable Fiuza felt that Uniform Officers should have been positioned in the park.
- The instructions from Acting Sergeant Sorbara included that the Officers were to remain in pairs when in the park.
- There was no mention of violence in 2018, as there was in 2019.
- The plan this year was to patrol the perimeter of the park including Lawrence Rd. to the south, Gage Ave. to the west, Main St. to the north and eastern park perimeter.
- Constable Fiuza and the other three Officers were at Lawrence Rd. and Gage Ave., across the street from the main entrance to the park, when the first call for service came in regarding people fighting in the park.
- Constable Fiuza and the other Officers put on their reflective vests and walked to the main entrance.
- The Officers were unsure of the location of the disturbance described as the Rose Garden area. The Officers walked east to the centre of Gage Park. Constable Fiuza later discovered that the Rose Garden was not a good landmark as the roses were not in bloom.
- The Officers were in the park within 2 to 3 minutes. People in the park began to give directions toward the disturbance. One lady yelled, "It's about time you got here".
- Acting Sergeant Sorbara and Constable Zafirides were interacting with a female.
- Constable Fiuza heard someone say, "They're fighting over there". However, there was a black curtain obscuring Constable Fiuza's view. The curtain was being held by people wearing black clothing and pink masks.
- The curtain was approximately 7' high and 20 - 24' wide.
- Constable Fiuza went around the curtain with Constable Kreamer. The two began to split people up. People were yelling and getting in each other's faces.

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- There were 100 to 150 people in that area. Other people were walking to the festival and ignoring what was going on.
- Constable Fiuza was telling people to keep moving and not escalate the situation and to go on and enjoy your day.
- Constable Fiuza described three groups, those that opposed the festival, the people in the pink masks and those who didn't agree with the opposing group. It was verbal and not physical from what Constable Fiuza could see.
- Constable Fiuza estimated 16 anti-Pride protesters, 4 pink mask screen holders.
- The screen appeared to be used to shield the Festival attendees from the protesters.
- At one point Constable Fiuza had to move the screen back as it was moving and was pushing him into the protesters.
- Constable Fiuza heard people yelling, 'they're fighting'. Constable Fiuza used his radio to ask for more units. Constable Fiuza did not see anyone fighting.
- The male, that Constable Fiuza later saw on the media, known as the helmet guy, approached Constable Fiuza and advised that he had been beat up by a female. The helmet guy had a bloody nose. Constable Fiuza asked, who? The male advised that he didn't know.
- Constable Fiuza and Kreamer were joined by Officers Zafirides and Sorbara. The four Officers were attempting to split people up. Constable Fiuza felt outnumbered.
- Constable Fiuza arrived on scene at the disturbance at 1:10pm. He indicated that it took 2 to 3 minutes to get into the park, and another 2 – 3 minutes to find the disturbance as he was being directed by people in the park.
- Back-up Patrol Officers began to arrive within 5 to 10 minutes. There were approximately 8 to 10 back-up Officers that arrived.
- The Officers formed a line to help keep the parties separated. The parties were still yelling at each other and trying to get into each other's personal space. No one was fighting.
- POU arrived closer to the 10 minute mark.
- POU spoke to the organizer of the anti-Pride protest group and the group left the park.
- The group walked eastbound followed by some POU Officers.
- The male with the helmet did not return to Constable Fiuza. No one else presented to Constable Fiuza to report an assault.

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- Constable Fiuza advised that during the altercation, prior to POU arriving, a private security Officer had produced a baton and expanded it, as though he was going to hit someone. Constable Fiuza told the security Officer to put the baton away.
- Constable Fiuza remained in the park with Acting Sergeant Loppie, Constable Kreamer and Constable Zafirides. Attendees in the park thanked the Officers for coming and for being there.
- The plan was to stay within the park for the rest of the shift. After making a few laps of the Festival the Officers were asked by an organizer if they could patrol the outskirts of Gage Park as they were making the patrons uncomfortable.
- The Officers patrolled the path inside the park, outside of the Festival.

On November 16, 2019 Constable Fiuza provided the following response, in writing, to questions generated following analysis of Involved Person 17's statement:

Situation: Involved Person 17 indicated that she walked over to the police and said, "people are being punched over there". She further advised that the four officers were walking toward the disturbance. They were 100 ft or so away from the disturbance when she first seen them. The female Officer said, "well people punch people what are we going to do?" Involved Person 17 said, "stop them." The female Officer responded, "there is only four of us we can't do anything."

Q) Do you recall being approached by Involved Person 17 as you, Acting Sergeant Sorbara, Constable Zafirides and Constable Kreamer made your way toward the protest. Also do you recall the conversation as articulated by Involved Person 17?

A) When the four of us walked into the park, a lady approached us and stated "they are fighting over there" and pointed in the east direction. She also made a comment about us taking too long but I can't remember the words she used but was something like, "its about time". At no time did I hear any comments besides me asking where the Rose Gardens were. As we approached the area in question, myself and Constable Kreamer were separated from Acting Sergeant Sorbara and Constable Zafirides, as they were talking to another female. During that time I had a person approach and stated that "they are fighting", and directed me to a group of people. That is when I asked for help and started heading over in that direction. During all this, all I heard was that they were fighting and people from both sides yelling at us.

Review Statement of Acting Sergeant Franklin Loppie:

The following is a summary of Hamilton Police Service Acting Sergeant Franklin Loppie's statement. The statement was provided to the Investigator on September 10, 2019 at the Professional Standards office and was audio recorded:

- Acting Sergeant Loppie was on duty in uniform, working a 6am to 6pm shift, in the east end of the City known as Division 20, on June 15, 2019.

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- At the commencement of his shift there was a briefing by Staff Sergeant Groombridge in relation to the Pride Festival that was taking place that day in Gage Park.
- There were Officers assigned to the Festival and Patrol Officers were not to go to the park, as per the request by Festival Organizers; however, if Officers were required to respond they were to do so in pairs.
- At 1:13pm Acting Sergeant Loppie began to respond to the Festival after hearing Acting Sergeant Sorbara request additional units to attend.
- While on route to the call Acting Sergeant Loppie could hear Acting Sergeant Sorbara asks again for more units. Acting Sergeant Loppie felt things were escalating given the sound of Acting Sergeant Sorbara's voice.
- Acting Sergeant Loppie estimated his travel time to the scene at approximately 12 minutes.
- Upon arrival at Main St. and Gage Ave. Acting Sergeant Loppie observed other Patrol Officers entering the park and POU Officers arriving in vehicles.
- Acting Sergeant Loppie observed a large crowd east of the fountain.
- Acting Sergeant Sorbara and other Officers were present and were dividing the two groups of people who were yelling back and forth.
- The POU formed a single line to assist in separating the groups.
- Acting Sergeant Loppie made observations attempting to determine who the instigators / leaders were.
- Acting Sergeant Loppie approached, who he believed may be the leader of the religious protesters, and began a conversation.
- The leader [btb Involved Person 7] indicated that he wanted the people on the other side of the line arrested for assault. Involved Person 7 agreed to take Acting Sergeant Loppie's business card, with the incident number, with the understanding that he would speak with Acting Sergeant Loppie at a later time.
- Involved Person 7 also agreed to leave the park if the police agreed to escort them out.
- Acting Sergeant Loppie arranged for this to happen with the assistance of the POU.
- Acting Sergeant Loppie assisted the religious protesters in gathering up cameras that were taken and thrown away during the altercation, prior to them being escorted out as a group.

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- Acting Sergeant Loppie later learned that Divisional Detectives had followed up with Involved Person 7, and that CID was taking over the investigation.
- After the group left it was decided from Staff Sergeant Groombridge, and Command, that four Officers would remain in the park in case the protesters returned.
- The four Officers began patrolling the event and were standing near the food vendors.
- The Officers met up with event organizer, Involved Person 1. Acting Sergeant Loppie had spoken with Involved Person 1 earlier when he was speaking with the Involved Person 7.
- Involved Person 1 advised Acting Sergeant Loppie that the Police presence was stressing out the Festival attendees, and that he wanted the Police to leave the park.
- Acting Sergeant Loppie advised Involved Person 1 that he was not going to argue with him, but the Police could not leave the park.
- Acting Sergeant Loppie advised Involved Person 1 that the Police would move back, but they cannot leave the park.
- The Officers moved back to the Fountain area.

Review Statement of Staff Sergeant Shane Groombridge:

The following is a summary of Hamilton Police Service Staff Sergeant Shane Groombridge's statement. The statement was provided to the Investigator on August 29, 2019 at Police Station 20 and was audio recorded:

- On June 15, 2019 Staff Sergeant Groombridge was working uniform patrol in Division 20, which encompasses Gage Park, 1000 Main St. East.
- At the beginning of his shift Staff Sergeant Groombridge had an opportunity to review the Operational plan for the planned Pride Festival.
- Staff Sergeant Groombridge was aware of a possible protest that may occur at the festival, and that a protest did occur at last year's Festival. There was no violence during the 2018 protest; and there was no mention of anticipated violence occurring this year.
- POU had been called in to cover another event at City Hall this year. If issues were to take place at the Pride Festival those resources would be utilized.
- Staff Sergeant Groombridge reviewed the Operational Plan with Acting Sergeant Sorbara. Acting Sergeant Sorbara was detailed to the event along with three other Uniform Officers, and two Plain Clothes Officers. Acting Sergeant Sorbara was instructed to brief the assisting Officers.

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- The Operational Plan mentioned that the Organizers did not want a Uniform Police presence and the Organizers believed that it may agitate things at the Festival.
- The Uniform Officers would monitor the perimeter of the festivities and respond to any issues that may occur. At the same time, the Plain Clothes Officer would monitor the inside of the festivities and communicate with Acting Sergeant Sorbara, who in turn would brief Staff Sergeant Groombridge.
- At 12:57pm Staff Sergeant Groombridge learned that a group from City Hall may be attending the Pride Festival. Staff Sergeant Groombridge contacted Superintendent Schulenberg who indicated that the information was coming from them and that they were aware of it.
- Staff Sergeant Groombridge was alerted via his radio that things were starting up at the Festival and that Acting Sergeant Sorbara and the other units at the park were trying to locate the disturbance. Acting Sergeant Sorbara notified Staff Sergeant Groombridge that there was a disturbance and that it was getting very hectic.
- At 1:09pm Staff Sergeant Groombridge contacted Superintendent Schulenberg and asked for additional resources. Superintendent Schulenberg sent the POU unit to assist.
- Staff Sergeant Groombridge also attended the Park and met with Superintendent Schulenberg.
- The plan moving forward was to leave POU units in the park for some time, and to have Staff Sergeant Groombridge's Uniform Officers walk through the interior of park. Acting Sergeant Loppie was also to assist.
- When Staff Sergeant Groombridge arrived at approximately 2pm there were no protesters in the park. No victims came forward to the Police.
- Staff Sergeant Groombridge met with Organizers, Involved Person 1 and 2.
- Staff Sergeant Groombridge made sure a business card was given to the Organizers with the instructions if anyone was to come forward that the Police would like to speak with the victims and pursue an investigation.
- A short time later Staff Sergeant Groombridge was advised by Acting Sergeant Loppie that his presence was not welcomed inside the park and that he could monitor it from the outside. Staff Sergeant Groombridge believes this message may have been delivered by Involved Person 1.
- Staff Sergeant Groombridge created a media release with a canvass for victims to come forward.

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On November 11, 2019 Staff Sergeant Groombridge provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

- Q) In addition to the statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Person 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have to happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?"
- A) I did not hear anyone from the HPS make that comment.

Review Statement of Sergeant Paul Corrigan:

The following is a summary of Hamilton Police Service Sergeant Paul Corrigan's statement. The statement was provided to the Investigator on September 18, 2019 at the Professional Standards office and was audio recorded:

- Sergeant Corrigan is assigned to the Hamilton Police Service Intelligence Branch Hate Crime and Extremism Unit.
- On June 15, 2015 Sergeant Corrigan was on duty at City Hall in relation to a Protest Rally. Since October of 2018 there have been ongoing 'Yellow Vest' protests at City Hall. There have also been counter protests which has resulted in violence and arrests.
- A similar protest took place at City Hall the week previous [June 8, 2019], in which information was received that there may be a particular individual with a firearm. That individual did attend; however, no firearm was located.
- Sergeant Corrigan and three other Plain Clothes Officers, Sergeants Chris Button, Emerson Heaslip and Robert Hill, were in attendance at City Hall on June 15, 2019 as part of the overall operational plan.
- Sergeant Corrigan was also aware of the Pride Festival which was taking place at Gage Park the same day.
- During the 2018 Pride Festival a group of right-wing Fundamental Christians attended the festival and stood around the perimeter of the Festival and held up signs opposing the Festival. They were non-violent.
- In 2019 during the lead up to Pride Sergeant Corrigan, with the assistance of an Intelligence Analyst, had been monitoring intelligence sources. Information indicated that the US based group would not be making an appearance this year.
- However, it was believed that a smaller group of local Religious Fundamentalists would turn up to protest the 2019 Pride Festival and that the potential for conflict would be less with this group.

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- Sergeant Corrigan had provided Sergeant Granatier with this intelligence information to assist with her Operational plan for the Pride Festival.
- While at the City Hall protest Sergeant Corrigan learned that some of the Yellow Vest protesters were beginning to leave. Sergeant Corrigan was suspicious of where they may be going and as a result he and his three plain clothes partners drove to Gage Park.
- Upon arrival two Officers got out of the vehicle and entered the park as Sergeant Corrigan looked for parking.
- Sergeant Corrigan received information from the Plain Clothes Officers that things were getting heated in the park with protesters and counter protesters.
- At 1:17pm Sergeant Corrigan called Superintendent Schulenberg to update him.
- The uniform presence that had been on the perimeter was there and they had the group separated. Though it was tense, with lots of yelling, Sergeant Corrigan did not observe any violence taken place.
- Within ten minutes POU and other uniform units were in the park.
- Sergeant Corrigan and his partners drove the area to make sure that the Protesters, who had been escorted out, were actually leaving the area and not congregating to enter the park.
- The protesters seemed to be getting into vehicles and driving off.
- Sergeant Corrigan did not see any of the regular 'Yellow Vestors' present at the park.

Review Statement of Constable Larissa Roechner:

The following is a summary of Hamilton Police Service Constable Larissa Roechner's statement. The statement was provided to the Investigator on September 4, 2019 at the Professional Standards office and was audio recorded:

- Constable Roechner was on duty in uniform in Division 20 on June 15, 2019.
- Constable Roechner was briefed at the beginning of her shift regarding the Pride Festival taking place at Gage Park. She was advised that four uniform officers were detailed to the Park. If further Officers were to respond they were to do so in pairs.
- Constable Roechner was near the park when calls began to come in regarding multiple disturbances in the park. At 1:09 pm Constable Roechner pulled up on Main St. near the fountain area and awaited back-up.

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- Constable Roechner recalled disturbance calls by the greenhouse, the baseball diamond and the fountain. Constable Roechner could not see a disturbance at the Fountain, nor did anyone approach her.
- At approximately 1:11pm Constable Roechner entered the park with back-up and observed two large groups east of the Fountain. Constable Roechner recalled hearing over her radio the Officers assigned to the Festival detail asking for back-up now. Constable Roechner was running at that point.
- There appeared to be Pride participants and protesters. The police were separating the groups and preventing them from clashing.
- Constable Roechner advised that she was one of the first few back-up Officers to arrive.
- At 1:26pm Constable Roechner observed Involved Person 14 hit a protester on the head with a rolled poster. Constable Roechner and Constable McClure immediately arrested the male for assault with a weapon.
- Constable Roechner advised, besides the person she arrested, she did not see any other violence taking place between the two groups. The Police were separating them.
- Other back-up Patrol Officers arrived quickly.
- POU Officers arrived 5 to 10 minutes after Constable Roechner arrived.
- The victim did not come forward, and Constable Roechner was unable to locate a complainant.
- Involved Person 14 was escorted from the park and released unconditionally.

Review Statement of Sergeant Jennifer Granatier:

The following is a summary of Hamilton Police Service Sergeant Jennifer Granatier's statement. The statement was provided to the Investigator on September 23, 2019 at the Professional Standards office and was audio recorded:

- Sergeant Granatier is a member of the Division 20 Crime Managers Unit. Sergeant Granatier has a number of responsibilities, one of which includes preparing operational plans for events, festivals etc. that take place in Division 20.
- On June 13, 2019 Sergeant Granatier received information from Detective Paul Corrigan Intelligence Branch regarding the upcoming Pride Festival taking place in Gage Park on June 15, 2019. Detective Corrigan also mentioned that the Dunnville Pride event was disrupted by an American Evangelists. There was no intelligence to

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indicate that they will attend Gage Park, however, he does not advertise where he is going to appear.

- Sergeant Granatier began drafting an operational plan for the event.
- Sergeant Granatier conducted open source queries regarding the event and similar events within the Province. Sergeant Granatier was aware of a religious protest group attending such events.
- Sergeant Granatier's partner, Sergeant Mark Wilson, obtained a contact number for the Hamilton Pride Organizers.
- Sergeant Granatier received a call back from who she believed at the time was Involved Person 15, but has since learned it was actually Involved Person 1.
- Sergeant Granatier asked Involved Person 1 if he had any concerns regarding the Festival. Sergeant Granatier also mentioned the religious protesters.
- Involved Person 1 expressed that he had absolutely no concerns. That they were there last year and they just stuck to the edge of the park.
- Involved Person 1 went on to say that the protesters held up banners and used loud speakers. However, the Festival had plans to drown them out by turning the Festival music up louder and ignoring them.
- Involved Person 1 advised that they had obtained permits for the band shell, and an area 2 and an area 3, which would extend to the main Fountain in the middle of the park.
- Involved Person 1 advised that that area is so far away from where the main festivities were that they didn't have any concerns. The protesters would not be able to enter those two areas; that they would keep them far away from them, and they would just ignore them.
- The Investigator asked Sergeant Granatier when she was discussing the permit areas with Involved Person 1 if he directed her to pull up a map, or to follow along using a map?
- Sergeant Granatier advised that she was not directed to pull up a map. Involved Person 1 just described the area as extending to the main Fountain area. She was not directed by Involved Person 1 to pull a map up on her computer and follow along.
- The Investigator showed Sergeant Granatier a copy of the map [printed by the Investigator on September 19 during the Investigators interview with Involved Person 1]. The map was obtained by the Investigator from the City of Hamilton website, as directed by Involved Person 1, and depicts Gage Park and permit areas for rent.

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- Sergeant Granatier advised that she had not seen this map before. *[the Investigator viewed Sergeant Granatier's operational plan which contains two maps, one 'Festival of Friends' map, and one Real Estate Book of Hamilton map – none of which look like the City of Hamilton Gage Park permit areas for rent map]*
- Sergeant Granatier asked Involved Person 1 if he had hired any paid duty Officers for the event.
- Involved Person 1 advised they had not, they were too expensive and we didn't really want you there anyway.
- Sergeant Granatier asked why.
- Involved Person 1 advised that this Community are not big fans of Police, and having you all standing around makes people nervous. We don't need you there.
- Sergeant Granatier asked if Involved Person 1 had hired any Security Officers?
- Involved Person 1 advised that he had hired a company called Canadian Protection Services. There were five, but mainly for the beer tent and performance area.
- Sergeant Granatier was aware that the Yellow Vest group had been attending City Hall on Saturdays for the past number of weeks.
- Sergeant Granatier asked Involved Person 1 if he was familiar with the Yellow Vest group and their protest at City Hall, and their potential to move on to Gage Park.
- Sergeant Granatier had no intelligence to indicate that the Yellow Vest group were planning on attending; she had concerns based on the group's beliefs.
- Involved Person 1 advised that he had heard of this Yellow Vest, Yellow Jacket, Yellow whatever group, but again no one will be able to get onto our areas anyway. They will be on the sidelines and we will just turn up the music and ignore them.
- Sergeant Granatier asked Involved Person 1 if he had any other concerns.
- Involved Person 1 said no we're fine.
- Sergeant Granatier provided her name and office number to Involved Person 1. [905-546-2949]
- Sergeant Granatier estimated the call lasted 10 minutes.
- Sergeant Granatier advised that she did not tell Involved Person 1 that he could call her office number on the day of the event, or that she would answer it if he had questions or concerns. Sergeant Granatier went on to say that she does not work weekends; she works Monday to Thursday or Tuesday to Friday.

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- Sergeant Granatier was also off on the Friday, June 14, 2019. She had left the operational plan with Sergeant Wilson; who was working Friday, to make amendments if needed.
- ***Sergeant Granatier reviewed the operational plan with the Investigator. Some of the information within the plan included the follow:***
 - June 2018 was the first year Hamilton Pride Day was celebrated at Gage Park.
 - This year's Pride event will commence at 11:45am and run until 6:00pm. The event is expected to draw upwards of 2000 people.
 - The event will consist of live performers, a disc jockey, vendor booths, local artists, a family play area, face painting and a beer tent.
 - This will be on a smaller scale than the Festival of Friends.
 - Issues of concern for organizers, police, and the public is the anticipated return and presence of a small group of 'Street Evangelists' and preachers.
 - Sergeant Granatier was aware that the same group of Evangelists had attended the previous year. There were approximately 6 - 8 in attendance in 2018. There was no violence in 2018.
 - In addition to the 'Street Evangelist' group, the Hamilton Yellow Vest group will also be in Hamilton on Saturday, June 15, at City Hall.
 - Organizers have obtained a permit for usage of the band shell, area 2 and area 3 which extends north to the main Fountain.
 - Pride Hamilton has advised the HPS that they do not want a uniform presence at the Festival and as such have not hired pay duty Officers.
 - Organizers have hired a private security company, who will be providing five Security Officers to primarily monitor the beer tent and performance area.
 - Two Plain clothes Officers will be deployed from 11:00pm and 7:00pm to monitor the activities occurring within the Festival and report back to a supervisor.
 - Uniform Officers will also be deployed to monitor and assess the Festival, while providing support for the Plain Clothes units.
 - The HPS POU has been called in to attend the 'Hamilton Yellow Vest' protest at Hamilton City Hall. They may be required to attend the Hamilton Pride event should the event become volatile. *Should the Yellow Vest protesters attend Pride.*
 - Should any further information be learned, this will be communicated to Duty Officer Inspector Hennick and the Patrol Staff Sergeant.

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- Acting Sergeant Sorbara will attend the area of Gage Park, prior to 11:45am to assess the area. Acting Sergeant Sorbara will designate the appropriate number of Division 2 Officers to attend if required.
- Uniform Patrol Officers in Division 2 will be made aware of the situation and will be available to attend if needed.
- In the event that an emergency takes place, Central and Mountain D squad are working days; Central and Mountain B Squad are working nights. They may be requested to assist.
- Pride Hamilton Organizers have expressed to the HPS that they do not want uniformed Officers attending the event and an increased presence of such could potentially agitate the crowd.
- The possibility exists that protesters may begin to gather in the area prior to 11:45am.
- It is anticipated that protesters will be holding signs, utilizing loud speakers in the park, near and around the event stage and licensed area.
- There is no intelligence currently available to suggest that a protest is planned to occur at this event. In 2018 a protest did occur. This group attended Pride events in Dunnville, Hamilton and Toronto. This group has already attended the 2019 event in Dunnville so the likelihood of them being present at this event is high.
- Though direction in the operational plan indicated that Uniform Officers were not welcome at the Festival, Sergeant Granatier did not have specific discussions regarding what the particular Uniform deployment would entail.
- ***Operational Plan review concluded***
- ***Investigator reviewed involved Person 1's statement relating to his conversation with Sergeant Granatier on June 13, 2019.***
- Sergeant Granatier advised that Sergeant Wilson had placed a call to the Pride Organization contact number and left a message. A short time later a person, now known as Involved Person 1, called Sergeant Wilson's line and asked for Sergeant Granatier.
- Sergeant Granatier did not have a copy of the SEAT [Special Event Advisory Team] application when she prepared the operational plan.
- Sergeant Granatier did not recall Involved Person 1 asking her why she did not have this information already, when she was asking him general questions about the planned event.

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- Sergeant Granatier did not recall Involved Person 1 saying that the police had been there last year, and that all of the information Sergeant Granatier would need regarding last year was on the internet, or contained in intelligence in her own police service.
- Sergeant Granatier advised that she was not directed by Involved Person 1 to an on-line map.
- Sergeant Granatier does recall Involved Person 1 verbally describing the band shell, area 2 and area 3, which Involved Person 1 said extends to the main Fountain in the middle of the park. Which is far away from the main festivities at the band shell.
- Involved Person 1 made it clear to Sergeant Granatier that they [protesters] would not be able to enter those two areas.
- Sergeant Granatier did not recall Involved Person 1 advising that there would be a larger presence this year. Nor did she respond, *'oh yes we know that, we have heard the same things, we have heard other people are coming to town, the things going on with the City Hall protest and so forth'*.
- Sergeant Granatier did recall asking Involved Person 1 if he was familiar with the Yellow Vest Protest at City Hall and that they had the potential to go to Gage Park. There was no mention of a larger presence.
- Sergeant Granatier did not recall Involved Person 1 saying that he wouldn't find it surprising at all if all the folks from City Hall came down to Pride.
- Sergeant Granatier advised when she did discuss with Involved Person 1 the Yellow Vest group and their protest at City Hall that he didn't care. Even if they did come down that they would not be able to get into our areas.
- Sergeant Granatier did not discuss that a much larger number of protesters were showing up at the event, nor did she say to Involved Person 1 that she was aware of that.
- Sergeant Granatier did not recall Involved Person 1 asking if she had a copy of the permit application. Nor did Involved Person 1 tell her that everyone one gets a copy of this and that everyone had contacted them and that she was the last.
- Sergeant Granatier did not recall Involved Person 1 saying that he did not understand why she was calling to get this information because everything is on the Facebook page. All the information is public.
- Sergeant Granatier did not recall discussing with Involved Person 1 about a time in which Police would make contact with him on the day of the Festival. Sergeant Granatier advised that Involved Person 1 did not want to speak with Police; he did not want them there.

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- Sergeant Granatier did recall discussing with Involved Person 1 the location of where protesters had shown up the previous year, being the edge of the grass, near the Fountain. However, there was no reference to a map when this discussion was taking place. Involved Person 1 advised that he had no concerns, that the protesters stuck to the edge of the grass last year, and they can't come in that area.
- Sergeant Granatier did not recall Involved Person 1 mentioning that the protesters were near white bark trees.
- Sergeant Granatier did recall that Involved Person 1 mentioned that the protesters held up banners last year.
- Sergeant Granatier did not recall Involved Person 1 mention that White Nationalists, Yellow Vectors and others have all been speaking on the internet saying that they are all coming to town this Saturday.
- Sergeant Granatier advised that she did ask Involved Person 1 if he was familiar with the Yellow Vest group. Involved Person 1 advised that he had heard of this Yellow Vest, Yellow Jacket, Yellow whatever group, but they won't be able to go into our area.
- Sergeant Granatier denied saying to Involved Person 1, *'on that day [Festival day] if you need to call someone you can call me'*. Sergeant Granatier did provide her office number to Involved Person 1 should he need to call her back the same day, June 13th. Sergeant Granatier advised that she was not scheduled to work on the day of the event.
- Sergeant Granatier recalled discussing paid duty Officers with Involved Person 1 and Involved Person 1 saying that paid duty Officers are too expensive, and we don't really want them there anyway. Involved Person 1 went on to say that the community is not really big fans of the Police. Having you all just standing around makes people nervous.
- Sergeant Granatier denied starting her conversation with Involved Person 1 saying, *'I heard you didn't want uniformed Officers in the park.'* Nor did Involved Person 1 ask her how she heard that. Also, that she did not say something about *'having read so, or having heard so from someone else on the force.'* Nor, did she say that she had *'read it and heard it publicly and read it and heard it internally.'*
- Sergeant Granatier advised that Involved Person 1 did not say to her that that was interesting, because no one said that publicly, it was a presumption.
- Sergeant Granatier advised that there was no mention or conversation with Involved Person 1 and herself in relation to a recruitment booth.
- Sergeant Granatier advised that Involved Person 1 did not say that the Police were not welcome in the event space, BUT that the police were expected to be north of the area 3 picnic space. Nor did they refer to a map.

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- Sergeant Granatier advised that there was no discussion with Involved Person 1 about a route Yellow Vests and others may take to the Festival.
- Sergeant Granatier advised that she did not have conversation with Involved Person 1 regarding Involved Person 1 expecting Police would be north of the orange area [as indicated on the map], making sure they [protesters] don't come in. Nor did Involved Person 1 advise Sergeant Granatier that the Pride would not be in the orange area, and if Police were to set up there [north of the orange area] no one would notice them. Nor was there any reference to the 'Gage Park Spaces to Rent Map'.
- Sergeant Granatier advised Involved Person 1 did not discuss a tactic that Police used last year that she should be aware of, and make sure everyone knew about. The tactic was that you needed a permit to amplify sound in the Park. The protesters showed up last year and the Police enforced the rule.
- Sergeant Granatier advised that Involved Person 1 made every indication that they were just going to ignore them [protesters] and turn up their music and have a good time.
- Sergeant Granatier advised that Involved Person 1 did not advise her that SEAT had an application and if she didn't have one to contact SEAT. *Sergeant Granatier advised the Investigator that she had not heard of SEAT until this interview.*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'of course that doesn't prevent the police from doing their job'.*
- Sergeant Granatier advised that Involved Person 1 did not say, *'so this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead. Nor was the Gage Park Spaces to Rent map referred to.*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'If you are looking to intercept these people to prevent them from coming into our permitted areas, then obviously the place you would stand is where you would expect them to come.'*
- Sergeant Granatier advised that Involved Person 1 did not say to her, *'I can't tell you what to do; it's not my job to tell you how to do your job. If a huge crime is being committed in the event area and you're going to show up and stop that crime from being committed or stop that crime. That's your job. However, we don't want you to have a recruitment booth, and we don't want armed and Uniformed Officers walking around the park.'*
- Sergeant Granatier never advised that the Police would be there at 11:30am, nor was she instructed by Involved Person 1 to show up at 11:00am.
- Sergeant Granatier advised that Involved Person 1 did not walk her through a map regarding the Festival event space.

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- Sergeant Granatier advised that she had only one conversation, she did not speak with any other Pride Organizer.

Review Statement of Sergeant Mark Wilson:

The following is a summary of Hamilton Police Service Sergeant Mark Wilson's statement. The statement was provided to the Investigator on September 24, 2019 at the Professional Standards office and was audio recorded:

- On June 13, 2019 Sergeant Wilson was assigned to the Division 20 Crime Managers Unit along with Sergeant Granatier.
- Sergeant Wilson assisted Sergeant Granatier in preparing the operational plan for the June 15, 2019 Pride Festival.
- Sergeant Wilson located a Facebook site for the event; however, he was unable to find a contact number. Sergeant Wilson discovered from online searches that the Pride event was also connected to the Hamilton Aids Network. Sergeant Wilson made contact and learned that the Aids Network were no longer in trust with the event, however, they were able to provide a contact number for the event.
- Sergeant Wilson called the number and left a message and later received a call back. Sergeant Wilson passed his phone receiver to Sergeant Granatier as she was the lead for the operational plan.
- Sergeant Wilson was present during the conversation. Sergeants Wilson and Granatier discussed the conversation when the phone call ended.
- Sergeant Granatier completed the operational plan that day. Sergeant Granatier was off on June 14 and Sergeant Wilson was working.
- Sergeant Wilson was asked on June 14 by Superintendent Worster [Division 20 Commander] to modify the Plan.
- The modifications included the deployment of Plain Clothes Officers. The reason for this was from information that Sergeant Granatier had received from her conversation with the organizer that a uniform presence was not welcomed at the event. The compromise to this was to have units to attend the perimeter of the Festival; however, it was also decided to have a Police presence inside, in plain clothes. The Plain Clothes Officers were to report any issues inside that may require the perimeter units to enter into the Festival.
- The plan was to respect the Festival Organizers wishes and have the Uniform Officers remain on the perimeter near Gage Ave and Maplewood Ave area, which is close to the band shell.

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- Sergeant Wilson was not aware of a Special Events Advisory Team [SEAT] application for the event.
- Sergeant Wilson answered the call from Pride; however, he did not make note of the caller, he handed his phone to Sergeant Granatier.
- Sergeant Wilson remained in the room during the conversation, but shifted his chair away from his computer to give Sergeant Granatier room to use his phone. Sergeant Wilson estimated the call lasting 10 to 12 minutes.
- Sergeant Wilson could not recall Sergeant Granatier referring to an electronic map during the conversation. Sergeant Wilson advised that he has a tech background and would have been there to help with computer navigation. He did not recall anything such as a computer map during the conversation. Also, given that Sergeant Granatier was using Sergeant Wilson's phone, and that she was standing at the time, if she needed to use his computer he would have given her his chair. Sergeant Wilson does not recall this happening. He does not recall her using the computer at all.
- Sergeant Wilson could not recall the exact details of Sergeant Granatier's conversation with the organizer; however, he and Sergeant Granatier did have conversation after the call. He recalled discussing if the event was licenced, Sergeant Wilson believed that it was not, the expected numbers, whether there was paid duties hired, acts performing at the band shell and protesters that showed up last year. Whoever Sergeant Granatier spoke to did not seem too concerned about the protesters, they said that the protesters mainly stayed at the outskirts of the park, closer to the end of the Fountain. They said we just ignore them; it's so far away from the Festival. Also that they did not want paid duty Officers.
- Sergeant Wilson could not recall any conversation regarding private security or Yellow Vests. Sergeant Wilson has no recollection if Sergeant Granatier provided her phone number or not. Sergeant Wilson does not recall if Sergeant Granatier told the Organizer that he could call her on Saturday if there were any concerns. However, Sergeant Wilson was aware that Sergeant Granatier was working Monday to Thursday that week and would not have been in on Saturday. If she was working Saturday, she would have put herself in the operational plan.

Review Statement of Staff Sergeant Frank Miscione:

The following is a summary of Hamilton Police Service Staff Sergeant Frank Miscione's statement. The statement was provided to the Investigator on September 6, 2019 at the Professional Standards office and was audio recorded:

- Staff Sergeant Miscione is currently assigned to the Chief's Executive Officer position. Staff Sergeant Miscione's secondary role is a supervisor with the POU.
- On June 15, 2019 Staff Sergeant Miscione was assigned to the POU as part of the Command team.

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- On the day of his deployment Staff Sergeant Miscione was utilizing special duty channel 1 and the Division 20 Patrol channel.
- Staff Sergeant Miscione was aware of three operational plans that were in place on June 15. The first dealt with a planned protest at City Hall, the second dealt with the Pride Festival at Gage Park and the third was a general POU deployment plan.
- At 8:00am Staff Sergeant Miscione was involved in a briefing with 4 HPS 'ACTION' team members and POU supervisors.
- At 9:00am Staff Sergeant Miscione was involved in a second briefing with POU and those involved at City Hall.
- There had been previous protests and disturbances at City Hall for several months. It was expected that Yellow Vest protesters and an opposing group known as Antifa would be in attendance. It was estimated 80 to 120 would be in attendance.
- Staff Sergeant Miscione was aware that there was a potential for an anti LGBTQ religious group to attend at the Pride Festival. The group had attended the previous year and they had attended different Cities in Ontario.
- Intelligence suggested that it was a small group of 2 to 8 members known to hold offensive signs.
- Staff Sergeant Miscione was aware that the same group attended Pride last year and that there was a verbal disturbance and clashing but no violence.
- Staff Sergeant Miscione was aware that the POU unit would deploy to Gage Park if needed. This was included in the POU briefings. There was no expected violence at the Pride Festival.
- Each of the six POU teams had a van that could be utilized for redeployment to Gage Park if needed.
- The Command team also consisted of Superintendent Schulenberg, who was on ground, and Acting Deputy Chief Worster.
- Protesters came and went from City Hall from 10:00am to 1:00pm. With the highest amount at any one time being approximately 50 persons.
- At 12:50pm Staff Sergeant Miscione became aware via his radio that there may be a large group from City Hall leaving to possibly go to Gage Park.
- Staff Sergeant Miscione undertook to confirm the information that had originally come from one of the POU members who was near the protesters. It was learned that it was Yellow Vests, however, none had left at that time.

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- Staff Sergeant Miscione was aware that there were Plain Clothes Officers in Gage Park, supported by Uniform Officers on the perimeter of the park.
- At 1:02pm Staff Sergeant Miscione began pulling teams out from City Hall to begin getting the POU ready should they need to redeploy at Gage Park.
- At that time the groups at City Hall had dwindled with no action taking place between the two groups.
- It was felt that the numbers at City Hall were low enough to have the HPS ACTION team manage City Hall, and that the POU team could be pulled back.
- At 1:06pm the remaining POU teams were pulled back from City Hall.
- Staff Sergeant Miscione received an update from Superintendent Schulenberg that things were heating up at Gage Park.
- At 1:09pm Staff Sergeant Miscione sent the first team to Gage Park.
- At 1:17pm Staff Sergeant Miscione instructs ACTION to watch the Antifa group as there was intelligence information that they [Antifa] may also go to Gage Park.
- Most, but not the entire Yellow Vest group had left City Hall.
- At 1:17pm information on via POU radio that Division 20 units are calling for more units at Gage Park near the Fountain.
- Staff Sergeant Miscione acknowledged that two teams were headed there right now. The two teams were only a few blocks away.
- At 1:19pm Staff Sergeant Miscione sent the two remaining POU teams to Gage Park. 28 members in total.
- At 1:19pm Staff Sergeant Miscione received information via the POU channel that the Antifa group were leaving City Hall and getting into cars.
- As per Division 20 radio at 1:20pm two POU teams were at Gage Park at the Fountain and were looking for the disturbance.
- As per Division 20 radio at 1:22pm POU was still looking for the disturbance. There was information that it was near the Greenhouses.
- At 1:23pm two POU teams were in place between the two groups, there were no longer any assaults taking place.
- Staff Sergeant Miscione is not aware of any assaults being witnessed by POU. He is aware that Constable Roegner did make an arrest of a party for assault.

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- At 1:24pm POU Officers indicate that this is the same Yellow Vest group from City Hall.
- At 1:30pm Staff Sergeant Miscione entered the park.
- At 1:45pm the situation was under control at Gage Park.
- Staff Sergeant Miscione met with Acting Sergeant Sorbara and Staff Sergeant Groombridge.
- Staff Sergeant Miscione also spoke with a male and female who introduced themselves as organizers, believed to be Involved Person 1 and 2. Staff Sergeant Miscione advised them that everything is under control and that POU will remain in the area for a while.
- Staff Sergeant Miscione was present when Superintendent Schulenberg appealed to Involved Person 1 and 2 to see if anyone will come forward as a complainant. The organizers had brought to Staff Sergeant Miscione's attention that there had been assaults.
- No victims had come forward at that time. Involved Person 1 and 2 were asked to assist in identifying victims and assist them in coming forward.
- During discussions regarding the disturbance Staff Sergeant Miscione asked Involved Person 1 if it was true that he had said that he did not want Police in the park. Involved Person 1 advised that he did not say that.
- POU remained at the perimeter of the park until 3pm.
- Staff Sergeant Miscione indicated that upon his arrival at the Park POU were interacting with two groups near the northeast end of the park.
- There were approximately 100 LGBTQ community members and 20 to 30 Yellow Vests and Religious group. The groups were separated by POU and Uniform Officers. The groups were yelling at each other.
- The Yellow Vests and Religious groups were outnumbered 3 to 1 and they were beginning to get flanked.
- Staff Sergeant Miscione was informed by Acting Sergeant Loppie that the Religious group wanted to leave.
- At approximately 1:45pm half of the POU assisted in escorting the Religious group and Yellow Vests group out of the park. The groups dispersed and the Pride attendees returned to the Festival.
- Many attendees thanked the Officers and showed appreciation for them being there.

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- Members of Intelligence Unit followed the groups to make sure they got in their cars and left.
- Superintendent Schulenberg provided Involved Person 1 and 2 with his card when he appealed for victims to come forward.
- The Investigator Reviewed the HPS POU Policy 4.3.38 with Staff Sergeant Miscione. The Policy indicates that *when activated, the POU will comprise of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the Unit Supervisor*
- Staff Sergeant Miscione advised that the POU policy numbers relate to a riot situation. In relation to the City Hall protest rally, POU was deployed, however, as a crowd management technique, not a crowd control technique. In those instances patrol officers can supplement the teams. The POU team on that day consisted of 23 POU members and 5 Uniform members.
- The POU team was simply interacting with people at a protest; the Team was not deploying POU tactics such as GS gas, or the use of public order formations. It was simply roving teams keeping the peace at City Hall. POU members were being utilized; however it was not an official POU call out.

On November 8, 2019 Staff Sergeant Miscione provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) Did you say to Involved Person 1, *'did you consider that none of this would have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?*

A) I will, without a doubt, say that I did not make that statement to Involved Person 1. I did speak with Involved person 1 for a total of about 30 seconds. Myself and Supt. Schulenberg were approached in the parking lot after the disturbance by a female who identified herself as the organizer and Involved Person 1. Supt. Schulenberg began speaking with them both and I was listening. At one point in the conversation I did make a statement to Involved Person 1 in response to something he had said about our lack of presence in the park "I heard that you had said you did not want uniform police presence in the park." This was in reference to his CHML or Cable 14 (can't remember which) interview a few days before where he stated publicly that police were not welcome at this event. His answer to that was "I didn't say that." That was the extent of the conversation. I did not respond to him and I left the group and went to speak with Det. Corrigan who was in a vehicle nearby. I stayed there until Staff Sergeant Groombridge arrived and began speaking to Involved Person 1 and the female organizer, at which time myself and Supt. Schulenberg left in his vehicle. I was not aware at the time of this interaction of the conversation that had previously taken place between the police and Involved Person 1 regarding a recruitment booth. I learned about that after the incident.

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Review Statement of Superintendent M. Schulenberg:

The following is a summary of Hamilton Police Service Superintendent M. Schulenberg's statement. The statement was provided in written format.

- On Thursday June 13th 2019 I was assigned by A/D/C M. Worster to be the Incident Commander for a protest demonstration that was set for Saturday June 15th 2019 at City Hall 71 Main St W Hamilton. I was advised that the preplanned event included a group identified as the "Yellow Vests" who have been holding Saturday protests in Hamilton since late 2018. Recent developments had led to information that a counter rally to this group would be held on June 15th also at City Hall. The counter rally was to include groups identified as 'Antifa' and 'Hamilton Against Fascism'. I was also advised by A/D/C Worster that a PRIDE event would be occurring at Gage Park on June 15th, and that should police assistance be required at that location, the Public Order Unit could be redeployed from my event at City Hall. The PRIDE event was to fall under command of the Duty Officer Insp D. Hennick care of the on-duty Staff Sergeant S. Groombridge.
- At 0700 hrs on Saturday June 15th, 2019 I attended Central Station and reviewed three operational plans: 1) General Operational Plan for City Hall 19-647026 prepared by Sergeant M. Fletcher 2) POU Operational Plan for City Hall 19-647026 prepared by Sergeant F. Giuliani 3) PRIDE Operational Plan for Gage Park prepared by Sergeant J. Granatier 19-648035.
- In relation to the City Hall Yellow Vest demonstration and counter-protest I learned the following information:
 - Yellow Vests are opposed to and protest issues including the UN Global Compact for Safe, Orderly and Regular Migration agreement, Prime Minister Justin Trudeau and the Liberal Party, Carbon Tax and Immigration.
 - Yellow Vests are ideologically tied to a larger movement across Ontario, Canada and beyond. Supporters range and represent a diversity of people and opinion as shown on open source media.
 - Yellow Vests are not expected to come armed with weapons, are generally not anti-police and will follow direction.
 - Yellow Vests protests in Hamilton have also been attended by groups such as the Proud Boys, The Son's of Odin (Hamilton and Oshawa), the 3% Group and the Canadian Nationalist Party. All of these groups have indicated in the past that they provide "muscle" for the Yellow Vests and their leaders including [named person] and [named person] are known for their "extremist views".
 - Antifa and Hamilton Against Fascism are groups that are associated to the Tower – an Anarchist organization located in Hamilton. These groups may be supported by labor unions.

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- Demonstrations that occurred on June 1st and June 8th 2019 at Hamilton City Hall included both above listed opposing groups. Many members on the Antifa side were wearing black masks and balaclavas and equipped with red flags. A disturbance resulted and one individual from the Yellow Vest side was arrested for assault on June 8th. There was information on that date that persons attending may be armed with firearms.
- On June 15th a bus load may attend Hamilton City Hall with members of the Niagara Against Fascism group.
- An individual reported to have been armed with a handgun (unconfirmed) while attending a G7 Summit in Ottawa in 2018 was confirmed as having attended the June 8th demonstration in Hamilton, and expected to also attend on June 15th in Hamilton.
- In total 80-120 people were anticipated to attend the June 15th demonstration at Hamilton City Hall.
- The Mission for this event was "The Hamilton Police Service is committed to providing a safe environment for the Community at large and to ensure proper crowd management. We will continue to respect the rights and freedoms of persons to gather in a lawful assembly. We will maintain public safety while prevent personal injury of property damage."
- In relation to the PRIDE event I learned the following information:
 - June 15th 2019 will mark the second annual PRIDE event held at Gage Park
 - 2000 people are expected to attend the event which includes entertainment and a beer tent
 - Issues of concern include the anticipated attendance of a small group of 'Street Evangelists' and preachers that travel to PRIDE events in southern Ontario in the months of June and July.
 - In 2018, 6 – 8 protesters attended the event with banners.
 - The Hamilton Yellow Vest groups that protest economic policies are associated to the 'Soldiers of Odin', 'Northern Guard', and 'Proud Boys'. These groups are known to make anti-immigrant and racist rhetoric, supporting white nationalists and known hate groups, also known to intimidate marginalized Canadian communities.
 - PRIDE organizers do not want a uniform presence at their event – there are no voluntary paid duties officers assigned. Private security has been contracted by the event organizers.
 - Incident Command for this event will fall under patrol S/Sergeant S. Groombridge to the Duty Officer Insp D. Hennick.

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- If required POU from the City Hall demonstration will be deployed to Gage Park at the discretion of the Duty Officer in consultation with the Superintendent of Support Services and the Deputy Chief of Operations.
- The Mission for this event was: "The Hamilton Police Service is committed to providing a safe environment for the Community at large and to ensure proper crowd management. We will continue to respect the rights and freedoms of persons to gather in a lawful assembly and assist in facilitating such undertakings. We will maintain public safety while preventing personal injury or property damage."
- At approx. 0800 hrs I attended a briefing at Central Stn with the supervisors for the City Hall event. The briefing was led by S/Sergeant F. Miscione and was attended by Sergeant's J. LaFleur, B. Adams, C. Robinson, J. Barron and F. Giuliani.
- At 0900 hrs I attended a main briefing at Central Stn gym with all the officers involved in the City Hall briefing. It was led by S/Sergeant Miscione and myself and included a review of the Situation, Mission, Execution, Administration, and Command & Communications for the plan. Det P. Corrigan Intell provided background information on the groups anticipated at City Hall. S/Sergeant Miscione also reviewed general police authorities, officer safety and professionalism / deportment. The briefing concluded at 0930 hrs. A sign-in was completed of all members attending this briefing including plain-clothes intelligence officers, ACTION officers, Public Order Unit officers, uniform officers, Court Custody / Prisoner Transport officers, Emergency Response Officers and Criminal Investigative Division officers.
- At 1000 hrs I deployed to a Command post at Hamilton City Hall with S/Sergeant Miscione. Officers were deployed per the operational plan. During this time officers monitored two groups of demonstrators that represented the interests referenced in the operational plan – both Yellow Vests and Antifa. Officers were able to successfully form two lines across the forecourt of City Hall, effectively keeping the groups away from one another as a de-escalation tactic. I was advised via S/Sergeant Miscione that both groups attempted to provoke one another – yelling insults at one another.
- Members on the Antifa side were wearing black bandanas over their faces, carrying back packs and red and black flags and banners. Members on the Yellow Vest side included individuals wearing black shirts with yellow crosses on them, as well as individuals wearing shirts with the words 'Canadian Nationalist Party'. There were approximately 25 people per side during this time.
- At 1125 hrs I advised A/D/C Worster that the situation at City Hall was calm but it was too early to make any demobilization plans for POU and uniform members.
- At 1130 hrs I checked in with S/Sergeant Groombridge Div 20 to determine if there any concerns at Gage Park. He indicated no that that he would advise me if there were any issues.

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- At 1219 hrs I checked in again with S/Sergeant Groombridge Div 20 and he advised me that things were just getting started with attendance at approximately 300 people. The event was peaceful with no protesters and that he would advise me if anything further developed.
- At 1230 hrs I released Court Custody / Prisoner Transportation and ERU officers.
- At 1240 hrs I checked with Intell Det P. Corrigan to see if there was any further intelligence regarding protest activities – upon hearing that there was no new information we discussed and agreed to release two intelligence officers from duty. At this time deployment tactics appeared to be effective and had reduced potential for conflict and escalation.
- At 1251 hrs I noted that attendance at City Hall was thinning. S/Sergeant Miscione and I discussed strategically moving teams from the forecourt of City Hall in order to facilitate additional dispersal and prepare for any alternate deployment that might be required either around City Hall or Gage Park. At this time Sergeant B. Adams advised on the radio that some attendees may proceed to Gage Park. I called Det P. Corrigan at 1252 hrs to discuss this and asked him to attend that location to assess. At 1257 hrs Sergeant B. Adams further advised on the air that the groups that may be attending Gage Park were Yellow Vests. At 1258 hrs I asked S/Sergeant Miscione to confirm and source this information from Sergeant Adams. I also advised S/Sergeant Miscione to prepare to send two POU teams to Gage Park and leave ACTION officers back to monitor Antifa members to determine what might continue to transpire at City Hall. Outstanding at this time was the anticipated bus of individuals from Niagara Against Fascism. Two additional POU teams would remain at City Hall in order to respond to any further developments in this area. By 1300 hrs all POU lines were demobilized at City Hall.
- At 1305 hrs all remaining demonstrators were leaving the forecourt area of City Hall and ACTION continued to monitor members leaving the area from the Antifa group.
- At 1309 hrs I received a call from S/Sergeant Groombridge advising that there was a disturbance at Gage Park and he requested additional support. I advised him that two teams were already responding from City Hall. During this call I noted that S/Sergeant Miscione was on the phone to one of the POU teams and confirmed that he had directed them to respond directly to Gage Park. At 1310 hrs I received a call from Det Corrigan advising me that he had heard about reports of a disturbance at Gage Park.
- At 1310 hrs I released the remaining Intell officers at City Hall – Det's S. Coveyduck, J. Turner, and D. Nicolleti. S/Sergeant Miscione and I proceeded to mobilize to Gage Park with the remaining two POU teams. All POU members were in uniform operating plain door vehicles.
- S/Sergeant Miscione and I arrived at Gage Park at 1330 hrs. We located the source of the disturbance at a cross-section of roadways in the park located south of the center fountain and north of the rose-gardens and greenhouses. This area is 249 meters or 819 feet from the main PRIDE event located at the band-shell near Gage Ave S and Cumberland Ave. Upon my arrival POU teams had already deployed in a line

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formation separating two large groups of combatants, all of whom were very agitated and yelling at one another. There were approximately 100-150 people present on this laneway intersection with many more on the periphery. It appeared that the groups had mobilized around two main opposing groups – PRIDE on the south side of the laneway and Yellow Vest & various other groups on the north. I requested that S/Sergeant Groombridge and A/Sergeant Sorbara attend my location in order to receive a briefing of what was occurring. Within minutes at 1332 hrs POU Supervisors including Sergeant B. Adams and patrol A/Sergeant F. Loppie were able to successfully de-escalate the situation by gaining cooperation from the group of demonstrators, escorting them out of the park.

- The situation quickly returned to calm after the exit of the above mentioned group. I was advised by patrol officers present including PC L. Roechner that some punches were thrown and people were shoving one another. I was also advised that participants were using signs as weapons but no EMS had been called, and that no one had presented themselves to officers with any injuries. Det Corrigan advised me that the main disturbance was between a group of 10-20 individuals. Given what had transpired and what was reported to me, I assembled all officers on scene to canvass and determine if anyone had any evidence of assaults – victims or witnesses that would support a criminal investigation. PC Roechner indicated that she had made one arrest but had already trespassed and released the individual due to lack of a complainant. I advised her to submit a report. I also checked all members to determine if there were any injuries or UOF that should be reported – this was met with no reports.
- I then asked S/Sergeant Groombridge and A/Sergeant Sorbara to connect with event organizers to determine if we can locate and identify any further victims or witnesses to the disturbance. I directed POU teams to continue to patrol the perimeter of the PRIDE event. At approx. 1348 hrs I was able to locate Involved Person 1 in the area of the Lawrence Rd parking lot – he identified himself to me as the PRIDE event organizer. I asked him what we could do to continue to monitor this event and suggested that we continue patrols of the area. He indicated that the Yellow Vests were concerning because they didn't know the laws like the street preachers do, and thus were more volatile. He also stated that he never said we don't want the police here. I supplied my business card and introduced Involved Person 1 to S/Sergeant Groombridge – asking him if it was possible to assist us in identifying anyone that was a victim or witness to any assaults. I asked if there was anyone being treated by EMS and he advised that he believed so but didn't know who they were or where they were. I advised Involved Person 1 that we would appreciate his assistance and appealed for cooperation with the identification of witnesses or victims.
- At 1430 hrs I updated A/D/C Worster regarding the events that had transpired and discussed next steps recommending a media release to appeal for witnesses and victims. Based on this conversation I asked S/Sergeant Groombridge to draft a release in consultation with Corp Communicator Jackie Penman. At this time S/Sergeant Miscione and I debriefed all POU officers.

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- At 1442 hrs I was advised by Det Corrigan that he had confirmed the group identifying with the Yellow Vest's that were escorted out of Gage Park had left the area in vehicles.
- At 1500 hrs after consultation with A/D/C Worster all POU units were released. Sergeant B. Adams was directed to submit a general occurrence report regarding the POU deployment on this date.
- At 1510 hrs I returned to my office and at 1535 hrs I completed my shift. I was advised later by S/Sergeant Groombridge that Involved Person 1 had requested that police remove themselves from the PRIDE event for the remainder of the day.

On November 13, 2019 Superintendent Schulenberg provided the following response, in writing, to questions generated following analysis of Involved Person 1's statement:

Q) In addition to the written statement which you have previously provided regarding the Pride Festival on June 15, 2019, I have one follow up question: During the meeting with Involved Persons 1 and 2, following the disturbance, do you recall Staff Sergeant Miscione, or any other HPS member, asking Involved Person 1, "did you consider that none of this would have happened if you had given us a recruitment booth and if we could have been in the park and deployed differently?"

A) I recall the conversation that you are referencing between Involved Persons 1 and 2, S/Sgt Miscione, two security guards and myself. At no time did any HPS officer state that "...none of this would have happened to you if you had given us a recruitment booth and if we could have been in the park and deployed differently." While I was speaking to Involved Person 2 I did overhear a short conversation between Involved Person 1 and S/Sgt Miscione. I recall Involved Person 1 attempting to engage in discussion about pre-deployment plans to which I responded that the immediate priority was to address public safety for the duration of PRIDE event, not pre-event planning. We continued to gather information and formulate next steps with both Involved Persons 1 and 2, and there was no further discussion regarding pre-deployment plans in my presence.

Review Statement of Inspector Mark Stiller:

The following is a summary of Hamilton Police Service Inspector Mark Stiller's statement. The statement was provided to the Investigator on October 3, 2019 at the HPS Police Headquarters and was audio recorded:

- Inspector Stiller was not involved in the preparation of deployment of resources for the June 15, 2019 City Hall protest, or the Pride Festival event.
- Inspector Stiller is currently assigned to the Investigative Services Division. Inspector Stiller has been a member of the POU for 17 years as a team member and a supervisor, and is currently a trained POU commander. Inspector Stiller has also received training in the preparation of operational plans, and as part of his duties has prepared, reviewed and approved operational plans.

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- Inspector Stiller reviewed with the Investigator the operational plans for the June 15, 2019 City Hall protest, the Pride Festival at Gage Park and the POU General Operational Plan. Inspector Stiller also reviewed portions of the POU HPS Policy 4.3.38
- POU Policy 4.3.38 A. 1. States: *The Public Order Unit (POU) will provide crowd control support to supplement Uniform Patrol Officers at venues whether a crowd has gathered or is congregating, to provide a proactive approach to crowd management.*
- Section A. 5. States: *when activated, the POU will comprise of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the Unit Supervisor*
- The Investigator asked Inspector Stiller about the deployment of less POU, such as 23 members being deployed at City Hall, supplemented by Uniform Patrol Officers.
- Inspector Stiller advised that to be categorized as a POU activation or deployment the minimum would be 28 Officers, and a POU commander would be necessary on the ground.
- That said, smaller teams of POU Officers can also be deployed and would not require an on ground Commander.
- Section B 2. A. of the policy states: *the POU may be activated in the following circumstances - in anticipation of a crowd of protesters*
- The June 15, 2019 City Hall Protest Operational Plan indicated an escalation in conflict between the opposing groups in the weeks leading up to June 15. The June 15 City Hall protest also identified potential for a violent confrontation with an estimated 80 to 120 people in attendance.
- Inspector Stiller explained that in addition to an event plan, such as the City Hall Operational Plan, the POU will also create, in concert with the overall plan, their own Operational Plan, based specifically on the technical requirements of the POU Team.
- The POU Operational Plan indicated that on June 8, 2019 a large number of supporters for both sides attended City Hall. An assault occurred and arrests were made against members of the Right Wing movement – through source information it is anticipated that increased numbers from both groups is anticipated for the June 15 rally – Intelligence section will continue to monitor social media and forward information as it becomes available – HPS will deploy POU members to augment the uniform patrol officers, ACTION officers and Intelligence officers assigned to this event.
- The POU Operational Plan goes on to say that POU members will have access to vehicles if quick deployment to other areas of the City is necessary.

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- The Pride Operational Plan indicates that on Saturday June 15, 2019 from 11:45am until 6:00pm, Hamilton's Gage Park will once again be hosting this day of Celebration. It is expected to draw upwards of 2000 people.
- The Operational Plan indicates that issues of concern for organizers, police and the public is the anticipated return and presence of a small group of 'Street Evangelists' and preachers – this group attended in 2018 – it consisted of 6 to 8 protesters holding large banners and shouting just outside of 'area 3'.
- In addition to the 'Street Evangelist' group, the Hamilton Yellow Vest group will also be in Hamilton on Saturday June 15 at City Hall.
- HPS Public Order Unit has been called in Saturday June 15 to attend the Hamilton Yellow Vest protest at Hamilton City Hall. They may be required to attend the Hamilton PRIDE event should the event become volatile.
- The HPS Public Order Unit will be utilized at the discretion of the Duty Officer in consultation with the Superintendent of Support Services [Superintendent Schulenberg] and the Deputy Chief of Operations.
- Inspector Stiller advised that having Superintendent Schulenberg on ground at City Hall as the POU Commander, would allow for Superintendent Schulenberg to quickly make the decision to move the POU to another location if required.
- Inspector Stiller advised that these types of events are very fluid. Protest groups can take to the streets and go mobile, the POU could then move with them to maintain public safety.
- In the event that an emergency takes place, Central and Mountain Patrol Units may be requested to assist.
- Inspector Stiller advised that given the information related to the City Hall Protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out would be prudent.
- Inspector Stiller further advised that given the information relating to the Pride event in Gage Park, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, a compliment of 6 Officers attending the event would not be out of the ordinary. Also knowing that POU was at City Hall where Yellow Vestors were present and if those Yellow Vestors were to move to Pride then POU would move with them.

Review Statement of Constable Dave Hamilton:

The following is a summary of Hamilton Police Service Constable Dave Hamilton's statement. The statement was provided to the Investigator on November 19, 2019 via the telephone and was audio recorded:

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- Constable Hamilton advised that the Pride Festival Committee had reached out to Sandra Wilson prior to pride – Sandra Wilson was the former HPS Community / Race Relations Coordinator. The emails had gone unanswered as Sandra Wilson had retired. At the time Constable Hamilton was a member of the HPS Internal Support Network.
- Upon learning that Pride had reached out, Constable Hamilton contacted the Pride Festival Committee and arrangements were made to meet with Police. A meeting was set for February 25th, 2019. That meeting was postponed – Constable Hamilton believes that someone may have been ill.
- The meeting was rescheduled for March 23. Constable Hamilton and fellow HPS Internal Support Network member, and HPS dispatcher, Jeff Potticary, attended at the scheduled location at the Hamilton Public Library. However, the location within the Library had been changed last minute and Constable Hamilton and Potticary were not aware as they did not have access to their work email prior to the meeting.
- Another meeting was scheduled for April 15. Constable Hamilton and Potticary met with two Pride Festival Committee members. One of which was Involved Person 1. It was discussed during the meeting what it may look like for members of the Hamilton Police to attend the Pride Festival.
- Constable Hamilton discussed the Police having involvement in the Festival if possible. Constable Hamilton also suggested the possibility of having a Police recruitment booth. The Pride members indicated that the request for Police involvement would have to be taken back to the Community and next Hamilton Pride Committee.
- Constable Hamilton was also advised to submit an application to Hamilton Pride regarding the recruitment booth. Constable Hamilton advised the Pride Committee members that the Police would like some sort of involvement, be it a recruitment booth, Uniform Officers or members in plainclothes on their off time showing up to support Hamilton Pride and the LGBTQ2S+ Community.
- Constable Hamilton learned that the Recruitment booth was denied and at that time it was too late for Pride to arrive at a decision regarding Police involvement at the 2019 Pride Festival.

Review Statement of Regan Fiuza:

The following is a summary of Hamilton Police Service Dispatcher Regan Fiuza. The statement was provided in writing to the Investigator on November 7, 2019.

Regan Fiuza is an HPS Communications Supervisor and Dispatcher. Regan Fiuza responded to the Investigators request regarding the HPS Priority Response System, in particular the Priority 5 response classification relating to the June 15, 2019 Pride Festival event 19648035.

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Ms. Fiuza indicated that 19648035 was created as a CMB - Community Based Policing event at the request of Acting Sergeant Sorbara. It is a priority 5 event, which means an officer generated event. The call type chosen reflects most accurately the type of event the officers were responding to.

The default priority is a 5 - reflecting an officer generated event and the priority would change based on the comments added to the call. The priority was not changed by any call taker specifically in this event chronology as the officers were already on scene. Rather the increased priority would be reflected in the dispatcher's voice and comments over the transmissions on the air.

Review Statement of Staff Sergeant Ben Thibodeau:

The following is a summary of Hamilton Police Service Staff Sergeant Ben Thibodeau's statement. The statement was provided in written format in response to questions posed by the Investigator.

Staff Sergeant Thibodeau responded... On June 15th 2019, an annual Pride celebration was held in Gage Park (1000 Main Street East, Hamilton), where several hundreds of people were in attendance. Independent from the organized celebration, protesters from different views converged and collided in an area near the Pride event. As a result, criminal offences were committed. Individuals present were able to record the interactions and fragmented portions of the footage were uploaded on various social media sites, including, but not limited to, Youtube. Amongst other things, the footage depicted acts of violence, general disturbance, and police interventions.

As a result of the events that unfolded on that date, it is my understanding that a number of public complaints were filed, specifically regarding the police response and the follow up investigation. The intention of this memorandum is to outline the actions of the officers assigned to Division 20 Criminal Investigation Division (CID) with regards to the investigation into the above-mentioned matter. More specifically, I was provided with a list of question to be addressed for the benefit of the Professional Standards Branch (PSB) Investigators.

Question #1: What is your current deployment in the Service?

I am currently assigned as the Detective/Sergeant for the Division 20 Criminal Investigation Division (CID). Part of my duties includes the management and supervision of all criminal investigations generated within the division. Gage Park located at 1000 Main Street East, Hamilton can be found within the boundaries of Division 20.

Question #2: Were you occupying this position on June 15th 2019?

I was assigned to that position on January 1st 2019 and was still occupying that position on June 15th 2019. That being said, between June 10th and June 21st 2019, I was assigned as the Acting/Inspector for Division 20. Ultimately, I was involved as the case manager and oversaw the entirety of the Gage Park – Pride event investigation.

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Question #3: Was your office involved in investigating a disturbance, and / or assaults that took place during the protest at the Hamilton Pride Festival?

My office, the Division 20 CID, was responsible for the entirety of the investigation with regards to the events that transpired in conjunction with the Pride Celebration. In order to clarify the approach that was adopted, as the case manager, my instructions were to investigate and collect evidence in support to any and all criminal offences committed during the event. The approach was non-discriminatory insofar as the Investigators did not lead the investigation in accordance with the respective core beliefs of the individuals involved. The CID office became involved after the incident took place and did not attend as first responders.

Question #4: Some of these assaults were captured on news outlets and on social media. What if any action was taken to identify victims or suspects?

In my view, the investigation in relation to the violent events at the Pride celebration was exhaustive and complete. Specifically with regards to "identification", the officers underwent several steps to generate evidence and lay the appropriate charges.

1. First and foremost, I believe that it is both, appropriate and important to point out that the responding officers were unable to identify individuals suspected to have committed an offence nor were they able to identify victims (due both to crowd dispersion and lack of cooperation). No one came forward with assault-related injuries. In addition to this, the officers remained at the scene for an extended period of time (post dispersion of the crowd) and they were not approached by any complainant.
2. In the days following the protest, a number of videos surfaced on the various social media sites. Some denounced the acts of violence and others glorified the assaults presented. The videos were broadcasted through mainstream media outlets for the public to see (action initiated by the newscasts). From the investigative standpoint, the videos were preserved by the technical crime unit (TCU) and they were catalogued and analyzed by the crime analyst for division 20. As a result, a number of "incidents" were isolated. In each case the incident involved a separate cast of characters involved.
3. Two challenges arose from the standpoint of identifications:
 - a. Many individuals in attendance were wearing clothing to cover their faces in an effort to hide their true identity;
 - b. Several of the individuals involved have had limited to no interactions with the police in the past. As a result, they are not known to the police community and limited data exist within law enforcement databases to identify the individuals and further the investigation.
4. In the days following June 15th 2019, several appeals to the public were made through the media relations office. The purpose was to identify the individuals involved. Beyond that, an in-person interview to the media also generated negative results in the overall attempt to advance the investigation.

Question #5: Did any victim come forward to file a report?

To this date, one victim of assault came forward on his own volition and filed a report.

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- a. On June 20th 2019, Involved Person 7, the self-identified leader of an evangelical group attended with a group of followers. Involved Person 7 was interviewed on video by Det/Cst Paul Cottrill and filed a complaint indicating that he was in attendance at the Pride event and engaged in verbal protest. Involved Person 7 indicated that he was assaulted by an individual and that he would participate as a witness should the investigation lead to a prosecution. Ultimately, Involved Person 8 was identified as the suspect in the matter and was charged accordingly (refer to summary of charges, question #8 below).
- b. One other individual, Involved Person 9, was identified as a victim in the case of an assault with a weapon. Involved Person 9 also committed a criminal offence at the event and was evasive with the police. Following his arrest, he was provided with an opportunity to assist as a victim, but refrained to make any comment in that regard.

Question #7: Were any suspects identified?

At the onset, in this memorandum, it was explained that the investigative philosophy was to prosecute all individuals for whom evidence of a criminal offence existed, notwithstanding their beliefs. As such, a number of suspects were identified, for offences ranging from breach of court orders to assault with a weapon. The suspects' identifications were made through the assistance from the public, assistance from members of the Hamilton Police Service, and through conventional investigative means.

Question #8: Were any charges laid?

Yes, as a result of the investigation in this matter there were a number of individuals arrested and charged with various criminal offences. Below is a summary of the incidents that led to criminal charges:

- Involved Person 10:
 - **Charge: No criminal charge laid, a provincial parole warrant was issued and executed. Involved Person 10 was arrested and returned to the Hamilton Wentworth Detention Center (HWDC) where they continued to serve a prison term in relation to the Locke Street disturbance.**
 - Based on the investigation, the officers suspected that Involved Person 10 was in attendance at the Pride event protest. In the week following the protest, Involved Person 10 was actively involved with the protest groups. Ultimately, a summary of his involvement was provided to the Provincial Parole Board and they elected to issue a warrant for the arrest of Involved Person 10 (Parole suspension). Involved Person 10 was arrested and returned to HWDC. **No additional charge laid.**
- Involved Person 11:
 - **Charges:**
 - **Assault with a weapon (victim unknown);**
 - **Assault with a weapon (victim: Involved Person 9)**
 - Involved Person 11 attended the event wearing military equipment including a ballistic helmet. Involved Person 11 was actively involved in violent acts and

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successively assaulted an unknown party and Involved Person 9 using the helmet as a weapon. He struck each of them in the face

- Note: Although Involved Person 11 was quickly identified from the video footage obtained on social media, his arrest was delayed significantly. The challenge arose with regards to identifying and securing participation of the witnesses. Ultimately, Involved Person 9 was identified, but chose to remain silent and did not assist the police. To this date, the second victim has not been identified, and despite the repeated appeals to the public, no one has come forward to the police to assist. After consultation with a Crown Attorney, I made the decision to arrest and charge Involved Person 11 for assault with a weapon on both, an unknown victim and a hostile victim. Further to this, a search warrant was executed at his residence.
- Involved Person 9:
 - **Charges: Fail to comply with probation X 2**
 - Although Involved Person 9 was the victim of an assault with a weapon, the investigation revealed that his participation in the events amounted to two (2) breaches of his probation order. The Investigators recognized the challenge engendered by the fact that Involved Person 9 is both, a victim and an accused in this matter. In an effort to alleviate the hindrance generated by this situation the officers induced the accused to obtain a statement with regards to the victimization. In fact, the officers recognized, on record, that the interview could not be used to prosecute him. This was explained to his counsel, but despite the officer's best effort, Involved Person 9 did not assist the police.
- Involved Person 12:
 - **Charges: Fail to comply with probation X 2**
 - Involved Person 12 attended the protest portion of the Pride event. In doing so, Involved Person 12 was found to be in contravention of the conditions of his probation order. Involved Person 12 turned himself in and was arrested and charged.
- Involved Person 8:
 - **Charge: Assault level 1**
 - Involved Person 8 attended Gage Park on June 15th 2019 and participated in the protest and the disturbance. He was not wearing anything over his face and his actions were captured on video. Ultimately, he assaulted Involved Person 7 whom was not participating in a consensual fight. Involved Person 8 was arrested and charged with the offence.
- Involved Person 13:
 - **Offence: Assault level 1 ***NO CHARGE LAID*****
 - Involved Person 13 attended the Pride celebration event and participated as an active protester. He had a large sign indicating his belief to other participants. Some of Involved Person 13's actions were captured on video and posted on social media. During the disturbance, Involved Person 13 was observed assaulting another participant. The level of assault was such that assault level one would be the appropriate charge, based on the seriousness of the act. To this date, the Investigators have not been able to identify the victim of the

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assault. Overall, I formed the opinion that the facts in issue to prosecute the criminal offence have not been met. The absence of a victim presents an insurmountable obstacle to a successful prosecution; therefore, Involved Person 13 has not been arrested and charged with the offence.

Investigation

Investigative steps taken by the investigating officer

- Reviewed applicable Niche reports
- HPS policies
- 911 calls
- Dispatch Communication
- Officer notes
- Hamilton Police Service I/Net Viewer Event Information Report, CAD Chronology
- Media releases appealing for victims / witnesses
- Photographed event location
- Reviewed SEAT application
- Obtained statements from 15 witness officers
- Identified 13 involved person
- Obtained statements from 3 civilian witnesses
- Reviewed social and news outlet media
- Reviewed follow up criminal investigation
- Reviewed Division 20 Crime Managers Computer Audit

Computer Audit:

The Division 20 Crime Managers office contains three computers. The Investigator reviewed the web browsing activity of the three computers for June 13, 2019 between the hours of 11:30am and 12:45pm. Involved Person 1 provided evidence that on June 13, 2019 he had called 905-540-5179 [Division 20 Crime Managers Office] and spoke with Sergeant Granatier. According to Involved Person 1's cellphone call history the call began at 12:02pm and lasted 12 minutes and 23 seconds. The computer audit indicated the following:

Computer 1 was logged into at 7:15am by Sergeant Granatier. There was no recorded web browsing activity between 11:30am and 12:45pm.

Computer 2 was logged into at 8:02am by Constable Michael Dipietro. There was no recorded web browsing activity between 11:30am and 12:45pm

Computer 3 was logged into at 8:02am on June 10 by Sergeant Wilson and remained logged on through June 13. The recorded web browsing activity between 11:30am and 12:45pm was as follows:

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11:51am www.facebook.com

11:59am ipmcdn.avast.com (free antivirus program for Windows)

12:55pm www.facebook.com

There was no evidence that 'www.hamilton.ca' or 'Gage Park – Spaces Available to Book/Rent Map' was accessed on any of the three Division 20 Crime Manager computers.

Video:

The Investigator reviewed the following videos relating to the June 15, 2019 Pride Festival protest and disturbance:

*Twitter - stuart@scottsmanstuart (dated June 15, 2019) [39 seconds]
Protesters leaving Gage Park !! #HamOnt#Pride(flag)!!@TheSpec @CHCHNews
@dweeks_CHCHNews @CBCHamilton*

Acting Sergeant Loppie and several other HPS officers escorting a dozen or so people along a park pathway. Some of the persons are wearing yellow safety vests and are holding signs, others wearing religious print. Heavy drumming can be heard in the background.

*Twitter - Laura Clemenston @LauraClemenston (dated June 17, 2018) [35 seconds]
#HamOnt #Pride(flag) Organizers say, "love is loud" as drum band greets anti-pride protesters.*

2018 Pride Festival. Approximately 8 protesters holding religious banners. Approximately 6 drummers facing the protesters in opposition. Several uniform officers are present.

www.youtube.com/watch?v=2hayquoyS40&has_verified=1 Rise Canada published on June 16, 2019 (90 seconds) "Massive Fight: Hamilton Antifa vs Christian Preachers Protesting Gay Pride"

A large black fabric screen and persons wearing black with pink scarfs covering their faces can be seen. A number of the pink scarfed persons are holding and moving an approximately 10' X 40' screen. There are also persons present holding religious signs. A male with a religious sign [btb Involved Person 13 – as described by Complainant 3 and Staff Sergeant Thibodeau] gets close to a person wearing a pink scarf and holding the screen. The person with the pink scarf appears to hit Involved Person 13 in the face with his elbow. Involved Person 13 responds by punching the screen holder. A number of persons begin shoving and shuffling.

A male holding a loudspeaker is seen on the ground being assaulted by a group people, including several wearing pink scarfs. A male wearing a protective vest and a helmet [btb Involved Person 11] is involved and pulls one of the pink scarf persons off of the male with the loudspeaker. Involved person 11 is pushed out of sight of the camera then returns a second later and is seen punching people. Involved person 11 is thrown to the ground and kicked. Involved Person 11 appears again, now holding his helmet. Involved Person 11 hits a person wearing a pink scarf in the face with his helmet. Several other persons wearing pink scarfs push Involved Person 11 away.

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There are approximately 75 to 100 persons in the area. The majority are watching what's taking place. There is yelling, drumming and whistles blowing. A person can be heard on a loudspeaker saying "look at the violence". The disturbance appears to involve the religious group and those wearing pink scarfs, and others who appear to be supporting those wearing pink scarfs. There are no police officers visible in the video, nor is there anyone seen wearing a yellow vest.

<https://www.youtube.com/watch?v=zJf77Czx-pl> *Protest at Hamilton Pride 2019 (5 mins, 48 seconds)*

The violence has stopped. People are yelling and chanting. There is a uniform police presence, approximately 6 officers. The same person, seen earlier with the loudspeaker, who was seen being assaulted in a previous video, can be heard on a loudspeaker saying, "police, non-existent until now, unbelievable". The same person continues on the loudspeaker discussing religion. People are now present wearing yellow vests. Involved Person 11 is present. The black screen can be seen to the left of the camera. There are approximately 20 participants per side plus onlookers. The uniform police officers, including Acting Sergeant Sorbara and Constable Zafirides, are keeping the two groups separated. A person wearing a pink scarf can be heard yelling. "go home Nazi's." At 5 minutes and 15 seconds POU members can be seen arriving on scene.

Two videos and eight photos taken by Involved Person 17

Six of the photos show persons in the park. Some holding religious signs and others holding Pride signs. There appears to be no violence taking place, nor does there appear to be anyone wearing a yellow vest. Two of the pictures show Acting Sergeant Sorbara and Constables Zafirides, Kreamer and Fiuza approximately 100 meters from the protest, walking toward the protest. There appears to be no violence taking place as the Officers approach. Video 1 is 9 seconds in length. It shows the four above Officers approaching the protest on foot from approximately 100 meters away. There also appears to be no violence being captured on the camera. Video 2 is 8 seconds in length. It appears to be shot much closer to the protest. Person are holding signs as described above. There is lots of noise, drumming and people chanting. One person can be seen spraying aerosol spray string. There is no violence taking place in the frame.

Four videos provided by Involved Person 19

Video 1 (3 minutes and 35 seconds) - persons in the park holding religious and Pride signs. The black screen curtain is visible. Involved Person 1 is present. Violence erupts behind the screen. Involved Person 11 is seen behind the screen without a helmet. No Police are visible.

Video 2 (2 minutes and 42 sections) - Acting Sergeant Sorbara is speaking to a female who is yelling and causing a disturbance. Constables Fiuza and Kreamer can also be seen.

Video 3 (33 seconds) – the same female is now yelling at Officers calling them racist and bigots. The Officers are walking away from the female.

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Video 4 (43 seconds) – the same female is engaged in a verbal confrontation with Pride attendees. No Police are visible.

The following website links and photos provided by Complainant 3

<https://www.youtube.com/watch?v=MtZ6UHYZ1QI> 'Christian Preachers attacked by ANTIFA Terrorists in Hamilton' (43 minutes, 45 seconds) Published June 16, 2019.

At 5:18 video depicts the same assault involving Involved Person 13 as captured in video www.youtube.com/watch?v=2hayquoyS40&has_verified=1 above. At 17:15 Constables Fiuza and Kreamer are present. There are no visible assaults captured in the camera frame at that time. At 20:00 an assault and scuffle breaks out on one side of the large black curtain. At 20:22 Constable Fiuza is seen making his way to the curtain from the opposite side. The scuffle quickly ends and the camera pans away. There is no indication in the video that Constable Fiuza could see the assault. Later Officers are seen keeping opposing groups apart.

<https://twitter.com/VestsCanada/status/1140270438897082368?s=20> 'Yellow Vests Canada Exposed' @VestsCanada June 16, 2019 posting. Contains six short 2 to 15 second videos of same assault as seen in www.youtube.com/watch?v=2hayquoyS40&has_verified=1. Taking place by the curtain. No police seen in the frame.

<https://loveisgreatercollective.wordpress.com/ylli-radovicka/> 'Love is Greater – Stop the hate at Pride events' Web page containing a profile of Involved Person 13. The site mentions that Involved Person 13 assaulted two people at Pride. Last updated June 18, 2019.

<https://twitter.com/qillettemachno/status/1140083997822861312?s=21> June 15, 2019 video post. Three persons are seen running on a residential street. The three turn left onto another street and out of sight. Someone off camera can be heard saying, "there they are, there's the sodomites – come here you little fuck heads, come here". As the camera stops a person can be heard saying, "this is where the car is." There are no known calls for service or information contained in the follow up investigation provided by Division 20 CID, other than repeated media appeals for witnesses and victims.

Five photos of a parked vehicle, registered to Involved Person 7. Data contained with the photos indicate one of the photos was taken at 1pm on June 15, 2019, near Kensington Avenue South and Montclair Avenue. The vehicle's windows and body panels contain religious slogans.

<https://www.facebook.com/determinationMA/posts/2292371017647401> Dated June 17. The written post denounces the disruption at Pride and the chasing of youth outside the park by a number of adults from the 'hate group.'

Cellphone video provided by Involved Person 22 (6 secs)

The video depicted a large group of people debating and arguing. Several Officers can be seen lined up between the group and a large black curtain. There are no physical confrontations captured within the frame of the camera.

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Analysis

On June 15, 2019, Pride Hamilton hosted the annual Hamilton Pride Festival at Gage Park, 1000 Main St E, Hamilton. This was the second year that the event has been held at this location. The event, which was projected to draw 2000 plus visitors, included approximately 90 vendors, entertainment and performers from noon until 6pm, a beer garden and a family area.

The previous year a group of 6 to 8 Evangelist Protesters who opposed the event, attended the park holding banners and were shouting near Area 3. The exchange between the Protesters and Pride attendees became heated; however, the exchange was non-violent. Police intervened and the Protesters eventually left.

During this year's event a group of Evangelist Protesters again attended at the park. On this occasion the Evangelist group was met by an opposing group dressed in black, and wearing pink scarfs covering their faces. The opposing group had erected a large 10' x approximately 30' curtain shielding the protesters from the event. A disturbance erupted resulting in a number of assaults.

At the same time a group of protesters known as 'Yellow Vests' and others, had been in attendance at a rally at Hamilton City Hall. A number of persons from this protest group also attended Gage Park soon after the disturbance. Police attended and separated the two groups.

Following the disturbance at Gage Park the OIPRD received three service complaints relating to the Hamilton Police Service's involvement with the event, the response to the protest and subsequent violence that occurred. The intention of the Investigator is to review the actions of the Hamilton Police Service prior, during and after the event and subsequent disturbance. The Investigator will examine Hamilton Police Service's **Planning, Response and Investigative Follow-up**.

Pre Event Planning:

On April 25, 2019 Constable Dave Hamilton and HPS Dispatcher Jeff Potticary met with Pride Festival Committee members. There were two previous attempts to meet. One in February which was cancelled due to illness; and the other in March, in which the venue location was changed last minute causing Hamilton and Potticary to miss the meeting. During the April meeting it was discussed what it may look like for members of the HPS to attend and be involved in the Pride Festival. The possibility of a recruitment booth was also discussed at that time. It was later learned from the Committee that it was too late for Pride to arrive at a decision regarding police involvement. The application for a recruitment booth was also denied.

On June 13, 2019 Sergeant Jennifer Granatier was tasked with creating an Operational Plan for the June 15, 2019 Pride Festival. In preparation, Sergeant Granatier obtained information

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from the Detective Paul Corrigan of the HPS Intelligence Branch along with gathering open source information. Sergeant Granatier's partner, Sergeant Mark Wilson, reached out to event organizers. Involved Person 1, who is a member of the Pride Festival Board of Directors, and event organizer, responded back the same day and had a 12 minute phone conversation with Sergeant Granatier.

Sergeant Granatier indicated that during the conversation she garnered the basic information required for her to complete the Plan. Sergeant Granatier advised that Involved Person 1 expressed that he had absolutely no concerns regarding the festival, or the potential for religious protesters to attend. Further, that Involved Person 1 advised her that the permitted areas would keep protesters away from the main festivities.

Sergeant Granatier indicates that she asked Involved Person 1 if any Special Duty Officers had been hired. She advised that the response was that the Officers were too expensive and that the police were not welcomed. Sergeant Granatier learned that Security Officers had been hired. Sergeant Granatier provided her office contact number to Involved Person 1.

Sergeant Granatier completed the Operational Plan which includes, but not limited to, the following information:

- June 2018 was the first year Hamilton Pride was celebrated at Gage Park
- The 2019 event was expected to draw upwards of 2000 people
- The event consists of live performers, vendors, local artists, a beer tent and family area
- Issues of concern for organizers, police and the public is the anticipated return of a small group of religious protesters. Six to eight protesters had attended the previous year
- The Hamilton Yellow Vest group will also be in Hamilton on the same date attending a rally at Hamilton City Hall.
- Pride Hamilton advised that a Uniform Police presence was not welcomed at the Festival.
- Two Plain Clothes Officers [*Constables Pacheco and Smith*] will be deployed at the festival from 11am to 7pm to monitor and report back to the supervisor [Acting Sergeant Sorbara]
- Uniform Officers [*Acting Sergeant Sorbara, Constables Fiuza, Kremer and Zafirides*] will also be deployed to monitor and assess the Festival, while providing support for the Plain Clothes Officers.
- The HPS POU has been called in to attend the 'Hamilton Yellow Vest' protest at City Hall. The POU may be required to attend the Pride event should the Yellow Vest protesters attend Pride

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- Division 2 Uniform Patrol Officers will be made aware and will attend if required
- There is no intelligence currently to suggest that a protest is planned to occur at this event. In 2018 a protest did occur. This group has already attended the 2019 event in Dunnville so the likelihood of them being present at this event is high.

Upon reviewing the statements of Sergeant Granatier and Involved Person 1, the Investigator discovered a number of discrepancies surrounding their phone conversation on June 13, 2019.

Sergeant Granatier denies being directed to an electronic map of the park by Involved Person 1. Sergeant Wilson, who was present during the phone conversation, corroborates Sergeant Granatier. Sergeant Wilson goes on to say that Sergeant Granatier was using his office phone at the time and would have needed to use his computer to access a map. Sergeant Wilson does not recall this happening. An audit conducted on the three computers within the Crime Managers Office contained no evidence that the website www.hamilton.ca was accessed or that a map was viewed.

Sergeant Granatier denies telling Involved Person 1, *'on that day [Festival Day] if you need to call someone you can call me.* Both Sergeants Granatier and Wilson gave evidence that Sergeant Granatier was scheduled to work Monday to Thursday on the week of the Pride Festival. This would have put Sergeant Granatier on a day off on June 15. The HPS employee Time Management System [TMS] corroborates that both Sergeant Granatier and Sergeant Wilson were both off on June 15.

Sergeant Granatier advised that she did not discuss with Involved Person 1 that the police would be expected to be north of the orange area [as indicated on the map], making sure protesters don't come in. Nor did Involved Person 1 say, *'so this is our event space [indicating the green area], this is the permit space [indicating the orange area], if you want to come and hang out here and wait for them, by all means go ahead.'* Nor was a map referred to.

Involved Person 2, who is also a member of the Pride Festival Board of Directors and an event organizer, provided evidence that there was no talk of getting a space to keep protesters away, *'that conversation was never had.'* Involved Person 2 went on to say that the orange space was obtained because the Festival wanted the full roaming space. There may have been entertainment in that space. Last year the Festival had fire breathers, magic shows and a DJ in the orange area. The orange area is useable space for the event itself.

The Investigator attempted to clarify with Involved Person 1 what exactly was the articulated plan between himself and Sergeant Granatier as it seemed unclear. Involved Person 1 admitted to not being a hundred percent clear in the phone conversation about everything. Involved Person 1 further stated that it was not his job to tell the police what they can and can't do. Involved Person 1 went on to say that he told Sergeant Granatier that a recruitment booth was not welcomed, and that we don't want armed and Uniformed Officers walking around the park. Furthermore, Involved Person stated, *so it was clear from the conversation, without me explicitly saying so, that we didn't want folks in the event space, the green area, but we didn't also say this is where you're permitted.* The Investigator found the Involved Person 1's responses to the question equally unclear.

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Involved Person 2 had no information in advance of the event regarding the call that Involved Person 1 had received from the Police relating what role the Police would play. Involved Person 2 advised that Pride was putting Police on hold until a later time and that they were hiring private security. There was a debrief the day after Pride and that is when Involved Person 2 learned that there had been a call between Involved Person 1 and the Police leading up to Pride.

Involved Person 1 indicated that he was painful in his description to Sergeant Granatier where police needed to be to prevent the violence, where they need to be north of the event space and when they needed to be there. Involved Person 1 advised that this was clear in the SEAT application. The Investigator reviewed the SEAT application submitted by Involved Person 1. The application speaks to Private Security and Medics, however, makes no mention of Police or where they needed to be.

Detective Corrigan, of the HPS Intelligence Section Hate Crime and Extremism Unit, had been monitoring intelligence sources during the lead up to the Festival. Detective Corrigan was aware that a group of Fundamental Christians attended the Festival in 2018 and stood around the perimeter of the Festival holding up opposing signs. The group was non-violent. Information indicated that that group would not be making an appearance this year. However, it was believed that a smaller group of local Religious Fundamentalists would turn up to protest the 2019 Festival; the potential for conflict with this group would be less. Detective Corrigan provided Sergeant Granatier with this intelligence information to assist with her Operational Plan.

The Public Order Unit [POU] was deployed on June 15, 2019 in relation to a Protest / Rally taking place at Hamilton City. Though there was a separate Operational Plan in relation to City Hall, the POU Command Staff, were also aware of the Pride Festival Operational Plan. Staff Sergeant Miscione of the POU Unit advised that the unit would deploy to Gage Park if needed. This was included in the POU briefings. Each of the six POU teams had a vehicle that could be utilized for redeployment to Gage Park if required. There was no expected violence at the Pride Festival.

Inspector Stiller has been a member of the POU Unit for 17 years as a team member and supervisor. He is currently a trained POU Commander. Inspector Stiller was not involved in the preparation or deployment of resources for the 2019 Pride Festival or the June 15, 2019 City Hall protest rally. Inspector Stiller had an opportunity to review the Operational Plans for the Pride Festival and City Hall with the Investigator and provide insight.

Inspector Stiller advised that given the information related to the City Hall Protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out would be prudent. In relation to the Pride Festival Inspector Stiller further advised that given the information relating to that event, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, a compliment of 6 Officers attending the event would not be out of the ordinary. Also, knowing that POU were at City Hall where Yellow Vests were present, and if the Yellow Vests were to move to Pride then POU would move with them.

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Response:

The 2019 Pride Festival programme indicated that the Festival was scheduled to get underway at 11:45am.

1115am Acting Sergeant Sorbara and Constables Kreamer and Zafirides arrived and took up a perimeter position outside of Gage Park.

1200pm Plain Clothes Officers Pacheco and Smith arrived at Gage Park. At that time there were approximately 200 attendees at the Festival.

1250pm the first 911 call is received regarding a religious group that has just shown up at the Festival with signs.

1251pm HPS dispatch advises Acting Sergeant Sorbara that a religious group has shown up at the Festival. Acting Sergeant Sorbara updated Staff Sergeant Groombridge. Acting Sergeant Sorbara also contacted Constable Pacheco to update him regarding the 911 call and to ascertain if they had any information. Constable Pacheco did not see any issues or protesters at that time. Constables Pacheco and Smith began heading north in the park to investigate. Constable Zafirides indicated that she and the other three uniform officers began getting ready to go into the park; putting on their vests and hats.

1254pm a second call is received from a nearby resident reporting that she can hear a person on a megaphone in the park screaming hateful things about homosexuals and immigrants. The caller can also hear drumming.

1255pm HPS dispatch advises Acting Sergeant Sorbara that there is information from the City Hall POU Unit that a large group are going to be heading to Gage Park. Acting Sergeant Sorbara asks if POU is going to be sending resources.

1257pm HPS dispatch updates that apparently the group that is going to be going Gage Park are part of the Yellow Jackets.

1258pm a third call is received from a caller indicating that no one is in trouble; however, it is beginning to get quite verbally combative. The dispatcher advised that she has updated the officers who are monitoring

At approximately 1:00pm Constable Pacheco and Smith were in the center of the Festival when their attention was drawn to the sound of drumming coming from the north, near the Fountain. From a distance Constables Pacheco and Smith could see a black curtain being erected by Pride attendees. They could hear yelling and what sounded like a megaphone. Once on the other side of the curtain they observed people arguing and a crowd starting to gather. Constables Pacheco and Smith were unaware of what may have transpired prior to them reaching the location.

Constable Pacheco indicated that he contacted Acting Sergeant Sorbara and advised him that there was an opposing group present and things were getting heated, and that there may have been a scuffle. A few minutes later Acting Sergeant Sorbara arrived with the other

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Uniform Officers and began to separate the parties. A few minutes later additional Uniform Officers began to arrive; approximately 8 to 10 Officers.

Constable Pacheco indicated that officers created a wall to prevent protesters from entering the Festival area. The situation began to deescalate. Constable Pacheco recalled viewing media releases following the Festival regarding assaults taking place, however, Constable Pacheco did not observe any assaults taking place after he arrived. Constable Smith estimated the protesters numbered 10 to 15.

1:02pm the Computer Aided Dispatch [CAD] chronology shows Acting Sergeant Sorbara and Constables Zafirides, Fiuza and Kreamer entering the Park. Constable Zafirides indicates that information regarding the location of the disturbance was not specific. Patrons in the park began providing direction to the officers. It took several minutes for the Officers to make their way through the Festival to the north end of the park where the disturbance was located. The Officers also recalled a large black curtain which appeared to block protesters and their signs. The curtain also blocked the view of the approaching Officers.

1:05pm a fourth call is received from a person screaming get over to Gage Park regarding a violent riot with 20 people fighting – before hanging up.

1:06pm a fifth call is received. The caller advises that there is a fight going on near the Rose Garden – 10 or 20 people. The caller goes on to say he thinks people have settled the fight. No weapons seen – No injuries – the fight has stopped but there is a lot of tension.

1:07pm the CAD chronology indicates that there were now eight units on the call.

1:09pm a sixth call is received indicating that the protest is getting violent now – people getting punched. The dispatcher asks if this is the same fight going on at the Rose Garden, and advises the caller that officers have been dispatched. Caller advises that she can see four police Officers coming – they're here.

1:11pm Staff Sergeant Groombridge advises that two POU teams are on route.

1:20pm the CAD chronology indicates that there were now 20 units on the call.

1:31pm the CAD chronology indicates that there were now 48 units on the call.

Constable Zafirides advised that she approached two persons with bloody noses who were hunkered down by a tree. She asked the two individuals if they were okay but they refused to speak with her. They were being attended to medically by on-site EMS. Constable Zafirides observed two distinct groups on the other side of the curtain. One was a religious group holding up signs. The other group was dressed in black with pink facial coverings. Constable Zafirides did not see any assaults take place. She estimated that there were 50 to 75 people in the area. Constable Zafirides and the other three Officers were surrounded in the middle of the crowd.

Involved Person 1 recalled being alerted via his walkie-talkie that protesters had arrived. Involved Person 1 made his way over to the protest area arriving approximately five minutes after receiving the call. He found it a little confusing. There was a black fabric wall and

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Involved Person 1 did not understand what was going on at first. He soon realized that the people in pink masks were holding the banner in opposition of the protesters. Involved Person 1 believes it was approximately 12:30pm or 1:00pm at the time.

Involved Person 1 observed shouting on the other side of the curtain. The people holding the curtain were trying to keep the protesters away from the event. Involved Person 1 observed a protester known as Involved Person 13 shouting and throwing punches at people. He also observed Involved Person 11 swinging his helmet. Involved Person 1 stayed back and observed people coming out of the area injured with bloodied faces. Involved Person 1 advised that medics were hired by Pride and were on scene assisting people. Involved Person 1 had to leave the area at that time to assist with providing vendors with change.

Involved Person 1 advised that he approached Acting Sergeant Sorbara and Constable Zafirides who were standing in the orange area 30 to 50 feet away from the protest and they were observational. Involved Person 1 went on to say that he could see people being shoved and beat up and there was no police anywhere. Involved Person 1 then indicates that he sees Officers Sorbara and Zafirides. Officer Sorbara was on the phone. Involved Person 1 advised that Officer Sorbara told him that he was not equipped to deal with this and that he was calling in back up. Involved Person 1 indicated that he told Officer Sorbara that he found that shocking and surprising as he had told the police what to expect and he did not know why police were not there. Involved Person 1 went on to say that he told the two officers that he did not know why the two officers were standing back from what's happening here. Involved Person 1 further stated to Sorbara and Zafirides, 'if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?

Involved Person 17 provided the Investigator with photos that Involved Person 17 had captured. Two of the photos capture Acting Sergeant Sorbara, Constable Kremer, Constable Fiuza and Constable Zafirides from behind walking northeast in the Park toward the protest. The officers are wearing yellow safety vests and are approximately 100 meters south of the protest. There is a large crowd gathered with signs. There appears to be no active assaults or violence captured within the two photos.

Involved Person 19 advised that at no time did he observe someone being physically injured and the Police not reacting. To Involved Person 21's knowledge all of the assaults stopped the minute the Police arrived.

Acting Sergeant Sorbara advised that he was approached by Festival Organizer [Involved Person 1] when he first arrived. Involved Person 1 was concerned that the protest group was within their permit area and that he wanted them removed. Acting Sergeant Sorbara advised Involved Person 1 that once additional officers arrive that he would deal with that. Sorbara also advised that he was not in a position to have a conversation at that time as he needed to deal with the situation and would speak with him after. Acting Sergeant Sorbara was on his cellphone asking for additional resources. Both Acting Sergeant Sorbara and Constable Zafirides indicated that they did not hear Involved Person 1 say that he did not know why the two officers were standing back from what's happening here; or, 'if I can walk over there why can't you? You have a gun and a uniform. If I can walk closer to the event to witness what is happening why can't you?'

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Acting Sergeant Sorbara did not observe any assaults taking place, however, he did observe evidence that assaults had transpired as there were people with bloodied faces. People had come forward alleging they had been assaulted. Acting Sergeant Sorbara advised that his priority was to keep the two opposing groups separated to prevent any further assaults from taking place. Acting Sergeant Sorbara and his Officers were able to maintain a presence between the two opposing groups until 5 to 6 other patrol officers arrived within 5 to 8 minutes. A few minutes later POU units began to arrive. Video evidence shows Acting Sergeant Sorbara, Constable Zafirides and approximately 4 other uniform officers actively keeping the two groups apart.

1:13pm a seventh call is received [believed to be the same person from call number five]. The caller reported an injured male with a bloodied nose. The call was transferred to EMS – the caller updated EMS that the injured person was okay now and had left. CAD indicates 10 units are now on the call.

Constables Fiuza and Kreamer recall approaching the protest area and having their view obstructed by a large tarp. Neither observed any violence, however, Constable Kreamer recalled people telling them of a disturbance that had happened. Constables Kreamer and Fiuza positioned themselves between the protesters and the people with the tarp in order to keep the peace. Both officers estimated approximately 100 person gathered in the area including people spectating. Constable Fiuza estimated that there were approximately 16 anti-Pride protesters and several pink masked persons holding the screen. Constable Fiuza asked over his radio for more units to attend. Constables Fiuza and Kreamer remained in the park with Acting Sergeant Loppie and Constables Zafirides. Constable Fiuza recalled attendees thanking the officers for coming and being in the park.

Staff Sergeant Miscione was part of the Command staff present at the City Hall protest when at 12:50pm he learned from his Officers that there may be a large group leaving from City Hall to possibly go to Gage Park. Staff Sergeant Miscione undertook to confirm the information. He learned that it was Yellow Vests, however, none had left at that time. At 1:02pm Staff Sergeant Miscione began pulling POU Teams from City Hall to begin getting them ready should they need to redeploy at Gage Park. It was felt at that time that the numbers of protesters at City Hall were low enough to have the HPS ACTION team manage City Hall, and that the POU team could be pulled back. At 1:06pm the remaining POU teams were pulled back. At the same time Staff Sergeant Miscione receives an update that things are heating up at Gage Park. At 1:09pm Staff Sergeant Miscione sends the first POU Team to Gage Park.

At 1:17pm Staff Sergeant Miscione instructs the ACTION Team to watch the Antifa group as there was information that they may also go to Gage Park. Most, but not all, of the Yellow Vest group had left City Hall. Staff Sergeant Miscione also learns that more units are being requested at the park. Staff Sergeant Miscione acknowledged that two POU Teams were only a few blocks from the Park. At 1:19pm Staff Sergeant Miscione sends the two remaining POU Teams to Gage Park, for a total of 28 officers. At 1:20pm Staff Sergeant Miscione learns that two POU Teams are at Gage Park.

Staff Sergeant Miscione arrived on scene at the Park at 1:30pm. He observed approximately 100 pride attendees in the area of the protest and 20 to 30 Yellow Vest and Religious group members. The Yellow Vest and Religious group was outnumbered 3 to 1 and they were beginning to get flanked. The groups were yelling at each other, however, they were separated by POU members and Uniform Patrol officers.

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At 1:45pm, at the request of the Religious Protesters, half the POU group escorted the Religious and Yellow Vest groups out of the park. The groups dispersed and the Pride attendees returned to the Festival. Staff Sergeant Miscione advised that many attendees thanked the officers and showed appreciation for them being there.

Staff Sergeant Miscione and Superintendent Schulenberg met with Involved Persons 1 and 2 who had introduced themselves as Pride Festival organizers. Staff Sergeant Miscione advised Involved Person 1 and 2 that everything was under control and that the POU would remain in the area for a while. Both Staff Sergeant Miscione and Superintendent Schulenberg appealed to Involved Person 1 and 2 for victims to come forward as the organizers had brought to their attention that assaults had taken place. No victims had come forward at that time. Involved Person 1 and 2 were asked to assist in identifying victims and assist them in coming forward. A police business card was provided. Involved Person 1 advised that he received a business card containing a police number, from Acting Sergeant Sorbara.

Involved Person 1 advised that Staff Sergeant Miscione said, 'did you consider that none of this would have happened if you had given us a recruitment booth, and if you could have been in the park and deployed differently?' Involved Person 1 advised that he explained that Officers were not welcome in the event space and that they couldn't afford to hire officers. Involved Person 2 advised that she was unable to recall which Officer mentioned recruitment booth, nor could she provide the context of the conversation. Involved Person 2 did, however, recall Involved Person 1 say that this was not the time or place.

Staff Sergeant Miscione advised that he had asked Involved Person 1 if it was true that he had said that he did not want Police in the park; and that Involved person 1 advised him that he did not say that. Staff Sergeant Miscione denied asking Involved Person 1 about a recruitment booth. Staff Sergeant Miscione advised that he was unaware of any discussions between HPS and Pride regarding a recruitment booth until after the event. Acting Sergeant Sorbara did not recall a recruitment booth being mentioned, nor was he aware of such a request until after the Festival. Staff Sergeant Groombridge did not hear such a comment. Superintendent Schulenberg advised that at no time did any officer state, 'did you consider that none of this would have happened if you had given us a recruitment booth, and if you could have been in the park and deployed differently.'

Involved Person 18 was present during the meeting with Supervisors and Involved Person 1 following the protest. Involved Person 18 recalled Involved Person 1 mentioned not wanting a Police recruitment booth being set up and that is why he did not want Police there altogether. Involved Person 1 was the one who brought up the subject of a recruitment booth.

Involved Person 18 advised that the Police response to the recruitment booth comment was that; one does not have anything to with the other. The Sergeant explained that the operational department is completely separate from the recruitment department. Further, that when Superintendent Schulenberg arrived he was very calm and explained the situation similar to how the Sergeant did. Superintendent Schulenberg advised that assets would be remaining in the area to make sure this did not continue through the day.

With the exception of Constable Roechner, none of the officers interviewed had reported witnessing any assaults. Constable Roechner had the only reported arrest at the park on that

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date after she witnessed a person hit a protester on the head with a rolled-up poster. The victim did not come forward, and after failing to locate him the suspect was released unconditionally and escorted from the park.

Staff Sergeant Groombridge advised that the plan moving forward was for POU members to remain in the area, and Uniform Officers to patrol the interior of the park. Acting Constable Loppie indicated that he was patrolling the Festival along with Constables Kreamer, Fiuza and Zafirides in case the protesters were to return.

Involved Person 1 advised that he was flagged down by a medic who advised him that people were concerned that police were all in the event space. Involved Person 1 approached Acting Sergeant Loppie and advised him that he recognized there was a concern by the Police that the Yellow Vectors may return, but he did not see any around. He further advised Acting Sergeant Loppie that considering what just happened that the police presence would just make people feel uncomfortable and asked the officers to stand outside the event space. Involved Person 1 indicated that there may have been a compromise regarding boundaries that the officers would occupy, however, he could not remember fully what was discussed; it was a friendly chat and everyone was agreeable.

Acting Sergeant Loppie indicated that the four Officers were near the food vendors when he was approached by Involved Person 1 and was advised that the police presence was stressing out the Festival attendees; and that he wanted the police to leave the park. Acting Sergeant Loppie indicated that he advised Involved Person 1 that he was not going to argue with him, that the police could not leave the Park but would move back.

Investigative Follow Up:

Following the June 15, 2019 Staff Sergeant Groombridge created a media release which was circulated the same day appealing for witnesses. *Hamilton Police are asking witnesses to come forward after an altercation at a pride event may have left multiple people injured. Police say they responded to a large disturbance at Gage Park that resulted in a physical confrontation.*

On June 22, 2019 the HPS created a media release announcing the first arrest involving the Pride Investigation. *The investigation into the incident at Gage Park continues with officers looking for more witnesses and victims to come forward.*

On June 25, 2019 Staff Sergeant Thibodeau provided an in-person interview to CHCH news appealing to the unknown victim of the assault with a helmet by Involved Person 11.

The Division 20 Criminal Investigation Division [CID], headed by Staff Sergeant Thibodeau, took carriage of the criminal investigation into the offences that took place at the Pride Festival during the protest and subsequent disturbance. Staff Sergeant Thibodeau provided the following overview of the investigation to date:

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The investigation was challenging as no one came forward with assault-related injuries. In addition to this, the officers remained at the scene for an extended period of time (post disturbance) and they were not approached by any complainants.

In the days following the protest, a number of videos surfaced on the various social media sites. The videos were broadcasted through mainstream media outlets for the public to see (action initiated by the newscasts). From the investigative standpoint, the videos were preserved by the technical crime unit (TCU) and they were catalogued and analyzed by the crime analyst for division 20. As a result, a number of "incidents" were isolated. In each case the incident included a separate number of individuals.

Two challenges arose from the standpoint of identifications. A) many individuals in attendance were wearing clothing to cover their faces. And B) several of the individuals involved have had limited to no interactions with the police in the past. As a result, they are not known to the police community and limited data exist within law enforcement databases to identify the individuals and further the investigation.

Several appeals to the public were made through the media. The purpose was to identify the individuals involved. Beyond that, an in-person interview to the media also generated negative results in the overall attempt to advance the investigation.

To date, one victim of assault came forward on his own volition and filed a report. On June 20th 2019, Involved Person 7, the self-identified leader of an evangelical group attended with a group of followers. Involved Person 7 was interviewed on video by CID and filed a complaint indicating that he was in attendance at the Pride event and engaged in verbal protest. Involved Person 7 indicated that he was assaulted by an individual and that he would participate as a witness should the investigation lead to a prosecution. Ultimately, Involved Person 8 was identified as the suspect and was charged accordingly.

One other individual, Involved Person 9, was identified as a victim in the case of an assault with a weapon. Involved Person 9 also committed a criminal offence at the event and was evasive with the police. Following his arrest, he was provided with an opportunity to assist as a victim, but refrained to make any comment in that regard.

The goal of the CID branch was to prosecute all individuals for whom evidence of a criminal offence existed, notwithstanding their beliefs. As such, a number of suspects were identified, for offences ranging from breach of court orders to assault with a weapon. The suspects' identifications were made through the assistance from the public, assistance from members of the Hamilton Police Service, and through conventional investigative means.

As a result there were a number of individuals arrested and charged with various criminal offences:

Involved Person 10 was arrested on a provincial parole revocation warrant and returned to the Hamilton Wentworth Detention Center (HWDC). Based on the investigation, the Investigators suspected that Involved Person 10 was in attendance at the Pride event protest. In the week following the protest, Involved Person 10 was actively involved with the protest groups. Ultimately, a summary of his involvement was provided to the Provincial Parole Board and

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they elected to issue a warrant for the arrest of Involved Person 10 (Parole suspension). No additional charges were laid.

Involved Person 11 was charged with assault with a weapon (victim unknown), and assault with a weapon (victim: Involved Person 9). Involved Person 11 attended the event wearing military equipment including a ballistic helmet. Involved Person 11 was actively involved in violent acts and successively assaulted an unknown party and Involved Person 9 using the helmet as a weapon. He struck each of them in the face.

It should be noted that although Involved Person 11 was quickly identified from the video footage obtained on social media, his arrest was delayed significantly. The challenge arose with regards to identifying and securing participation of the witnesses. Ultimately, Involved Person 9 was identified, but chose to remain silent and did not assist the police. To this date, the second victim has not been identified, and despite the repeated appeals to the public, no one has come forward to the police to assist. After consultation with a Crown Attorney, a decision was made to arrest and charge Involved Person 11 for assault with a weapon on both, an unknown victim and a hostile victim. Further to this, a search warrant was executed at his residence.

Involved Person 9 was charged with two counts of failing to comply with a probation order. Although Involved Person 9 was the victim of an assault with a weapon, the investigation revealed that his participation in the events amounted to two breaches of his probation order. The Investigators recognized the challenge engendered by the fact that Involved Person 9 is both, a victim and an accused in this matter. In an effort to alleviate the hindrance generated by this situation the officers induced the accused to obtain a statement with regards to the victimization. In fact, the officers recognized, on record, that the interview could not be used to prosecute him. This was explained to his counsel, but despite the officer's best effort, Involved Person 9 did not assist the police.

Involved Person 12 was also charged with two counts of failing to comply with probation a probation order. Involved Person 12 attended the protest portion of the Pride event. In doing so, Involved Person 12 was found to be in contravention of the conditions of his probation order. Involved Person 12 turned himself in and was arrested and charged.

Involved Person 8 was charged assault level 1. Involved Person 8 attended Gage Park on June 15th 2019 and participated in the protest and the disturbance. He was not wearing anything over his face and his actions were captured on video. Ultimately, he assaulted Involved Person 7 whom was not participating in a consensual fight. Involved Person 8 was arrested and charged with the offence.

Involved Person 13 committed the offence of assault level 1; however, no charge was laid. Involved Person 13 attended the Pride celebration event and participated as an active protester. He had a large sign indicating his belief to other participants. Some of Involved Person 13's actions were captured on video and posted on social media. During the disturbance, Involved Person 13 was observed assaulting another participant. The level of assault was such that assault level one would be the appropriate charge, based on the seriousness of the act. To this date, the Investigators have not been able to identify the victim of the assault. CID Investigators formed the opinion that the facts in issue to prosecute the criminal offence have not been met. The absence of a victim presents an insurmountable

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obstacle to a successful prosecution; therefore, Involved Person 13 has not been arrested and charged with the offence.

This investigation remains open.

Summary of Relevant Policies and Protocols of the Hamilton Police Service
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In an effort to address some of the questions raised by the three Complainants the Investigator can provide an *overview* of the relevant sections of policy and procedures with regard to the deployment of the Public Order Unit, Policy 4.3.28, Criminal Investigations, Policy 4.1.23, and the Hamilton Police Service Priority Response (PRS) manual.

The Investigator reviewed the **Hamilton Police Service Priority Response System** and noted:

The Hamilton Police Service Priority Response System is the mechanism which ensures effective police response to the communities we serve. *There are 10 identified priority response categories, with Priority 0 being more urgent and Priority 9 less urgent.*

Priority 0 events are categorized as emergencies where injury is occurring, or is imminent and must be dispatched immediately. Units must respond without delay.

Priority 0 event classification will include injury to any person is occurring or is imminent, or a Peace Officer or EMS Personnel is calling for assistance.

Priority 1 events are categorized as people and property emergencies and must be dispatched within 3 minutes. Where multiple priority 1 calls are pending, those involving people will take precedence over those involving property.

Priority 1 event classification will include a crime in progress; property damage is occurring or about to occur and suspects are at the scene or in the immediate area. The dispatch requirement states that any available unit will be dispatched immediately.

Priority 2 events are not true emergencies, but there is a degree of urgency and units must be dispatched within 15 minutes.

Priority 2 event classification will include a need for crowd or traffic control.

The Investigator reviewed this matter and learned that an event had been created at 8:29am on June 15 with six officers being assigned proactively, prior to receiving any calls for service. At that time the event classification was a priority 5, considered a 'Community Based Policing Detail.' As officers were already on scene, any changes to the priority classification of the event would be reflected through voiced dispatch.

The Investigator reviewed the policy **Public Order Unit 4.3.38** and noted,

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A. General

1. The *Public Order Unit (POU)* (**def.**) will provide crowd control support to supplement Uniform Patrol Officers at venues where a crowd has gathered or is congregating, to provide a proactive approach to crowd management.
2. The POU is available for activation 24 hours a day, 7 days a week.
3. Except in emergent situations, requests for activation of the POU shall be made in writing to the Deputy Chief, Field Support, prior to the date required. When deployment is preplanned, a minimum of three weeks notice shall be provided.
4. In emergent situations, internal requests for activation of the POU shall be made verbally to the Deputy Chief, Field Support, or his/her designate.
5. When activated, the POU will be comprised of a minimum of 28 Officers (4 squads of 7, including the squad leader), operating under the command of the *Unit Supervisor* (**def.**).

B. Activation of Public Order Unit

2. The POU may be activated in the following circumstances:
 - a. in anticipation of a crowd of protesters gathering;
 - b. as a proactive method of order maintenance, by making informal contact with members of a crowd;
 - c. to determine the underlying temperament of a crowd;
 - d. to reduce crowd agitation;
 - e. to impart a psychological impact on a crowd;
 - f. to isolate or passively disperse a bristling or milling crowd;
 - g. to assist in the peaceful dispersion of crowds from sport or concert venues;
 - h. in preparation for the attendance of dignitaries;
 - i. other situations where the Chief or designate deem it necessary; and
 - j. upon approved request from a neighbouring Police Service which is a party to the Shared Resource Agreement

The Investigator has reviewed this matter and found that the POU team was appropriately utilized and deployed as per policy.

The Investigator noted that Sergeant Granatier utilized the appropriate and accepted operational plan template SMEAC, *Situation, Mission, Execution, Administration and Command*. The plan was detailed, inclusive and approved.

On June 15, 2019 the POU was deployed at Hamilton City Hall in response to a scheduled rally at that location. Inspector Stiller addressed the need for deployment of the POU at the

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City Hall location. Inspector Stiller advised that given the information related to the City Hall protest, the expected 80 to 120 protesters, the intelligence information and the propensity for violence, a POU call out at City Hall would be prudent.

Inspector Stiller further advised that given the information relating to the Pride event at Gage Park, such as the history of 6 to 8 protesters attending the previous year, the lack of violence and no further intelligence to indicate that large numbers of protesters would be attending, and given that 2000 attendees were expected through the day, compliment of 6 officers attending the event would not be out of the ordinary. Also knowing that POU was at City Hall where Yellow Vests were present, and if those Yellow Vests were to move to Pride then POU would move with them.

Staff Sergeant Miscione provided evidence that at approximately 12:50pm information was received that there may be a large group going to Gage Park from City Hall. Staff Sergeant Miscione undertook to confirm this information. It was learned that it was Yellow Vests, however, none had left at that time. Staff Sergeant Miscione was aware that there were Plain Clothes Officers in Gage Park, supported by Uniform Officers on the perimeter. This information was passed on to the Officers at Gage Park.

At 1:02pm Staff Sergeant Miscione began pulling teams out from City Hall in order to get them ready should they need to redeploy at Gage Park. It was felt that the numbers at City Hall were low enough to have the HPS CATION team manage City Hall and the POU team could be called back. At 1:06pm the remaining POU teams were pulled back from City Hall. At 1:09pm Staff Sergeant Miscione sent the first team to Gage Park. At 1:17pm Staff Sergeant Miscione instructs the ACTION team to watch the Antifa group as there was information that they may also go to Gage Park. Most, but not the entire Yellow Vest group had left City Hall. Two teams of POU were heading to Gage Park. At 1:19pm sent the two remaining teams to Gage Park.

Upon arrival at Gage Park the POU units began assisting on-site uniform officers in keeping the two groups separated. Staff Sergeant Miscione reported that at 1:45pm POU assisted in escorting the Religious and Yellow Vest groups out of the park. The groups dispersed and the Pride attendees returned to the Festival. The video evidence which depicted a physical altercation between a Religious group and persons dressed in black with pink scarfs did not indicate the presence of police or persons wearing yellow vests.

The Investigator reviewed the policy **Criminal Investigation Management 4.1.23** and noted,

A.4 Response to Criminal Incidents / Investigations

a. Police Officers

1. Police Officers shall respond to all criminal incidents and complaints in a manner appropriate to the seriousness and circumstances of the offence.
2. The duty to preserve life and property shall be the primary responsibility of Officers responding to criminal incidents. Thereafter, Members shall take all reasonable steps to apprehend the suspect and secure and preserve the scene to facilitate collection of evidence.

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3. All criminal incidents and complaints shall be investigated in a thorough and professional manner, and in accordance with the requirements of any specific Service P & P which deals with the type of incident in issue.

The first officers on scene had concentrated their efforts on maintaining order and keeping the peace while additional support officers arrived. The violence that occurred prior to police arrival, including the arrival of Plain Clothes Officers who were present within the Festival, had ceased as Officers arrived on scene. It is important to point out that only one Officer witnessed an act of violence. In that particular circumstance an individual was immediately arrested.

Officers engaged persons whom appeared bloodied and injured, however, at that time no victims presented to police, and those who were approached refused to cooperate with the investigation. The Officers on scene met with organizers and solicited their assistance facilitating a conduit for victims to make contact with the police.

Conclusion

The Investigator has reviewed all of the evidence, reports and policies. The three main areas identified as concerns by the complaints included:

1. That the Hamilton Police Service failed to properly plan for the June 15th, 2019 Pride Festival.

An operation plan was properly assembled which addressed all known factors. The plan was approved and subsequently formed part of a Service wide plan of events that day. While there was some conflicting information, based on the information the Officers had at that time, the plan reflected the most current information and intelligence. The plan was measured and proportional to the event in front of them.

2. That the Hamilton Police Service took too long to respond to a disturbance between Festival attendees and protesters.

The first call for service was received at 12:50pm indicating that a religious group with anti-LGBTQ views had just shown up at the park. There was no information of a crime taking place. At 12:51pm dispatch updated Acting Sergeant Sorbara. Acting Sergeant Sorbara contacted the two Plain Clothes Officers in the Festival to alert them. The Plain Clothes Officers did not see any protesters or issues at that time, however, they were to investigate and provide an update to Acting Sergeant Sorbara.

A subsequent call at 12:58pm indicated that the protesters were becoming verbally combative. Acting Sergeant Sorbara and the three assisting Constables donned their safety vests and hats and entered the Festival at 1:02pm. At approximately 1:06pm two calls were received roughly 30 seconds apart. Caller 1 screamed, 'get over to Gage Park, violent riot, 20 people fighting' and hung up. Caller 2 indicated that there was a fight between 10 or 20 people, and

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went on to report that the fighting had stopped; however, there was a lot of tension. Acting Sergeant Sorbara was updated by dispatch and he requested two additional units to be sent to the park. At 1:09pm a call was received advising that it was getting violent now – people are getting punched - caller can see the police now. By 1:13pm there were a total of eleven Officers on scene. That number grew to forty-eight by 1:31pm.

Gage Park is 28.8 hectares consisting of treed and grass areas, a fountain, bandstand, tropical greenhouse, a rose garden and a baseball diamond amongst other features. There were hundreds of Festival attendees and others in the park at the time of the disturbance. The environment was filled with noise from attendees, performers and drummers. There was also a large black screen erected in front of the protesters. All of which tended to hamper the progress of the responding officers, including the two officers in attendance inside the Festival.

Inspector Stiller noted that the POU operational plan indicated that POU members had access to vehicles if a quick deployment to other areas of the city was necessary. Also that having Superintendent Schulenberg on ground at City Hall, as the POU Commander, would allow for quick decision making should the POU team need to move to another location. Inspector Stiller indicated that these types of event are fluid. Protest groups can take to the streets and go mobile, the POU could then move with them to maintain public safety.

Upon review the Investigator has found that the HPS Priority Response System was followed as per protocol.

3. That the Hamilton Police Service failed to arrest the protesters.

The Common Law duties of a Police Officer includes Preserving Peace, Preventing Crime and Protecting Life and Property.

HPS Policy dictates that the duty to preserve life and property shall be the primary responsibility of Officers responding to criminal incidents. Thereafter, Members shall take all reasonable steps to apprehend the suspect and secure and preserve the scene to facilitate collection of evidence.

The Investigator reviewed material relating to the criminal investigation that took place during, and following the disturbance and assaults at the Gage Park Pride Festival. The Investigator is satisfied that there were no violations of policy with regard to the response and follow up investigation.

In the days that followed the HPS conducted several media releases appealing for victims and witnesses to come forward. An exhaustive criminal investigation was undertaken by the Divisional Detective Office. To date the investigation has resulted in 5 arrests and 7 criminal charges. The investigation is ongoing.

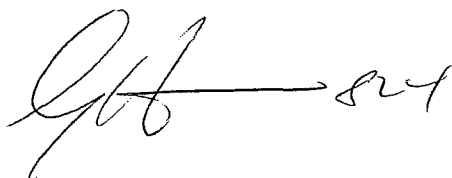
In conclusion the Hamilton Police Service has guidelines in place to ensure the effective police response to the communities we serve. This investigation has discovered that the policies and procedures were followed in this instance and that there were no identified issues.

Investigative Report

After review of all of the available information, the Investigator is satisfied that the Hamilton Police Service has in place appropriate guidelines for responding effectively to calls for service from the community; therefore, **the service complaint made by Complaint 1, Complainant 2 and Complainant 3 has been unsubstantiated.**

As per Hamilton Police Service Policy, a report of this investigation will be made to the Hamilton Police Services Board for consideration.

Investigator



Detective Sergeant Gary Heron #824

Date: 19 11 28

Supervisor/Manager

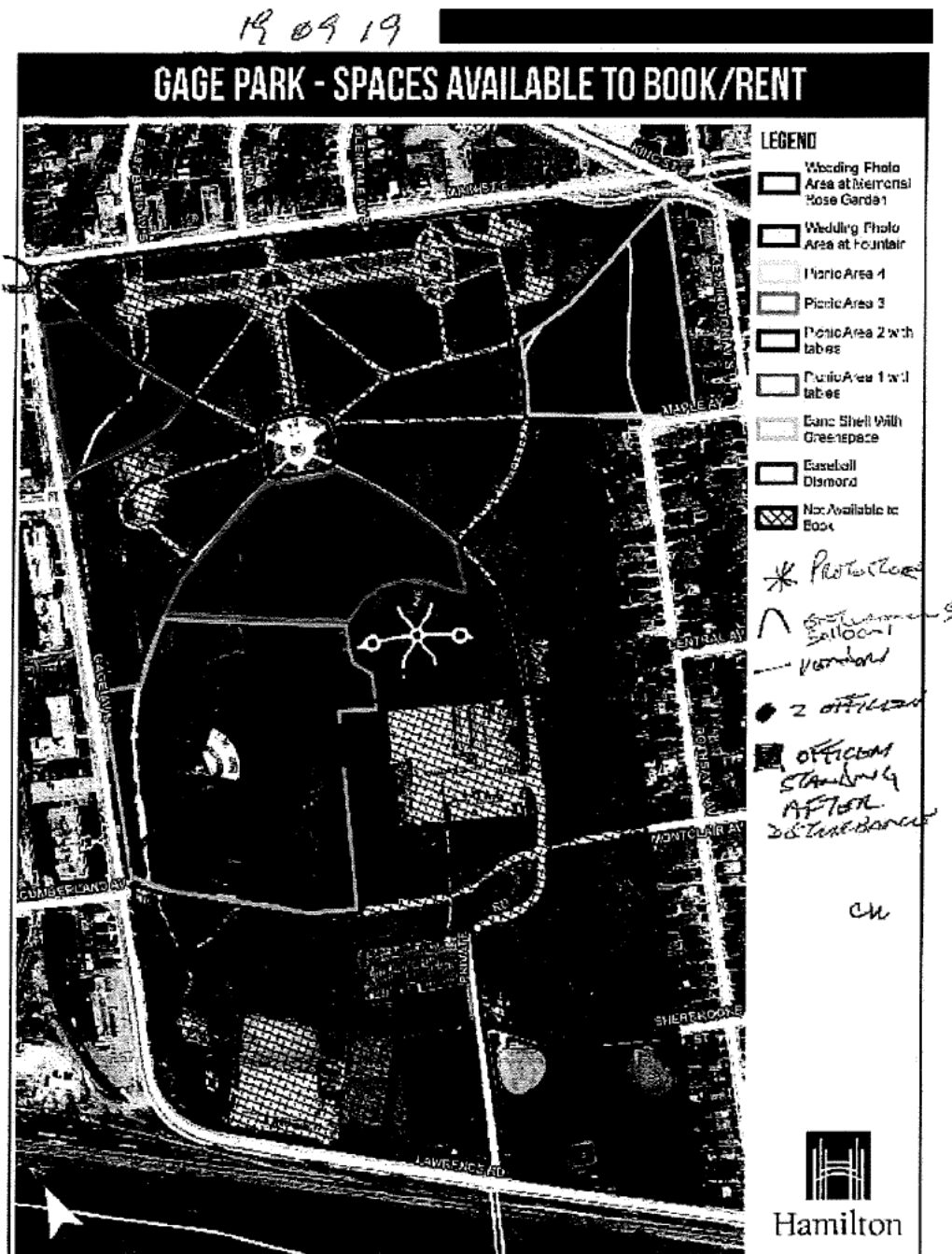


Superintendent Nancy Goodes-Ritchie #783

Date: Nov 29/19

Investigative Report

Confidential APPENDIX A



HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Year-End Report: Hamilton Police Service – McMaster
University Partnership - 2019
PSB 20-023*

BACKGROUND:

McMaster University's primary campus is situated in the west end of Hamilton at 1280 Main Street West. It is surrounded by inviting green spaces, residential living and is part of a vibrant community.

The McMaster campus is composed of 300 acres of property almost 60 buildings providing space for approximately 32,000 students, 1,000 faculty, and 7,500 staff. Roughly 3,700 of our students live on campus in 13 student housing buildings. Named for the third year in a row as one of Hamilton-Niagara's Top Employers, McMaster is Canada's Most Research Intensive University, is ranked in the world's top 75 universities, and in 2019 was named first in North America and second in the world for impact, based on the United Nations Sustainability Development Goals.

Every year McMaster hosts a wide-range of activities in support of our Forward with Integrity goal to support the Hamilton community. Recent events include the Ride to Conquer Cancer, Ride Don't Hide, and the North American Indigenous Games which was one of the Calls to Action contained in the Truth and Reconciliation Report. The Indigenous Games was a larger event than the Pan-Am Games which McMaster helped to host in 2015. These projects, in partnership with our greater community, align with our vision and commitment to community engagement.

As the University's reputation continues to grow, so too do the facilities on campus. In the last few years McMaster opened the L. R. Wilson Building. It includes a well-used theatre and is home to the Socrates Project which hosts an array of arts and lecture events that attract a wide range of people from across the City.

The Arthur Bourns science building was renovated in 2018 and 2019, adding 63,000 square feet of research space and the expansion of the David Braley Athletic Centre – Student Athletic Facility Expansion commenced in September of 2019 for completion in 2020. This expansion will add 100,000 square feet of facilities that will enhance the student health and wellness experience

McMaster's economic impact in Hamilton, the province and the country continues to expand. The University's total annual economic impact is \$9.2 billion. Innovation and the commercialization of research generates significant growth at the McMaster Innovation Park on Longwood Road. The Innovation Park is currently home to more than 800 employees.

McMaster is a vital part of the Hamilton community and has been responsive to neighbourhood and City interest in the University expanding the number of residence spaces available to students. A number of projects are currently in process to achieve this goal. The Peter George Centre for Living and Learning opened in September 2019 and provides housing to an additional 500 students along with classroom and student gathering space and a new home for the McMaster Daycare Centre.

A broad range of public consultations and working with City staff have helped advance the planning for a new student residence to be located on Main Street West between Dalewood Crescent and Forsyth Avenue. When fully built, it will house more 1,000 students and will be a full part of the University's residence system.

The University has also announced plans to continue to invest in the growth and development of the downtown core and plans to invest in a new graduate student residence to be built at the northwest corner of Bay Street North and King Street West in proximity to the David Braley Health Sciences Centre. McMaster's first purpose-built residence specifically for grad students and their families will house 600 students living in studio, one, and two-bedroom apartments.

McMaster University Security Services

The department manages security services for the main Westdale campus, all off campus sites and is supplemented by contract security services for a number of off campus locations. Our campus communities extend to:

- David Braley Health Sciences Centre – downtown Hamilton
- McMaster Continuing Education and university offices – One James Street North
- McMaster Innovation Park
- The Ron Joyce Centre – Burlington
- Stonechurch Family Health Centre – 1475 Upper Ottawa Street
- Kitchener/Waterloo and St. Catharines Health Sciences facilities and programs

Protocol with the Hamilton Police Service

McMaster has a long-standing partnership with the Hamilton Police Service (HPS) that is outlined in a formal Memorandum of Understanding (MOU) last updated in May 2017 with the Hamilton Police Services Board (HPSB). The HPSB is the sponsoring agency.

McMaster Special Constables are sworn Peace Officers, appointed by the Board under the authority of the *Police Services Act*. Their appointments endow them with the responsibilities and duties of a Special Constable and enable them to enforce the Criminal Code of Canada, Controlled Drugs and Substances Act, Federal and Provincial statutes and Municipal By-Laws on the University Campus, as well as enforcing the McMaster Board of Governors' bylaws and regulations.

The HPSB has approval authority for the appointments for Special Constables employed by McMaster University Security.

The HPS works closely with McMaster Security Services to investigate serious criminal incidents. The HPS also supports McMaster Security by providing a wide range of mandatory and voluntary operational training programs.

McMaster Security Services currently consists of 35 staff including 1 Director, 1 Senior Manager, 1 Administrator, 5 Sergeants, 2 Investigators, 12 full-time Special Constables, 8 part-time Special Constables, 2 Technology Specialists, and 3 Dispatchers.

Training

McMaster Security embraces professional development for all staff on an ongoing and annual basis. We strive for excellence that is built on a foundation of continued professional development. The following is a summary of training programs participated in by McMaster Security Services Special Constables in 2019 as we work to ensure all staff maintain and enhance the knowledge and expertise related to their positions.

A total of 158 mandatory Health & Safety courses were taken in 2019 including initial training for new hires as well as recertification for serving Special Constables. McMaster University partnered with the Canadian Police Knowledge Network (CPKN) and established our own dedicated training portal. A total of 124 courses were taken by Special Constables via CPKN including Autism Spectrum Disorder, Victims' Rights, Frontline Demonstrations, Suicide Awareness and Mental Health for First Responders focusing on caring for those that care for others. The 124 courses taken in 2019 is a significant increase of 275% from the 2018 total of 33 courses. CPKN courses are now

structured in three main areas of Leadership Development, Coaching and Senior Special Constable Development and Investigative Skills.

Training	2019 Attendees
Use of Force Certification (HPS)	8
Use of Force (Recertification)	18
Block Training (HPS)	27
Bicycle Officer Training (HPS)	3
First Aid & CPR (HPS)	27
Crisis Intervention Training (HPS)	7
Asbestos Awareness Training	10
Domestic Violence Investigation (HPS)	3
Ergonomic Awareness Training	10
Fire Safety Training	11
FIT Mask Testing	20
Health and Safety Orientation	11
Coach Officers Course (HPS)	1
Radiation Safety Training	10
Due Diligence	11
WHMIS – Core	10
Hydrogen Fluoride	9
Naloxone Administration	19
American Sign Language	1
Lean Six Sigma	6
Dispatcher Training	5
Violence and Harassment Prevention Training - McMaster	11
Be More Than a Bystander Training – Preventing Sexual Violence	8
Mental Health First Aid	3
General Investigative Techniques (HPS)	1
Accident Investigation Training	13
Slips Trips and Fall	8
Canadian Police Knowledge Network (Courses taken)	124
Violence Risk Assessment Training – Level I	1
Violence Risk Assessment Training – Level II	0
Violence Risk Assessment Training – Safety Planning	0
Diversity, Cultural Competence, Sensitivity	
Faith and Diversity	1
LGBT	2
Autism Spectrum Disorder	10
Aboriginal and First Nation Awareness	1

Incidents

McMaster University Security Services takes a proactive approach to help keep our campus safe. We spend considerable time building strong partnerships, communicating with students, faculty and staff, providing training and educating our key constituencies in safety and how they can help to support the development of an inclusive and safe environment. We encourage people to report any concerns or incidents and we share information through social networks, posters and other communication tools so people are aware of where and how to connect with Security. As a result, we have seen a consistent increase in the number of incidents reported over the past few years.

In 2019, McMaster University Security Services filed 4,167 incident reports, which is a 13% increase since 2017, and a 3.9% decrease from 2018. Legal infractions in 2019, for both criminal and federal statutes, accounted for 611 reported incidents or 14.6% of all those reported.

The chart below details incidents over the past several years. The number of inciting hatred incidents remained fairly consistent between 2018 and 2019. These incidents include flyers on bulletin boards, stickers and graffiti found on campus. There were no hate related assaults. McMaster has increased its commitment to inclusivity through a variety of measures including the creation of a new Associate Vice-President, Equity and Inclusion position. Dr. Arig al Shaibah joined McMaster April 2018 and continues to play a significant role in raising awareness, communication and education of issues around diversity and inclusion and the importance of reporting incidents.

Significant educational efforts continue in relation to Harassment and Sexual Harassment, as incidents increased to 44 from 29 in 2018. Again, educational efforts and ease of reporting processes are supporting increased reporting. McMaster's Sexual Violence and Harassment and Discrimination policies were reviewed and updated in the fall/winter of 2019.

In situations of serious assault, sexual assault, indecent acts, inciting hate and other major incidents, McMaster Security works with the HPS to investigate the incidents. The most significant volume of offences fall into two categories – thefts and mischief. The greatest number of thefts relate to bicycles, computers and personal property. The offence of mischief is attributed to general damage to windows, doors and facilities on campus. Assault incidents have risen in 2019 and generally relate to fights with no injury.

Criminal Incidents

Criminal Incident	2014	2015	2016	2017	2018	2019
Assault	23	12	27	29	21	38
Breach of Recognizance/Probation	1	1	0	1	1	0
Break and Enter/Attempts	7	5	17	11	22	15
Disturbances	6	11	12	22	10	9
Fraud	13	4	14	21	14	13
Harassing Phone Calls & Email	7	8	1	8	6	1
Harassment/Sexual Harassment	23	22	27	37	29	44
Inciting Hate	3	3	2	3	10	11
Mischief	62	80	85	100	128	126
Obstruct Peace Officer	2	1	0	2	1	1
Robbery	0	1	0	3	0	3
Theft/Possession	273	146	234	258	266	285
Threatening	6	6	5	10	11	16
Total (All Categories)	435	300	436	531	519	562

The following is a summary of all incidents reported for Criminal, Provincial and Federal offences.

Statutes	2014	2015	2016	2017	2018	2019
Criminal Code	435	300	436	531	557	602
Provincial	135	103	209	215	209	195
Federal	58	86	95	108	108	9*
Total	628	489	740	854	874	806

*Decrease is the decriminalization of marijuana and reduction in Controlled Drugs and Substance offences.

Hamilton Police – McMaster Partnership

McMaster University works closely with HPS in a variety of ways.

The President's Advisory Committee on Community Relations (PACCR) benefits from consistent interaction with the Division One Crime Manager. PACCR membership includes community neighbours, landlords, the Westdale BIA, students, faculty, City of Hamilton By-law staff and university representatives, including security. The Committee has been a valuable partnership for more than two decades and is co-chaired by a community member and McMaster's Vice-President, University Advancement. PACCR meets regularly to share information, discuss any neighbourhood concerns and developments, and assists in bringing a community perspective when planning is done

for events such as Welcome Week and Homecoming. The Committee's work contributes significantly to ensuring a safe community with a high quality of life for all residents.

McMaster also has a strong and long-term relationship with the Ainslie Wood/Westdale Community Association (AWWCA). These partnerships embrace educating the public on initiatives, including traffic safety, Problem Oriented Policing projects, and Lock It or Lose It campaigns.

As well as investing time and attention in being a strong neighbourhood partner, McMaster has also invested for many years in the Mac91/92 program. Funded by McMaster and the McMaster Students Union, the University works closely with the HPS to hire Hamilton police officers to proactively patrol the Westdale neighbourhood to help support a safe community. Officers are hired to cover key times including evening and weekends and during Welcome Week, Homecoming and St. Patrick's Day.

The HPS is encouraged by the University to support McMaster's operational plans during busy times of the school year. The University thanks HPS for its ongoing support during move in/move out, football games and other sporting events, St. Patrick's Day weekend and Light up the Night which occurs at the end of the Winter Term. By working together we have been able to coordinate planning, organize alternate events for students held on campus and develop other strategies to be better prepared for community activities. With this university/police partnership, McMaster and Hamilton have been able to proactively avoid the large street parties that in other campus towns and cities can attract tens of thousands of revelers.

We look forward to continuing our strong partnership in support of public safety.



Eric Girt
Chief of Police

EG/gd

cc: David Hennick, Superintendent – Division 1

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: June 11, 20200
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Auction Account Expenditures – For Board Approval*
January-March, 2020
PSB 20-024

BACKGROUND:

The Hamilton Police Service is one of several municipal police organizations that utilize the services of Police Auctions Canada, an internal based company that holds public auctions on line to sell property that is acquired by police services in compliance with the *Police Services Act*.

The report capturing all expenditures that have not yet been approved by the Board is attached.

For Board Approval, the expenditures from the Auction Account from January 1 to March 31, 2020, totaled \$1,528.89.



Eric Girt
Chief of Police

EG:sp

**FOR BOARD APPROVAL EXPENDITURES
FROM HAMILTON POLICE SERVICE AUCTION ACCOUNT
JANUARY 1 TO MARCH 31, 2020**

DATE	NAME	DETAIL	TOTAL	DESCRIPTION
January 9	Rose's Crafts & Things	Bereavements x 4	\$ 292.67	NON-APPROVED
February 11	Rose's Crafts & Things	Bereavements x 8	\$ 674.61	NON-APPROVED
March 24	Rose's Crafts & Things	Bereavements x 8	\$ 561.61	NON-APPROVED
TOTAL			\$ 1,528.89	

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Year-End Report: Victim Services Branch – 2019*
PSB 20-025

BACKGROUND:

The Hamilton Police Service Victim Services Branch was established in 1992. There are four (4) full time civilian employees and over 80 volunteers. Victim Services respond to the immediate needs of people who have been victimized by crime and/or trauma, such as homicides, suicides, sudden death, assaults, sexual assaults, motor vehicle and fire fatalities, robberies and harassment.

The Victim Services Branch has been the recipient of several prominent Provincial and International Awards for program delivery to victims of crime and trauma.

The Victim Services Branch has also been recognized as a best practices model and has presented at the International Association of Chiefs of Police (IACP) Conference.

Attached is the Victim Services Annual Report for 2019, outlining the quality service provided to the residents of the City of Hamilton.

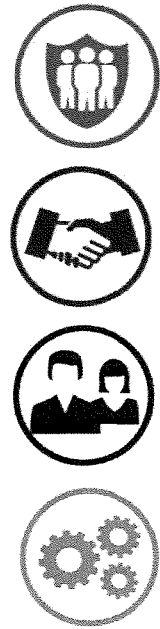


Eric Girt
Chief of Police

EG/W. Mason
Attachment: *2019 Annual Report – Victim Services Branch*

cc: Ryan Diodati, Deputy Chief – Support
Will Mason, Superintendent – Community Mobilization Division

Together. Stronger. Safer.



**HAMILTON POLICE SERVICE VICTIM SERVICES BRANCH
2019 ANNUAL REPORT • 2019-2021 BUSINESS PLAN**

VISION • MISSION • OUR VALUES



COMPASSIONATE • DEDICATED • INCLUSIVE • INTEGRITY • INNOVATIVE • PROFESSIONAL • TEAMWORK

Victim Services is a Branch (VSB) of the Hamilton Police Service (HPS) since 1994. It is the only 24-hour on-scene crisis intervention service for victims of crime and trauma in the City of Hamilton. We respond to the immediate needs of people who have been victimized by crime and/or trauma such as homicides, suicides, sudden death, assaults, sexual assaults, domestic violence, motor vehicle and fire fatalities, robberies, and harassment. Victim Services Branch staff are full-time civilian members of the Hamilton Police Service and along with specially trained volunteers provide practical assistance, emotional support and referrals for additional community resources. Individuals, families, businesses and organizations receive critical crisis intervention as well as support, information and referrals necessary to assist victims in dealing with the trauma of the incident. We know that the earlier the intervention is activated for a victim, the faster a person will regain control over their life once an incident has occurred.

In 2019, Victim Services recognized its 25th milestone anniversary as a Branch with Hamilton Police Service. One hundred “Wild Heart Tulips” were planted in one of the raised garden beds in the front courtyard at Central Station to represent the amazing hearts of each of our dedicated and compassionate volunteers who give of themselves to help victims of crime and trauma in our community. The year 2019 was also the 10th milestone year for Hamilton Police Service Victim Services Branch and our community partners to join together during National Victims & Survivors of Crime Week (VSCW) and be recognized for their dedication and work in supporting those impacted by crime and trauma.

The Victim Services Branch assisted 2,098 new victims and had a total of 6,266 contacts with victims. With 4 full-time staff and over 80 volunteers, the Victim Services Branch is able to provide these services 24/7. Throughout 2019, we continued to develop relationships and create opportunities to be engaged and involved within our community in collaboration with our partners and stakeholders. As a result of the ongoing administration of existing grants, we were able to continue to offer services and resources to support victims.

With a shared purpose of responding to the needs of our community, the Victim Services Branch of Hamilton Police Service will continue to: focus on its core mandate to respond to the immediate needs of victims of crime and trauma, engage with HPS members to develop programs and resources, collaborate and foster opportunities for partnerships with community agencies and stakeholders.



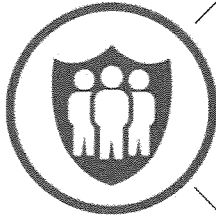
Two benches are located in the courtyard at Hamilton Police Service Central Station. The benches provide a peaceful place for those who wish to pause, rest or reflect. On each bench is a plaque with an inscription: “FORGET ME NOT” ~ A Place of Quiet Reflection to Honour All Victims of Crime Because “Every Victim Matters”.

BUSINESS PLAN OVERVIEW

STRATEGIC DIRECTIONS • VICTIM SERVICES BRANCH

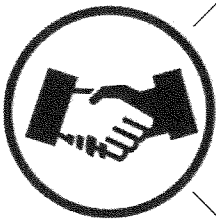


The Victim Services Branch is pleased to share our goals, achievements and initiatives for 2019 that have contributed to the outcomes and success of the 2019-2021 Business Plan in this Annual Report. The goals are aligned with the 2019-2021 Business Plan Strategic Directions and Objectives as follows:



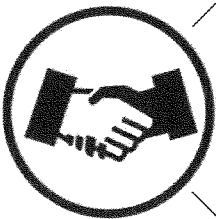
COMMUNITY SAFETY GOAL F: Maximize communication with our community as it relates to services and supports, as well as crime prevention, public safety and harm reduction.

•**ACTION:** Address victimization in our community.



ENGAGEMENT & PARTNERSHIPS GOAL B: Provide meaningful volunteer opportunities and continue the development of future ambassadors for the Hamilton Police Service.

•**ACTION:** Victim Services will continue to provide ongoing training and professional development opportunities for volunteers to develop their skills.



ENGAGEMENT & PARTNERSHIPS GOAL C: Identify funding opportunities available to police services and community groups for the implementation of new programs and the continuation of existing effective programs.

•**ACTION:** Victim Services will continue to administer the Department of Justice Victims Fund "Measures to Address Prostitution" grant and apply for any other relevant grant opportunities.



PEOPLE & PERFORMANCE GOAL A: Effective recruitment and retention of high quality internal and external candidates to service in the Hamilton Police Service.

•**ACTION:** Increase recruitment of volunteers to a minimum class of 35-40 for January 2020 to include HPS Cadets.

COMMUNITY SAFETY

TO ENSURE THE SAFETY OF THE COMMUNITIES THAT WE SERVE

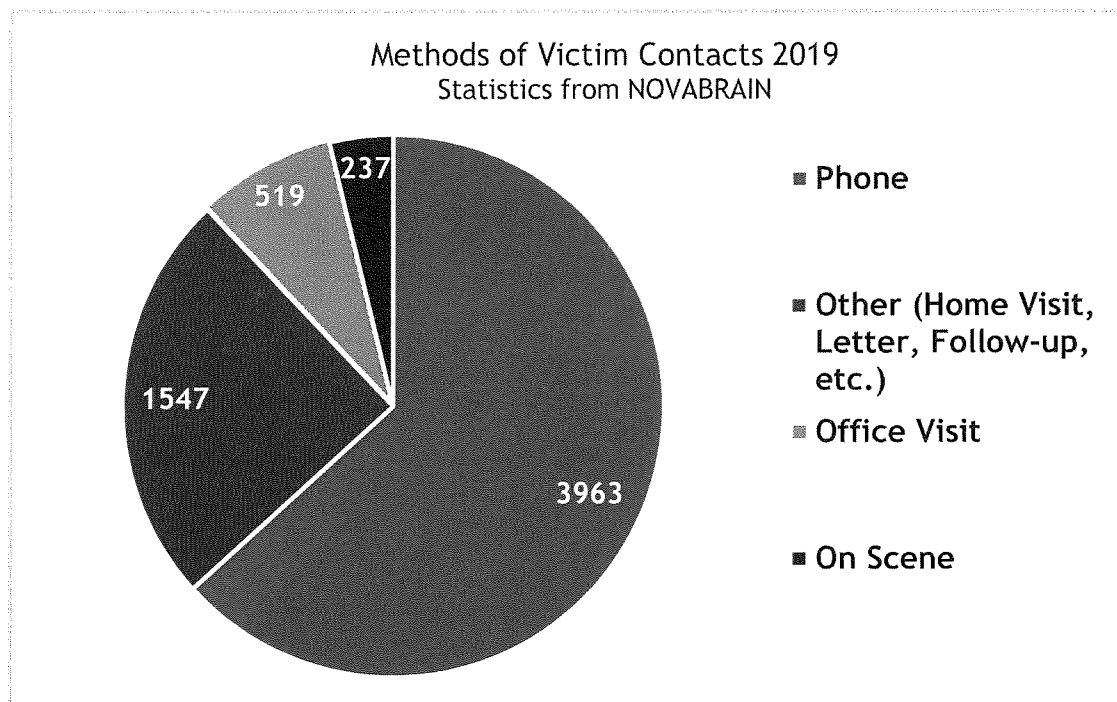


GOAL RESULTS:

- 2,098 new victims assisted.
- 6,266 total contacts with victims (includes new and existing clients).

Responses to a stressful situation vary greatly from person-to-person and not all people will experience the same reaction at the same level of intensity nor for the same length of time. However, it is important to recognize that whatever the reaction is, it is often a normal human response to a stressful situation. For many victims, they are able to empower themselves with self-supporting options and do not require further assistance after initial contact with Victim Services. Other victims may determine that continued resources/interaction with Victim Services is required for their resiliency. Victimization may have occurred recently or historically. Not all victims request or need on-scene crisis intervention.

Victim Services Branch, in partnership with the Woman Abuse Working Group (WAWG), applied for and received a grant to develop and produce a comprehensive safety plan for victims of domestic violence and 1,000 kits were developed and disseminated amongst community service partners. The goal of kits is to ensure victims receive the same information on safety planning from all community agencies.



ENGAGEMENT & PARTNERSHIPS

TO FOSTER EFFECTIVE RELATIONSHIPS WITH ALL OF OUR COMMUNITIES



GOAL RESULTS

The Victim Services Branch continued to participate as a member of the Sexual Assault Community Review Team (SACRT). The team is comprised of the HPS Sexual Assault Unit (SAU), the Victim Services Branch, the Sexual Assault Domestic Violence Care Centre, the Sexual Assault Centre of Hamilton Area (SACHA) and the Native Women's Centre. The team met throughout 2019 to review a sampling of sexual assault cases where *"no charges resulted"*. The vision of the team is *"we are all committed to undertaking this review with the end goal of improved service delivery to victims of sexual assault. It is our hope that everyone who experiences sexual assault in Hamilton gets the best possible response, service and care."*

As a result of one of the SACRT recommendations, Victim Services continued to offer the Sexual Assault Support Program (SASP) in 2019. The SASP worker meets with victims/survivors of sexual assault prior to their interview with a Sexual Assault Unit Detective. The purpose of the meeting is to provide trauma informed care, information on community resources and counselling, information on the process and answer any questions prior to their meeting with their assigned Detective. They are offered accompaniment throughout their video statement should they choose to exercise this option. Follow-up with the victim/survivor is also done the next day after their interview. The program has been well received with many positive anecdotal comments noted from victims of crime. When the program was launched, victims were asked the following day of their interview if the Sexual Assault Support Program was helpful:

- 52 victims engaged in the feedback process when SASP launched and 100% of them indicated that SASP was helpful to them.
- 150+ individuals were supported by SASP by the Victim Services Branch throughout 2019.

The Victim Services Branch continued to deliver the Victim Quick Response Program (VQRP) and the newly enhanced VQRP+ for the City of Hamilton on behalf of the Ministry of the Attorney General (annual contract since 2013). There were 670 claims processed through the Victim Quick Response Program in 2019 e.g. door/lock repairs, cell phone replacement, accommodation, transportation, crime scene clean up, counselling, homicide funerals, etc. The claims totalled over \$300,000 in direct benefit to victims of crime.

Victim Services also continued to deliver the five-year grant made possible through the Department of Justice Canada Victims Fund for \$15,000/year (July 2015 – March 2020). The benefits derived from this grant continue to support its three pillars: community stakeholder initiatives, education and individuals exiting sex work. As part of the grant, Victim Services Branch collaborated with the Hamilton Anti-Human Trafficking Coalition (HAHTC) and hosted a conference in February and updated the Community Guide for professionals and front line responders working with trafficked persons.

ENGAGEMENT & PARTNERSHIPS

TO FOSTER EFFECTIVE RELATIONSHIPS WITH ALL OF OUR COMMUNITIES



The Victim Services Branch also administered the Trauma Bear Program in partnership with Shaw Communications Inc. by ensuring all Hamilton Police Service vehicles contain Trauma Bears. Police Officers give Trauma Bears to children at scenes to provide some comfort during the aftermath of crime and trauma. This partnership with Shaw Communications Inc. and their donation of the trauma bears has been in place since 2012.

Victims and Survivors of Crime Week (VSCW) is an annual outreach initiative of the Justice Canada Policy Centre for Victim Issues (PCVI). The year 2019 was the 10th year that the Victim Services Branch applied and received funding from the Department of Justice Canada. In addition to the safety plan kits, a ceremony honouring victims of crime was held at Hamilton Police Service Central Station.

Community Contributions

- **Events:** Hamilton Urban Core Street Health Fair, World Elder Abuse Day, HPS PRIDE Flag Raising, Sisters In Spirit Flag Raising, McMaster University Community Engagement & Volunteer Fair, December 6 “Remembering Victims of the Montreal Massacre: Commemorating the National Day of Remembrance and Action on Violence Against Women”, Ontario Hockey League (OHL) 911 Appreciation Night, Hamilton Council on Aging Seniors 55+ Active Living Information Fair, HPS Police in the Park, McMaster University Resource Fair, Sisters In Spirit Candle Light Vigil Six Nations.
- **Committee & Community Work:** Emergency Preparedness Advisory Committee for City of Hamilton; High Risk Domestic Violence Community Advisory Team; Hamilton Anti-Human Trafficking Coalition (HAHTC); Hamilton Police Women's Services Advisory Committee to the Chief; Emergency Women's Shelters Protocol Committee; Woman Abuse Working Group (WAWG); Sexual Assault Community Review Team (SACRT); HPS LGBTQ2S+ Internal Support Network and International Women's Day Planning Committee.
- **Presentations:** HPS Citizens' Police College; Mohawk College; Indigenous Victim Services; Women's Weekly Catholic Family Services of Hamilton; Hamilton Funeral Homes Peer Support Group; Hamilton-Wentworth District School Board (HWDSB); Sexual Assault Centre Hamilton Area (SACHA); Hamilton Hebrew Academy; Healing Our Sisters Anti-Human Trafficking Crisis Services and Resources Native Women's Centre; Canadian Red Cross Hamilton Branch and Victim/Witness Assistance Program (V/WAP).

PEOPLE & PERFORMANCE

TO INCREASE ORGANIZATIONAL CAPACITY AND EFFECTIVENESS BY ATTRACTING,
DEVELOPING AND RETAINING OUR MEMBERS



GOAL RESULTS

The Victim Services Branch strives to support all areas of the Hamilton Police Service. The following are examples:

- **Communications:** Provides training to Call Takers and Dispatchers on victim services and responding to victims of crime.
- **Domestic Violence Unit:** Ongoing teamwork regarding High Risk Offenders & Victims.
- **Bail Support Unit:** Continue to support Ministry of the Attorney General & Bail Support when Victim Witness Assistance Program is closed (after-hour support).
- **Homicide Unit:** Crisis response to families of homicide and child deaths under five years.
- **Patrol/CID:** Crisis response on-scene; provide HPS Trauma Bear program supported by Shaw Communications Inc.
- **Sexual Assault Unit:** Continue to support the SAU via the Sexual Assault Support Program (SASP).
- **Training Branch: Domestic Violence Officer, Recruit, Major Case Management.** Provided training to Officers during these courses.
- **Vice & Drugs Unit:** Coordinated response with Vice Unit to assist victims of human trafficking and individuals involved in sex work.
- **Crime Prevention Branch:** Victim Services Branch works collegially with Crime Prevention Branch to access and schedule safety audits (CPTED) for victims of crime/trauma.

Continued to present to internal members of the Hamilton Police Service and external agencies regarding the role of Victim Services and the Victim Quick Response Program to further inform and promote.

Training Opportunities included: HPS Block Training; Human Trafficking Conference; OPC Interview course (victim component); SPCCH Conference (zero suicide initiative); Lunch n' Learn with Crown Attorneys & Sexual Assault Domestic Violence Care Centre; Lunch n' Learn on fetal alcohol spectrum disorder; Lunch n' Learn on SACHA; Engaging Substance Using Youth; Road to Mental Readiness (R2MR); Suicide Bereavement Clinician Training; Shelter/City/VSB cross-training.

PEOPLE & PERFORMANCE

TO INCREASE ORGANIZATIONAL CAPACITY AND EFFECTIVENESS BY ATTRACTING,
DEVELOPING AND RETAINING OUR MEMBERS



Volunteers contribute over:

- 30,000 hours of on call coverage and availability.
- 950 hours of direct contact with victims.
- fluency in 18 languages other than English.

The Victim Service Services Branch Award of Distinction was presented to the Detectives of the HPS Sexual Assault Unit for their contribution and engagement with the new Sexual Assault Support Program (SASP). The Victim Services Branch Award of Distinction was created in 2011 and recognizes HPS Sworn and civilian members whose efforts support victims of crime and trauma.

Direct Service Volunteer Stephanie Pascoal was presented with the *Marg Marshall Award* for outstanding volunteer leadership at the HPS Annual Awards event held on May 13.

The Ontario Volunteer Service Awards were presented to Victim Services Branch volunteers at a Fall banquet hosted by the Ministry of Citizenship and Immigration; volunteers were invited to the Hamilton Police Awards evening at which Victim Service Branch volunteers were recognized for their milestone continuous years of service: Marilyn Hunt (25); Karin Prowse, Diane Gatto and Gaye Yachetti (20), Sharon Schotsman, Chris Pigeon and Dolores Soyka (5).

“You Make A Difference” recognition, photos and thank you cards are presented throughout the year to acknowledge the value of volunteers’ contributions to the Branch and the citizens in our communities.

Victim Services recognizes contributions through the publication of the *Did You Know* volunteer monthly newsletter.

Training opportunities included quarterly Professional Development for all volunteers featuring calls presented by their colleagues and guest presenters on community resources; a 13 session training program to 21 new volunteer recruits from January to March.

Twelve HPS Cadets completed the Victim Service Branch volunteer training program as part of their Cadet program.

In 2019 there was also an increased recruitment of volunteers to a minimum class of between 35 – 40 for January 2020.

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Year End Report: Professional Standards Branch - 2019*
PSB 20-032

BACKGROUND:

Please find attached the annual Professional Standards Branch Report for 2019. The report outlines public complaints, Service complaints and internal investigations including workplace harassment. SIU investigations and their outcomes are also reported. Further, this report also includes areas of risk such as police involved motor vehicle collisions and officer involved pursuits.

Commendations for officers, citizen awards and letters of appreciation are also outlined in this report.



Eric Girt
Chief of Police

EG/N. Goodes-Ritchie

Attachment: *Professional Standards Branch Annual Report 2019*

cc: Ryan Diodati, Deputy Chief – Support



Hamilton Police Service Professional Standards Branch

Annual Report 2019

Professional Standards Branch

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Professional Standards Branch

Preface

This report is prepared in accordance with Ontario Regulation 3/99 of the *Police Services Act*. It is a comparative statistical analysis of all complaints received and investigated during 2019, as well as a compilation of relevant Risk Management data for the same year.

The statistical information included in the 2019 Professional Standards Branch Annual Report was compiled with data obtained from the following sources:

Statistical Sources

- Professional Standards Branch Database
- Internal Affairs Professional Standards Records Management System (IAPro)
- Chief's Office
- Human Resources
- Special Investigations Unit Liaison
- 2018 Professional Standards Branch Annual Report

Definitions

Professional Development Division (PDD)

A division of the Hamilton Police Service responsible for Professional Standards, Risk Management, Policy Development, Business Planning, Quality Assurance and Training. When required, the branches of the PDD work together to examine and assess organizational needs and devise action plans to further enhance work performance. In 2019, the PDD was managed by Superintendent Nancy Goodes-Ritchie.

Professional Standards Branch (PSB)

PSB is responsible for investigating and facilitating the resolution of both internal (Chief) and external (public) complaints in an impartial and professional manner, pursuant to the *Police Services Act*. The PSB acts as the liaison for the investigation of complaints referred by the Office of Independent Police Review Director (OIPRD). Additionally, this branch of the PDD investigates human rights complaints, civilian employee complaints, labour law complaints, Workplace Violence and Harassment and Special Investigations Unit (SIU) Section 11 reviews. The PSB is staffed by three Sergeants and one Staff Sergeant.

Professional Standards Branch

Risk Management

The Risk Management Branch of PDD is responsible for the identification and evaluation of risks and the development, selection and implementation of control measures that change outcomes. The Risk Manager currently handles the McNeil disclosure file and weekly tips for Hamilton Police Service members on current and risk related topics. Additionally, the Risk Manager assesses Police Service Motor Vehicle Collisions (MVC), member Red Light Camera (RLC) infractions; and member Missed Court (MC) attendances. The Risk Management Branch is staffed by one Inspector.

Office of Independent Police Review Director (OIPRD)

The OIPRD receives, manages and oversees all public police complaints in Ontario.¹ They are a civilian oversight agency that accepts complaints about the conduct of police officers and/or the policies and services of a police service. In addition to processing and investigating public complaints, the OIPRD administers the Ontario public complaints system.

Special Investigations Unit (SIU)

The SIU is a civilian law enforcement agency, independent of the police, that conducts criminal investigations into circumstances involving police and civilians that have resulted in serious injury, death or allegations of sexual assault.² Although it is an agency of the Ministry of the Attorney General, its investigations and decisions are independent of the Government of Ontario. The Director of the SIU is empowered under the *Police Services Act* to lay criminal charges against police officers where warranted.

Internal Affairs Professional Standards Software (IAPro)

IAPro is a Professional Standards software used by the PDD to efficiently handle citizen complaints, administrative investigations, use-of-force reporting, and other types of incidents, while providing the means to identify and analyze areas of concern.³

Section 11 Investigations

The Chief of Police is legislated under Section 11 (s.11) of Ontario Regulation 267/10, to cause an administrative investigation to be conducted into any incident of which the SIU is notified.⁴ The investigation reviews the conduct of the involved police officer(s), as well as the policies and/or services provided by the Hamilton Police Service.

¹ Queen's Printer for Ontario, 2015, *Office of Independent Police Review Director*, www.oiprd.on.ca

² Queen's Printer for Ontario, 2016, *Special Investigations Unit*, www.siu.on.ca

³ CI Technologies, 2015, *IAPro*, www.iapro.com

⁴ *Police Service Act, 2011, Ontario Regulation 267/10, Conduct and Duties of Police Officers Respecting Investigations by the Special Investigations Unit*, www.e-laws.gov.on.ca

Professional Standards Branch

Executive Summary

The Professional Standards Branch and Risk Management Branch saw a productive year in 2019. Although public complaints from the OIPRD experienced a slight increase over 2018, the number of OIPRD complaints that were screened out remained steady. Internal conduct investigations saw an increase from 2018, however, the number is still below the five year average. In addition, the HPS investigated two external agency OIPRD complaints in 2019.

In 2019, the Hamilton Police Service answered 330,578 telephone calls, yet only 125 public complaints were made to the OIPRD, representing less than 0.04%. This included 112 conduct complaints, 8 service complaints, and 5 customer service resolutions. Of the 112 conduct complaints, 55 were screened in for investigation by PSB.

In 2019, the HPS answered 330,578 phone calls.

The HPS received only 125 public complaints, which represents less than 0.04% of all calls.

In 2019, Red Light Camera Violations increased by 2, or 6%.

Discreditable Conduct was the most common allegation of misconduct at 29 counts, followed by Excessive Force at 14 counts, and Neglect of Duty at 10 counts. It should be noted that the OIPRD does not screen out any Excessive Force complaints. Of the 55 conduct investigations, only 2 cases resulted in a finding of misconduct. Of the 8 Service Complaints, 4 were unsubstantiated, 3 did not proceed and 1 was withdrawn. There were no policy related complaints in 2019. An OIPRD request for review was requested 3 times by a complainant in 2019. Two HPS decisions were upheld by the OIPRD. The third is still under review. In 2018, 3 OIPRD reviews were requested. Two HPS decisions were upheld by the OIPRD. The third is still under review.

A total of 211 internal complaints were filed in 2019, representing an increase of 16% from 2018. Red Light Camera (RLC) violations increased by 2, or 6%. Motor Vehicle Collisions (MVC) increased by 17, or 15%; while Missed Court (MC) saw a 60% decrease from 2018. Of the total internal complaints came 234 specific allegations of misconduct. Damage to Clothing/Equipment was the most frequent form of misconduct followed by Discreditable Conduct. Damage to Clothing/Equipment includes all major and minor police service collisions, and in some instances, multiple allegations per complaint. There were 7 complaints and/or allegations of workplace harassment in 2019. Two of the allegations have been unsubstantiated, two have been substantiated, two concluded with no further action, and one is ongoing. Excluding MC, MVC, and RLC violations, 70% of the remaining 37 Chief's complaints resulted in substantiated misconduct.

Professional Standards Branch

The SIU invoked its mandate to investigate 15 reported incidents in 2019. Of the 15 investigations, 4 were concluded by memo after a preliminary inquiry, and 11 became formal investigations. Out of the 11 investigations, 6 were concluded with no reasonable grounds to believe that the subject officers committed a criminal offence. The remaining 5 investigations are pending the SIU Director's decision. The subsequent provincially mandated Section 11 investigations completed by the PSB in relation to 5 of the concluded investigations, determined that all HPS policy and procedures were adhered to and no further action was required. The Section 11 investigation for the sixth concluded investigation is ongoing.

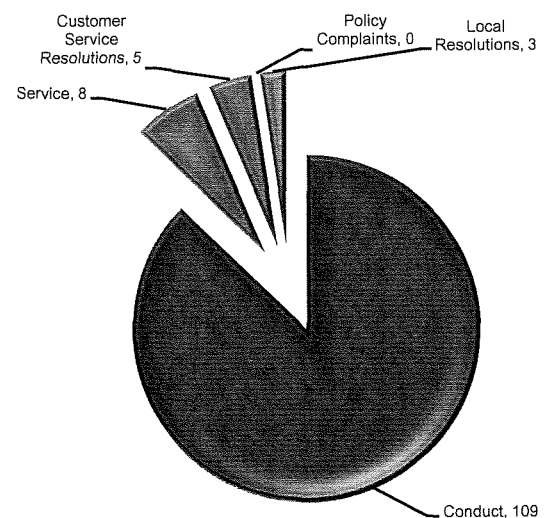
A total of 71 Fail to Stop reports were submitted for 2019. This is an increase of 1 report, or less than 2% from the previous year. Pursuits were initiated in 42 (59%) of the incidents where a Fail to Stop report was submitted. Officers did not engage in a pursuit 29 times. Of the total Fail to Stop reports, 34 were for *Criminal Code* violations, 36 for *Highway Traffic Act* violations and 1 by-law infraction. In 2019, 1 MVC occurred as a direct result of officer initiated pursuits compared to 8 in 2018. There were no known pursuit related injuries.

The Hamilton Police Service received 80 Good News letters in 2019. The Service issued 39 letters of recognition to members of the public and a total of 174 commendations to HPS members for exemplary service. Additionally, 19 members were awarded Member of the Month, and 6 members received the Chief's Pride Award.

Public Complaints

In 2019, the Hamilton Police Service answered 330,578 telephone calls. Only 125 complaints were made to the OIPRD regarding the Hamilton Police Service, representing 0.04% of all calls. This is a very low number of complaints from the public given the frequency of contact and interactions they had with members of our Service.

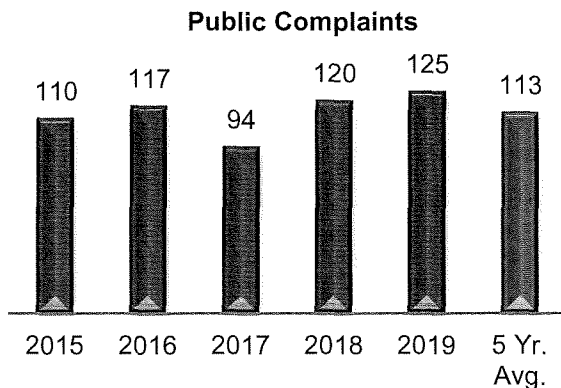
Of the 125 complaint submissions, 109 were related to officer conduct, 8 were classified as a service complaints, 5 were screened for customer service resolutions (CSR), and 3 were resolved locally (local resolution). It should be noted that a CSR is a confidential process for less serious complaints that provides an opportunity to voluntarily resolve complaints before they are formally screened under the *Police Services Act*.⁵ A local



⁵ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Customer Service Resolutions, www.oiprd.on.ca

Professional Standards Branch

resolution is a process where complaints are made directly with the HPS and a resolution is agreed upon by the involved parties.⁶



The OIPRD screened in 55 of the 125 complaints, which constitutes 44% of the original public complaints. This includes conduct complaints, customer service resolutions and service complaints. The average number of public complaints between 2015 and 2019 was 113. In 2019, the OIPRD experienced an increase of 3% from the previous four-year average. The percentage of complaints screened in by the OIPRD increased by 15%.

Conduct Complaints

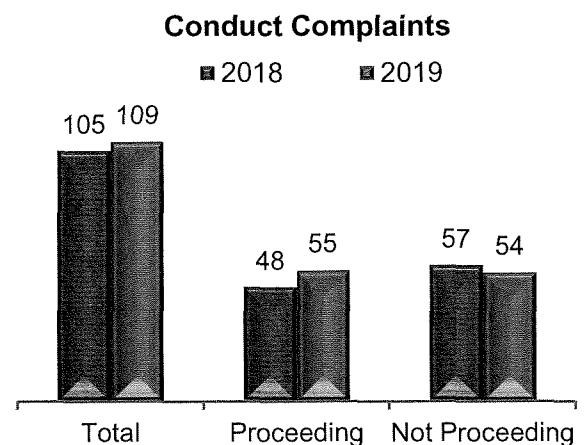
When the behaviour of a police officer is formally questioned by a member of the public, the OIPRD classifies this as a conduct complaint.⁷ Of the 109 conduct complaints, 55 were ultimately screened in by the OIPRD for investigation. The OIPRD determined that police investigation was not required for the remaining 54 submissions based on legislated criteria such as:

- the complaint is better dealt with under another law or act
- the complaint is frivolous – trivial or lacks an air of reality
- the complaint is not in the public interest
- the complaint is made over six months after the incident⁸

Comparing the 2019 conduct complaint data to that of 2018, reveals that there was a 4% increase in these types of complaint submissions to the OIPRD. The number of conduct complaints screened in was 15% higher when compared to that of 2018.

Allegations of Misconduct

The *Police Services Act Code of Conduct* is used by the HPS as the basis for classifying conduct complaints. Neglect of Duty decreased, while Excessive Force allegations increased from 2018 to 2019. It is important to point out that the OIPRD does not screen out Excessive Force allegations. Discreditable Conduct and Excessive Force represented the most common types of complaints made in 2019 at



⁶ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Local Resolutions, www.oiprd.on.ca

⁷ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Complaints, www.oiprd.on.ca

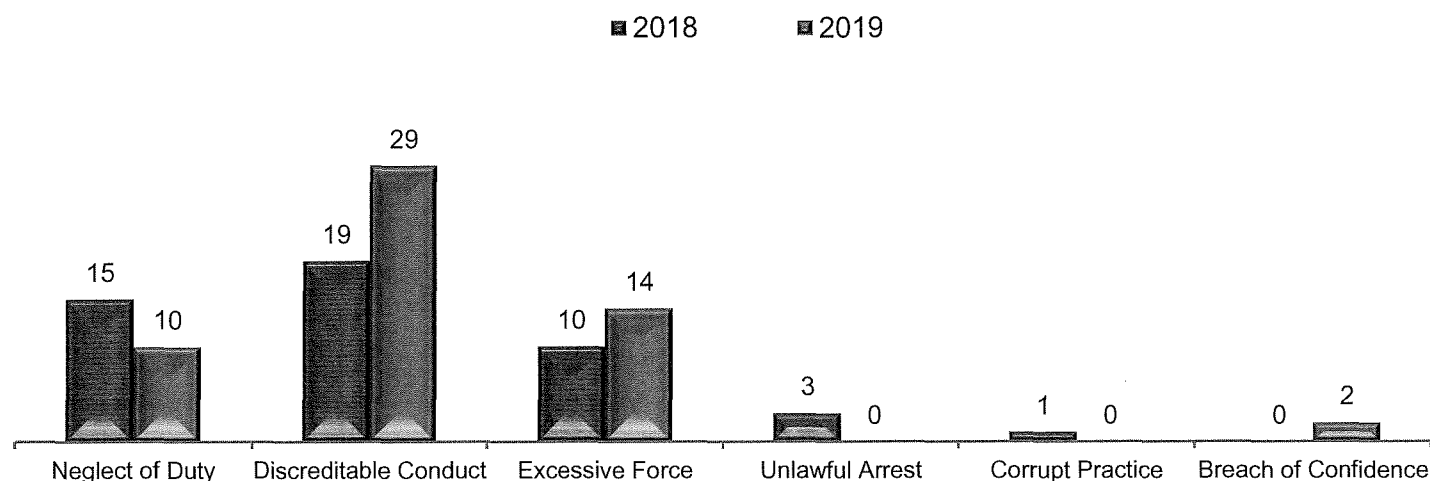
⁸ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Screening Complaints, www.oiprd.on.ca

Professional Standards Branch

78%. The number of complaints regarding Neglect of Duty represented the third greatest type, and saw a decrease of 33% from 2018.

Professional Standards Branch

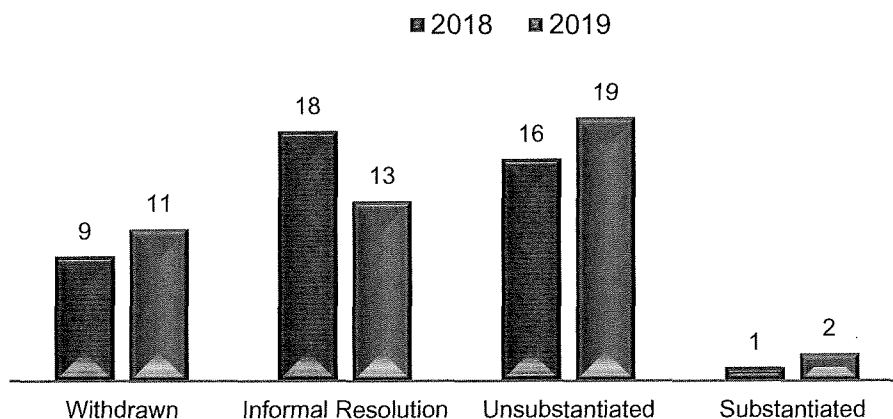
Conduct Complaints Proceeding by Allegation



Disposition of Conduct Complaints

Of the 55 officer conduct investigations, 11 complainants voluntarily withdrew their complaints based on subsequent information provided to them. At the preliminary stages, 13 were resolved by informal resolution, 1 was resolved by enhanced mediation, and 19 allegations of officer misconduct were unsubstantiated by investigators. Only 2 of the original 55 conduct complaints resulted in a finding of misconduct on behalf of the officer, with penalty to be implemented pursuant to the *Hamilton Police Service Discipline Policy*. As of February 25, 2019, 9 of the investigations remain open.

Disposition of Investigated Conduct Complaints

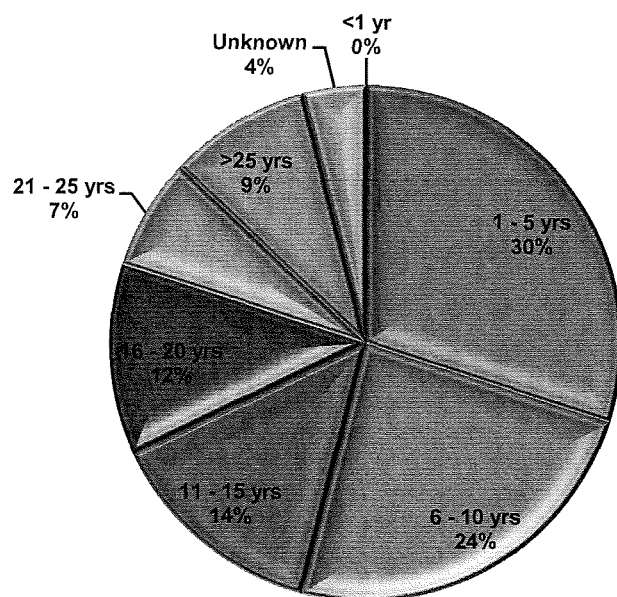


Demographics of Conduct Complaints

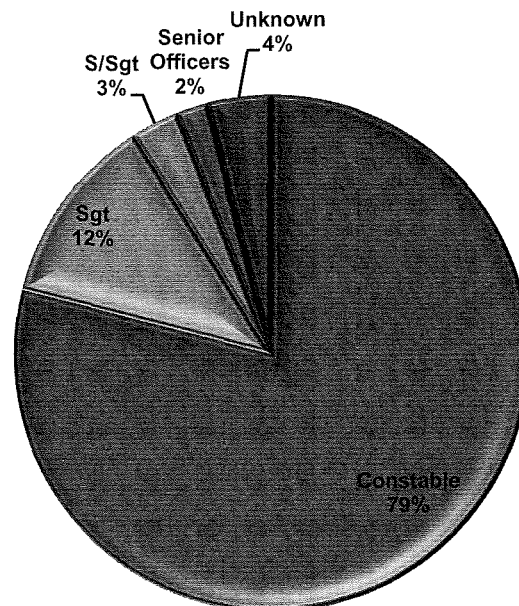
Most conduct complaints involve officers with 1-5 years of experience, as they are typically less experienced uniform police officers who have the highest frequency of contact with members of the public. When looking at the rank of a subject officer, the greatest number of public complaints is made regarding Constables. Similarly, Constables have the most interaction with the general public.

Professional Standards Branch

Years of Service of Subject Officer



Rank of Subject Officer



Service Complaints / Policy Complaints

Service complaints relate to a specific policy and/or processes of the Hamilton Police Service. In 2019, there were 8 service complaints filed against the HPS. Of the 8 service complaints, 4 were unsubstantiated, 3 were deemed by the OIPRD not to be in the public interest or the complainant was not effected by the alleged conduct, and 1 was withdrawn by the complainant. Of the 4 unsubstantiated complaints, 1 related to a delay in conducting an investigation, and the remaining 3 related to police response to a civil disobedience call.

Public Complaint Reviews

In the circumstance that a complainant is not satisfied with the outcome of a complaint investigation, they may request a review by the OIPRD. Complainants have 30 days from the day they are notified of the results to make this request. Once the OIPRD has received the file from the police, they will assess the investigation and determine if the decision is appropriate.⁹

In 2019, the Hamilton Police Service received 3 requests from complainants for an OIPRD review. Two HPS decisions were upheld by the OIPRD. The third is still under review.

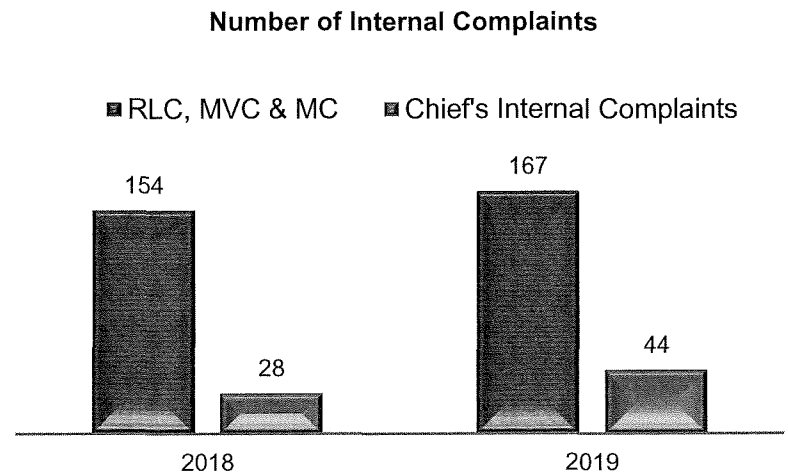
⁹ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Request a Review, www.oiprd.on.ca

Professional Standards Branch

Internal Complaints

Pursuant to the *Police Services Act*, the Chief may cause an investigation to be conducted in relation to the conduct of a police officer employed by the Service. These internal complaints are typically initiated by an HPS member or supervisor. The findings of the investigation are provided to the Chief in a written report and where required, discipline is implemented pursuant to the *Hamilton Police Service Discipline Policy*.

With respect to these investigations, the Chief of Police has separated simple violations such as Red Light Camera violations (RLC), Motor Vehicle Collisions (MVC) and Missed Court (MC) to be investigated by Divisional Commanders. More complex member conduct investigations are investigated by the PSB. These are referred to as a Chief's Internal Complaint.



A total of 211 internal complaints were filed in 2019; a 16% increase from 2018. Specifically, RLC, MVC and MC saw a slight increase of 8% from the previous year; and a 60% decrease in MC incidents, from 10 in 2018 to 4 in 2019. In addition, there were 33 RLC incidents, 130 MVC incidents with 54 of those deeming the officer at fault, while the remaining 76 MVCs were deemed non-preventable.

Allegations of Misconduct

The internal complaints filed in 2019 yielded 234 specific allegations of misconduct. The number of allegations compared to complaints is larger because a single complaint may include multiple HPS members and/or multiple allegations per member. Of the various classifications of alleged misconduct, Damage to Clothing/Equipment was the most frequent at 62%. Damage to Clothing/Equipment is extremely broad and includes all police service collisions, from extremely minor to major and in some instances, multiple allegations per complaint.

Workplace Harassment Investigations

The Hamilton Police Service is committed to providing a respectful work environment in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities for all its 1,111 full and part-time members. Harassment or discrimination is not tolerated in the workplace and all complaints of this nature are investigated thoroughly and in a timely manner.

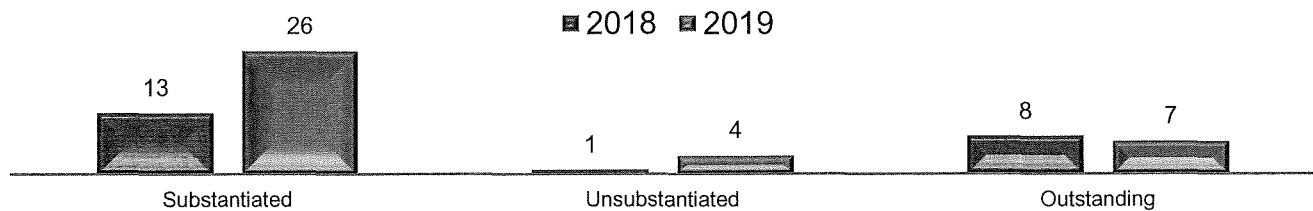
In 2019, there were 7 complaints and/or allegations of workplace harassment. Two of the allegations have been substantiated, 2 were unsubstantiated, 1 is still ongoing, and the investigation into the 2 remaining allegations concluded with no further action required. There were six reported complaints of harassment in 2018.

Professional Standards Branch

Chief's Internal Complaints

Of the 37 internal complaint investigations (exclusive of Harassment Allegations, MC, MVC, and RLC) in 2019, 26, or 70% of the cases of misconduct were substantiated. This is an increase from 2018, where 59% of the complaints were substantiated.

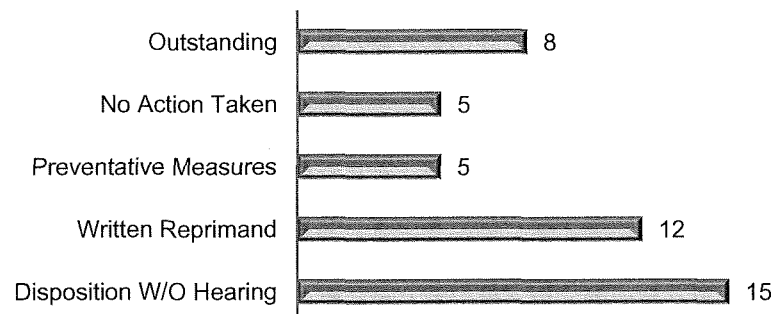
Conclusions of Chief's Internal Complaints



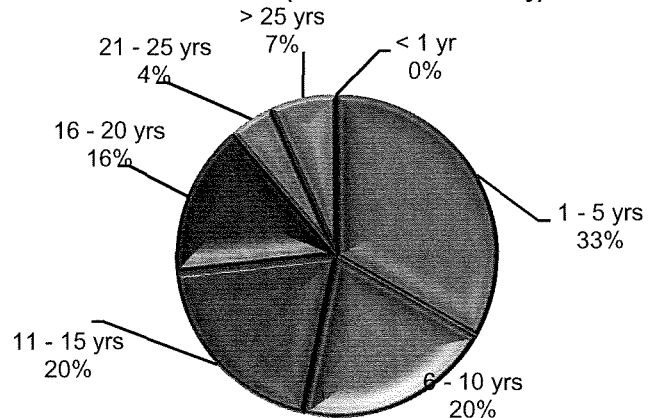
Disposition of Internal Complaints

In the 37 internal investigations, 45 members were identified as subject members. Of the subject members, 60% received corrective discipline. Preventative measures were applied to 11% of subject members. No action was taken against 11%, as either the substance of the allegations were unfounded or the allegations could not be proven through investigation. Outstanding dispositions, including outstanding criminal matters, account for the remaining 18%.

2019 Penalty Dispositions



Years of Service (Sworn Members Only)



Demographics of Internal Complaints

Sworn Officers with between 1 and 5 years of service accounted for 33% of internal investigations, while officers between 6 and 15 years of service represented 40%. These two categories alone represent more than half of the officers with allegations of misconduct.

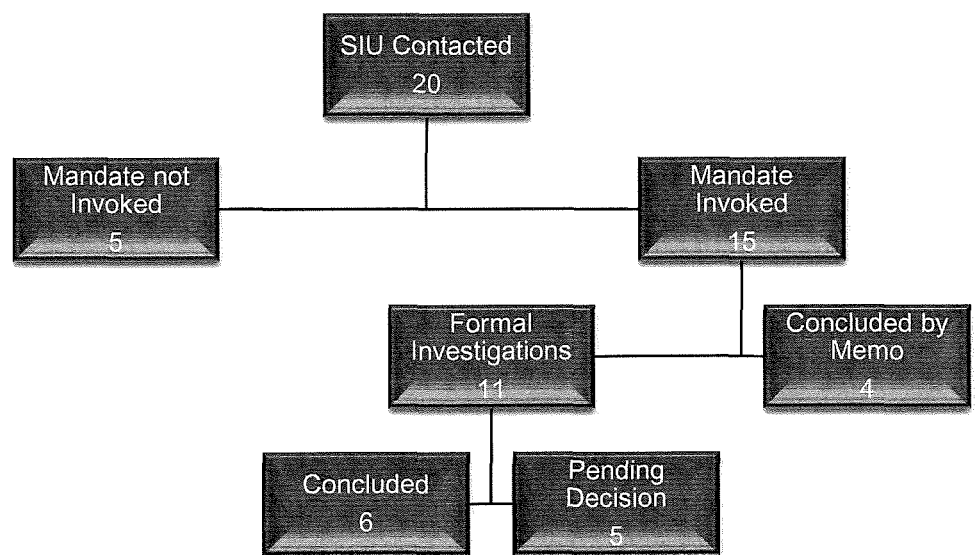
Professional Standards Branch

Special Investigations Unit Incidents

In the pursuit of transparency, the Hamilton Police Service notified the Special Investigations Unit (SIU) on 20 occasions in 2019. The SIU invoked its mandate in 15 of the 20 incidents.

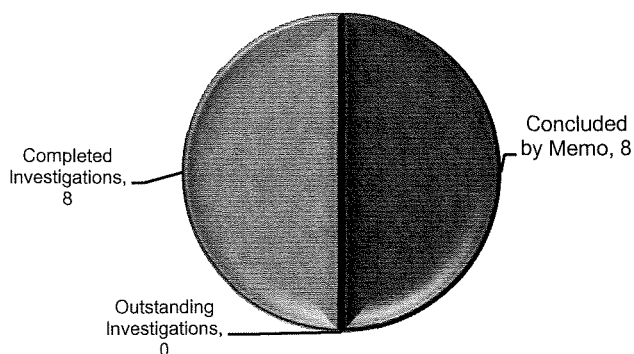
Formal Investigations

Of the 15 SIU investigations, 4 were concluded by memo after the SIU completed a preliminary inquiry and 11 were processed as formal investigations. Out of the 11 investigations, 6 have been concluded. In those incidents, the SIU concluded that reasonable grounds did not exist to believe that the Subject Officer committed a criminal offence. The remaining 5 investigations are pending the Director's decision.

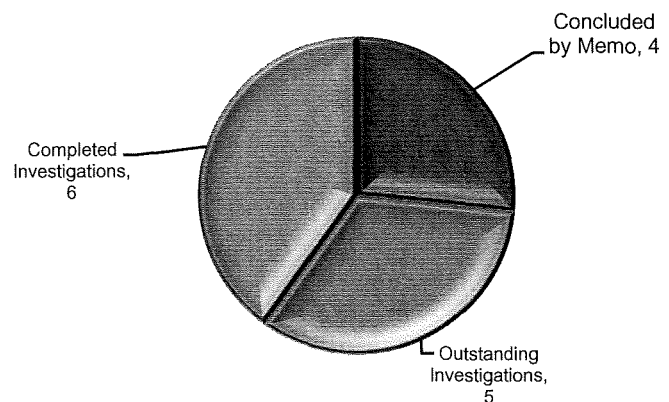


In comparison, the SIU was notified 22 times in 2018 and invoked their mandate in 16 incidents.

Invoked Investigations 2018



Invoked Investigations 2019

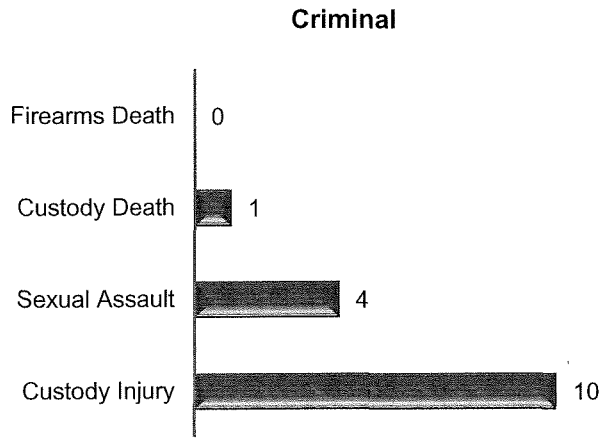


Professional Standards Branch

Criminal Allegations

Out of the 15 incidents where the SIU invoked their mandate in 2019, 10 were classified as a Custody Injury, 4 were classified as a Sexual Assault, and 1 was classified as a Custody Death.

Police custody related injury is the most frequently classified incident involving the SIU. Police Custody Injury and Police Custody Death are not clearly defined and do not specifically mean being physically controlled or being in a custody area of the Hamilton Police Service.



Section 11 Investigations

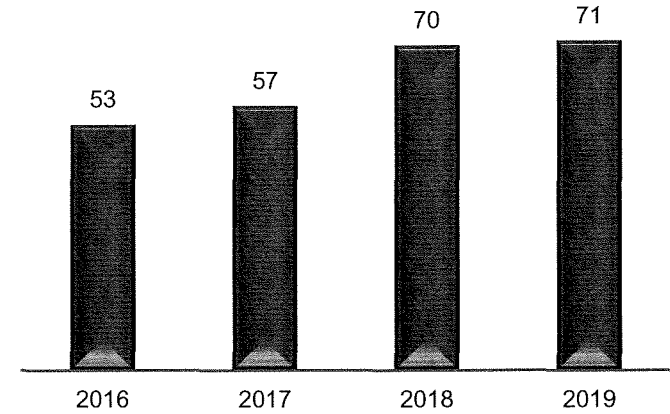
Five Section 11 investigations have been completed by the PSB in relation to the 6 2019 concluded SIU investigations. The 5 Section 11 Investigations have concluded that all HPS policy and procedures were adhered to and no further action was required on the part of the subject officers or the HPS. The sixth Section 11 investigation is ongoing. There are no outstanding Section 11 investigations for 2018. A Section 11 Investigation is not required when an officer is criminally charged by the SIU.

Risk Management

Suspect Apprehension Pursuits

A suspect apprehension pursuit occurs when a police officer attempts to direct the driver of a motor vehicle to stop. The driver refuses to obey the officer and the officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle or identifying the fleeing motor vehicle or an individual in the fleeing motor vehicle.¹⁰

Number of Fail to Stop Reports



Fail to Stop Report

A Fail to Stop report is used by the HPS whenever an officer attempts to stop a motor vehicle and that motor vehicle refuses to stop as directed, whether or not a pursuit is initiated.

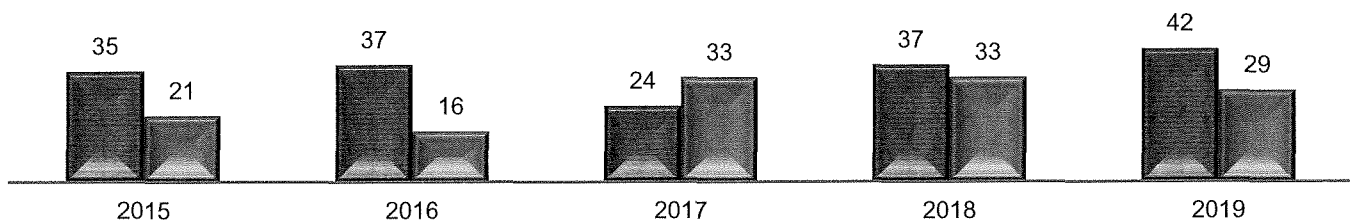
¹⁰ Pursuits, www.e-laws.gov.on.ca

Professional Standards Branch

The total number of Fail to Stop reports submitted for 2019 was 71. This is an increase of less than 2% when compared to 2018. Pursuits were initiated in 59% of the incidents where a Fail to Stop report was submitted.

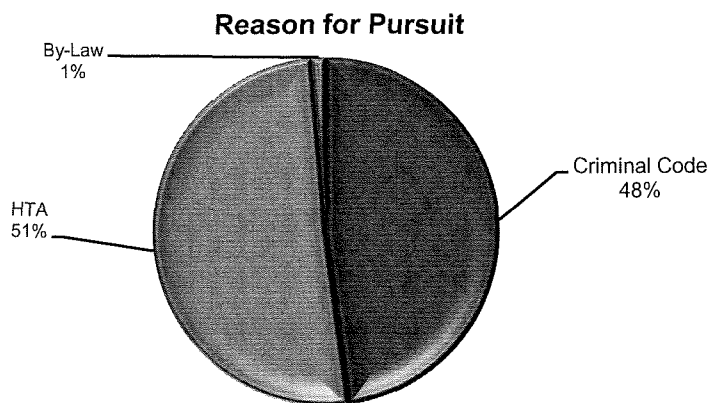
Fail to Stop Report Outcomes

■ Pursuits ■ Pursuits Not Initiated



Of 42 initiated pursuits in 2019, 20 were terminated within 1 km, an additional 13 pursuits were terminated within 1-2 km, 6 were terminated within 2-5 km, 2 were terminated within 5-10 km and 1 exceeded 10 km.

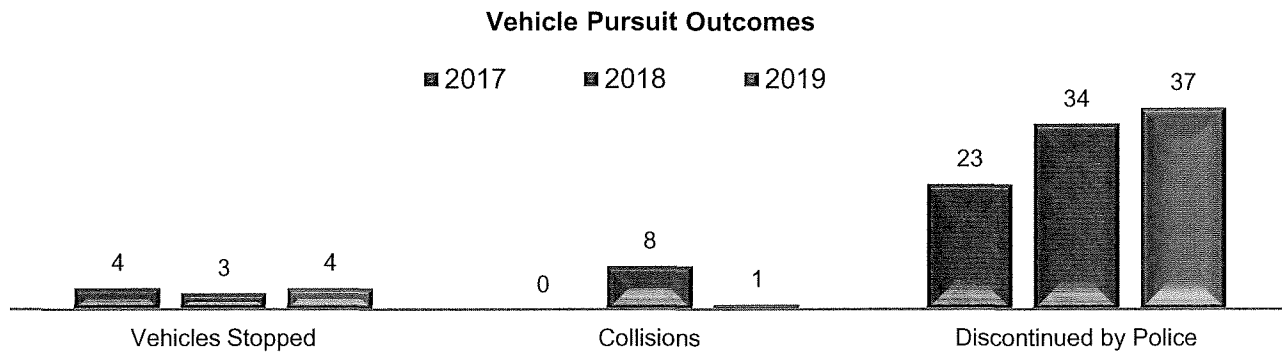
Of the 71 Fail to Stop reports in 2019, 34 were for *Criminal Code* violations, 36 for *Highway Traffic Act* violations and 1 was a by-law infraction.



Pursuit Outcomes

In 2019, officers discontinued 88% of pursuits, which represents 37 of the total 42 pursuits. In 2018, pursuits were discontinued 92% of the time.

Professional Standards Branch



Commendations and Citizen Awards and Letters

The Hamilton Police Service received 80 Good News letters in 2019. This is reflective of the quality service that our members are providing to our communities. In addition to this recognition by members of the public, the Hamilton Police Service also recognized members of the Service and members of our communities in 2019 through various acknowledgements including:

- Issuance of 39 letters of recognition to members of the public.
- Awarded 19 members with the Member of the Month Award.
- Six members received the Chief's Pride Award.
- Issuance of 174 commendations to members for exemplary service.

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Year-End Report: Youth Crime – 2019*
PSB 20-034

BACKGROUND:

The attached Youth Crime Report provides a summary and reflection of 2019 youth crime trends, as well as the continued commitment to youth engagement by the Hamilton Police Service (HPS). Our overall approach to youth crime and youth services for 2019 is guided by our Strategic Approach to Youth Crime.

The total number of youth (ages 12-17) involved in crime in the City of Hamilton for 2019 was 1,089. This represents an overall decrease of 16.8% in youth involvement with crime, whereas the national decrease is 11%.

- Youth involved in violent crimes decreased by 12.4% in 2019 from 2018
- Youth involved in property crimes decreased by 21.4% in 2019 from 2018
- Youth involved in drug offences decreased by 34.5% in 2019 from 2018

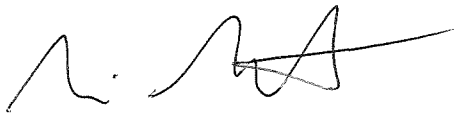
The HPS continued to find new ways to engage and educate youth to decrease youth crime and violent crimes, wherever possible. The HPS School Liaison Officers, Community Youth Officers, and Divisional Youth Officers have continued to participate in intelligence led policing initiatives, liaising with front-line officers in areas including the Strategic Targeted Offender Program (STOP) and school drug sweeps. The statistics captured in this report for these two areas are proof that the School, Community and Divisional Youth Officers are working in a positive and proactive role with front-line Patrol.

In 2019, the goals of Hamilton Police Youth Services were adopted by the HPS 2019-2021 Business Plan:

- Community Safety: to ensure the safety of the communities we serve.
- Engagement and Partnerships: To foster effective relationships with all of our communities.

- People and Performance: To increase professional development, leadership and training opportunities.

The Annual Report outlines the internal and external programs and initiatives in which the HPS and community partners engage in collaboratively to reduce youth crime in our community and contribute to the achievement of these goals.

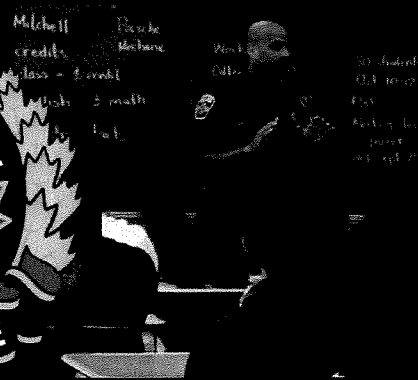


Eric Girt
Chief of Police

EG/W. Mason

Attachment: *Youth Services Annual Report - 2019*

cc: Ryan Diodati, Deputy Chief – Support
Will Mason, Superintendent – Community Mobilization Division



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HAMILTON POLICE SERVICE YOUTH SERVICES ANNUAL REPORT

SUBMITTED BY
Sergeant Jason Tadeson
Community Mobilization Unit



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EXECUTIVE SUMMARY

The total number of Youth (ages 12-17) involved in crime in the City of Hamilton for 2019 has decreased since 2018. Nationally, the number of youth involved in crime has steadily decreased since 2009¹ and Hamilton has mirrored this trend. In 2019, 1,089² youths were involved in crime, compared to 1,310 in 2018. This represents an overall decrease of 16.8% youth involved with crime whereas the national decrease is 11%³.

The demographics of youth between the ages of 12 and 17 continue to decrease, albeit slightly; 0.67% less than 2018. In 2019, there were 34,394 youths in the City of Hamilton between the ages of 12 and 17 with 16,973 females⁴ and 17,421 males⁴.

In keeping with the principles of the **Youth Criminal Justice Act** - "Extrajudicial Measures" are often the most appropriate and effective way to address youth crime⁵. (No Further Action, Warning, Police Caution or Diversion).

Violent crimes decreased by 12.4%. In 2018 – 508 youths were involved in violent crimes versus 445 in 2019. Of the 445 involved youth, 205 were charged with a violent crime and 53.9% received an extrajudicial measure.

Property crimes decreased by 21.4%. In 2018 - 471 youth were involved in property crime versus 370 in 2019. Of the 370 involved youth, 87 were charged with a property crime and 76.4% received an extrajudicial measure.

Drug offences decreased by 34.5%. In 2019 - 91 youths were involved in drug offences versus 139 youths in 2018.

- 27.4% or 25 of the 91 youth were charged under the **Controlled Drug Substance Act** with 1 youth extrajudicial measure.
- 2.1% or 2 of the 91 youth were charged under the **Federal Cannabis Control Act, 2017** (more than 5 grams) with 11 youth extrajudicial measures.
- 57.1% or 52 of the 91 youth were charged under the **Provincial Cannabis Control Act, 2017** (less than 5 grams) and received the following Provincial Offence Notices:
 - Person under 19 years – possess cannabis 10(1) = 46
 - Person under 19 years – consume cannabis 10(1) = 4
 - Person under 19 years – distribute cannabis 10(1) = 1
 - Person under 19 years – harvest cannabis 10(2) = 1

The Hamilton Police Service continued developing innovative and strategic approaches to assist our youth in partnership with our community relating to safety, engagement, education and consultation to decrease youth crime and violent crimes, wherever possible. The Hamilton Police continued with intelligence led policing initiatives such as the Strategic Targeted Offender Program (S.T.O.P.), school drug and safety sweeps. The statistics captured in this report substantiate the Community Service, School Liaison and Divisional Youth Officers positive and proactive roles within our service and our communities.

¹ Police-reported crime statistics in Canada, July 22, 2019, Statistics Canada

² H.P.S. Niche data effective January , 2019

³ Police-reported crime statistics in Canada, July 22, 2019, Statistics Canada

⁴ Hamilton Police Service Planning and Research

⁵ Youth Criminal Justice Act, s. 4(a)

2019 STRATEGIC APPROACH TO YOUTH CRIME

This report will highlight youth crime trends for 2019 and the Strategic Approach as adopted by the Hamilton Police Service 2019 – 2021 Business Plan:

COMMUNITY SAFETY



OBJECTIVE: To ensure the safety of the communities we serve

PRIORITIES: *Crime trends, public safety, communication, harm reduction*

ENGAGEMENT & PARTNERSHIPS



OBJECTIVE: To foster effective relationships with all of our communities

PRIORITIES: *Community participation, volunteers, information sharing*

PEOPLE & PERFORMANCE



OBJECTIVE: To increase professional development, leadership and training opportunities

PRIORITIES: *Training, leadership, member communication*

Youth Crime by Division

The City of Hamilton is divided into three policing divisions. Division One is comprised of the downtown inner city area, Division Two is comprised of the city's east end, Stoney Creek and Stoney Creek Mountain and Division Three is comprised of the Mountain, Ancaster, Dundas, Waterdown and outlying areas. The City of Hamilton's population is approximately 536,930⁶. Division One contains 104,655 people (19% of the overall population), Division Two contains 171,495 people (32% of the total population) and Division Three contains 260,780 people (49% of the total population).

In 2019, a higher rate of youth crime occurred in Division Three, due to the highest population within the city followed by Division Two and Division One.

Youth Crime by Division 2019				
	Males Charged	Females Charged	Not Charged	Totals
Division 1	128	32	139	299
Division 2	118	48	179	345
Division 3	122	46	277	445
Totals	368	126	595	1089

Youth Crime by Division %Youth Involved vs % Divisional Population	
%Youth Involved in Crime	%Population

⁶ City of Hamilton web-site, February 2017

Division 1	27.5%	19%
Division 2	31.7%	32%
Division 3	40.9%	49%

2019 STRATEGIC APPROACH TO YOUTH CRIME

The Hamilton Police Service through the Youth Services Coordinator, Community Service, School Liaison and Divisional Youth Officers continued working in partnership with Front Line Officers, the Crime Prevention Unit and Investigative Services addressing youth crime, prevention and intervention initiatives. The Divisional Youth and School Liaison Officers are responsible for the coordination and implementation of the Strategic Targeted Offender Program (S.T.O.P.), the Extrajudicial Measures Diversion Program and the Hamilton Youth Drug Diversion program which incorporated drug and safety sweeps with all city schools.

In addition, the Community Service, School Liaison and Divisional Youth Officers provided presentations within our elementary and secondary schools on subjects including personal safety, social media, human trafficking, internet safety, bullying, vaping and cyber-bullying. The officers investigated school related incidents and participated in Formal and Informal Restorative Justice Circles. The table below provides a summary of their duties in responding to crime, emergency planning and school visits maintaining meaningful, positive and trusting relationships within our communities.

	Division 1	Division 2	Division 3	Totals
Number of Schools	33	55	108	196
Community Service Officers	1	1	3	5
Elementary Schools	23	48	87	158
School Liaison Officers	2	2	2	6
Secondary Schools	10	7	21	38
Divisional Youth Officers	Officers above	2	1	3
Presentations	140	101	214	455
School Visits	678	801	1,017	2,496
Meetings	64	278	173	515
Investigations	235	307	296	838
Informal Restorative Justice	57	10	20	87
Formal Restorative Justice	7	0	2	9
School Lockdown Drills	15	72	111	198
Days Seconded to Patrol/Other Duties	39.5	22	42	103.5

**** Most Serious Violation Code As Of 2020/02/11 ****

Of the 559 overall youth calls for service, 190 or 34% were school related incidents in all three Divisions.

	Youth Overall (Male, Female, Not Charged)	2019			
		Overall	School Involvement		
			Div 10	Div 20	Div 30
Assaults (Level 1, Aggravated, Weapon) 1410, 1420, 1430	239	90 (38%)	11	27	52
Homicide (Murder, Manslaughter, Causing Death) 1110, 1120, 1130, 1140, 1150, 1160	4	1 (25%)	0	1	0
Possession of Weapons 3375	24	16 (67%)	3	1	12
Uttering Threats / Harassment / Harassing Communications 1625, 1626, 1627	88	47 (53%)	9	10	28
Robbery 1610	72	11 (15%)	4	4	3
Mischief 2170	85	16 (19%)	3	5	8
Theft Under 2140	47	9 (19%)	1	3	5
Total	559	190 (34%)	31	51	108

Youth Service Coordinator

The Hamilton Police Service, through the office of the Youth Service Coordinator, collaborates and partners with various community agencies, stakeholders and organizations augmenting our vision to be a trusted partner in delivering public safety.

- ✓ Violent Threat Risk Assessment (V.T.R.A.) Protocol Intervention Committee;
- ✓ Youth with Complex Suicidal Needs (Y.C.S.N.) Protocol Intervention Committee;
- ✓ The Hamilton Drug Strategy Prevention Committee;
- ✓ The John Howard Society;
- ✓ The Active Sustainable Safe Transportation Routes Committee;
- ✓ The Week of the Child and Youth Committee;
- ✓ The Ontario School Safety Education Officers Community Committee (O.S.S.E.O.C.);
- ✓ The Committee of Youth Officers for the Province of Ontario (C.O.Y.O.);
- ✓ The Chief's Student Advisory Board Committee;
- ✓ The School Board Liaison Committee;
- ✓ The Youth Justice Committee;
- ✓ The Chief's Standing Committee on Police Interactions with People in Crisis;
- ✓ The Street Youth Collaborative Front Line Advisory Committee (F.L.A.C.);
- ✓ The Greater Toronto Area Extrajudicial Measures Committee;
- ✓ The Hamilton Wentworth Catholic District School Board's Emergency Protocol Committee;
- ✓ The Fetal Alcohol Spectrum Disorder Network;
- ✓ The Age of Protection Committee;
- ✓ The Hamilton Youth Strategy Committee;
- ✓ The Probation and Parole Youth Officers Committee;
- ✓ The Y.M.C.A. - Newcomers Orientation Week (N.O.W.);
- ✓ The Youth Serving Agencies Network (Y.S.A.N.) Committee;
- ✓ The Youth Engagement Series (Y.E.S.) INITIATIVE.

The Youth Services Coordinator delivered presentations on:

- ✓ Road to Mental Readiness (R.2.M.R.) – The Working Mind;
- ✓ The Strategic Approach to Youth Crime;
- ✓ Extrajudicial Measures and Diversions;
- ✓ Youth in Crisis;
- ✓ Youth Crime;

- ✓ Youth and Drugs;

The Youth Service Coordinator presented School Lockdown and Immediate Rapid Deployment

The purpose of the presentation is to convey awareness and education amongst our community partners in relation to "Immediate Rapid Deployment" (I.R.D.) encompassing historical events which has guided current policing principles and fundamentals. The presentations provided a summary of all roles and duties in relation to Immediate Rapid Deployment occurrences.

- The Hamilton Wentworth Catholic District School Board Health and Safety Committee – 200 attendee's;
- The Hamilton Wentworth Catholic District School Board Development Day – 100 attendee's;
- The Ontario School Boards Insurance Exchange Conference (O.B.S.I.E.) – 100 attendee's;
- The Hamilton Catholic Children's Aid Society – personnel training – 5 sessions – 120 attendee's;
- The Hamilton Police Service – Communications Yearly Training – 7 sessions - all communications staff;
- The Hamilton Police Service – New Hire Communication personnel – 3 sessions.

Youth Service Coordinator presented to Media and Community:

- Live interview on CHML – "The Bill Kelly" radio show - "2018 Youth Crime in Hamilton";
- CHCH news interview – "2018 Youth Crime in Hamilton";
- The "2018 Annual Youth Crime Report" to the Hamilton Police Services Board (Broadcasted).

Cram a Cruiser

The Youth Service Coordinator assisted with organizing, and facilitating the CRAM-A-CRUISER event in partnership with Hamilton Food Share, Hamilton School Boards and Hamilton Police Service School Liaison Officers, Cadets, Auxiliaries and Mohawk College Placement Students.

The event experienced an increase of community partners surpassing previous CRAM-A-CRUISER events:

- ✓ over 15,000 pounds of food
- ✓ \$6,282.85 donated from Project Concern, A.M. Cunningham School and a private benefactor.

The food donations were distributed among 12 Hamilton Food Banks with every dollar raised equaled \$10.00 in food.

Violence Threat Risk Assessment (V.T.R.A.)

As per the "Violence Threat Risk Assessment" (V.T.R.A.) protocol, all Hamilton School Boards, the Hamilton Police Service and our community stakeholders are committed to the safety of all students, visitors and staff. As a result, the Hamilton School Boards will take appropriate action with any student(s) behaviours that are deemed to pose a potential risk to other students, staff and members of our community. It is anticipated early intervention support measures from the school boards and community partners will assist in the prevention of school violence. The Hamilton Police Service participated in Violence Threat Risk Assessments (V.T.R.A.) collaborations throughout 2019.

2nd Annual Back to School Shopping Event

The Youth Services Coordinator volunteered with the facilitation and administration of the 2nd Annual Eastgate Square Back to School Shopping Event. The event provided children and youth within our community the opportunity to purchase back to school items in partnership with Eastgate Square, Eastgate Square Merchants

and Hamilton Police Service members in a volunteering capacity. In 2019, the event assisted sixteen children and youth at \$400.00 each for their shopping experience, an increase of two participants from 2018.

Community Service, School Liaison and Divisional Youth Officers

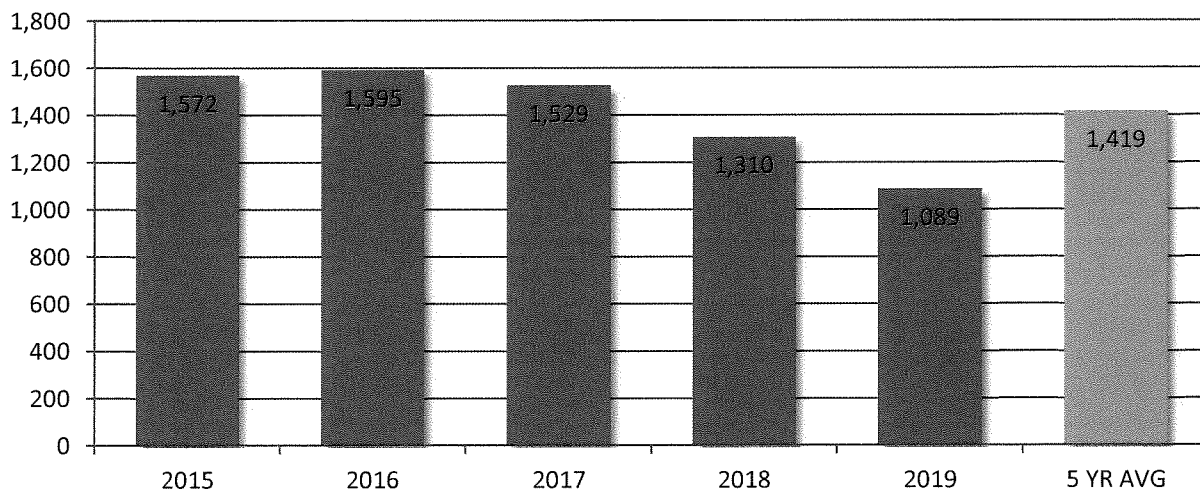
The Hamilton Police Service remains committed to increase training opportunities for our Community Service, School Liaison and Divisional Youth Officers. In 2019, Officers received the following training:

- ✓ Fourteen Officers received the four hour “Youth Diversion” Training with the John Howard Society;
- ✓ Thirteen Officers received the eight hour “Formal Restorative Justice” Training;
- ✓ Twelve Officers attended the three day “CO.Y.O.” conference in Niagara Falls, Ontario;
- ✓ Nine Officers attended the Safe “Schools Seminar” in Buffalo, New York;
- ✓ Four officers attended the one week “O.P.P. Indigenous Awareness” Training in Barrie, Ontario;
- ✓ Four Officers attended the “Human Trafficking” seminar in Hamilton;
- ✓ Five Officers received “ComKids” Training in Hamilton;
- ✓ Three Officers attended the “Guns and Gangs” conference in Peel Region;
- ✓ Two Officers attended the “Youth Mental Health Workshop” at the Ron Joyce Centre;

Total Youth Involved in Crime

Overall, youth involved in crime decreased from 1,310 in 2018 to 1,089 in 2019, a decrease of 16.8% compared to the national decrease of 11%⁷.

Total Youth Involved In Crime
2015 - 2019 (Ages 12 - 17)



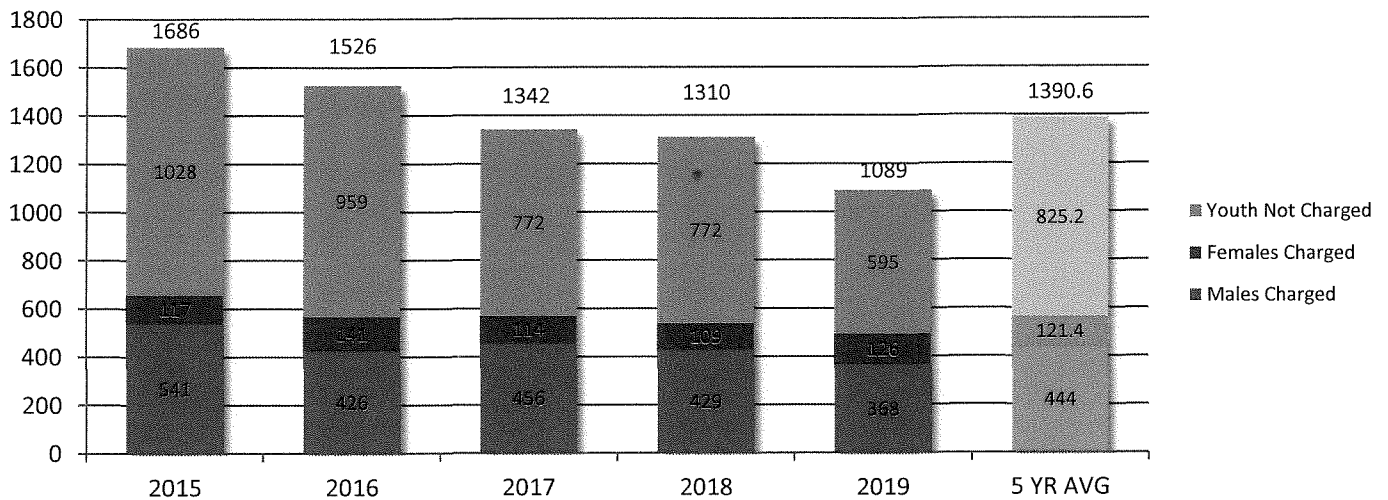
Total Number of Youth Charged and Not Charged

In 2019 - 1,089 youth were involved in crime with 494 charged, (368 males and 126 females). The remaining 595 or 54.6% received an extrajudicial measure (No Further Action, Warning, Police Caution or Diversion).

In 2018, 1,310 youth were involved in crime with 538 charged, (429 males and 109 females). The remaining 772 or 59% received an extrajudicial measure.

⁷ Police-reported crime statistics in Canada, July 22, 2019, Statistics Canada

Total Youth Charged and Not Charged 2015 - 2019 (Ages 12 - 17)

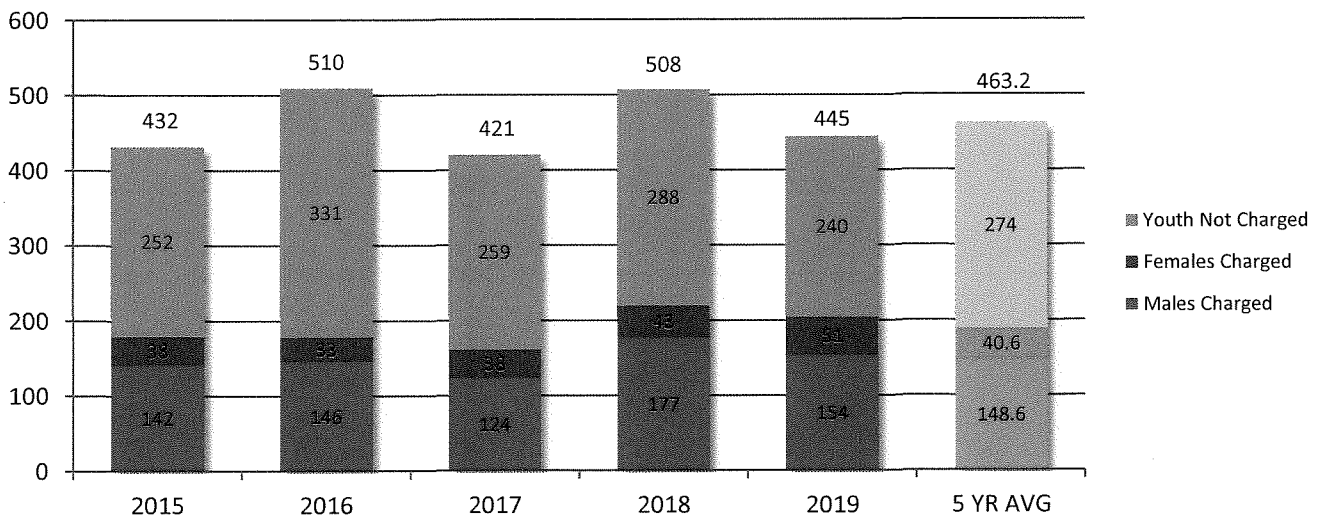


Total Youth Involved in Violent Crime

In comparison to 2018, the 2019 Hamilton data identified a decrease in violent crime by 12.4%. In 2018 – 508 youths were involved in violent crimes with 220 youth charged and 56.7% receiving an extrajudicial measure.

In 2019 - 445 youths were involved in violent crime with 205 charged and 53.9% received an extrajudicial measure.

Youth Involvement In Violent Crime 2015 - 2019 (Ages 12 - 17)

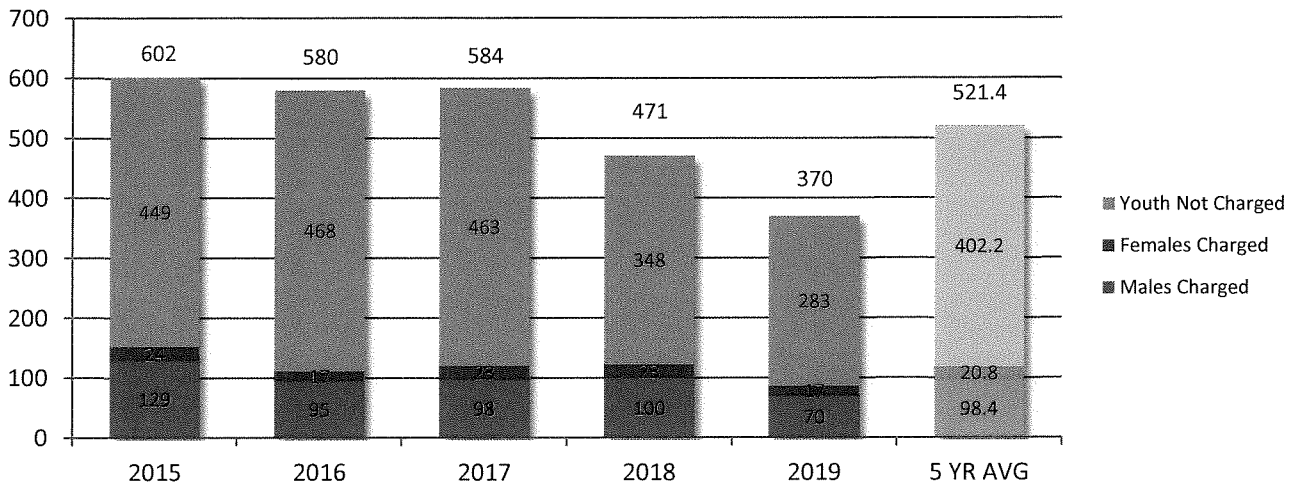


Total Youth Involved in Property Crime

Youth involved in property crime decreased by 21.4%, from 471 in 2018 to 370 in 2019. Of the 370 involved youth, 87 were charged with 76.4% receiving an extrajudicial measure.

In 2019, the three most frequent youth property offences were Shoplifting (122), Mischief (81) and Break and Enter (44).

Youth Involvement In Property Crime 2015 - 2019 (Ages 12 - 17)



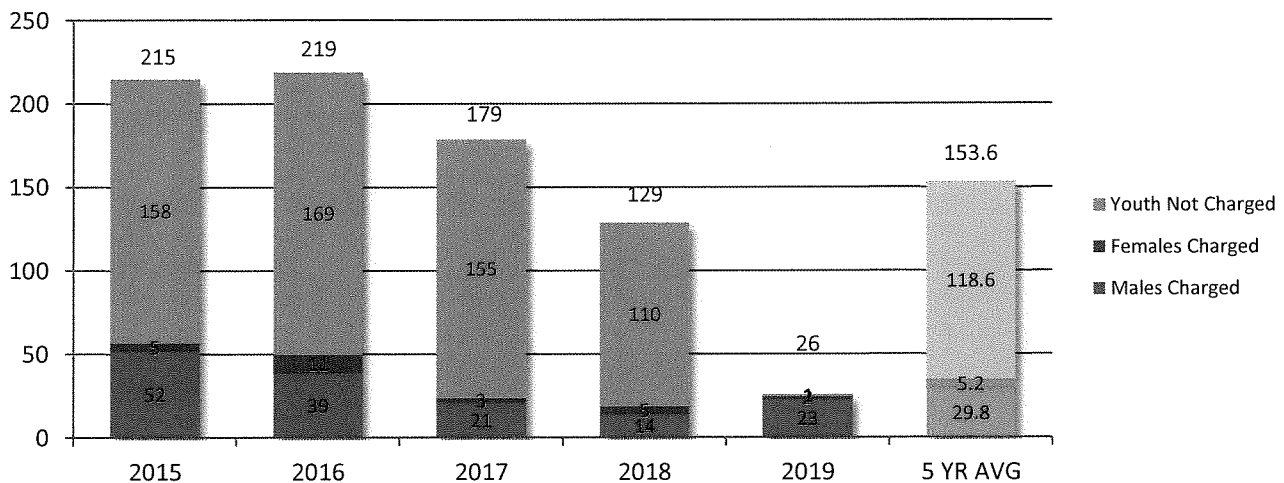
Total Youth Involved in Drug Offences

In 2019, 91 youths were involved in overall drug offences. This is a decrease of 34.5% when compared to 139 youths in 2018.

Controlled Drug Substance Act (C.D.S.A.)

- 27.4% or 25 of the 91 youth were charged under the **C.D.S.A.** with 1 youth extrajudicial measure.

Youth Involvement In C.D.S.A. Drug Offences 2015 - 2019 (Ages 12 - 17)



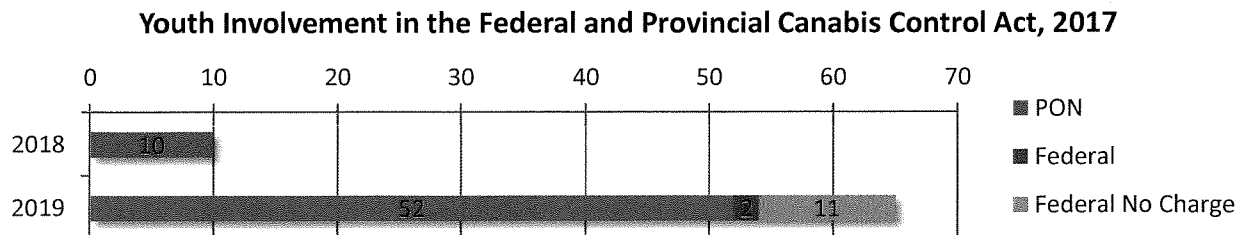
Federal Cannabis Control Act, 2017

- 2.1% or 2 of the 91 youth were charged under the **Federal Cannabis Control Act, 2017** (more than 5 grams) with 11 youth extrajudicial measures.

Provincial Cannabis Control Act, 2017

- 57.1% or 52 of the 91 youth were charged under the **Provincial Cannabis Control Act, 2017** (less than 5 grams) and issued Provincial Offence Notices.

	Possess Cannabis 10(1)	Consume Cannabis 10(1)	Distribute Cannabis 10(1)	Harvest Cannabis 10(2)
Person Under 19 Years	46	4	1	1



Of the 1,089 total youth involved in crime, 8.3% were drug related offences resulting in 79 charges and 13.1% extrajudicial measures.

Youth Crime by Offence

In 2019, the five most frequent youth offences were Assault Level One (164), Shoplifting (122), Mischief (81), Bail Violations (70) and Utter Threats (68). The chart represents 15 offences that constitute 85.3% youth involvement in crime.

2019 - Youth Involvement in Crime by Frequency of Offence (Top Fifteen)					
Offence	Males Charged	Females Charged	Not Charged (%)	Total 2018-2019	Percentage Increase / Decrease 2018 / 2019
Assault – Level One	23	34	107 (65.2%)	216 / 164	-24.0%
Shoplifting \$5000 or under	0	3	119 (97.5%)	187 / 122	-34.6%
Mischief	7	2	72 (88.8%)	96 / 81	-15.6%
Bail Violations	38	28	4 (5.7%)	71 / 70	-1.4%
Utter Threats	13	1	54 (79.4%)	44 / 68	+54.5%
Possession of Cannabis (Federal and Provincial)	2 Federal 52 Provincial	0 Offence Notices	11 (88.6%) 0 (0.0%)	13 52 115 / 65	-43.4%
Assault – Level Two	33	9	23 (33.3%)	77 / 65	-15.5%
Robbery	50	5	9 (14.0%)	84 / 64	-23.8%
Break and Enter	24	0	20 (45.4%)	44 / 44	0%
Theft Under \$5000	3	3	36 (85.7%)	61 / 42	-31.1%
Sexual Assault	17	1	21 (53.8%)	38 / 39	+2.6%
Probation Violations	20	12	6 (15.7%)	37 / 38	+2.7%
Failure to Attend Court	19	5	0 (0.0%)	41 / 24	-41.4%
Possession of Weapons	8	1	12 (57.1%)	7 / 21	+200%
Theft of Motor Vehicle	10	4	7 (33.3%)	20 / 21	+5.0%

Strategic Targeted Offender Program (STOP)

The Strategic Targeted Offender Program (S.T.O.P.) is specifically directed at High Risk Youth⁸ charged formally and not abiding by conditions of release. The S.T.O.P. program is a way for officers to follow up and ensure the youth are compliant with their court imposed conditions. The number of youths arrested outside of the S.T.O.P. checks would suggest the program has identified the correct youth to be in the program.

In 2019, there were 776 S.T.O.P. checks resulting in 68 total arrests, which is the same number of arrests as in 2018.

2019 - Strategic Targeted Offender Program (STOP)					
Division	Number of STOP Targets	Number of STOP Checks	Targets Arrested As Result Of STOP Checks	Targets Arrested Outside Of STOP Checks	Total
Div. 1	9 avg. per month	51	2	10	12
Div. 2	16 avg. per month	410	10	24	34
Div. 3	24 avg. per month	315	4	18	22
Total	16 avg. per month	776	16	52	68

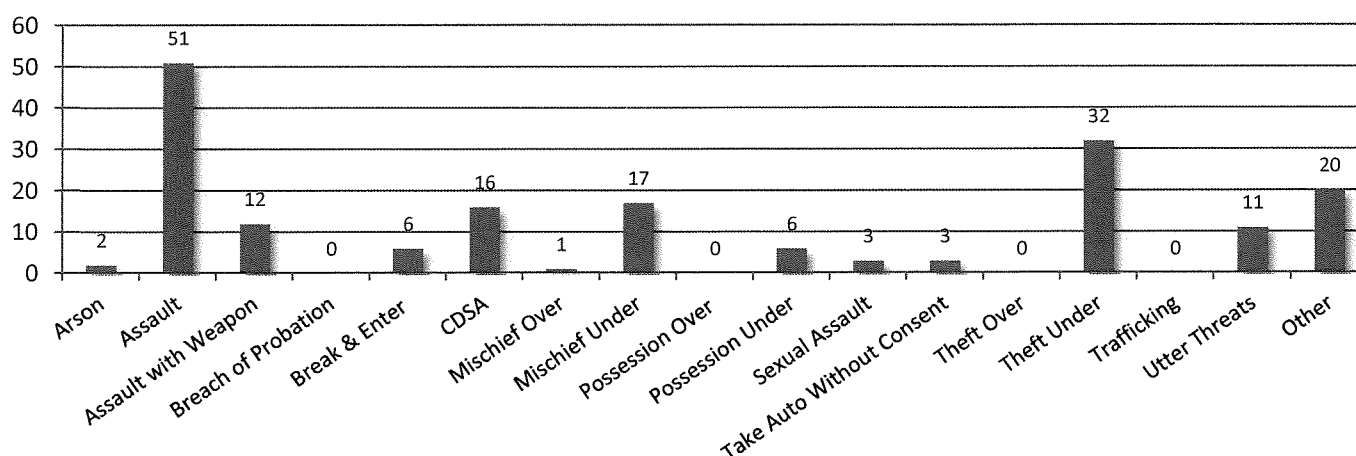
2018: 799 S.T.O.P. Checks, 68 Total Arrests

Intervention Programs

The Hamilton Police Service are active members with the John Howard Youth Justice Committee (YJC), Hamilton Youth Justice Committee (HYJC), The Greater Toronto Area Extrajudicial Measures Committee (GTAEJM) and the Hamilton Youth Drug Diversion Program (HYDDP). As per the requirements of the Youth Criminal Justice Act (YCJA), the Hamilton Police Service has a formal agreement with the John Howard Society to operate the Extrajudicial Measures Diversion Referral Program. The program educates youth diverted from the judicial system about their actions and the impact within our communities.

In 2019, the John Howard Society received 167 Extrajudicial Measure Diversion Referrals from the Hamilton Police Service. This is a 52.2% increase from the 109 referrals made in 2018. The majority of referrals were for Assault Level 1 (51), Theft Under (32), Mischief (17), C.D.S.A. (16) and Utter Threats (11). Of the 167 referrals, 88% of the youth completed their designated diversion program.

2019 Diversions by Offence



Hamilton Youth Drug Diversion Program (HYDDP)

⁸ HPS Policy and Procedure 4.3.1

In support of the Hamilton Police Service goal of reducing the availability and use of illegal drugs in our community, the Hamilton Police Service Youth Officers, Crime Managers and High Enforcement Action Team (H.E.A.T.) attended secondary schools to conduct drug and safety sweeps. If a youth was found in contravention of the Controlled Drug Substance Act and/or the Cannabis Control Act and qualified, an Extrajudicial Measures referral was forwarded to The John Howard Society of Hamilton, Burlington and Area in lieu of criminal charges. The goal of the diversion program is to decrease the number of youth who are in contact with the police and to educate on school based drug offences.

In 2019, a total of 57 Drug and Safety Sweeps were conducted resulting in 12 youth arrested, 10 youth charged, 9 police cautions and 5 youth referrals to the diversion program.

Drug and Safety Sweep Totals - 2019									
Division	Number of Sweeps	Number Arrested	Persons Charged	Pre-Charge Diversion	Police Cautions	Marijuana Seized (in grams)	Other Drugs Seized	Drug Items Seized	Weapons Seized
One	7	6	1	5	0	23.2 g	4	5	0
Two	47	5	7	0	7	182.6 g	21	3	2
Three	3	1	2	0	2	5.2 g	0	1	0
Totals	57	12	10	5	9	211 g	25	9	2

2018: 41 Sweeps, 30 Arrests, 2 Charged, 4 Diversions, 40 Cautions

Youth in Crisis

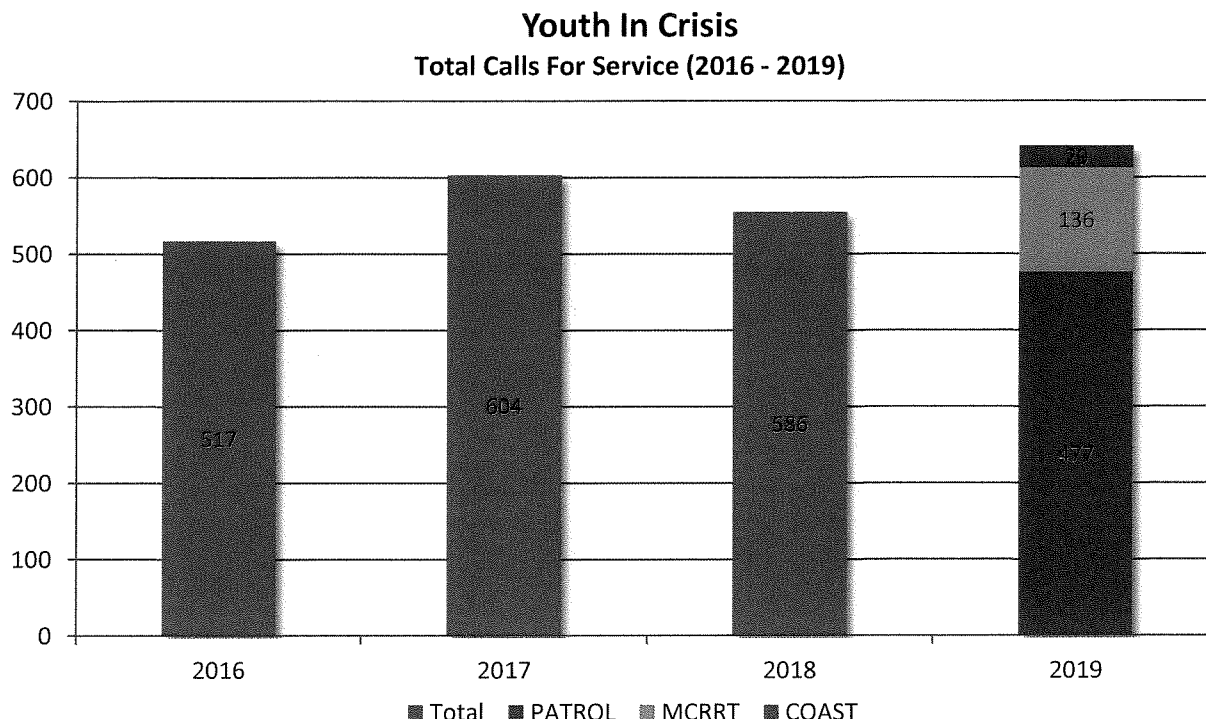
In 2014, the Chief's Student Advisory Committee are secondary school students within the City of Hamilton and identified youth mental health as a critical concern. Training opportunities are afforded to our youth officers on mental health to comprehend and identify youth in crisis. To assist youth in crisis, the St. Joseph's Health Care Youth Wellness Center continues in partnership with the Hamilton Police Service, the Mobile Crisis Rapid Response Team (M.C.R.R.T.), the Social Navigator Program (S.N.P.), the C.O.A.S.T. Program, Ron Joyce Centre and McMaster Children's Hospital to engage and assist youth who experience mental health crisis.

In 2019, The Hamilton Police Service responded to 350 youth between 12 and 18 years of age for a Mental Health or Person in Crisis service call versus 401 youth in 2018, a decrease of 12.7%.

Of the 350 youth, 151 were male, 197 were female and 2 identified as other with 101 of the youth accessing services more than once, an increase of 57.8% or 64 youth from 2018.

In 2019, a total of 642 calls for service occurred compared to 586 calls in 2018, an increase of 9.5%.

As a result of the service calls, 384 youth were apprehended under the Mental Health Act, an increase of 16.0% from the 331 apprehensions in 2018.



Unit	Calls	Apprehensions
PATROL	477	314
MCRRT	136	70
COAST	29	0
TOTAL	642	384

Conclusion

In 2019, total youth involved in crime decreased by 16.8% and which is greater than the National decrease of 11%⁹. As per the chart below, youth involvement with violent crime decreased by 12.4%, property crime decreased by 21.4% and drug offences decreased by 34.5%.

The Youth Criminal Justice Act clearly states the promotion of long term protection within our communities is best achieved through intervention, prevention and suppression via positive engagement with youth in a meaningful approach opposed to the formal justice system. The Hamilton Police Service will continue developing innovative and strategic methods that will assist our youth in partnership with our community to ensure safety, engagement, education and consultation.

	2018	2019	Percentage Increase / Decrease
Total Youth Involved in Crime	1,310	1,089	-16.8%
Total Youth Charged and Not Charged			

⁹ Police-reported crime statistics in Canada, July 22, 2019, Statistics Canada

Males Charged	429	368	-14.2%
Females Charged	109	126	+15.6%
Not Charged	772		-22.9%
Youth Involvement in Violent Crime			
Males Charged	177	154	-12.9%
Females Charged	43	51	+18.6%
Not Charged	288	240	-16.6%
Total	508	445	-12.4%
Youth Involvement in Property Crime			
Males Charged	100	70	-30.0%
Females Charged	23	17	-26.0%
Not Charged	348	283	-18.6%
Total	471	370	-21.4%
Youth Involvement in Drug Offences			
Controlled Drug Substance Act			
Males Charged	14	23	+64.2%
Females Charged	5	2	-60.0%
Not Charged	106	1	-99.0%
Total Controlled Drug Substance Act – C.D.S.A.	125	26	-79.2%
Cannabis Control Act, 2017			
Federal Cannabis Act, 2017 (Post Oct. 17th, 2018)			
Males Charged	0	2	+2%
Females Charged	0	0	0%
Not Charged	4	11	+175%
Total	4	13	+225%
Provincial Cannabis Act, 2017 (Post Oct. 17th, 2018)			
Total Provincial Offence Notices Issued	10	52	+420%
Totality of all Drug Related Charges	139	91	-34.5%

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Year-End Report: Traffic Statistics - 2019*
PSB 20-036

BACKGROUND:

The Hamilton Police Service (HPS) has developed a year-long Road Safety Education and Awareness Campaign. The goal is to raise understanding of driver and pedestrian safety rules and gain compliance on the use of safety equipment. The goal of these programs was to reduce motor vehicle collisions (MVCs) in Hamilton.

The 2019 Traffic Safety Program targeted seasonal issues. In the spring/summer months, the focus was on distracted driving, seat belts, aggressive driving and speeding. In the fall, emphasis was directed again at distracted driving and speeding. In addition, the HPS joined the provincial Seat Belt Campaign. During the holiday season, R.I.D.E. lanes were emphasized.

This report is a statistical presentation of the Service's traffic efforts.

Seven-Year Motor Vehicle Collision Chart

Motor Vehicle Collisions	2019	2018	2017	2016	2015	2014	2013
Total MVCs	11,593	11,071	10,124	9,732	9,719	9,513	8,714
Property Damage	1,516	1,551	1,452	1,341	1,515	1,608	1,316
Personal Injury	1,270	1,381	1,361	1,670	1,587	1,513	1,364
Citizen Reports	8,807	8,139	7,311	6,721	6,617	6,392	6,034
Fatal Collisions	17	14	16	14	16	17	14
Resulting Deaths	17	14	16	15	17	19	15
Total PONs	49,606	46,488	49,399	54,402	56,556	65,921	67,522

Motor Vehicle Collisions

In 2019, 11,593 MVCs were reported. This figure is up from 11,071 in 2018 (4.7% increase), up from 10,124 in 2017 (14.5% increase), and up from 9,732 in 2016 (19.1% increase).

The reported MVC data is obtained by compilation of the three reporting methods that are available to the community. They can report property damage collisions by attending the Collision Reporting Centres (CRCs), during business hours, by having an Officer attend the scene of a property damage collision, and by having an Officer attend the scene of a personal injury collision.

Fatalities

In 2019, there were 17 fatal MVCs, resulting in 17 deaths, which is a 21.4% increase over 2018. Of the 17 fatal collisions, four involved multiple vehicles, nine involved a motor vehicle and a pedestrian, and four involved a single motor vehicle.

In 2019 alcohol was **not** a factor in any of the fatal collisions. In two of the 17 collisions, speed was a factor. The other factors include driver or pedestrian error.

Total Provincial Offence Notices in 2019 - Comparison to 2018

In 2019, 49,606 Provincial Offence Notices (PONs) were issued. This represents an increase of 6.6% over 2018's total of 46,534.

The PON statistic is a combined total of all PONs given out at the Divisional Level.

Hazardous Moving Violations

Hazardous Moving Violations (red light infractions, stop sign infractions, speeding, careless driving offences, distracted driving, etc.) increased 9.4% over 2018. In 2019, 34,335 were issued compared to 31,385 in 2018.

Non-Hazardous Violations

Non-Hazardous Violations (seat belt violations, fail to surrender permits, validation tag offences, etc.) increased 0.8% over 2018. In 2019, 15,271 violations were issued, compared to 15,149 in 2018.

Alcohol & Drug-Related Driving Offences

In 2019, there were 663 Alcohol & Drug-Related Driving Offences, which represent a decrease of 6.1% over 2018. In 2018, there were 706 Alcohol & Drug-Related Driving Offences.

There were 152 Motor vehicle collisions that involved alcohol and or drugs in 2019 as compared to 148 in 2018, an increase of 2.7%. Moreover, there is a notable increase of Impaired by Drug by 32.7%.

Type of Charge	2019	2018	% Change
Impaired	243	282	-13.8%
Over 80 mg	308	314	-1.9%
Impaired Cause Bodily Harm	2	2	0.00%
Impaired by Drugs	69	52	+32.7%
Impaired Cause Death	0	1	-100%
Refuse Breath	29	37	-21.6%
Over 80 Cause Death	0	1	-100%
Over 80 Cause Bodily Harm	0	2	-200%
Refuse Blood/Urine for D.R.E. exam	7	9	-22.2%
Refuse Approved Screening Device	5	6	-16.7%
Blood Samples Taken	13	3	+333.3%
Alcohol & Drug-Related Driving Offences	663	706	-6.1%

Five-Year Trend: Alcohol & Drug-Related Charges

Type of Charge	2019	2018	2017	2016	2015
Impaired	243	282	279	273	300
Over 80 mg	308	314	322	338	377
Impaired Cause Bodily Harm	2	2	2	2	5
Impaired by Drugs	69	52	16	22	24
Impaired Cause Death	0	1	0	1	1
Refuse Breath	29	37	43	36	50
Over 80 Cause Death	0	1	0	1	1
Over 80 Cause Bodily Harm	0	2	3	0	3
Refuse Blood	7	9	0	0	1
Refuse Approved Screening Device	5	6	7	11	16
Blood Samples Taken	13	3	1	0	4
Alcohol & Drug-Related Driving Offences	663	706	673	684	778

R.I.D.E. Program

R.I.D.E. is a year-long educational and enforcement program for the HPS. The Service also participates in the Provincial Policing Community's annual R.I.D.E. focus that starts in December.

The Provincial Government provides annual funding to support the R.I.D.E. Program. In 2019/2020, the Service received \$43,662.00 and, as of the date of this report, most of the monies have been exhausted. This funding is used to enhance day-to-day R.I.D.E. Programs by employing off-duty Officers to focus on R.I.D.E., during special events and the Holiday Season. This report is a statistical presentation of the Service's R.I.D.E. Program.

R.I.D.E. 2019 Statistical Information

	2019	2018	2017	2016	2015	2014	2013
R.I.D.E. Stops	86,806	136,896	182,228	224,503	245,760	240,344	238,454
R.I.D.E. Tests	420	138	156	219	337	391	376

In 2019, there were a total of 86,806 vehicles stopped by the R.I.D.E Program. This represents a decrease of 36.6%, below 2018. Despite this decrease, there is a notable increase in the number of tests administered. This is due to new legislation on Dec 18, 2018 that allows ASD testing on any driver where the traffic stop is lawful and the ASD is readily available. R.I.D.E. will continue be a focus of the 2020 Traffic Management Plan.

	2019 Yearly Total	2018 Yearly Total	% Difference
Stopped	86,806	136,896	-36.6%
Pass	394	116	+239.7%
Warn	17	14	+21.4%
Fail	9	8	+12.5%
Impaired	4	5	-20.0%
Over .08	10	11	-9.1%
Refuse Approved Screening Device	0	0	0.00%
Ref Breath	0	1	-100.00%
Other C.C.	8	21	-61.9%
Roadside Demand	420	138	+204.3%

Alcohol Warn Range Suspension	17	14	+21.4%
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LINC & RHVP Safety Initiatives

In 2015, the Support Services Branch of the Hamilton Police Service developed a Problem Oriented Policing project, to combat aggressive driving issues that were occurring on the Red Hill Valley Parkway and the Lincoln M. Alexander Parkway. This project was in operation from December 14, 2015 to December 31, 2016 and focused on enforcement of the *Highway Traffic Act of Ontario* as it pertains to the safe movement of traffic on these roadways.

Enforcement on both roadways has continued from 2017 to present by members of the Support Services Division as duties permit. Their patrol is similarly augmented by patrol officers from Division 20 and 30 as operational calls for service permit. The chart below reflects the results of this enforcement.

Support Services LINC & RHVP Safety Initiatives (as of April 22, 2020)

TOTALS	
Total PONs Issued	12,904
Total Stunting	76
Total Part III Summons	309
Total number of RIDE Stops	51,600
Total number of RIDE Set ups	1,113
Officers used in RIDE Set ups	2,456
Officer Hours Dedicated to Enforcement Operation	9,251

In early 2019 HPS engaged in discussions with the City of Hamilton Public Works division around how to enhance enforcement specifically on the Red Hill Valley Parkway. A voluntary paid duty enforcement program was developed to compliment other planned engineering and educational initiatives coordinated by city staff. It was funded by the City of Hamilton Public Works division. The paid duty initiative was commenced on March 25, 2019 and was subsequently renewed twice in order to extend the positive impact on traffic safety.

This program utilized two officers per day working up to six hours at a time. Their only focus was enforcement on this highway. The program started at 9:00 am and ended at 9:00 pm. Two vehicles with speed detection equipment were assigned, and officers could sign up for a 9:00 am to 3:00 pm or 3:00 pm to 9:00 pm paid duty. Below are some

of the statistics from the project. The total funding approved for the paid duty program was \$535,308.00 and the total funding used for the paid duty program was \$535,130.26.

The chart below depicts the enforcement results of the RHVP Voluntary Paid Duty Program from March 29, 2019 to April 22, 2020.

RHVP Volunteer Paid Duty Program (as of April 22, 2020)

TOTALS	
Provincial Offence Notices Issued	
• Speeding in the 80 km/h zone	4,650
• Speeding in the 90 km/h zone	606
• Distracted Driving	18
• Total Other Provincial Offences	<u>1,085</u>
Total PONS Issued	6,369
Part III Summons Issued	
• Suspended Drivers	50
• No Insurance	33
• Racing/Stunting	16
• Other Offences	<u>4</u>
Total Part III Summons Issued	103
Resources Utilized	
• Total Officers Used	708
• Officer Hours Dedicated to Enforcement Operation	4,228

The RHVP Paid Duty Program has had a significant positive impact on roadway safety. The high visibility of uniformed officers along the RHVP was further enhanced by the reduction of the posted speed limit from 90 km/h to 80 km/h. This was also complimented by other city engineering design enhancements including new roadway surfacing and public safety educational campaigns. The congruence of all of these factors has contributed to a substantial decrease in collisions on the RHVP. The City of Hamilton Annual Collision Report is expected in June, 2020 and will provide evidence of these trends in greater detail.

Conclusion

The HPS continues to work in partnership with our stakeholders to focus on changing driver behaviour in order to improve traffic and public safety. Participating as a founding member of the Hamilton Strategic Road Safety Committee includes the development of a progressive Traffic Safety Strategy, with a City-wide focus on traffic initiatives where traffic and road safety becomes a shared responsibility between the Police, City Traffic, Public Health and our concerned Community Partners.

In 2020, the HPS Police Services Board approved 8 new sworn positions for the purposes of enhanced traffic enforcement in the City of Hamilton. The development of a new Traffic Safety Unit is currently being deliberated. This Unit will engage in proactive traffic management, collision investigation, high visibility education, awareness and enforcement. The Unit will address Service- wide needs in all Divisions, including patrol of both the Red Hill Valley Parkway and the Lincoln Alexander Expressway.

Speeding, aggressive driving, distracted driving and impaired driving continue to be the most significant concerns for the HPS as they relate to road safety. Selective enforcement, coupled with education and awareness, will continue to enhance the HPS strategy to decrease collisions and improve roadway safety in the City of Hamilton.



Eric Girt
Chief of Police

EG/M. Schulenberg

cc: Ryan Diodati, Deputy Chief – Support
Marty Schulenberg, Superintendent – Support Services Division

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chairman and Members
Hamilton Police Services Board

FROM: Chief Eric Girt
Chief of Police

SUBJECT: *Year-End Report: Communications - 2019*
PSB 20-037

BACKGROUND:

The Hamilton Police Service (HPS) Communications Section consists of the Communications Centre and switchboard. It is the Public Safety Answer Point (PSAP) of all 911 calls from residents of the City of Hamilton, and non-residents and motorists passing through the City on the Queen Elizabeth Way, The Lincoln Alexander and Red Hill Valley Parkways, and Highways 403 and 401.

REPORT STATISTICS:

This Annual Report provides both narrative and statistical summaries of significant activities of this Section during 2019.

TELEPHONE CALLS HANDLED	2017	2018	2019
911 calls answered	193,565	194,828	204,166
911 calls abandoned and called back	4,501	4,606	777
Administrative calls answered	169,659	173,916	173,592
Total Calls Answered in Communications	367,725	373,350	378,535

COMPUTER AIDED DISPATCH (CAD)	2017	2018	2019
Events created by Call Takers	228,477	242,377	258,661
Events created by Dispatchers	25,589	24,710	21,796
Events generated by Mobile Officers	29,926	28,159	29,334
CAD events to Telephone Reporting Unit (TRU)	8,942	9,769	10,422
CAD Events created by Station Duty and Specialty Units	15,035	12,709	10,365
Total CAD Events Created by HPS	307,969	317,724	330,578

ADVISED EVENTS	2017	2018	2019
Ambulance Advised Events	46,927	48,434	49,843
Fire Advised Events	3,225	3,505	3,416
911 Advised Events	51,019	61,766	74,686
OPP Advised Events	5,091	5,408	5,808
Cellular Advised Events	58,230	60,230	66,869
Total Advised Events	164,492	179,343	200,622

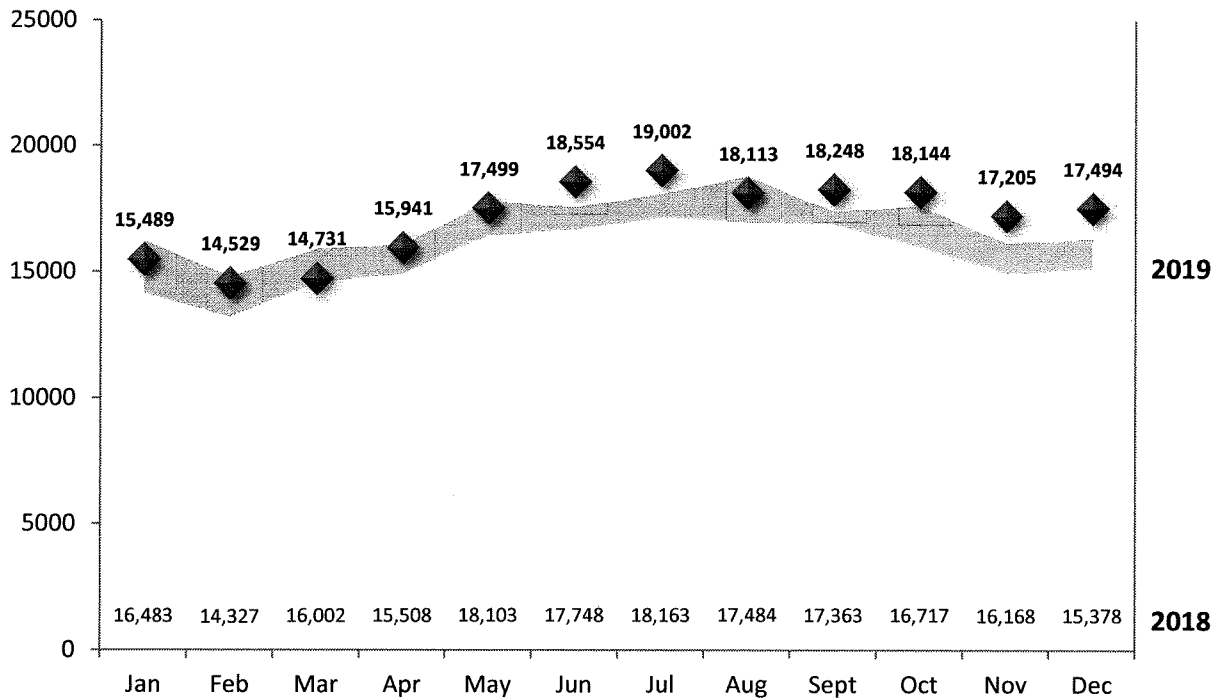
The above tables illustrate telephone call volume and CAD events created during 2019. A comparison with the two preceding years is also provided.

- Communications received 378,535 telephone calls in 2019, resulting in 330,578 CAD events
- In 2019, when compared to 2018 –
 - The total telephone calls to Communications increased by 1.4%
 - The number of answered 911 calls increased by 4.8%
 - Administrative calls decreased by 0.2%
 - The total CAD events increased by 4.1%
 - The number of calls processed by TRU increased by 3.1%
- Some events were diverted to other agencies: Fire (3,416), Ambulance (49,843), OPP (5,808), and a number were dealt with through our TRU (10,422)

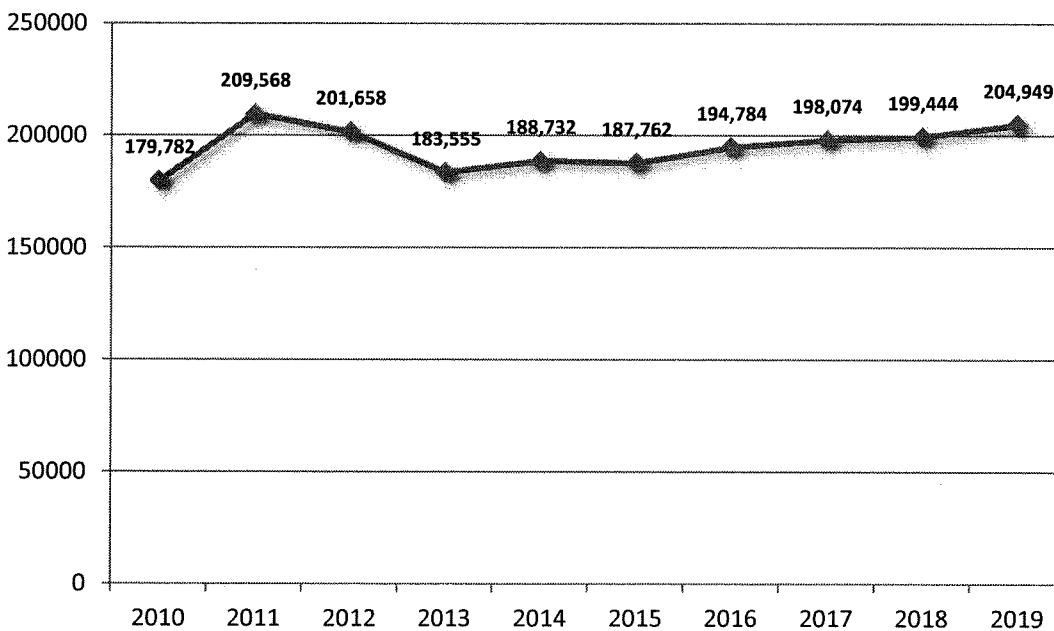
The following four charts display the number of 911 calls and the number of CAD events HPS received each month and over the past 10 years. The shaded area identifies expected monthly trends based on historical CAD data and represents the actual highest and lowest points. The bars are based on the average and standard deviation for each month giving us a normal range of expected values. The number of CAD events is higher than the number of 911 calls, as not all CAD events are created by a 911 call. CAD events are also generated by administrative calls, self-initiated proactive stops by officers, station duty and specialty units' self-generated events, which account for the difference.

The charts below depict a clear increasing trend in both 911 calls and CAD events. These numbers impact workload for both front-line patrol officers, as well as communicators. In an effort to address false calls, the HPS launched a successful 911 media awareness campaign in December, 2018 to run throughout 2019 and into 2020. The intent of the campaign was to draw attention to inappropriate use of 911, as well as pocket dials and other errant uses of the 911 system.

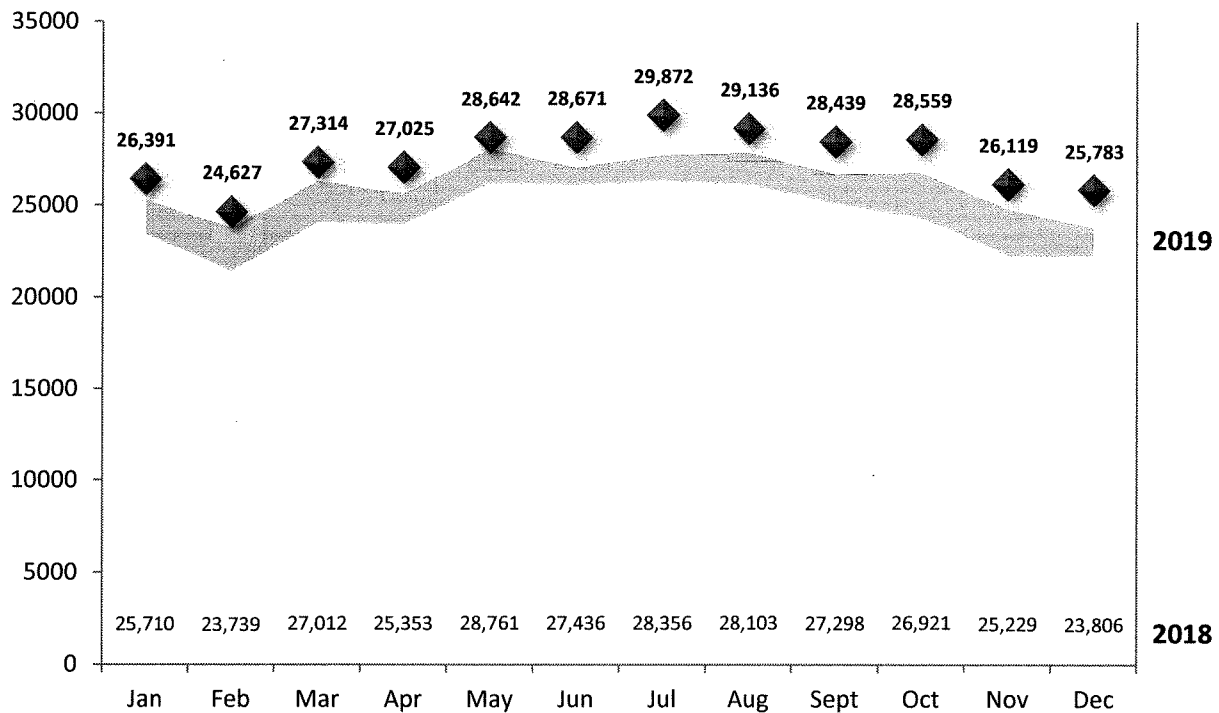
911 CALLS HANDLED BY MONTH (2019)



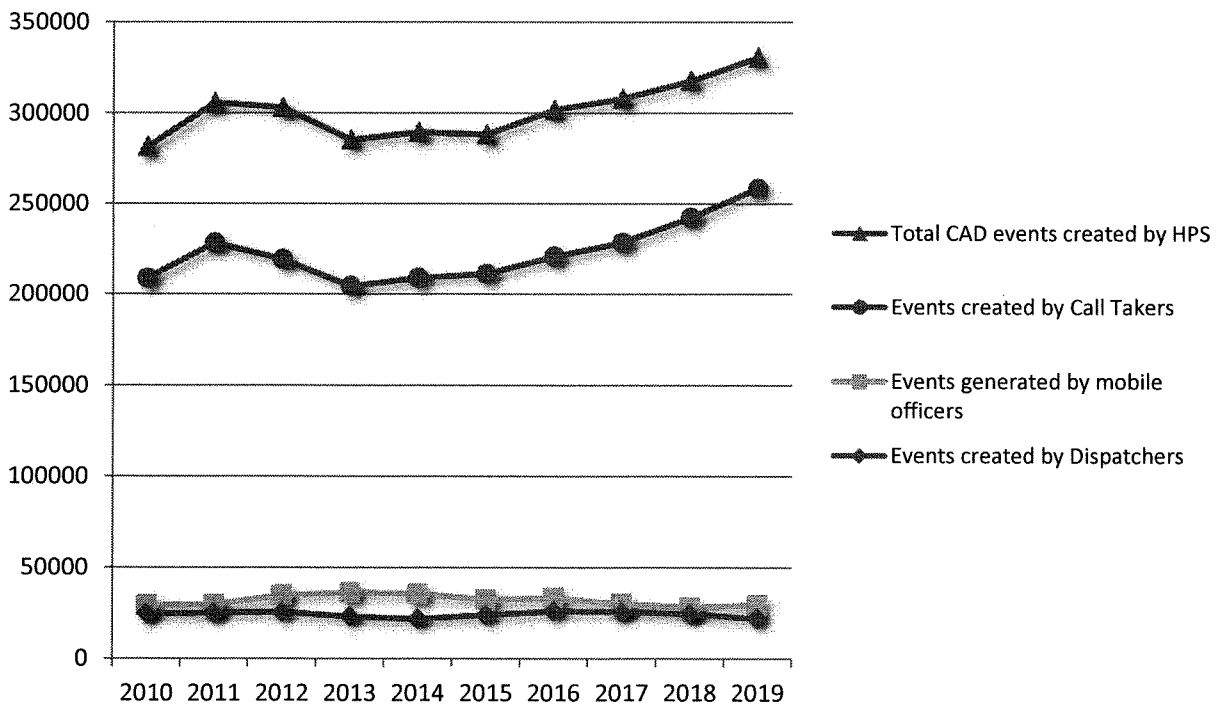
911 CALLS HANDLED BY YEAR (2010 - 2019)



CAD EVENTS CREATED BY MONTH (2019)

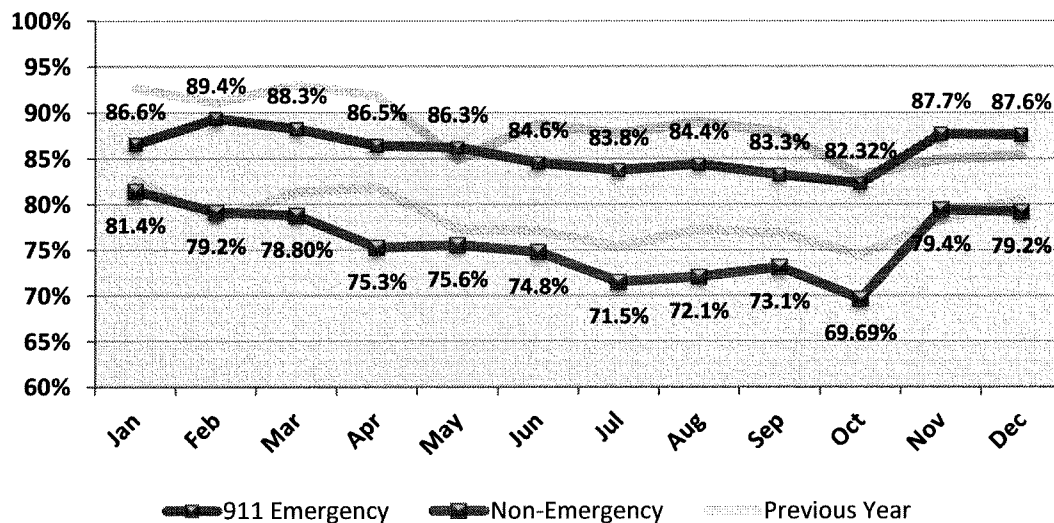


CAD EVENTS CREATED BY YEAR (2010 - 2019)



Service Percentage Levels (2019)

The Avaya telephone software continues to distribute calls efficiently. With the “forced answer” feature, calls are answered as soon as a Call Taker’s telephone is available. Service levels have improved to meet our 90% target. The annual service levels have increased from an average of 72% before Avaya (previously Call Center 7/Symposium) to an average of 88.4% in 2019 (see below chart for monthly service percentage levels). The efficiency in administering service requests by Communications are measured at two critical points – first, the ability to answer telephone calls and second, monitoring the manner in which each call is processed. Telephone answering performance is measured through Service Levels - the percentage of 911 calls answered within two rings, and non-emergency calls answered within three rings.



Staffing and Training

There were three full-time vacancies in 2019 which were filled by two part-time Communication members and one was filled by an employee within the Service, but outside of Communications.

A PSAP Coordinator position was identified to assist in the transition to Next Generation (NG) 911.

A Communications Acting Supervisor position was posted and eight candidates were successful.

There were nine part-time and two full-time Communicators successfully on-boarded.

Additional Training

- Annual Block Training was provided for all members.
- All members received a one day of Communications Yearly Development training.
- Two members attended the Provincial Communicators Conference.
- One member received the Communicator of the year award with The Association of Public Safety Communications Officials (APCO). She attended the Conference with the Staff Sergeant to receive the award. Additionally, another member attended as a representative of APCO.
- The Communications Training Coordinator and the PSAP Coordinator attended the National Emergency Number Association Conference.
- Two members attended the Communications Centre Supervisor Course at the Ontario Police College.
- The Communications Training Coordinator and the PSAP Coordinator attended the Hexagon Conference.
- One member attended the Coach Officer Training.
- Six members attended the Crisis Intervention Training. To date, 40 Communicators have received this training.
- Three members attended Soft Skills Course.
- One member attended the Emergency Service Working Group (ESWG) meeting in Gatineau.
- Two members attended The 360° Dispatcher provided by Halton Regional Police Service.

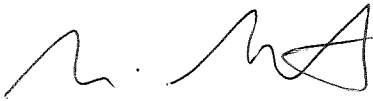
Current and Future Challenges

Effects on staffing considerations to meet demands are being assessed in anticipation of a 2021 start date for NG 911 obligations, for example:

- The CRTC is mandating all Telephone Service Providers to update their systems to facilitate NG911, which will require PSAPs to update their infrastructure.
- The Communications Section is currently facing a number of system upgrades including CAD, and the NICE audio recording system.
- An Interagency Steering Committee has been formed with HPS, Hamilton Fire Department, City of Hamilton, and the PSAP Coordinator for the future considerations of NG911.

- Communications is conducting a Priority Response System review, to ensure police response times continue to align with quality service expectations relative to calls for service.
- The HPS Space Review Committee is currently examining PSAP expansion needs relative to both NG911 and forecasted growth for an additional Patrol Division.

On January 14, 2019, the HPS PSAP celebrated 40 years of service to the City of Hamilton. This occasion was marked during Communicators Week in April, 2019. The civilian and sworn members in this Section continue to be a vital part of our emergency first response to ensure public safety for our citizens and visitors.



Eric Girt
Chief of Police

EG/M. Schulenberg

cc: Ryan Diodati, Deputy Chief – Support
Paul Evans, Inspector – Support Services
George Narozniak, Staff Sergeant – Support Services

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Crisis Response Branch – 2019 Year-End Report*
PSB 20-038

BACKGROUND:

The Hamilton Police Service, in collaboration with St. Joseph's Healthcare, piloted and developed programs to create a coordinated strategy to assist vulnerable individuals and persons experiencing a mental health crisis. Meaningful, effective partnerships have allowed the Police Service and our partners to effectively assist individuals with mental health concerns in a timely manner.

The Crisis Response Branch combines Police Officers, Paramedics and Mental Health workers responding to 911 first responses and secondary responses to persons experiencing a mental health crisis in the City of Hamilton. The program has proven to dramatically decrease the number of persons being brought to hospital emergency departments by police officers and provides persons in crisis the right response at the right time. Implementation of these programs has led to reduced wait times in hospital emergency departments, substantially lower apprehension rates, more consistent care for clients, and less reliance on the judicial system. These deliverables result in financial savings and time efficiencies for both the police service and the health care facilities.

The attached report will highlight the three (3) combined teams which make up the Crisis Response Unit and their associated outcomes and successes.

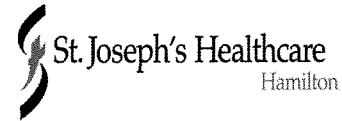


Eric Girt
Chief of Police

EG/W. Mason

Attachment: *Crisis Response Branch Annual Report - 2019*

cc: Ryan Diodati, Deputy Chief – Support
Will Mason, Superintendent – Community Mobilization Division



Hamilton Police Service

Crisis Response Branch Community Mobilization Division 2019 Annual Report

**Submitted by
A/Sergeant Pete Wiesner**

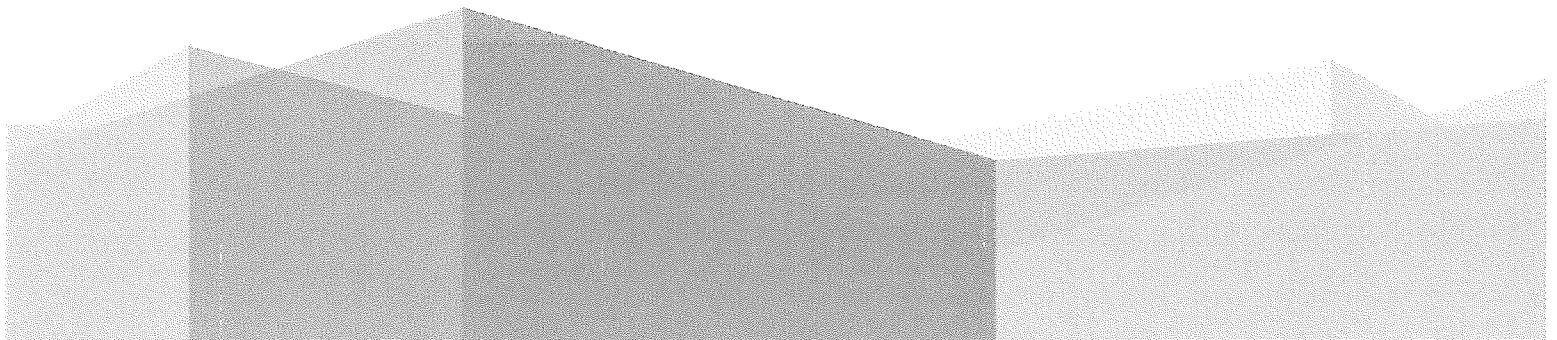


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Executive Summary

The Hamilton Police Service in collaboration with St. Joseph's Hamilton Healthcare has piloted and developed programs to assist vulnerable individuals, and persons experiencing a mental health crisis. Meaningful partnerships have allowed the Police Service and our community partners to effectively assist individuals with mental health concerns in a timely manner.

In April 2015, on a pilot basis, the Hamilton Police Service created the Crisis Response Branch (CRB) by combining the following three programs.

- Crisis Outreach and Support Team (COAST)
- Mobile Crisis Rapid Response Team (MCRRT)
- Social Navigator Program (SNP)

The Crisis Response Branch reports to the Superintendent of the Community Mobilization Division. The unit allows the Hamilton Police Service and its community partners to identify and respond to complex mental health issues, and deliver the highest quality of service under one unified command.

The Crisis Response Branch combines Police Officers, Paramedics and Mental Health Workers. The unit responds to persons experiencing immediate and secondary mental health crisis' in the City of Hamilton. The program has dramatically decreased the number of persons being brought to Hospital Emergency Departments and increased the number of individuals referred to social agencies. These programs have resulted in reduced wait times in Hospital Emergency Departments, substantially lower apprehension rates, more consistent care for clients, and less reliance on the Judicial System. These deliverables result in financial savings to both the Police Service and Health Care Facilities.

The creation of the MCRRT/ COAST/ SNP as a coordinated unit is unique. The positive program outcomes have led to numerous inquiries from other Police Services, with many Services adopting the Hamilton Police Service model as a best practice.

This report will highlight the three combined teams which make up the Crisis Response Branch and their associated outcomes and successes.

Mobile Crisis Rapid Response Teams (MCRRT)



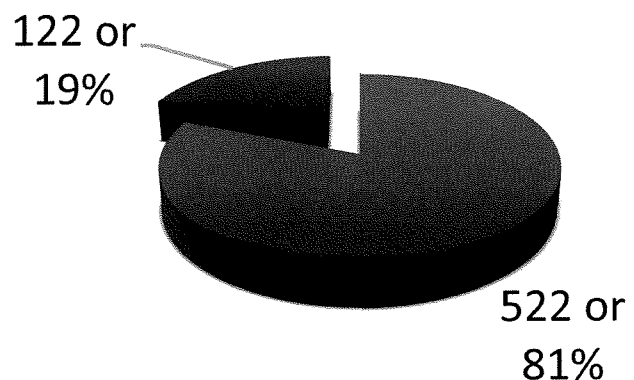
MCRRT began as a pilot project from November 2013 to April 2015. The Local Health Integration Network (LHIN) provided funding for five Mental Health Clinicians to work in conjunction with Police Officers in a first response capacity. Initial results were encouraging and evidenced by lower apprehension rates of persons in crisis and decreased wait times for Police Officers and clients in Emergency Departments. As a result of these dramatic savings and efficiencies, a decision was made to create a full time partnered response.

On April 12th, 2015, a full time MCRRT response was officially launched and now operates with three (3) teams per day consisting of a Mental Health Clinician and a Crisis Intervention Trained (CIT) uniformed Police Officer. Currently there are six full-time Mental Health Clinicians and six full-time Police Officers dedicated to the program. The first team provides coverage from 08:00-20:00hrs with a second team at 10:00-22:00hrs and the third team provides overlap and coverage between 13:00-01:00hrs. Staffing for the Police Officers was approved by the Hamilton Police Service Board through the 2015 budget, and funding for the Mental Health Workers is provided by St Joseph's Healthcare Hamilton and the LHIN.

Between January 1, 2019 and December 31, 2019, MCRRT was mobile for 365 days and responded to 2,549 individuals in crisis. Of the 2,549 individuals seen, 722 were brought to hospital. Of the 722, 552 were apprehended under Section 17 of the Mental Health Act for assessment at Hospital and 112 individuals were apprehended on the strength of Mental Health Act Forms.

Prior to the deployment of MCRRT, the apprehension rate with two uniformed officers was 75.4%. With the MCRRT response, the rate of apprehension in 2019 was 22%. The reduction in apprehension rates by the MCRRT teams is a direct result of better training and having qualified personnel make informed decisions about the nature of the incident and client assessment at first response. The persons most in need are being taken to hospital for assessment at the right time, while

MCRRT Hospital Apprehensions



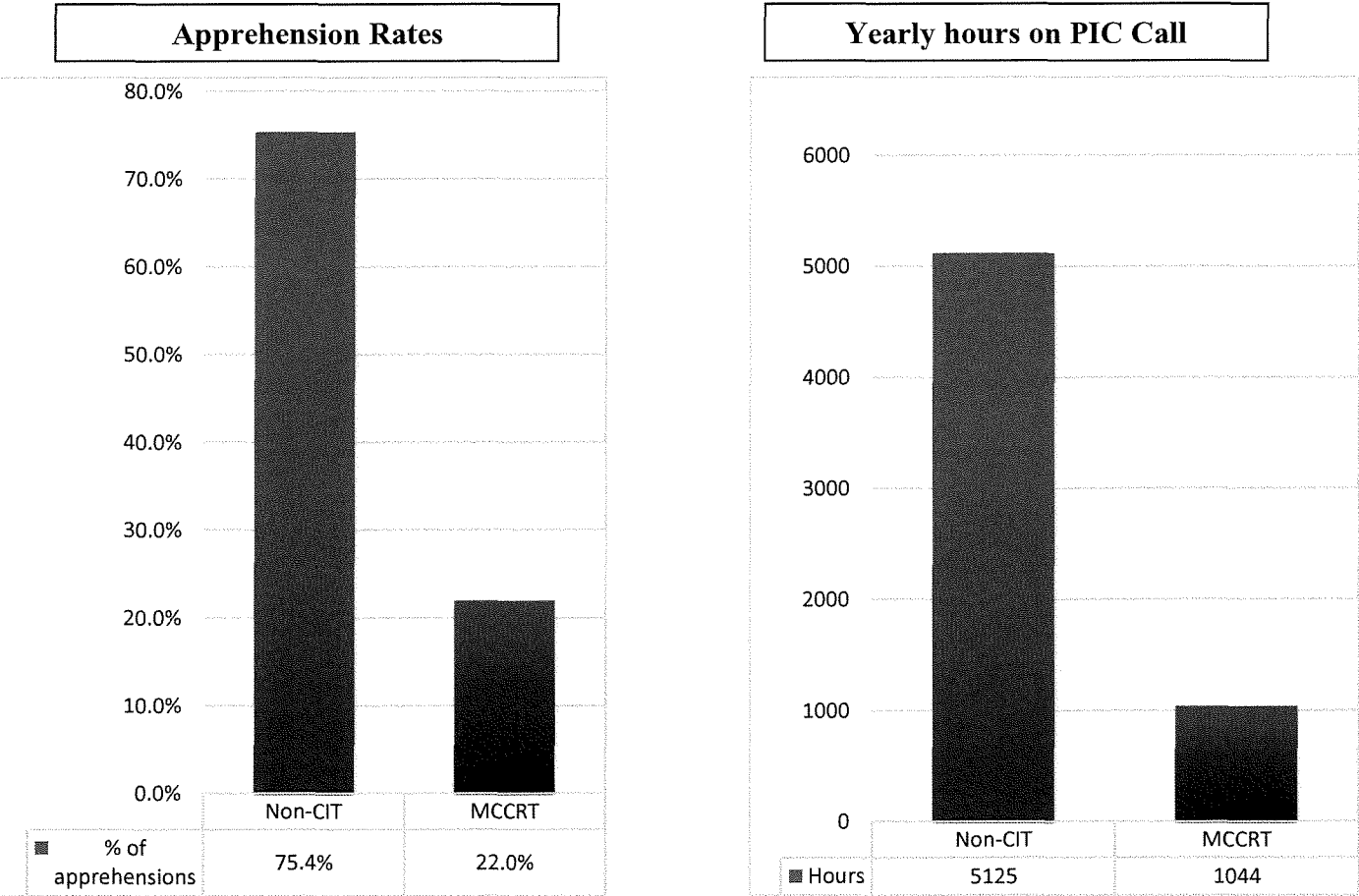
■ Apprehended (MHA Sec.17)

■ Apprehended (MHAF)

those who require treatment in the community are not admitted to hospital.

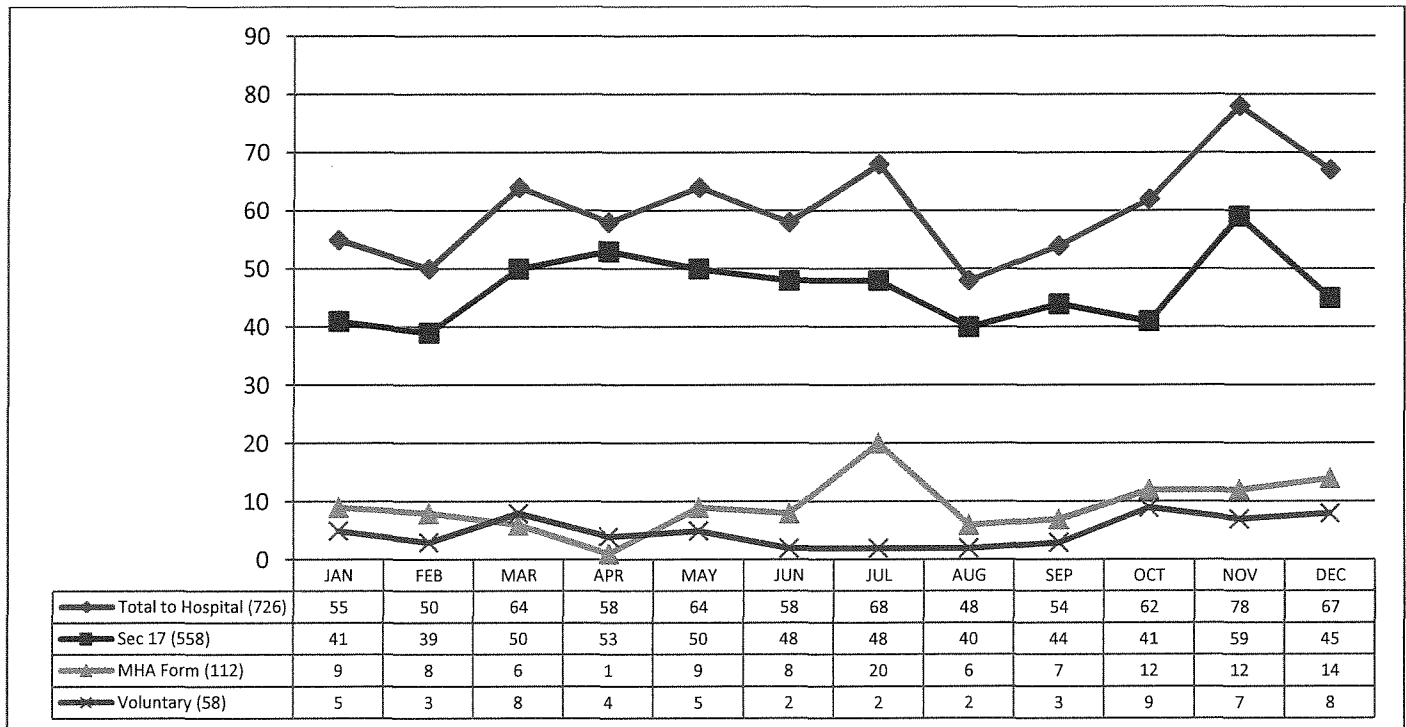
Historically, uniformed officers with clients spent an average of eighty minutes in Hospital Emergency Departments waiting for care. With the MCRRT response, police officers and clients now spend an average of sixty minutes in hospital waiting for care.

Upon review of the data from January 1st, 2019, to December 31st, 2019, and using a 75.4% apprehension rate with an average eighty minute wait time, it can be estimated that 1,922 of the 2,549 individuals seen would have been taken to hospital by patrol officers if the MCRRT response was not available. Police officers would have spent approximately 5,125 hours in hospital Emergency Departments. Using the MCRRT response with the improved sixty minute wait time and lower apprehension rate, the combined savings for the 1 year period are dramatic. The MCRRT response showed a saving of approximately 5,125 hours of police officer time associated with and compared to the historic two officer response. The savings in hours equates to approximately two full time police officer positions. (The number 5,125 hours is calculated by; 1922 “apprehended” calls x 2 officers x 80 mins divided by 60 mins to get total hours).



The new response provides efficiencies by reducing the time spent by police in the hospitals and it reduces the impact on services provided by hospitals particularly in Emergency Departments, but most importantly, it provides a better quality care to persons in crisis in a timely manner.

MCRRT calls for service between January 1, 2019 and December 31, 2019



Crisis Outreach and Support Team (COAST)



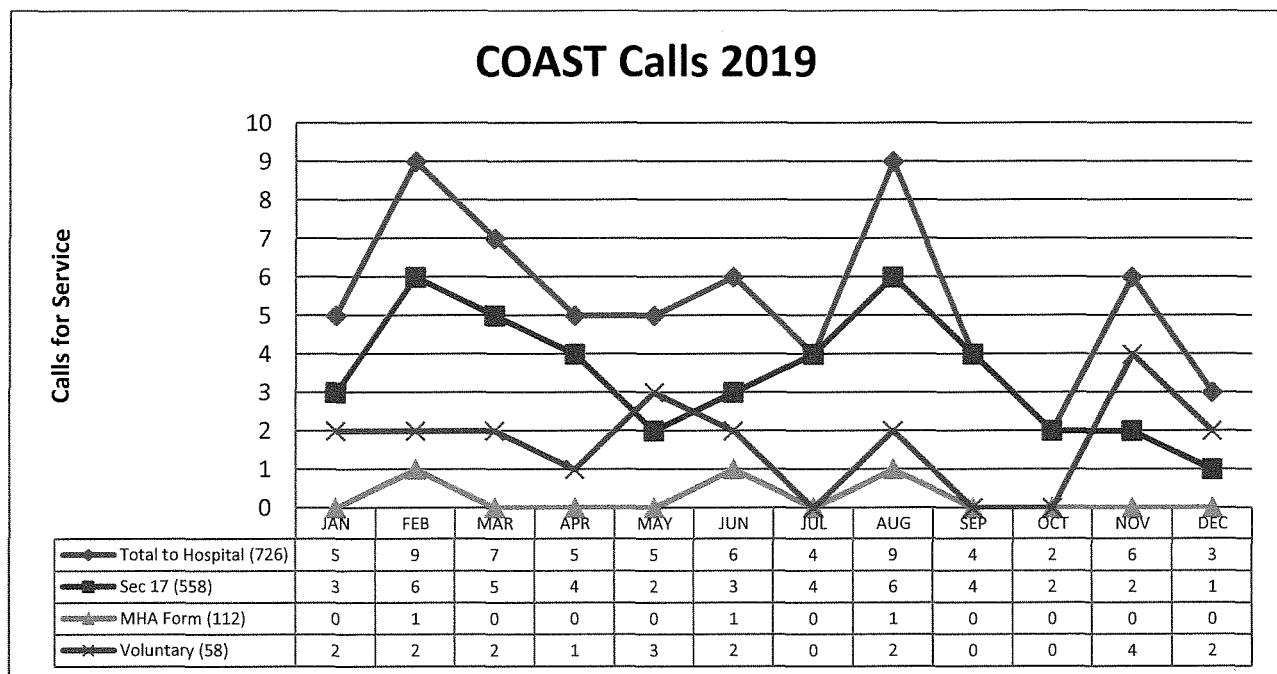
The partnership between the Hamilton Police Service and St. Joseph's Health Care was established in 1997 with the introduction of the COAST program, which was a direct result of the Zachary Antidormi Inquest. COAST is designed to enable individuals in mental health crisis, who lack necessary supports, to remain within their own environment by providing a range of accessible social services that include outreach assessments, supports and interventions.

COAST provides a 24hr. telephone crisis line, outreach support, and facilitates linkage to community resources. COAST strives to enhance client and family knowledge about resources in the community and educate health agencies regarding the COAST program. COAST also assists in planning and the evaluation of client programs, providing peer support, and facilitating education and staff training.

Currently, the team consists of two full-time police officers and a compliment of Mental Health Clinicians working together to attend to the needs of Persons in Crisis. The team conducts scheduled mobile visits to clients in need. COAST operates 7 days a week with police officers working 8am to 8pm. After-hours support is provided by the 24 hour telephone crisis line

Between January 1 and December 31, 2019, COAST conducted 2,358 mobile visits. A primary goal of COAST is to provide care to persons in crisis in their own environment. Despite this, COAST still spent 109.5 hours in hospital between January and December 2019.

COAST calls for service between January 1, 2019 and December 31, 2019



Social Navigator Program (SNP)



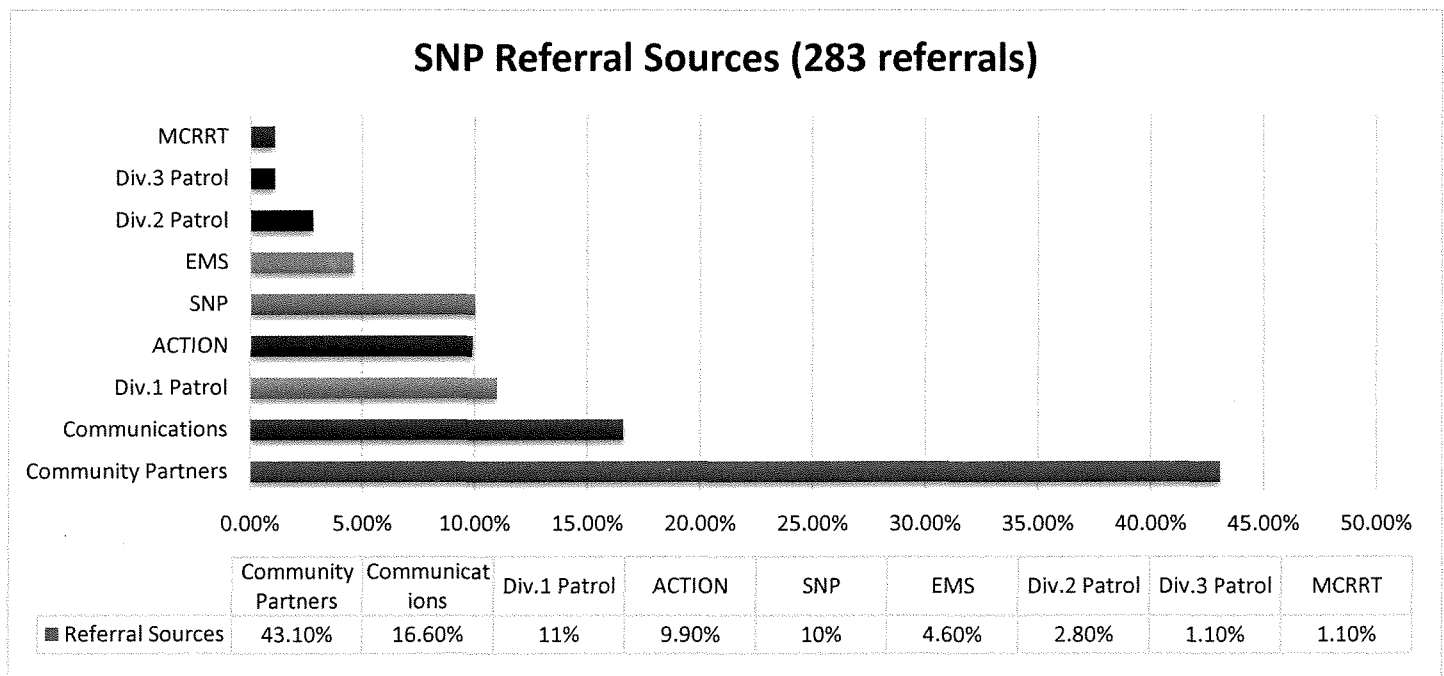
In July 2011 Hamilton Police Service partnered with the City of Hamilton Neighborhood Renewal, the City of Hamilton Economic Development Committee, and Emergency Medical Services (EMS), to create the Social Navigator Program (SNP). Originally the Social Navigator Program fell under the ACTION strategy, however, in 2017 it was repositioned within the Community Mobilization Division and a full-time HPS Coordinator was implemented.

The mandate of the program is to connect and support individuals through a referral process, by engaging social and healthcare agencies in the City of Hamilton. The goal is to reduce reliance on the judicial and healthcare systems by navigating clients toward the appropriate agency to improve the health, safety and quality of life for all citizens. The team is currently made up of three members that include the Social Navigator Paramedic, the Social Navigator Police Officer and the Social Navigator Case Coordinator.

The combination of diverse skillsets, medical knowledge, and enforcement, allows for flexible and tailored interventions in a community setting for at-risk individuals. The SNP is a tool for officers to seamlessly identify, connect, and follow up with at-risk individuals in the community and support the work of individual police officers. Since implementation, the program has evolved and now accepts court mandated clients and receives referrals from community partners such as shelters, hospitals, and the detention center.

Outcomes for 2019

In 2019, 283 people were referred to SNP. Referrals came from several sources: 43.1% from community partners, 16.6% from communications, 11% from Division One Patrol, 9.9 % from ACTION, 10% from SNP, 4.6% from EMS, 2.8% from Division Two Patrol, 1.1% from Division Three Patrol, and 1.1 % from MCRRT.



From these referrals, the SNP had 105 active clients in 2019. Of the 105 active clients only 1% (1) were a repeat client that had past SNP involvement in previous years and 30 clients were carried over from 2018. The remaining were all new to the program. Of the 105 clients, 14 were court mandated.

In 2019, the SNP made 241 client referrals for various services. There are seven standard categories that SNP refers to as well as "other" services that don't fit in the traditional classifications. Other services/referrals compose 44% of all referrals. These include less common referrals and tasks such as, attending medical appointments, assisting with court matters, getting food or clothing, etc. The remaining referrals were for housing and shelter (27.4%), mental health (10.4%), detox and treatment (4.6%), primary care (7.5%), income support (5.0%), and employment support (1.1%).

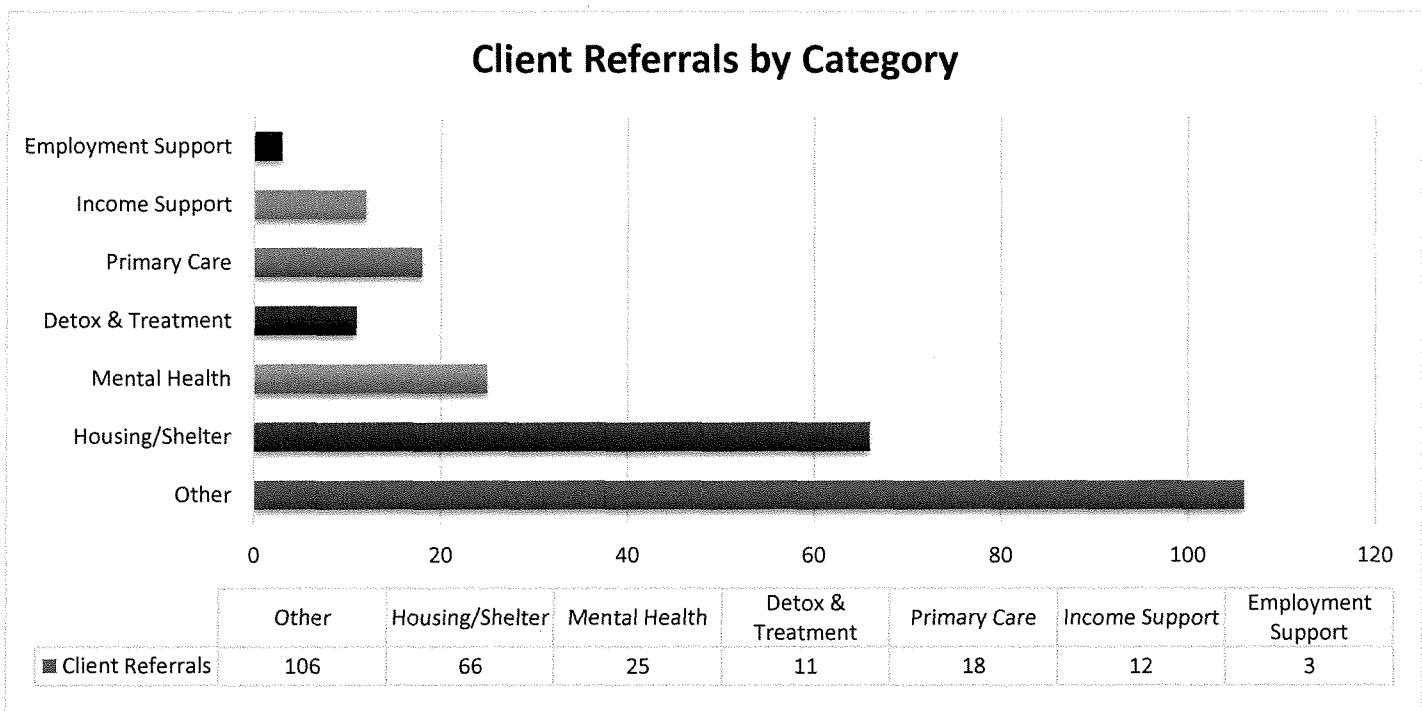
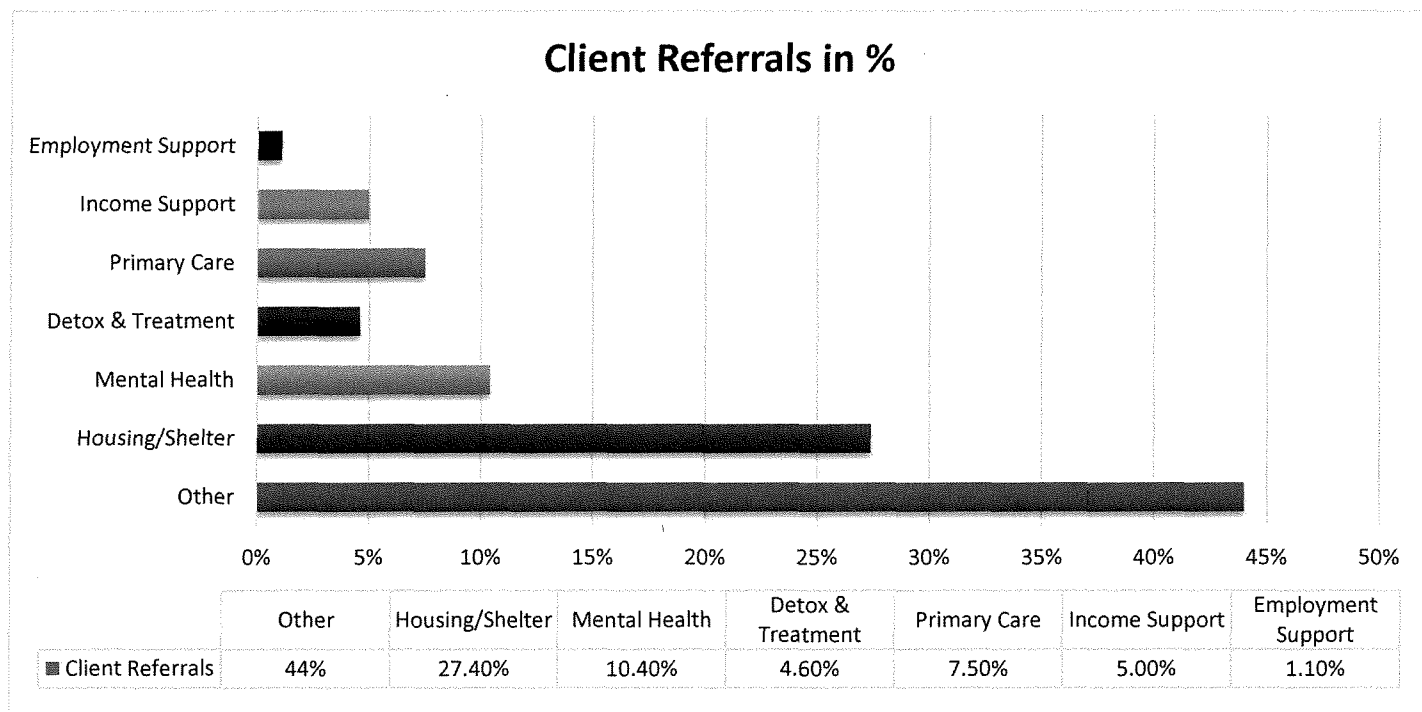


Table 1 Summarizes SNP trends since implementation

	2011- 2012	2013	2014	2015	2016	2017	2018	2019
Number of referrals to SNP	unknown	91	108	148	208	244	264	283
Number of active clients (carry over from previous year)	74	46	52	81	93 (19)	96 (20)	112 (26)	105 (30)
Number of new court mandated clients	3	8	8	13	17	12	12	11
Number of court mandated clients	3	10	13	15	27	25	22	14
Repeat clients	unknown	unknown	25% (13)	11% (9)	14% (13)	9.4% (9)	7% (8)	1% (1)
Number of referrals made by SNP	unknown	142	111	156	231	203	208	241
Number of clients already connected (no intervention required)	U/K	28	26	10	25	21	7	24
Number of clients that declined service	U/K	11	14	13	10	22	3	3
Number of additional individual assisted by SNP that were not made SNP clients (case management and repeat contact not required)						161	200	301

Key Difference between Programs

Table 2 Summarizes key components and differences between MCRRT, COAST, and SNP

	Mobile Crisis Rapid Response Team (MCRRT)	Crisis Outreach and Support Team (COAST)	Social Navigation Program (SNP)
Team	Mental Health Clinician & uniformed Officer (marked patrol vehicle)	Mental Health Clinician & plain clothes Officer (unmarked patrol vehicle)	Paramedic, Police Officer, Program Coordinator (EMS truck)
Hours of Operation	10:00am-1:00am; 7 days/wk.	24hrs crisis line Officers work between 8:00am & 10:00pm; 7 days/wk. for mobile visits	8:00am-4:00pm; Mon-Fri
Key services offered	-Respond to urgent 911 calls -Responds to actively suicidal individuals -May assist Officers who are on a person in crisis call	-Support persons in crisis through telephone support or mobile visits Client receives support, follow-up, and referrals within 24 hours	-Support clients who struggle with mental health, addiction, homelessness, and poverty (provides case management)
Focus	People experiencing immediate/urgent crisis	People experiencing non-urgent mental health crisis	People who have high police involvement and individuals that fall through the cracks
What teams do not do	-Does not act in the role of crisis negotiator -Does not offer follow up or case management -Does not actively look for missing "PIC" or persons placed on a "MHA form" when their location is unknown	-Does not respond to 911 -Does not respond to barricaded situations -Does not respond to calls involving weapons -Does not respond to call involving actively suicidal person -Does not execute mental health related forms	-Is not dispatched to 911 calls -Does not conduct mental health assessments

Conclusion

The Crisis Response Branch has improved how the Hamilton Police Service and its Health Care Partners respond to persons in crisis. Vulnerable individuals are receiving quality, timely and coordinated service to address their mental health needs. Persons experiencing a mental health issue or crisis are receiving the right care at the right time and receiving appropriate follow up support.

Moving forward, the members of the Crisis Response Branch strive to educate members of the Community and their own members on the merits of the three combined programs. Education will create an awareness of Mental Health issues and assist in reducing the stigma of those afflicted by Mental Health afflictions.

HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: June 11, 2020

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *2019 Year-End Budget Variance Report*
PSB 20-046

BACKGROUND:

The Hamilton Police Service (HPS) completed its 2019 year-end process. This includes a detailed analysis and comparison between actual-to-budget and actual-to-actual comparison of revenues and expenditures for the year ending December 31, 2019. The Budget Variance Report is attached as Appendix A.

HPS is audited by the City of Hamilton's independent external auditors (currently KPMG), as part of the City's annual year-end audit. This audit for HPS is included in the City's annual financial statements.

2019 Year-End Results

The 2019 HPS net approved Operating Budget was \$165,096,070. The total expenditures of \$177,896,780 are offset by \$12,800,710 in total revenues.

In 2019, an agreement between HPSB and the Hamilton Police Association for a new Collective Agreement from January 1, 2018 to December 31, 2020, was reached. All retro payments related to the terms of the agreement were paid and/or accrued as at December 31, 2019.

In 2020, there is a tentative Collective Agreement between the HPSB and the Senior Officers Association (SOA). The SOA has ratified the tentative agreement and is awaiting the Board's ratification. All retro payments related to the terms of a tentative agreement have been accrued in 2019.

The 2019 HPS actual year-end position resulted in a favorable Operating Budget variance (surplus) of \$1,425,221 (0.86% of total net budget). The details are summarized below.

Revenue – Total Favourable Variance \$68,644

Overall, HPS realized a total net favourable revenue variance of \$68,644. This variance is due

to greater than anticipated revenue in Police Clearances, Paid-Special Duty, Police Fees and Other miscellaneous revenues.

In 2019, the Provincial Government reviewed all policing grants and as a result, HPS received less than anticipated revenue for the Community Safety & Policing (CSP) grant (reduction of \$602K). However, this reduction in CSP monies was offset by greater than anticipated revenue from other Provincial grants such as ROPE, Victim Quick Response Program, Cannabis Enforcement, Civil Remedies, Human Trafficking and Ontario Cannabis Legalization Implementation Fund.

Expenditures – Total Favourable Variance \$1,356,576

The HPS realized a total surplus in operating expenditures of \$1,356,576 in 2019. Several of the highlighted areas are as follows:

Employee Related Costs – \$367,412

The net favorable variance in employee related costs is due to savings in salaries, OMERS and employee benefits due to gapping.

However, the savings in salary are offset by greater than anticipated costs in overtime and part-time wages. Members on maternity or parental leave, WSIB and LTD and members who have retired/resigned, are replaced by part-time members (for civilians) and over-time is incurred (for sworn positions).

In addition, greater than anticipated member retirements/resignation, sick bank and vacation payouts also offset savings in employee related costs. The sick bank and vacation payouts fluctuate each year, based not only on the number of retirements/resignations, but also on employees' accumulated sick bank balances and earned/untaken vacation entitlements as negotiated in the Collective Agreements.

Financial/Legal Charges – (\$145,725) over expenditure is due to Board related legal fees, which include legal opinions, discipline hearings, grievance/arbitration, independent reviews, human rights complaints and SIU investigations.

Material and Supplies - \$647,631 net savings is due to less than anticipated costs in ammunition, uniforms and clothing, Part VI monitoring contracts operational expenses, equipment/supplies and repairs in communications.

Vehicle Expenses – \$184,081 net savings is due to less than anticipated fuel costs and vehicle repair.

Buildings and Grounds – \$279,330 net savings is due to less than anticipated costs with respect to horticultural services, all utilities, and telephone charges.

Consulting – (\$12,576) over-expenditure is attributed the Deputy Chief of Police hiring process in 2019.

Contractual – \$27,446 net savings is due to less than anticipated cellular phone charges, advertising and promotions.

Agency and Support Payments - \$5,000 savings is due to monies not being requested in 2019.

Reserves/Recoveries/Cost Allocations - \$3,976 savings is due to less than anticipated charges for postage/courier.

The 2019 HPS budget included contributions from the Police Vehicle Reserve and the Police Capital Reserve of \$125,000 and \$175,000, respectively. Due to the overall net surplus, this contribution was not required and, as a result, remained in the respective reserve account. The 2019 continuity schedule for the HPS Reserves is shown in Appendix B.

Conclusion

The HPS 2019 budget surplus was \$1,425,221 (0.86% of the total net budget).

The City auditors, KPMG, have concluded their field audit, including HPS, and are in the process of finalizing the City's 2019 Consolidated Financial Statements. At the date of this report, the City's Finance department has confirmed there are no questions, issues or adjustments required for HPS.

In accordance with the "Operating Budget Surplus/Deficit Policy", the City's Finance Department closed the 2019 HPS operating budget surplus of \$1,425,221 to the Police Tax Stabilization Reserve; a standard operating procedure at year-end.



Eric Girt
Chief of Police

EG/J. Randazzo

Attachments: *Appendices A-B*

cc: Frank Bergen, Deputy Chief – Operations
Ryan Diodati, Deputy Chief – Support
Anna Filice, Chief Administrative Officer
John Randazzo, Director – Finance

Hamilton Police Service**Appendix A**

Budget Variance Report

Year Ended December 31, 2019

YTD Budget % : 100.00%

	Approved Budget	Actual	Variances	% Spent
Revenues				
Grants and subsidies	\$ 9,483,120	\$ 9,417,003	\$ (66,118)	99.30%
Fees and general revenues	2,707,210	3,141,973	434,763	116.06%
Reserves/Capital recoveries	610,380	310,378	(300,002)	50.85%
Total revenues	\$ 12,800,710	\$ 12,869,354	\$ 68,644	100.54%
Expenses				
Employee Related Costs	\$ 159,352,440	\$ 158,985,028	\$ 367,412	99.77%
Financial/Legal Charges	369,040	514,765	(145,725)	139.49%
Materials and supplies	6,536,670	5,889,039	647,631	90.09%
Vehicle expenses	2,075,000	1,890,919	184,081	91.13%
Buildings and grounds	2,287,600	2,008,270	279,330	87.79%
Consulting expenses	42,600	55,176	(12,576)	129.52%
Contractual expenses	775,950	748,504	27,446	96.46%
Agencies and support payments	42,300	37,300	5,000	88.18%
Reserves/Recoveries	4,211,370	4,207,392	3,978	99.91%
Cost allocation	1,087,680	1,087,682	(2)	100.00%
Capital Financing	1,116,130	1,116,128	2	100.00%
Total expenses	\$ 177,896,780	\$ 176,540,204	\$ 1,356,576	99.24%
Total Net Expenditure	\$ 165,096,070	\$ 163,670,849	\$ 1,425,221	99.14%

**Hamilton Police Service
Summary of Reserve Balances
2019 Reserve Activity**

Appendix B

Reserve Number	Reserve Name	Balance Dec 31/2018	Transfers To(+)	Interest Earned(+)	Transfers From (-)	Balance December 31/2019
104055	Tax Stabilization - Police	1,405,921	1,425,221 (6)	25,890	(1,055,515) (3)	1,801,516
104056	Police ISD Forensic Building	152,797		-	(152,797) (5)	-
110020	Police Vehicle Replacement	148,646	2,596,970 (1)	44,121	(1,504,172) (2)	1,285,564
110065	Police Capital Expenses	489,387	674,815 (4)	19,367		1,183,569
112029	Vacation Liability Reserve	1,537,937		39,149		1,577,086
112030	Sick Leave Police	6,405,326		163,052		6,568,378
112225	Rewards - Police Board	200,316		5,099		205,415
22218-000100	OMERS Type III (see note below)	585,947		14,916		600,862
TOTAL RESERVES		\$ 10,926,276	\$ 4,697,005	\$ 311,594	\$ (2,712,484)	\$ 13,222,392

- (1) - \$2,040,005 transfer as per Board approved 2019 Police Operating Budget for vehicle purchases, upfitting and robot
- \$350,000 transfer from Tax Stabilization reserve as per approved allocation of 2018 surplus (PSB 19-072)
- \$206,965 represents recovery from the City's Risk Management for the replacement of the Police Vehicles
- (2) - transfer to fund Police vehicle purchases and upfitting in 2019 to Police Vehicle Capital Project account.
- (3) - transfer of approved allocation of 2018 surplus per PSB 19-072 to:
2019 Operating Budget: \$5,700 - Embossing Machine; \$64,000 HPS Recruiting & Branding
Police Capital Reserve: \$635,815 & **Police Vehicle Reserve:** \$350,000
- (4) - \$635,815 transfer from Tax Stabilization reserve as per approved allocation of 2018 surplus (PSB 19-072)
- \$39k transfer from the Police Expenditure Capital Project for items no longer needed (\$25k - Equipment Asset Management Lease; \$14k - Board Room Furniture)
- (5) - transfer of interest income and close out the Police ISD Forensic Building Reserve to the Police Investigative Serv HQ Capital Project
- (6) - 2019 Operating Surplus \$1,425,221

Note - OMERS Type III account represents the unused portion plus accumulated interest of the OMERS Type III surplus that was divided with the Hamilton Police Association, Senior Officers Association, the Chief and Deputies in 1997. These funds must be used in accordance with the agreement signed by the parties stated above. The monies must be used for specific improvements for the service and / or front line staff.

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: June 11, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Budget Variance Report as at March 31, 2020*
PSB 20-047

BACKGROUND:

As at March 31, 2020, net expenditures are \$40,647,921 or 23.7% of the 2020 Operating budget of \$171,477,540. The budget variance summary is provided in the attached Appendix.



Eric Girt
Chief of Police

EG/J. Randazzo

Attachment: *Appendix A*

cc: Frank Bergen, Deputy Chief – Operations
Ryan Diodati, Deputy Chief – Support
Anna Filice, Chief Administrative Officer
John Randazzo, Director – Finance

YTD Budget % : 25.00%

Hamilton Police Service	Annual		YTD		Available Balance C=A-B	% Spent D=B/A	Comments (YTD)
	Budget	Projected	Budget	Actual			
Revenues							
Grants and subsidies	\$ 8,859,596	\$ 8,878,026	\$ 2,214,899	\$ 2,219,601	\$ 6,639,995	25.05%	In line with budget.
Fees and general revenues	2,505,585	2,181,397	626,396	444,226	2,061,359	17.73%	Revenue is less than anticipated due to collection and timing of events in Special Duty and number of requests received for Police Visa Clearances, Gen Occur/ID Photo, Tow Fees and False Alarm Fees. This is offset by increase in Police Fees revenue.
Reserves/Capital recoveries	1,545,582	1,545,582	386,396	386,396	1,159,186	25.00%	In line with budget.
Total revenues	12,910,763	12,605,006	3,227,691	3,050,223	9,683,072	23.63%	
Expenses							
Employee Related Costs	163,596,850	163,646,850	40,899,212	39,534,754	124,062,096	24.17%	The YTD Budget includes an estimated Collective Agreement % increase to be determined at the end of the year.
Materials and supplies	5,468,877	5,818,796	1,367,219	739,691	4,729,186	13.53%	Some expenditures are less than YTD Budget. They are expected to be incurred over remaining months and are anticipated to be above Budget due to unforeseen COVID-19 Pandemic.
Vehicle expenses	2,076,000	1,912,727	519,000	453,743	1,622,257	21.86%	
Buildings and grounds	2,756,855	2,614,365	689,214	362,472	2,394,383	13.15%	
Consulting expenses	52,600	52,600	13,150	117,118	(64,518)	222.66%	Independent review re: Pride festival.
Contractual expenses	917,770	804,284	229,442	104,510	813,260	11.39%	
Agencies and support payments	42,300	42,300	10,575	10,575	31,725	25.00%	
Reserves/Recoveries	4,996,602	4,996,602	1,249,151	1,249,151	3,747,451	25.00%	
Cost allocation	1,087,670	1,087,670	271,918	271,918	815,752	25.00%	
Capital Financing	2,978,614	2,978,614	744,653	744,653	2,233,960	25.00%	
Financial/Legal Charges	414,165	497,482	103,541	109,559	304,606	26.45%	
Total expenses	184,388,303	184,452,290	46,097,076	43,698,144	140,690,159	23.70%	Overall, expenditures are within Budget.
Total Net Expenditure	\$ 171,477,540	\$ 171,847,285	\$ 42,869,385	\$ 40,647,921	\$ 130,829,619	23.70%	Net Budget is on target for the period.

HAMILTON POLICE SERVICES BOARD
- INFORMATION -

DATE: June 11, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Capital Project Status Report as at March 31, 2020*
PSB 20-048

BACKGROUND:

The capital project status report as at March 31, 2020 is attached. The projects are anticipated to be completed as identified.



Eric Girt
Chief of Police

EG/J. Randazzo

Attachment: *Appendix A*

cc: Frank Bergen, Deputy Chief – Operations
Ryan Diodati, Deputy Chief – Support
Anna Filice, Chief Administrative Officer
John Randazzo, Director – Finance

Hamilton Police Service
Capital Projects Status Report
March 31, 2020

Appendix A

Project ID	Description	LTD Budget (\$) a	LTD Actual Expenditures (\$) b	Available Balance (\$) c = a - b	% Completed d = b / a	Status
3761351302	Police Computer Software	297,934	57,935	240,000	19.45%	HPS is examining Crime Analytics (ie. Dashboards). Business requirements gathering commenced in Q1 2020.
3761651601	Police Expenditures	735,250	561,229	174,021	76.33%	Various projects in-progress: <ul style="list-style-type: none"> Oil tanks - TBD (dependent on potential relocation of Fleet Division). Drug detection device - Funds transferred to Police reserve in P5. Board tablets Gym wall repairs - Initial repair completed in Q4 2019. Stone caps replacement still outstanding- expected completion by Q4 2020. Body armours - on-going, expected completion by Q4 2020.
3761651901	Police Computer Hardware	2,200,355	996,968	1,203,387	45.31%	Various projects in-progress: <ul style="list-style-type: none"> Evidence workflow (DEMs) - RFP in place. This is a province-wide DEMs solutions - expected completion by Q4 2020. Outlook - In-progress, expected completion by Q4 2020. Desktop - In-progress, contract awarded. Expected completion by Q4 2020. Network/Security - expected completion by Q4 2020.
3761851801	Marine Vessel	800,000	782,474	17,526	97.81%	Completed - funds transferred back to Police Vehicle reserve in P5.
3761857801	Server Storage	556,500	337,715	218,785	60.69%	In-progress, funds to be spent by Q3 2020.
3761857802	Police Video Infrastructure	350,000	-	350,000	0.00%	RFP in place, expected completion by Q4 2020.
3761857804	Radio Room Recording Upgrade	200,000	97,986	102,014	48.99%	P.O. issued, expected completion by Q4 2020.
3761951100	2019 Police Vehicles	1,973,140	1,701,314	271,826	86.22%	Two 2019 vehicles to be received and upfitted.
3762051007	Personal Issued Portable Radios	480,000	-	480,000	0.00%	Project on-going - expected completion Q4 2020.
3762051100	2020 Police Vehicles	2,432,632	3,698	2,428,934	0.15%	Project on-going - expected completion Q4 2020.
3761857302	Intelligence Investigations	394,000	-	394,000	0.00%	On-going, part of multi agency Part VI Intelligence project.
3761951811	Conductive Energy Weapons (CEW)	335,000	334,173	827	99.75%	Completed - funds transferred back to Police reserve in P5.
3761951812	Roof Repairs/HVAC	1,250,000	742,631	507,369	59.41%	In-progress - Expected completion in Q4 2020.
3761957801	ISD - Compellent Storage	180,000	151,707	28,293	84.28%	Completed in Q2 2020.
3761957805	Computer Aided Dispatch (CAD)	500,000	68,694	431,306	13.74%	Phase 1 & 2 will be implemented by Q4 2020.
3761141100	Police - Land Purchase	1,312,020	1,312,656	-	100.05%	Completed.
3761241200	Police ISD Building	25,824,000	17,961,252	7,862,748	69.55%	Project on-going, completion expected by Q3 2020.
376195708	Basement & Brick Repair - Central	200,000	-	200,000	0.00%	Consultants have been engaged - awaiting proposal.
3762055001	Space Feasibility Study	500,000	-	500,000	0.00%	On-going - working with COH to engage a consultants to provide Class B pricing and schematic drawings.
Police Total		42,970,230	27,559,829	15,410,401	64.14%	

**Ministry of the
Attorney General**

Victims and Vulnerable Persons
Division

18 King St. East, 7th Floor
Toronto ON M5C 1C4

Telephone: (416) 325-3265
Facsimile: (416) 212-1091

**Ministère du
Procureur général**

Division des services aux victimes et
aux personnes vulnérables

18, rue King Est, 7^{ie} étage
Toronto ON M5C 1C4

Téléphone: (416) 325-3265
Télécopieur: (416) 212-1091



April 28, 2020

Dear Stakeholder,

The health and well-being of Ontarians is the government's number one priority and we continue to monitor and respond to the evolving situation on COVID-19 based on the advice and guidance provided by the Ministry of Health, Chief Medical Officer of Health and Public Health Officials. We are aware that your organization is re-focussing activities and resources in response to the current public health situation in Ontario. At this time the Ministry of the Attorney General (MAG) is providing a number of key financial supports with the goal of allowing as much financial flexibility as possible to allow you the discretion to focus on the safety, health and well-being of your staff and your clients.

If your organization received time-limited or project-based funding that was tied to specific deliverables or milestones in 2019-20 and these may need to be deferred to 2020-21 as a result of impacts related to COVID-19, those issues will be addressed on a case by case basis.

For the period of April 1, 2020 to September 30, 2020 you have the flexibility to shift funding within your organization and across your program areas to focus on critical services and needs. The ministry will not hold programs to caps on administrative spending and other contract elements and will allow you to move funding within your organization's allocation to address specific local needs related to health and safety and critical operational needs during this time.

For the period of April 1, 2020 to September 30, 2020 the ministry will not hold you accountable to meet predefined service targets or performance measures where they exist. Instead, you will be required to report on the progress of these elements including the TPR Q4 report for 2019-20 and 2019-20 year-end reconciliation in Q2 of 2020-21. This information will be used to support ongoing transparency and accountability measures required of the Treasury Board Secretariat.

For extraordinary expenses incurred in 2019-20 as a result of the current situation, please ensure that you maintain adequate documentation including purpose of expense, invoices etc.). The ministry is working on a process to address these extraordinary expenses.

The Ministry of the Attorney General is working with partners across the justice sector system to put measures in place to address the current public health situation and prevent the spread of COVID-19 while ensuring access continues to critical front-line services.

- 2 -

We encourage you to stay in touch with your designated ministry contact and inform them of any significant changes to your operations during this time. We thank you and appreciate your cooperation and support as we continue to navigate these challenging circumstances.

Yours truly,

A handwritten signature in black ink, appearing to read 'V. Lipman', is positioned above a horizontal line.

Vivienne Lipman
Director, Ontario Victim Services

From: [Ontario Human Rights Commission | Commission ontarienne des droits de la personne](#)
To: [Morph, Lois](#)
Subject: OHRC statement on Integrity Commissioner's determination on part-time Commissioner conflict of interest
Date: Thursday, March 5, 2020 5:45:20 PM
Attachments: [OHRC Logo Masters.png](#)

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OHRC statement on Integrity Commissioner's determination on part-time Commissioner conflict of interest

March 5, 2020

Today, the Ontario Human Rights Commission (OHRC) received a copy of the determination of Integrity Commissioner, the Honourable J. David Wake about the appointment of Police Constable Randall Arsenault as a part-time Commissioner. The determination was also shared with the Attorney General.

In January 2020, Chief Commissioner Renu Mandhane asked Commissioner Wake to consider whether the appointment of Mr. Arsenault creates a conflict of interest since the OHRC is involved in matters than involve Mr. Arsenault's employer, the Toronto Police Service (TPS).

Commissioner Wake noted his concerns that Mr. Arsenault's role with the TPS could interfere with his abilities to perform his duties as an appointee to the OHRC. Commissioner Wake directed Mr. Arsenault, at a minimum, to recuse (or remove) himself from any OHRC discussions or decision-making related to the TPS inquiry or other policing services matters. He also cautioned Mr. Arsenault that he may need to be recused from additional OHRC matters, notably those related to the criminal justice system.

Commissioner Wake directed Mr. Arsenault to take the following steps to mitigate

these potential conflicts:

- Immediately seek authorization from the TPS to be an appointee of the OHRC and provide a copy of this authorization to Chief Commissioner Mandhane
- Recuse or remove [himself] from discussions and decision-making at the TPS related to matters which fall under the jurisdiction of the OHRC
- Do not use provincial government resources, including time and email
- Do not use or disclose OHRC-related confidential information
- Do not participate in any lobbying activities directed at the provincial government
- Do not publicly comment, including through social media, on *any* subjects related to matters which fall under the jurisdiction of the OHRC.

The OHRC notes that international human rights principles require that Commissioners serve in their individual capacities, rather than on behalf of the organizations they represent, be able to engage in independent thinking, and not be perceived to be agents of the state. The OHRC is also aware of concerns raised by community groups about the appointment of an active-duty police officer to the governance body of the OHRC. The OHRC assures the public that it will continue to take all necessary steps to protect its real and perceived integrity and independence.

[Integrity Commissioner conflict of interest determination](#) (redacted by OHRC)

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Ontario Human Rights Commission

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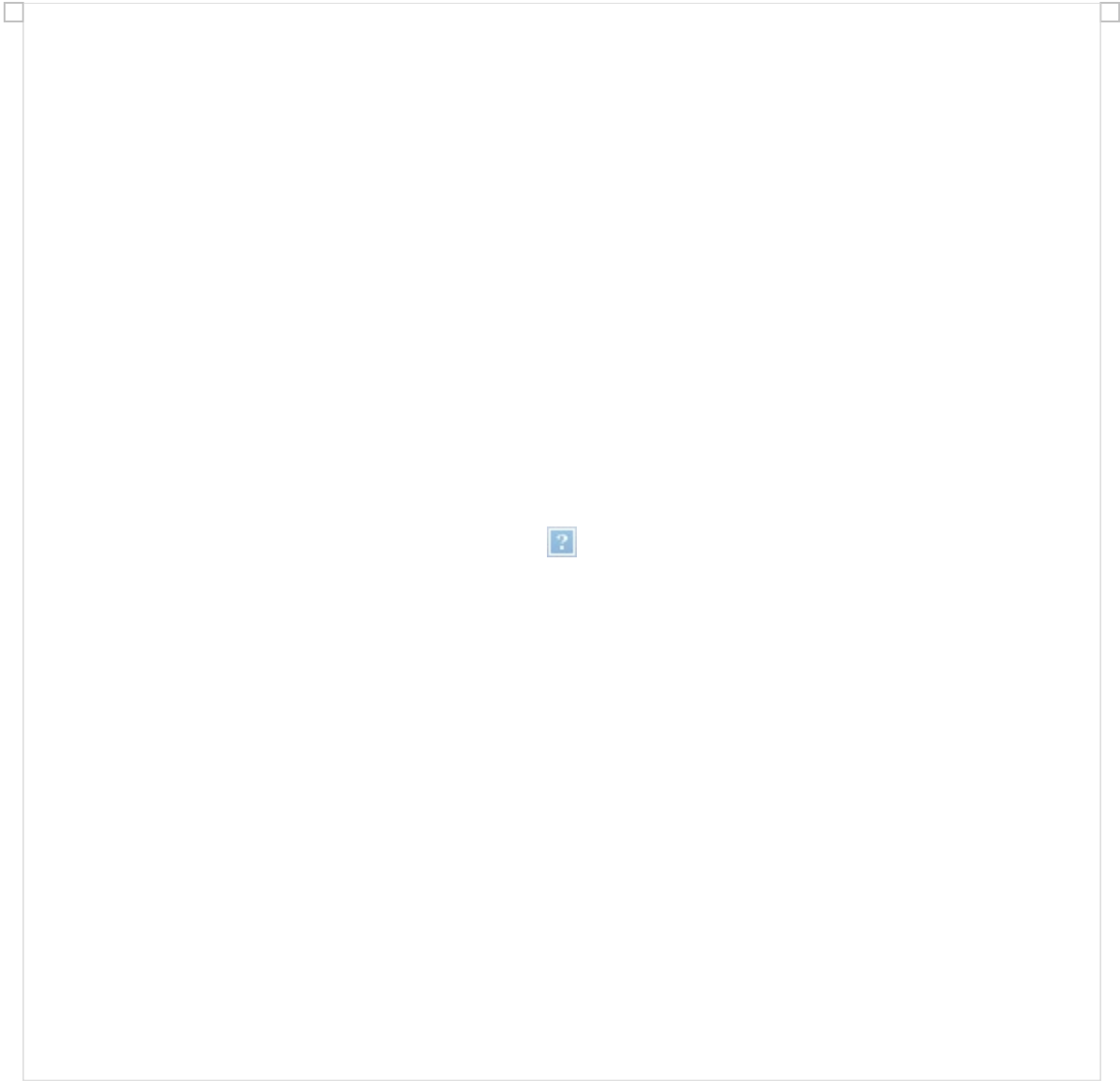
Phone: 1-800-387-9080, Email: communications@ohrc.on.ca, Web: www.ohrc.on.ca

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From: [Canadian Association of Police Governance](#)
To: [Morin, Lois](#)
Subject: Correction: Call for Nominations: Emil Kolb Award 2020
Date: Wednesday, March 11, 2020 3:46:53 PM

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Call for Nominations: 2020 Emil Kolb Award for Excellence in Police Governance

Established in 2013 by the Canadian Association of Police Governance, the Emil Kolb Award for Excellence in Police Governance recognizes and highlights an individual for their significant contributions, commitment, and leadership towards the enhancement of civilian police governance in Canada.

All nominations must be received by April 30, 2020

Nominations are to be submitted either by fax or email to:

Jennifer Malloy, Executive Director, CAPG

Email: jmalloy@capg.ca

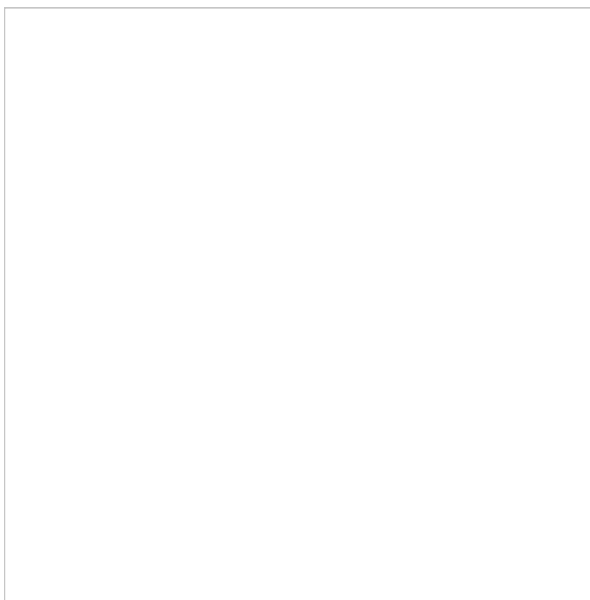
Fax: 613.235.2275

[View Submission Criteria](#)

2019 Recipient of the Emil Kolb Award

Gordon Selinger, Former Board Member, Regina Board of Police Commissioners

Gord was a valued member of the Regina Board for six years, from 2013 to 2018, and throughout this time was a thoroughly engaged member and offered a strong voice on the Board for improving policing in Regina. More importantly, as the Indigenous representative on the Board, he offered significant insight into the day-to-day problems faced by Indigenous peoples in Regina.



During Gord's 30 year career as a teacher and education administrator in Regina, a significant amount of his time was spent teaching and providing guidance to students with emotional special needs and learning disabilities, ensuring they received education in a way that addressed their individual needs and differences. Gord's strong support of these students established long term and trusted relationships that carried on well past school and Gord's retirement. Many students still keep in touch with Gord, calling him to talk, updating him on special life events—even inviting him to their weddings. Through this diversity in his educational background, as a Board member, Gord was always unwavering in his belief of the importance of mentoring and redirecting at-risk youth to help them make better life choices. He stressed that an important part of this involved not only a good relationship between police and youth in Regina, but extra support for those youth identified as needing additional attention to keep them from choosing an unlawful path. The importance of this connection between police and youth reinforced his strong support of community policing.

[Read More](#)

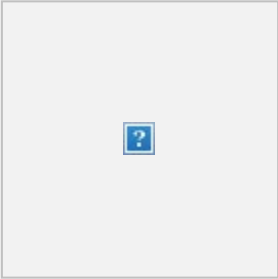
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CITATION: Martin v. Ontario Civilian Police Commission, 2020 ONSC 1116
DIVISIONAL COURT FILE NO.: 331/19 and 341/19
DATE: 2020406

ONTARIO

SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

C. Aitken, L. Pattillo and M. Penny JJ

BETWEEN:)	
)	
PAUL MARTIN IN HIS CAPACITY AS)	
CHIEF OF THE DURHAM REGIONAL)	<i>Sean Dewart and Chris Donovan</i> for Paul
POLICE SERVICE AND THE DURHAM)	Martin
REGIONAL POLICE SERVICES BOARD)	
)	<i>David Migicovsky</i> for the Durham Regional
Appellants/Applicants)	Police Services Board
)	
– and –)	
)	
ONTARIO CIVILIAN POLICE)	
COMMISSION)	
)	
Respondent)	<i>Jeremy Glick, Daniel Mayer and Joshua</i>
)	<i>Tallman</i> for the Respondent
)	
)	
)	HEARD: January 17, 2020

REASONS FOR JUDGMENT

Overview

- [1] In January 2019, the Solicitor General for the Province of Ontario requested that the Ontario Civilian Police Commission conduct an investigation under s. 25 of the *Police Services Act*, R.S.O. 1990, c. P.15 into allegations of misconduct by senior members of the Durham Regional Police Service and the ability of the Durham Regional Police Services Board to discharge its statutory responsibilities and provide the proper oversight required for the administration of the Service.

- [2] The Solicitor General also asked the Commission to conduct a preliminary review, prior to a formal investigation, to determine which officers of the Service and members of the Board, if any, should be subject to s. 25 investigations under the PSA into their individual conduct and/or performance of duties.

- [3] In response to the request of the Solicitor General, the Commission initiated a preliminary review of the issues identified by the Solicitor General. Among other things, the Executive Chair reviewed the complaints of seven individual employees, including both officers and civilians, and the results of a poll conducted by the Durham Regional Police Association of its membership.

- [4] Based on the information obtained during the Commission's preliminary review, the Executive Chair was satisfied that the circumstances required a thorough and systematic investigation. Accordingly, by Interim Order of May 23, 2019, she initiated a formal investigation under s. 25 of the PSA, setting out the parameters of that investigation in Terms of Reference attached to her order.

- [5] The Commission's preliminary review also revealed what the Executive Chair referred to as "a crisis of confidence" within the Service which had the potential to negatively affect policing and, consequently, the communities that the Service and Board serve. The preliminary review revealed a deep sense of mistrust in the judgment, integrity and capacity of the Service's leadership and the Board's oversight abilities. The most commonly expressed reason for this mistrust was allegations of cronyism manifested as favouritism by the senior administration of the Service, which included tolerance of workplace harassment, intimidation of subordinates and retaliatory discipline. The Commission concluded that this crisis could not solely be addressed by the Commission's investigation powers during the investigation and that the particular nature of this crisis could, in fact, severely hamper the Commission's investigative process.

- [6] As a result, the Commission formed the opinion that the crisis of confidence within the Service constituted an emergency and that the appointment of an Administrator under ss. 23(1) and 24(1) of the PSA, to perform specified oversight functions, was necessary in the public interest. The specified oversight functions were in three discrete areas: disciplinary proceedings, promotions and secondary employment.

- [7] Section 24(1) provides:

The Commission may make an interim order under subsection 23(1) without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest.

- [8] In accordance with s. 24(1), the Commission's Interim Order was made without notice to the Durham Chief of Police or to the Board, and without a hearing.

- [9] It is from this Interim Order of the Commission appointing an Administrator to provide specified oversight functions over the Chief and the Board, that the Chief, supported by the

Board (which was added as a party applicant), appeals or, in the alternative, seeks judicial review.

The Issues

- [10] In support of his application, the Chief filed a lengthy affidavit. The admissibility of a significant portion of this affidavit is opposed by the Attorney General. The Chief, therefore, moves for leave to file fresh evidence. The Attorney General also filed fresh evidence, in the event that the Chief's motion was granted.
- [11] There are, accordingly, six issues:
- (1) Should the Court admit fresh evidence?
 - (2) What is the standard of review?
 - (3) Did the Commission act without jurisdiction because the statutory conditions precedent to the appointment of an Administrator were not met?
 - (4) Did the Commission err in determining that there was a state of emergency and in making the Interim Order for the "impermissible" purpose of facilitating its investigation?
 - (5) Was the Commission's order made without adequate procedural fairness? and
 - (6) Is there a reasonable apprehension of bias on the part of the Commission resulting from the fact that the Executive Chair, who is head of the investigations branch, made the Interim Order rather than the Vice Chair who is the head of the adjudicative branch?
- [12] For the reasons that follow, I would dismiss the appeal and application for judicial review.

Fresh Evidence

- [13] The Chief moves to admit fresh evidence in the form of his affidavit and the affidavit of Udaypal Singh Jaswal, the former Deputy Chief of the Service. Essentially, the grounds for the motion are that the Interim Order was made without notice or any hearing such that: a) the Chief had no opportunity to put in evidence before the Commission; b) the Chief did not receive a copy of the complaints before the Commission which gave rise to the Interim Order until they were provided in the Respondent's record on this review; and (c) the Chief's arguments relating to the Commission's alleged failure to provide procedural fairness and bias cannot be assessed in the absence of this evidence.
- [14] The Chief relies on the principle, established by the Court of Appeal for Ontario in *R. v. Rajaefard* (1996), 27 O.R. (3d) 323 (at p 325), that "where the new evidence sought to be admitted is relevant to the validity of the trial process itself, rather than directed at a finding made at trial, it is admissible" and the test in *R. v. Palmer* does not apply. Similarly, an

appellate court will receive evidence adduced to establish a reasonable apprehension of bias on the part of an adjudicator, *Langstaff v. Marson*, 2014 ONSC 510 at paras. 21-23.

- [15] In addition, however, to evidence concerning fairness and bias, the Chief also seeks to adduce evidence that he says the Commission “ought to have considered” in determining whether an emergency existed to justify the exercise of its interim powers and whether the Chief, the Service and the Board have flagrantly and repeatedly failed to comply with the prescribed standards of police services. This evidence, the Chief submits, seeks to place the material the Commission considered in its “proper context”, offers the Chief’s perspectives on the events set out in the complaints and describes the conduct of the Chief, the Service and the Board that is relevant to showing potential ulterior motives on the part of the individual complainants for making their complaints to the Commission.

- [16] Generally, an application for judicial review proceeds solely on the record that was before the tribunal. In some cases, fresh evidence in an application for judicial review may be permitted to supplement the record if it is in the nature of general background, demonstrating a complete absence of evidence on an essential point or, as argued by the Chief, if it is necessary to show a breach of procedural fairness or bias arising out of circumstances or information not already contained in the record.

- [17] The limitation on the admission of fresh evidence arises out of the purpose of judicial review. The court does not re-weigh the evidence in such cases. Restricting the admission of fresh affidavit evidence therefore discourages parties from inappropriately seeking to expand judicial review into a hearing *de novo* by challenging findings of fact or attempting to reframe or contradict evidence that was before the original decision-maker.

- [18] The Attorney General does not object to the parts of the Chief’s affidavit that appear to relate to general background and the allegations of bias. Those paragraphs are:
 - paragraphs 2 to 34, 36 and 41 to 43: general background, and
 - paragraphs 143 to 145: bias.

- [19] The balance of the Chief’s affidavit and the entire affidavit of Deputy Chief Jaswal, however, seek to put into the Record before the court evidence that was not before the Commission in order to challenge the substance of the Commission’s decision. The Chief submits that the Commission should not have relied solely on the evidence before it but rather ought to have looked at other evidence and, particularly, his own. The majority of the evidence in these affidavits attempts to recharacterize, minimize or dismiss each of the complaints that were put before the Commission.

- [20] The Chief’s approach to this fresh evidence, in our view, misunderstands the purpose to which this judicial review must be directed. The question of whether the decision of the Commission was reasonable must be decided based on the information which was before the Commission. Judicial review of the Commission’s Interim Order is not a hearing *de novo* of the need for the Interim Order or a merits hearing on the validity of the complaints. Section 24(1) of the PSA contains no procedure comparable to rule 40.02 of the Rules of

Civil Procedure limiting the effect of an interlocutory injunction made without notice to 10 days and requiring any motion to extend that period to be brought on notice to every party affected by the order. As noted in the Attorney General's factum, the Chief will have an opportunity to provide information to the investigators during the investigation and the opportunity to provide the Commission with a response to each allegation made against him before the Commission concludes its investigation. If there is ever a hearing on any of these matters, the Chief will have access to the full panoply of natural justice rights attendant on such hearings.

- [21] I agree with counsel for the Attorney General that, other than those paragraphs of the Chief's affidavit listed in para. 18 above, the Chief's and Deputy Chief Jaswal's affidavits are not admissible. The inadmissible portions of these affidavits go to the merits of the underlying complaints and the Commission's *prima facie* findings, not to the validity of the process the Commission followed leading up to the Interim Order.
- [22] Because the bulk of the fresh evidence is not being admitted, the Attorney General's motion to admit responding fresh evidence is also dismissed.

Standard of Review

- [23] The Interim Order in issue was made under s. 24(1) of the PSA which provides:

The Commission may make an interim order under subsection 23(1), without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest.
- [24] Under s. 23(11), a party may appeal to the Divisional Court within thirty days of receiving notice of the Commission's decision. This right of appeal, however, is only engaged after a hearing has been conducted under s. 23(1).
- [25] There is no explicit right of appeal from an interim order under s. 24(1). Nor can s. 24(1) reasonably be read as incorporating the appeal right under s. 23(11) because the s. 23(11) appeal is expressly conditioned upon there being a decision following a hearing. This conclusion is also consistent with the policy of limiting appeals from interim decisions of administrative decision-makers, encouraging the parties to get on with addressing the merits, and fostering the efficient use of the court's procedures and judicial resources.
- [26] I find, therefore, that there is no statutory right of appeal from the Commission's Interim Order under s. 24(1).
- [27] The interim order was, nevertheless, the product of a statutory power of decision subject to judicial review.
- [28] Since *Canada (Minister of Citizenship and Immigration) v. Vavilov* 2019 SCC 65 (released after the parties delivered their factums but before oral argument in this matter), it now matters whether the review is proceeding by way of statutory appeal, under which the usual test for review on appeal in *Housen v. Nikolaisen*, 2002 SCC 33, [2002] 2 S.C.R. 235, at

para. 8 applies, or judicial review, under which the test of reasonableness presumptively applies (including to matters of what used to be called “true” jurisdiction). There are specified exceptions to this presumption in certain circumstances (such as questions of constitutional law or legal questions of central importance to the legal system as a whole) which are not applicable here.

- [29] Thus, the standard of review of the Commission’s Interim Order is reasonableness, as that term is understood and explained in *Vavilov*.
- [30] The court does not, however, conduct an assessment of the appropriate standard of review with respect to issues of procedural fairness. Whether the decision maker complied with the duty of procedural fairness is always reviewed using the correctness standard.

Jurisdiction

- [31] Section 22 of the PSA sets out the Commission’s powers and duties generally. The Commission’s powers and duties include various items such as conducting inquiries of municipal police matters, hearing appeals from disciplinary hearings and making recommendations with respect to the policies of, or services provided by, a police force.
- [32] The interpretation of s. 22(1)(a) is controversial in this case. Section 22(1)(a) provides that the Commission may take certain actions on the basis of advice from the Solicitor General:

22(1) The Commission’s powers and duties include,
 (a) if the Solicitor General advises the Commission that a board or municipal police force is not complying with prescribed standards of police services or standards established under the Police Record Checks Reform Act, 2015,
 (i) directing the board or police force to comply, and
 (ii) if the Commission considers it appropriate, taking measures in accordance with subsection 23(1).

- [33] Subsection 23(1) of the Act provides that if the Commission is of the opinion, after holding a hearing, that a board or municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services, the Commission may take some or all of the following measures:
 1. Suspending the chief of police, one or more members of the board, or the whole board, for a specified period.
 2. Removing the chief of police, one or more members of the board, or the whole board from office.
 3. Disbanding the police force and requiring the Ontario Provincial Police to provide police services for the municipality.
 4. Appointing an administrator to perform specified functions with respect to police matters in the municipality for a specified period.

- [34] Section 24 of the PSA provides that the Commission may make an interim order under s. 23(1), without notice and without holding a hearing, if it is of the opinion that an emergency exists and that the interim order is necessary in the public interest, provided that the Commission shall not remove a person from office or disband a police force by means of an interim order.
- [35] Section 25 of the Act provides that the Commission may “investigate, inquire into and report on”, inter alia, the conduct of police officers, chiefs of police and the manner in which police services are provided for a municipality. It may do so “on its own motion or at the request of the Solicitor General”. Section 25 further provides that following a hearing and a finding of misconduct or incapacity, the Commission may impose specified penalties.
- [36] Based on this statutory regime, the Chief argues that the Commission is empowered by ss. 22 and 25 to inquire, investigate and act on its own initiative but that s. 22(1)(a) only empowers the Commission to take measures under s. 23(1), and, specifically, appoint an administrator to perform specified functions, “if the Solicitor General advises the Commission that a board or police force is not complying with prescribed standards of policing.” It is common ground that the Solicitor General provided no such advice in this case.
- [37] Rather, on January 16, 2019, the Solicitor General asked the Commission to “investigate, inquire into and report on matters relating to” the Service. This request tracks the language in s. 25 of the Act verbatim. The Solicitor General expressly asked the Commission to “conduct an investigation pursuant to s. 25” of the Act. She also asked the Commission to conduct a preliminary investigation to determine which officers and board members, if any, should be subject to investigation into their individual conduct. The Solicitor General advised the Commission of her concern that there “may be negative impacts on policing and the communities that the Service and Board serve”. The Solicitor General did not, on any reading of her letter referring the matter to the Commission, advise that either of the Service or the Board was “not complying with prescribed standards of policing”.
- [38] In brief, the Solicitor General referred the complaints to the Commission for investigation under s. 25 of the Act without mentioning either s. 22(1)(a) or s. 23(1) and, more importantly, without advising the Commission that the Service or the Board was “not complying with prescribed standards of” policing. The Chief submits that reliance on the exercise of any power by the Commission under s. 23(1) must be conditioned on advice from the Solicitor General that a board or police service is “not complying with prescribed standards of” policing. Accordingly, in the absence of this advice from the Solicitor General, the Chief argues, the Commission had no statutory power: a) to take any measures under s. 23(1); or b) to make a s. 24(1) “interim order under” s. 23(1). The Commission therefore erred in law in assuming such jurisdiction and in ordering the interim appointment of an administrator.

Analysis

- [39] It is well settled that the words of a statute must be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament. This approach to statutory interpretation involves a textual, contextual and purposive analysis of the statute or provision in question, *Ayr Farmers Mutual Insurance Company v. Wright*, 2016 ONCA 789 at paras. 26-33.
- [40] It is also presumed that the provisions of legislation are meant to work together as parts of a functioning whole. The parts are presumed to fit together logically to form a rational, internally consistent framework. Because the framework has a purpose, the parts are also presumed to work together dynamically, each contributing something toward accomplishing the intended goal. It is not unusual for an administrative body to be given overlapping powers by the legislature; when this happens, each is meant to apply, and overlap between powers is not a basis for narrowing their scope, see Ruth Sullivan, *Construction of Statutes*, 6th ed. (Toronto Lexus Nexus Canada Inc., 2014) at paras. 11.2 and 11.7 – 11.15.
- [41] Section 22(1) of the PSA is clearly not exclusive of the powers of the Commission because it starts with the expression “the Commission’s powers *include*...”. Section 25, for example, lists numerous other powers as well.
- [42] Section 22(1)(a) of the PSA sets out what the Commission may do if the Solicitor General advises it that a board or service is not complying with prescribed standards of police service. The Commission has the power to direct the board or service to comply without holding a hearing. It may also, if it considers it appropriate, “take measures” following a hearing in accordance with s. 23(1).
- [43] I do not read the purpose of s. 22(1)(a), however, as being to circumscribe when the Commission may hold a hearing under s. 23(1) but, rather, to provide the Commission with the power to take action immediately if the Solicitor General makes *her own* finding and advises the Commission that a board or service has failed to comply with prescribed policing standards. It allows the Commission, among other things, to make compliance orders before proceeding to a hearing and to move to a hearing under s. 23(1) without the necessity of conducting its own investigation under s. 25.
- [44] There is no specific provision in the PSA empowering the Commission to hold hearings, but that power is necessary and obvious, given that s. 23(1), and ss. 25(4), (4.1), (4.2), (4.3) and (5) all contemplate what the Commission may do *after* holding a hearing. In my view, s. 23(1) is a freestanding source of authority for the Commission, after it has held a hearing, which is not conditioned on the need for the Solicitor General’s advice under s. 22(1)(a).
- [45] In circumstances where the Solicitor General has not made a finding that a board or service has failed to comply with prescribed policing standards, the Commission can still independently proceed to a hearing under s. 23(1). In the absence of a finding by the

Solicitor General, however, recourse to s. 23(1) by the Commission is likely to take place only after an investigation has been conducted under s. 25. The power of the Commission to hold a hearing under s. 23(1) on its own initiative is consistent with the purpose of the PSA and the role of the Commission within the PSA. This interpretation of s. 22(1)(a) is also consistent with the differing but overlapping oversight roles of the Solicitor General and the Commission.

- [46] For these reasons, I find that the Commission did not act without jurisdiction in purporting to rely on s. 23(1) as a source of authority to issue the Interim Order.

Whether the Commission's Decision Was Reasonable

- [47] The power to issue an interim order derives from s. 24(1) of the PSA. The Commission may make an interim order under s. 23(1) without notice and without a hearing if it is of the opinion that:

- (a) an emergency exists; and
- (b) the interim order is necessary in the public interest.

- [48] As noted earlier, any order made by the Commission under s. 23(1) following a hearing would necessarily require a finding that the Board or the Service had "flagrantly or repeatedly failed to comply with prescribed standards of police services". The Chief submits that the Commission did not even mention, let alone analyze, whether the evidence established flagrant or repeated failures to comply with prescribed policing standards.
- [49] Section 24(1), of course, contemplates an interim order made without notice or a hearing. This engages the question of what evidentiary threshold is required to sustain an interim order under s. 24(1).
- [50] The Chief submits that there is no evidence the Commission considered whether the subject matter of the complaints involved flagrant or repeated failures to comply with prescribed policing standards as required by s. 23(1), and that there is certainly no evidence to support a conclusion that this requirement has been established.
- [51] The Chief is critical of the *bona fides* of the complaints made against him and other senior management. He submits that these complaints arise out of old labour relations issues being tenaciously pursued by disgruntled employees, both officers and civilians. Among other things, he argues that seven complaints cannot support sweeping conclusions that a crisis of confidence is "prevalent," "clear" or "widespread" within the Service.
- [52] Part of the evidence before the Commission involved a survey conducted by the Durham Regional Police Association. The survey disclosed that large percentages of the membership had lost trust in Mr. Martin and wanted a new chief, did not trust senior command, thought senior management was doing a bad job and operated within a culture of favouritism and that rank and file officers were not treated fairly. The Chief attacks the validity and reliability of that survey on a number of grounds. Essentially, the Chief argues

that “a complaint based on a popularity contest calls at a minimum for some level of incredulity, however none can be found in the Executive Chair’s reasons.”

- [53] The Chief also submits that the evidence before the Commission was insufficient to establish either that there was an “emergency” or that the Interim Order was “necessary in the public interest” and that the decision to issue the Interim Order was, therefore, unreasonable.
- [54] The Chief argues that an emergency must be a serious, unexpected and potentially dangerous situation requiring immediate action, a sudden state of danger or an unforeseen combination of circumstances that calls for immediate action. Other Ontario statutes define an emergency as “a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property.” He submits that the complaints and other information considered by the Commission cannot constitute an emergency because:
- (i) the Solicitor General asked the Commission to conduct an investigation in late November, 2018 but the Commission waited four months before issuing the Interim Order;
 - (ii) the individual complaints mostly involve events that took place years ago; and
 - (iii) several of the complaints have already been investigated through existing internal mechanisms.
- [55] The Chief also submits that the Commission’s reasons are intrinsically contradictory. The Executive Chair recites in her reasons that the Commission’s review of the complaints had not progressed beyond the preliminary review undertaken five months before she made the order. As there has not been any investigation, she was forced to concede that the Commission “does not, at this time, have sufficient information to make findings regarding the merits of [the] allegations [in the complaints].” It is impossible for a decision-maker to form a reasonable and *bona fide* opinion that there is an emergency or that there are flagrant or repeated failures to follow prescribed policing standards, if he or she does not conduct any investigation and admits they lack the ability to make any findings.
- [56] The Board adopts these arguments. Specifically, the Board submits that there was no evidence, and the Commission’s reasons for the Interim Order disclose no analysis, of the Board’s complicity in any flagrant or repeated failures to follow prescribed policing standards or in bringing about an emergency in Durham Regional policing requiring drastic action in the public interest.

Analysis

Flagrant or Repeated Failure

- [57] In my view, the Commission was not required, as a condition of making an interim order under s. 24(1), to satisfy itself that there had been flagrant or repeated failures to comply

with prescribed policing standards. This would be inconsistent with the lack of notice or a hearing and would impose too high a threshold for the purposes of an interim order. Section 23(1) empowers the Commission to make final orders following a hearing; s. 24(1) empowers the Commission to make an interim order in an emergency situation where it is of the opinion that it is in the public interest to do so.

- [58] The task of the decision-maker at the interim stage is not to make a determination on the merits but to determine whether there is a *prima facie* case of misconduct, and whether the circumstances require an interim order to be made to protect the public from the reasonable prospect of harm while the regulatory body completes its investigation, *Scott v. College of Massage Therapists of British Columbia*, 2016 BCCA 180 at paras. 81, 88.
- [59] To make an interim order under s. 24(1), the Commission does not need to make a finding that flagrant or repeated failures to comply with prescribed policing standards have occurred. Purporting to do so in the absence of notice and a hearing would be a breach of natural justice. Rather, it is sufficient that there be credible allegations which, if true, would constitute flagrant or repeated failures to comply with prescribed policing standards.
- [60] The complaints were not anonymous and came largely from mid to senior levels of the sworn and civilian workforce. The conduct alleged, if true, could constitute discreditable conduct, deceit and even corrupt practice. Although largely directed toward the Chief and senior management, some of the individual complaints, and the polling data, were also directed at the Board.
- [61] I agree with the Attorney General that the allegations of the seven complainants and the concerns which appear to be embodied in the polling data would, if true, indicate flagrant or repeated failures to comply with prescribed policing standards. There is, therefore, a *prima facie* case under s. 23(1).

Emergency

- [62] Since *Vavilov*, questions of “true” jurisdiction are no longer a distinct category attracting correctness review. The argument that supports this category (the delegated decision-maker should not be free to determine the scope of its own authority) can be addressed adequately by applying the framework for conducting reasonableness review. The reasonableness review is both robust and responsive to context. Precise or narrow statutory language will necessarily limit the scope of interpretation open to the decision-maker; broad powers conferred in general terms will be indicative of legislative intent to grant greater leeway, *Vavilov* at paras. 67 and 68.
- [63] The term “emergency” is necessarily a fluid and contextual one, the meaning of which must be determined in all of the circumstances. Here, the interpretation of emergency must be understood in the context of the PSA and the oversight role of the Commission as a whole.

- [64] I agree with the Attorney General that in the context of s. 24(1) of the PSA, an emergency must be a policing emergency where, if decisive action is not taken, there is a reasonable apprehension of danger or the approach or imminence of danger.
- [65] A police force is a para-military organization whose members are authorized in appropriate circumstances to use force, including lethal force. In a para-military organization like a police service, maintenance of the chain of command is essential, *Durham Regional Police Service v. Sowa*, 2019 ONSC 1902 (Div. Ct.) at para. 38.
- [66] The proper functioning of the chain of command requires that officers trust their leadership. A fear of reprisals, a belief that the decision-making of the senior leadership is unfair, or that senior leadership will not act to stop misconduct if the wrong-doer is on the “inside”, all have the potential to strike at the heart of the proper functioning of that chain of command.
- [67] It seems to me that the potential for a wide-ranging break-down in the chain of command would qualify as a policing emergency. The potential dangers of such a break-down would include the proliferation of misconduct within the Service, a loss of public confidence in the Service as the issues become public, as well as less effective policing of the communities the Service serves. These dangers are not remote but, as found by the Commission, may be reasonably apprehended as the logical consequence of the kind of conduct within the Service which was raised in the material before the Commission.
- [68] The Chief’s attempt to minimize the complaints on the basis that they have either been addressed or can be addressed through processes already in place, misunderstands the nature of these complaints. The real burden of the complaints is that the existing processes are insufficient to deal with misconduct within the Service and that the senior leadership of the Service has willfully misused those processes to favour “insiders”. It also misunderstands the basis for the emergency order - that because of those underlying allegations and others like them, the large majority of the Service’s rank and file members have lost confidence in the Chief, the Board and the senior leadership team.
- [69] The polling data suggests, on a *prima facie* basis, that this is not just a case of a few disgruntled officers with an axe to grind or engaging in isolated acts of insubordination. On the evidence before the Commission, 77% of the membership of the DRPA wanted a new Chief of Police because they had lost trust in the current one; 82% of the membership of the DRPA thought senior management was doing a bad job; 79% of the membership of the DRPA felt that management exercised a culture of favoritism; and, well over half of the membership felt that rank and file officers were not treated fairly.
- [70] There was evidence before the Commission upon which it could reasonably form the opinion that decisive action was required to prevent serious pending or apprehended harm. There was, in short, a reasonable basis for a finding that there was an “emergency” within the meaning of s. 24(1).

Public Interest

- [71] The determination of whether an interim order is necessary in the public interest is, again, a contextual decision, dependent on the harms or dangers occasioned or risked by the emergency, and the specific impact those harms would have on the public interest.
- [72] The term “public interest” is not defined in the PSA. I agree with the Board’s submission that there must be a proper factual foundation for any determination that a prescribed action is in the public interest. The grounds for acting in the public interest obviously requires more than reliance on the decision-maker’s whim. The public interest is, nonetheless, a broad term that allows the Commission to take a variety of considerations into account in its decision-making process. The determination of the public interest is a matter of public policy in the true sense of the word and demands a high degree of deference, *Committee for the Equal Treatment of Asbestos Minority Shareholders v. Ontario (Securities Commission)*, 2001 SCC 37 at paras. 39-45.
- [73] The Commission’s discretion in defining the public interest is, of course, limited by the general purpose of the PSA which is “to increase public confidence in the provision of police services”. The PSA lists a number of guiding principles by which it achieves this goal, including ensuring the safety and security of all persons and property in Ontario and ensuring that police services are accountable and transparent to the communities they serve. It is also achieved by the Commission’s role, as set out in the PSA, to provide oversight of police services across Ontario.
- [74] The factors that will influence a decision whether an interim order is necessary in the public interest will include:
1. the nature and quality of the evidence disclosing a *prima facie* case of a problem requiring immediate action (discussed earlier);
 2. the seriousness of the risk; and
 3. the impact of the order on its subject. There must be a balance between the need for an interim order and the consequences to the subject,
- see *Scott* at para 55.
- [75] It was reasonable for the Commission to find that it was necessary to make the Interim Order in the public interest. The apprehension of a crisis of confidence within the Service required immediate action. The Interim Order struck the appropriate balance between dealing with the apprehended risk and being the “least intrusive” measure reasonably possible. The Chief’s “core duties” were not “stripped” as he alleges. Instead, an additional layer of review was placed above him in three discrete areas unrelated to the daily operation of the Service. By appointing an Administrator restricted to overseeing discipline, promotions, and secondary employment, the Interim Order assured members of the Service and the public that the Commission would, for the term of the Interim Order, ensure the proper functioning of the Service in these areas. Similarly, the impact of the

Interim Order on the Board is minimal while at the same time addressing the serious concerns identified in the preliminary review in a way that protects the public interest.

- [76] The Commission found there was a serious risk that a considerable portion of the members of the Service would be deterred from participating forthrightly in the investigation unless robust protections were put in place to alleviate their fear of reprisal. The Commission also found that it was in the public interest to mitigate against potential interference in the Commission's investigation so that the public can be assured that a full accounting will be achieved.
- [77] The Chief argues that these were improper considerations.
- [78] I do not agree. An essential purpose of the PSA is to ensure public confidence in policing. As set out in the text, *Issues of Civilian Oversight of Policing in Canada*, that confidence is essential to effective policing:

The perception by a community that public complaints against the police are not being adequately investigated can have a detrimental impact on that community's confidence in the police. Therefore, civilian investigation and oversight of the police is an important aspect of police accountability, and can play a fundamental role in improving relationships between police and the community.

Ian Scott, *Issues in Civilian Oversight of Policing in Canada*, (Toronto: Carswell, 2014) at pp. 165 – 166.

- [79] It was reasonable for the Commission to take the public interest in the integrity of its investigation into account when determining whether the Interim Order was necessary. This is particularly true where the potential impediment to the Commission's impartial investigation and public confidence in the investigation is one of the very ills which the Commission has been asked to inquire into and which it determined must be investigated. Ensuring the public has confidence in the investigation ensures confidence in policing, which in turn ensures effective policing.

Procedural Fairness

- [80] The Chief and Board submit that they were denied procedural fairness. They argue that, although the PSA allows the Commission to make an interim order without notice or holding a hearing in an emergency, it is nevertheless required to act with procedural fairness. Any administrative decision that affects the rights, privileges or interests of an individual is sufficient to trigger the application of the duty of fairness. The rules of natural justice and the duty of fairness are variable standards. Their content will depend on the circumstances of the case, the relevant statutory provisions and the nature of the matter to be decided. They are based on the right to participate, so that persons who are to be affected by a decision can put their position forward and have it considered by the decision-maker, *Knight v. Indian Head School Division No. 19*, [1990] 1 S.C.R. 653 at p. 682.

- [81] At a minimum, the principle of procedural fairness will always require some right to participate, even if it involves only the most rudimentary ability to respond to the allegations being made. There should be few cases in which courts will regard a situation as so emergent that the court will not insist on some minimal level of procedural fairness, *Hundal v. Superintendent of Motor Vehicles*, 1985 CanLII 772 (BCCA) at para. 22; Huscroft, Grant, “The Duty of Fairness: From Nicholson to Baker and Beyond”, *Administrative Law in Context*, ed. Collen Flood and Lorne Sossin, (Emond Montgomery Publications: Toronto, 2008) at pp. 128-129.
- [82] An administrative body is required to act fairly, even if it is not held to the formal rules of natural justice. The duty to act fairly extends to administrative agencies even when conducting a purely investigative function, *Selvarajan v. Race Relations Board*, [1976] 1 All E.R. 13 (C.A.) at p. 13.
- [83] In the present case, the Commission acted judicially. It made the Interim Order with significant consequences for the Chief and the Board. The Commission advised the Chief on February 13, 2019 that the results of the preliminary review would be provided when they became available. On March 1, 2019, it advised the Board that it did not need to hear from the Board “at that time” and that sufficient details of the complaints would be provided if a formal investigation was initiated.
- [84] At a minimum, the duty of fairness required the Commission to find out what the Chief and Board’s positions were regarding the allegations. It failed to do so, thereby depriving the Chief (and the Board) of procedural fairness.

Analysis

- [85] I am unable to agree with these arguments. The cases and principles cited by the Chief (and Board) did not arise in the context of an unambiguous statutory authority to issue interim orders without notice or a hearing. Any common law rights to notice or a hearing were, therefore, expressly displaced by the language of the PSA.
- [86] Where a statute expressly or by necessary implication limits or completely does away with procedural fairness, the language of the statute takes precedence over the common law, *Ocean Port Hotel Ltd. v. British Columbia (General Manager, Liquor Control & Licensing Branch)*, 2001 SCC 52 at paras. 22 and 27; *Walpole Island First Nation v. Ontario* (1996), 31 O.R. (3d) 607 (Div. Ct.) at paras. 48-63.
- [87] The Legislature’s intent when enacting s. 24(1) was to provide the Commission with the power to make interim orders without a hearing or notice when the Commission was of the opinion that there were emergent circumstances and that it was necessary in the public interest for temporary remedial steps to be taken immediately. The intention was to completely displace any rights to a hearing or notice prior to the issuance of an interim order under that subsection.
- [88] The purpose of s. 24(1) – the prevention of emergent harm – is furthered by the express exclusion of the rights to a hearing or to notice. The subsection ensures that the

Commission can act decisively in an emergency. Imposing common law procedural fairness requirements would defeat the purpose of the emergency power granted to the Commission and render s. 24(1) redundant, given the powers of the Commission and the hearing regime set out in s. 23 of the PSA.

- [89] The Chief's (and Board's) argument to the effect that the Commission was at least required to find out what the Chief's and Board's positions were regarding the allegations before issuing the Interim Order is both unworkable in practice and contrary to the express language of s. 24(1).
- [90] In light of the express language of s. 24(1), the only right to procedural fairness that the Applicants were entitled to was reasons for the Commission's decision, disclosure of the Record and the right to seek court review the Interim Order. They received those reasons and the Record and have exercised their right to appeal/judicial review. They also received individual letters setting out details of what the Commission would be investigating under s. 25 and advising them that further details would be provided before any interviews are conducted.
- [91] There was, in these circumstances, no denial of procedural fairness.

Reasonable Apprehension of Bias

- [92] The Commission is divided into investigatory and adjudicative branches. There is nothing in the PSA which permits an overlap of these functions. As a general principle, a member of a commission may not act as investigator and adjudicator in the same case, as this gives rise to an apprehension of bias. In this case, the Executive Chair is the head of the investigatory branch that was responsible for the preliminary review and is now responsible for overseeing the investigation that she determined should proceed. The Chief argues, in these circumstances, that the Executive Chair acted in an adjudicative capacity in making the Interim Order and, in doing so, impermissibly sat as judge in her own cause, 2747-3174 *Québec Inc. v. Québec (Régie des permis d'alcool)*, [1996] 3 S.C.R. 919 at para. 60
- [93] The Chief submits that this merger of the investigative, prosecutorial and judicial functions of the Commission gives rise to a reasonable apprehension of bias. The Interim Order has significant implications on the applicants' statutory and common law powers and responsibilities and substantially interferes with his command of the Service. Issuing the Interim Order was an exercise by the Commission of its judicial function, which this Court has held must be separated from its investigative function, *Gardner v. Ontario Civilian Commission on Police Services*, 2004 CanLII 2540 (ONSC (Div. Ct.)) at paras. 14 and 27.
- [94] He further submits that, rather than taking the matter before a Vice Chair appointed to exercise the Commission's judicial function, the Executive Chair, who heads the Commission's investigative branch, signed the order herself with a view to furthering "the Commission's investigative process".
- [95] The Executive Chair made numerous, very serious and definitive "findings" such as the presence of "a deep sense of mistrust in the judgment, integrity and capacity of the

Service's leadership and the Board's oversight capacity". She found that it is "clear that the Service's morale suffers from a prevalent perception" of favouritism, that "there is a widespread belief" that members of the Service who make complaints are subject to reprisals and that "there is a widespread view" that the Service is plagued by "cronyism" and that its members are "demoralized".

- [96] A reasonable observer, the Chief argues, could only conclude that an investigator who had only heard one side of the story from biased raconteurs, had not sought out any response, admitted the impossibility of determining the merits of the matter, but who then went on *qua* adjudicator to make damning findings of fact and an order with highly serious consequences, had not approached the matter with an open mind.

Analysis

- [97] In *Gardner*, the Divisional Court found that the composition of a hearing panel raised a reasonable apprehension of bias because the members of that panel had participated in meetings of the full membership of the Commission where decisions were made to conduct an investigation, where the report was received and discussed and where it was decided that an inquiry would go forward. This Court found that the PSA did not displace the common law right to an impartial hearing panel.
- [98] The Commission, following *Gardner*, separated the investigative and adjudicative branches and created administrative walls between those functions to protect the integrity of both roles. The Executive Chair is the head of the investigative branch and a Vice Chair is the head of the adjudicative branch.
- [99] The decision of the Executive Chair was an interim decision in the context of an ongoing investigation. The Executive Chair did not make any final determinations with respect to the allegations against the Chief – that is the role of the adjudicative branch should this matter proceed to a hearing. Instead, the Executive Chair's decision was concerned with whether there was *prima facie* evidence of a failure to comply with policing standards giving rise to a policing emergency and whether an interim order was necessary in the public interest.
- [100] The Interim Order was akin to the interim order made in *Scott* by the Inquiry Committee of the College of Massage Therapists of British Columbia. That inquiry committee was differently constituted than the discipline committee of the College and the two committees were concerned with two different issues. Similarly, here the question considered by the Executive Chair was different than the question for a member of the Commission assigned to the adjudicative branch, if there were to be a hearing. The question, ultimately, was whether the Interim Order (that is, a temporary order while the Commission conducts a full investigation (and, possibly, a hearing)) was required in the public interest having regard to the purpose of the PSA.
- [101] The ability of the Commission to make the Interim Order without a hearing and without notice is authorized by statute. An interim order can be made at any time on the basis of

prima facie, not final, assessments of the circumstances where the requisite preconditions are otherwise met. That statutory authorization, by itself, cannot support an assertion of reasonable apprehension of bias. The PSA does not restrict interim orders under s. 24(1) of the PSA to the Vice Chair and the adjudicative branch. The Executive Chair is not an adjudicator; she is not the judge in her own cause. The Executive Chair will not, because of the independence of the two branches of the Commission, be on a hearing panel if one is convened.

- [102] The Chief argues that an interim order can never be made in aid of an investigation. This stands the purpose of s. 24(1) on its head. By its very terms, s. 24(1) authorizes the making of an interim order without notice and without a hearing. This means that in most cases, an interim order will be made prior to or in the course of an investigation. Where the identified emergent and public interest concerns call into question the very possibility of a fair and unimpeded investigation, it seems to me that the very purpose of enacting s. 24(1) would be defeated by the interpretation of that provision urged upon us by the Chief.
- [103] For these reasons, I cannot agree with the Chief's counsel that the Interim Order issued by the Executive Chair merged the investigative, prosecutorial and adjudicative functions of the Commission in the manner that was found improper in the *Gardner* case. In my view, in the circumstances of this case, the Executive Chair's Interim Order did not create a reasonable apprehension of bias.
- [104] The conduct of the Chief and the Board will be under scrutiny, to be sure. And, while the Interim Order does impose some limited restraint on the full range of authority the Chief and Board would otherwise wield, that is the price of occupying powerful, high profile and publicly accountable positions in a liberal democratic, bureaucratic state. No determinations have been made about the truth or falsity of the allegations involving the Chief or the Board. There will be a full investigation. The Chief and Board members will be entitled to full notice and disclosure and, in the investigation, will have every opportunity, with the benefit of counsel, to respond to each and every allegation made against them and their management team. And, if it comes to a hearing, they will have the opportunity to present a full defence to whatever allegations are made and to confront, and cross examine, their accusers. If the Chief's account of the complaints and the polling data prevail, the investigation may vindicate him entirely. Even if there is a hearing, the same may be true.
- [105] The Chief also alleged that the Commission has "sided" with one of the complainants. This allegation was based on so-called "leaks" to the Toronto Star and the timing of certain comments by the complainant's counsel (this complainant is involved in an ongoing police discipline matter). These allegations are based on speculation and innuendo. I cannot find any basis upon which to conclude the Commission has "sided" with anyone against the Chief or members of the Board or even that there is a reasonable basis to believe this might be the case.

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Conclusion

[106] For the foregoing reasons, the appeal and application for judicial review are dismissed.

Costs

[107] The parties agreed that each party will bear its own costs. Accordingly, there is no order as to costs.



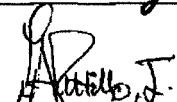
M. Penny J.

I agree



C. Aitken J.

I agree



L. Pattillo J.

Released: April 6, 2020

CITATION: Martin v. Ontario Civilian Police Commission, 2020 ONSC 1116
DIVISIONAL COURT FILE NO.: 331/19 and 341/19
DATE: 20200406

ONTARIO

SUPERIOR COURT OF JUSTICE

DIVISIONAL COURT

C. Aitken, L. Pattillo and M. Penny JJ

BETWEEN:

PAUL MARTIN IN HIS CAPACITY AS CHIEF OF
THE DURHAM REGIONAL POLICE SERVICE AND
THE DURHAM REGIONAL POLICE SERVICES
BOARD

Appellants/Applicants

– and –

ONTARIO CIVILIAN POLICE COMMISSION

Respondent

REASONS FOR JUDGMENT

Released: April 6, 2020

Morin, Lois

From: [REDACTED]
Sent: March-09-20 12:03 PM
To: Morin, Lois
Subject: letter to the Board regarding HPS search warrant application practices
Attachments: Booth and the HPS final.docx

Dear Ms. Morin,

I would be grateful if you would distribute this letter to all members of the Hamilton Police Services Board and Chief Girt and include it in the category of "For the Information of the Board" in the agenda for the next Board meeting.

Thank you for considering my request.

Yours truly,
Andrew Bell



March 9, 2020

Hamilton Police Services Board
155 King William Street
P.O. Box 1060, LCD 1
Hamilton, Ontario
L8N 4C1

Re: *R. v. Booth* and the Ability of Members of the Hamilton Police Service to make Applications for Search Warrants

Dear Members of the Board,

I am a retired Assistant Crown Attorney who worked extensively with members of the Hamilton Police Service for more than 20 years. One area in which I developed expertise was search and seizure. I have drafted and have worked with various police forces in drafting applications for a wide range of warrants: search warrants, warrants to take DNA samples, warrants to track vehicles, authorizations to intercept private communications, authorizations to conduct video surveillance and many others.

On February 18, 2020, the Hamilton Spectator published a report of a decision by the Ontario Court of Appeal, the highest court in Ontario, regarding a criminal case which was investigated by the Hamilton Police Service in 2012. The headline was "Court orders acquittal for man after eight years in jail". The decision, *R. v. Adam Booth*, can be found at www.ontariocourts.ca/decisions/2019/2019ONCA0970.htm.

Mr. Booth was charged with taking part in an horrendous robbery. The identification of him as one of the robbers was the central issue at trial. Descriptions of the robbers and the getaway car were weak. No property stolen in the robbery was found in Mr. Booth's possession. Mr. Booth made no inculpatory admissions. It was a very difficult case to investigate and prosecute.

The Court of Appeal focussed on two search warrants obtained by an officer of the Hamilton Police Service in the hours following the commission of the robbery. Both warrants suffered from fatal flaws. The flaws were the product of the dishonesty and incompetence of the officer seeking the warrants and the culture of the Hamilton Police Service that tolerates that dishonesty and incompetence.

The purpose of this letter is not to ask that the officer be disciplined. The purpose is to cause the Board to require the Hamilton Police Service to review and change its processes so that applications for warrants are made in accordance with the law, to a high technical standard and with a sound appreciation of and respect for the rights of the people affected by the search.

Search Warrants Generally

A search warrant is a judicial authorization which allows the police to do what would otherwise amount to trespass, theft and vandalism. A warrant may be issued if the standards set out in the *Criminal Code* and a long series of court decisions are met. Search warrants usually are issued by justices of the peace

rather than judges. Most justices of the peace are not lawyers. The justice of the peace bases his or her decision to issue a search warrant on a document known as an "Information to Obtain". The police officer making the application for a search warrant must swear that what is set out in the Information to Obtain is true.

The police officer seeking the issuance of the warrant is legally obliged to make "full and frank disclosure of material facts" (*Booth, para. 54*) in the Information to Obtain. This means that the officer must not only make the justice of the peace aware of information that supports the issuance of the warrant but also information that detracts from the strength of that information or contradicts it. In other words, the officer has to set out both the good and the bad. (*Booth, paras. 54-6*). That has been the law for more than 20 years.

The Flaws in the Search Warrants executed in *R. v. Booth*

One of the warrants in question permitted the search of Mr. Booth's home for items relating to the robbery. The other search warrant related to a video recorder which was seized from Mr. Booth's home when the first warrant was executed.

The Hamilton Police Service officer lied in his application for the warrant to search Mr. Booth's home. The Court of Appeal referred to five instances of dishonesty under oath (*Booth, paras. 67 to 82*).

One example relates to a photo of a watch worn by an associate of Mr. Booth who also was charged with the robbery.

One of the victims was asked whether the watch worn by the associate was one of the watches stolen in the robbery. The victim said to the police: "No not this one (sic)." The police officer stated in the Information to Obtain: "[The victim] could not identify the watch as his." (*Booth, paras. 68 to 71*) The truth is that the victim ruled out that the watch in the photo was one stolen in the robbery, not that the victim couldn't be sure whether the watch was his or not. There is no persuasive justification for the officer's deceit.

While the defects in the search warrant for Mr. Booth's home reflect badly on the officer's character, the defects in the search warrant for the video recorder reflect badly on his competence. The Information to Obtain lacked any grounds on which a warrant could be properly issued. The deficiency shows a complete lack of effective training and supervision by the Hamilton Police Service.

What I Learned about the Police while Drafting Applications for Warrants

1. Warrant drafting is an area for specialists.
2. Just because an officer received training does not mean the officer should be given the responsibility to draft applications for warrants. Trained does not mean capable.
3. A police officer who is capable of drafting a search warrant is highly literate, meticulous, scrupulously honest, confident in her or his knowledge of the relevant law, with excellent organizational skills, a strong work ethic, a sense of professionalism and a firmness of mind. Such officers are in the minority.

4. The more warrants a capable officer drafts, the better he or she gets at it.
5. The rarest type of police officer is one who will tell his supervisor and colleagues that there is not enough information to support the issuance of a search warrant.

The problems in *R. v. Booth* would not have occurred if the officer selected to draft the warrants had been experienced and capable as described.

The Response of the Hamilton Police Service to *R. v. Booth*

While the deceit and incompetence of the police officer who drafted the warrants in *R. v. Booth* occurred in 2012, the exposure of the incompetence and deceit by the Court of Appeal affects the reputation of the Hamilton Police Service and the confidence of the public, including the judiciary and the defence bar, in the Hamilton Police Service now.

My concern is that there was no response by the Hamilton Police Service to the decision of the Court of Appeal other than indifference. Members of the Board may wish to satisfy themselves about whether my concern is justified. The following questions may be of assistance in evaluating the response of the Service, if any, to the failures in *R. v. Booth*:

1. How many senior police officers have read *R. v. Booth*?
2. How many senior police officers who read *R. v. Booth* were concerned about a Hamilton Police Service member being incompetent and deceitful?
 - a. If so, were they concerned because of:
 - i. the public exposure of incompetence and deceit?
 - ii. the effect on the reputation of the Hamilton Police Service?
 - iii. the effect on morale within the Hamilton Police Service?
 - b. Could any of them provide a persuasive explanation of why these failures happened?
 - c. Do any of them think that taking action now is necessary or advisable?
 - i. If not, why not?
3. Will *R. v. Booth* be made part of Hamilton Police Service in-house training?
 - a. If so:
 - i. when?
 - ii. by whom?
 - iii. in what context?
 - iv. for what purpose?
 - b. If not, why not?
4. Has the Hamilton Police Service done an audit of the quality of Informations to Obtain search warrants?
 - a. If so,
 - i. When did the audit occur?
 - ii. Why was it undertaken?
 - iii. Was a member of the Office of the Crown Attorney involved in the audit?
 - iv. How many Informations to Obtain were reviewed?

- v. How was the quality of drafting assessed?
 - vi. What were the results of the audit?
 - vii. What changes, if any, were instituted as a result of the audit?
- b. If not, why not?
- 5. Do clear criteria in writing exist to determine who on a police investigative team should draft applications for warrants?
 - a. If so, what are they?
 - b. If there are none, why not?
- 6. Is a review of the Information to Obtain by another officer with knowledge of the case mandatory before an application for a warrant is made?
 - a. If not, why not?
- 7. Is a debriefing conducted by the investigative team or supervisor mandatory after an application for a warrant is refused?
 - a. If not, why not?
- 8. Is a debriefing conducted by the investigative team or supervisor mandatory after a search, pursuant to a warrant or otherwise, is determined by a local court to be in breach of the *Charter of Rights and Freedoms*?
 - a. If not, why not?
- 9. Assuming debriefing occurs, is what is learned communicated within the Hamilton Police Service?
- 10. Does the Hamilton Police Service keep track of:
 - a. the number of applications for search warrant which are refused?
 - i. If not, why not?
 - b. the number of local court decisions in which Hamilton Police Service officers are found to have committed a breach of the *Charter*, either by illegal search or otherwise?
 - i. If not, why not?

The Hamilton Police Service and Deficiencies in Investigations

In the twenty-three years I worked as an Assistant Crown Attorney in Hamilton, I learned that the standard responses to cases of investigative deficiency were "It's a training issue." and "It's a communication issue." Both responses were coupled with indifference. Neither led to any action by the speaker to identify and deal with the root causes of the deficiency.

Taking action requires pointing out the failures of colleagues and the inability of managers to plan, train and supervise adequately. Only the most senior officers, few of which have extensive experience in the investigation of major crime, are in a position to criticize failure with impunity.

Error is accepted as a normal part of police criminal investigations. (As an aside, the Office of the Crown Attorney in Hamilton has four Case Management Coordinators who review every criminal case brief from the uniform branch in order to identify investigative failures and omissions. If the Hamilton Police Service worked to a higher standard, they would not be necessary.)

The Culture behind the Problems in *R. v. Booth*

Police officers see the suffering of victims of crime and are moved by it. For the most part, they are highly motivated to bring offenders to justice. That is a noble goal but one that is often difficult to achieve.

There are often significant time constraints on investigators. Evidence can be lost, witnesses can disperse and offenders can flee if the police don't move quickly. Pressure to solve cases by making an arrest can be intense.

Search warrants are an impediment to police investigations. Obtaining a warrant is costly both in terms of time and personnel. Applying for one is viewed too often as a necessary evil. It doesn't matter to most police officers whether the application is done to a high standard or not. Too often, all that matters to the police is whether the justice of the peace issued the warrant. The police know that even if the warrant had been issued improperly, a trial court might admit the evidence obtained by the search, the search may lead to new information that might assist the investigation, and the accused offender might confess or plead guilty.

In *R. v. Booth*, the investigators knew that they had to get a warrant to search Mr. Booth's residence. The officer who applied for the warrant decided to inform the justice of the peace of only what would support the issuance of the warrant and not the whole truth. As Paciocco, J.A. stated in para. 124 of the decision in *R. v. Booth*: "[the officer who applied for the warrant] testified that he was aware of his obligation to make full and frank disclosure, but he was patently inattentive to that obligation. It is not unfair to characterize the ITO [the Information to Obtain] as an exercise in advocacy, rather than disclosure."

This is the culture that has to change. There has to be a recognition and acceptance by the police that complying with *The Canadian Charter of Rights and Freedoms* is detrimental to their ability to protect the public and to investigate crime. Their concept of professionalism has to be broadened to include refusing to act because such an action would involve a breach of the *Charter*. It is the correct stance but it is one for which few will thank them. On the other hand, if the cultural change occurred, a police officer would not feel compelled to lie in order to perform his duty.

I would be glad to discuss this letter with any member of the Hamilton Police Services Board.

Yours truly,

Andrew Bell



cc. Mr. Todd Norman, Crown Attorney
Mr. Brad Clark, Councillor Ward 9

From: [REDACTED]
To: [Stevenson, Kirsten](#)
Subject: Hamilton Police Services
Date: Monday, June 1, 2020 12:07:32 PM

Dear Mr. Mayor, Councilor Merulla, and Councilor Jackson, and the Police Services Board

I am writing as an active and concerned citizen of Ward 4 in the City of Hamilton. I am a public school educator and a leader in my faith community. I am a parent of two young children and the wife of a small business owner.

In light of news from the United States about the pervasive and systemic use of police brutality, numerous cases of police in Ontario mishandling calls for assistance with mental health issues, especially when the victims are People of Colour, often resulting in injury and death, as well as the repeated gross failure of the Hamilton Police Services to appropriately handle issues of hate in our city, I am writing to ask that you take immediate action with regards to our HPS budget.

Property taxes of Hamiltonians fund an increasingly bloated police budget with no accountability. Nearly 20% of my property taxes are spent on a police service with millions of dollars of "extra" funding saved each year. Those are millions of dollars not reinvested in community services which would actually decrease the need for Policing.

In a time where public health should be our primary concern, almost ten times more of my property taxes are being spent on policing than on public health (and that is not considering the ventures council have recently voted down that would have a significant impact on public health not included in that portfolio - Sobi bikes for example).

While collecting millions of dollars in extra funding and yearly increased budgets while every other public sector faces cuts, police reject widely accepted forms of accountability such as body cams, over and over again.

Meanwhile, police are seen over and over again coddling hate groups, arresting public advocates, and defending racist carding practices, all while sporting their racist "thin blue line" patches while on duty dealing with the very same.

The City of Hamilton must, at the very least, take back any budget excess the HPS has saved each year and invest that money into community initiatives that have been proven to reduce the need for Policing. It must, at the very least, demand accountability in the form of required body cams.

Our approach to policing is shameful, and you must take action.

Sincerely,
Rachel Cuthill
[REDACTED]

From: [REDACTED]
To: [Stevenson, Kirsten](#)
Subject: Concerns regarding policing in Hamilton
Date: Monday, June 1, 2020 12:15:03 PM

Hi Kirsten,

I was directed to the Police Services Board through the mayors office following an e-mail I had sent regarding my concerns with policing in Hamilton. Below you will find the letter I sent, and I hope that issues I have highlighted can be discussed at your upcoming meeting. Please let me know how your board plans to show transparency during this time while discussing sensitive issues that directly impact our community.

My name is Mariel, I am contacting you in light of the recent death of Regis Korchinski-Paquet - Regis's death has been widely publicized, this tragedy is one which could have easily happened in Hamilton, ON - I believe the police force of Hamilton is overfunded and not taking the necessary precautions to provide safety to black folks, and people of colour in our community. For example, the Hamilton Police Force is not equipped with body cameras - a request which has been voted against 4 times.

From what I can understand, and I'm noticing it's extremely difficult to see clear numbers, the Hamilton police force's budget increased by 19 million dollars in 2020 - information provided on the city website - yet they have sighted "cost concerns" when deflecting the implementation of body cameras.

I can't speak for Hamilton but the data that has been collected on police encounters in Toronto reveals that black people in the city of Toronto are 20x times more likely to be killed by police officers than white residents while 70% of individuals who die in encounters with police struggle with mental health issues or substance abuse or both. Hamilton is a 40 minute drive away, racism in ALL Canadian cities is prevalent and real and I am concerned and disheartened that my tax dollars are being used to fund a service that continues to victimize members of this community.

I would like to see a re-evaluation of the budget currently allocated to Hamilton Police Services. I would like to see this large portion of my tax dollars reallocated into social services, mental health programs, health care, education, jobs, and city infrastructure.

I would like to see any budget that is allocated to Hamilton Police Services made transparent and with a focus on harm reduction including the mandatory use of body cameras for all officers. Lastly, I would like to see budget used to invest in the adoption of the 84 recommendations in the 2014 report by Frank Iacobucci, aimed at reducing fatal encounters with people in emotional distress.

Thanks for reading!

Mariel

From: [REDACTED]
To: [VanderBeek, Arlene](#); [Paparella, Stephanie](#); [Office of the Mayor](#); [Stevenson, Kirsten](#); [Ariyo, John](#)
Subject: Police Violence and Anti-Black Racism
Date: Monday, June 1, 2020 7:07:40 PM

Dear Mayor Fred Eisenberger, Councillor Arlene Vanderbeek, General Issues Committee, and Committee Against Racism,

I am writing to you today to express my concerns about anti-Black racism and violence, especially at the hands of police. I am a Hamilton resident living in ward 13.

We need greater transparency and communication after the loss of Regis Korchinski-Paquet, a Black woman in emotional distress who died instead of receiving medical help. Regis is only the most recent instance of a Black person dying in an encounter with police, something that has been happening in the GTHA for decades. The police in Canada have a long history of race-based violence. For example, data reveals that Toronto's Black residents are 20 times more likely to be killed by police officers than white residents, despite having a much smaller population in the city overall. In addition, 70% of individuals who die in encounters with police struggle with mental health or substance use issues, or both. In Hamilton, we regularly have members of violent and explicitly racist white supremacist groups congregating outside of city hall. Racism in ALL Canadian cities is prevalent and real and I am concerned and disheartened that my tax dollars are being used to fund a service that continues to criminalize members of the Black community.

I believe the police force of Hamilton is overfunded and contrary to their mission, causing more fear, violence and harm to our communities. We need to see reforms implemented now to lead to better outcomes in the future before any more Black people are harmed in a police encounter.

I would like to see the Police Services held accountable in tangible ways:

- * First, I would like to see the Hamilton police budget reduced by at least 20% over the next 2 years, with those tax dollars reallocated into social services, health care, mental health programs, supervised injection sites, jobs and affordable housing. These are the vital services we will need more of to bounce back from the pandemic. Strengthening municipal social supports will reduce crime by addressing the issues that lead to it at their source.
 - * Second, I would like to see the all Police Services immediately implement a harm reduction strategy, with a transparent and ongoing training plan for all police officers and personnel made public.
 - * Third, I would urgently like to see the mandatory use of body cameras for all officers at all times. Despite advocacy efforts, the Hamilton Police Force has voted against implementing body cameras 4 times.
 - * Lastly, I would like to see the Police's adoption of the 84 recommendations in the 2014 report by Frank Iacobucci, aimed at reducing fatal encounters with people in emotional distress.
- Thank you for your time and attention.

Elliot Classen

From: [REDACTED]
To: [Stevenson, Kirsten](#); [Merulla, Sam](#); [Jackson, Tom](#); [Office of the Mayor](#)
Subject: Important topics for the Hamilton Police Services Board meeting on June 11th
Date: Tuesday, June 2, 2020 7:33:31 AM

Hello,

With the Hamilton Police Services Board meeting coming up on June 11th I believe these are important topics that need to be discussed and resolved:

Budget

The HPS has been running a surplus (\$1.5M last year alone) and has been allowed to keep that surplus. This funding would be better put to use if we directed it to local nonprofits working on reducing crime and building community [1]. It would also be a benefit to direct more funding toward mental health resources, increasing the number of mental health first responders available [2].

Body Cameras

I understand body cameras are a topic that is often discussed. Budget constraints are usually listed as the reason for not implementing their use, but as we can see from the budget surpluses, this seems false.

Even though the cameras are not being used at this time I encourage the board to start working on a written policy for their use now. Have the plan in place so when they are implemented (which they should be) all necessary policies are in place to help protect both the public and the officers using them. A starting point for what to include in a body camera policy can be found here:

<https://www.joincampaignzero.org/film-the-police>

Thank you for taking the time to read my concerns.
 You will find links to be references below.

Kim Dunlop

[REDACTED]

Hamilton, ON

[REDACTED]

References:

1. Community and the Crime Decline: The Causal Effect of Local Nonprofits on Violent Crime, <https://journals.sagepub.com/doi/full/10.1177/0003122417736289>

2. When Mental-Health Experts, Not Police, Are the First Responders, <https://www.wsj.com/articles/when-mental-health-experts-not-police-are-the-first-responders-1543071600>

From: [REDACTED]
To: [Paparella, Stephanie](#); [Ariyo, John](#); [Office of the Mayor](#); [Office of Ward 3 City Councillor Nrinder Nann](#); [Stevenson, Kirsten](#)
Subject: Police Violence and Anti-Black Racism
Date: Tuesday, June 2, 2020 8:57:43 AM

Dear Mayor Fred Eisenberger, Councillor Nann, General Issues Committee, and Committee Against Racism,

I am writing to you today to express my concerns about anti-Black racism and violence, especially at the hands of police. I am a Hamilton resident living in ward three. As a resident of ward 3 I have witnessed first hand police violence and harassment.

We need greater transparency and communication after the loss of Regis Korchinski-Paquet, a Black woman in emotional distress who died instead of receiving medical help. Regis is only the most recent instance of a Black person dying in an encounter with police, something that has been happening in the GTHA for decades. The police in Canada have a long history of race-based violence. For example, data reveals that Toronto's Black residents are 20 times more likely to be killed by police officers than white residents, despite having a much smaller population in the city overall. In addition, 70% of individuals who die in encounters with police struggle with mental health or substance use issues, or both. In Hamilton, we regularly have members of violent and explicitly racist white supremacist groups congregating outside of city hall inflicting violence and driving buses into crowds with little police intervention during these actions. Racism in ALL Canadian cities is prevalent and real and I am concerned and disheartened that my tax dollars are being used to fund a service that continues to criminalize members of the Black community.

I believe the police force of Hamilton is overfunded and contrary to their mission, causing more fear, violence and harm to our communities. We need to see reforms implemented NOW to lead to better outcomes in the future before any more Black, Indigenous, and people of colour are harmed in a police encounter.

I would like to see the Police Services held accountable in tangible ways:

- First, I would like to see the Hamilton police budget reduced by at least 25% over the next 2 years, with those tax dollars reallocated into social services, health care, mental health programs, supervised injection sites, jobs and affordable housing. These are the vital services we will need more of to bounce back from the pandemic. Strengthening municipal social supports will reduce crime by addressing the issues that lead to it at their source.
- Second, I would like to see the all Police Services immediately implement a harm reduction strategy, with a transparent and ongoing training plan for all police officers and personnel made public.
- Third, I would urgently like to see the mandatory use of body cameras for all officers at all times. Despite advocacy efforts, the Hamilton Police Force has voted against implementing body cameras 4 times.
- Lastly, I would like to see the Police's adoption of the 84 recommendations in the 2014 report by Frank Iacobucci, aimed at reducing fatal encounters with people in emotional distress.

I will continue to follow up with you about the actions you will be taking to hold yourselves

and Polices Services accountable for their actions while using taxpayer dollars to better support the Black community.

Thank you for your time and attention.

Ashley Watson - Ward 3 Resident

From: [REDACTED]
To: [Stevenson, Kirsten](#); [Office of the Mayor](#)
Cc: [Farr, Jason](#); [Nann, Nrinder](#); [Matthew.Green@parl.gc.ca](#); [Community Inclusion](#)
Subject: Concerns about the Hamilton Police
Date: Tuesday, June 2, 2020 12:37:49 PM

To the Police Service Board and whom it may concern

In solidarity with the people fighting against institutionalized racism and police brutality in the USA and Canada, I feel motivated to communicate some of my concerns about the HPS directly to the Hamilton Police Board.

For context, I am a home owner and tax payer in Ward 2. My money goes towards funding police work, yet I have only fear and distrust of the Hamilton Police. I do not feel served or safe in my own city.

I have witnessed, first hand and on multiple occasions, excessive use of violence, aggression and intimidation on the part of the HPS. I have seen the use of assault rifles, camouflaged K9 units, and absurdly high numbers police responding to minor neighborhood incidents. I have also seen, first hand, disproportionate use of violence and intimidation towards people of colour and LGBTQ folks.

Examples I have seen in my community in the last year alone:

- A black man thrown on the pavement and pinned down for asking to retrieve his wallet from the back of a cruiser
- A distressed, elderly black woman being threatened by a barking police dog and then locked in the back of a police van on a hot day.
- A black neighbour being told by HPS not to file a report of racial assault because it would be too time consuming for everyone.
- Police taking photos of peaceful (LGBTQ) protesters with a zoom lens as a method of active intimidation.
- Neighbors being held at gun point with assault rifles (not even kidding... this happened last Tuesday)

I do not feel comfortable filing reports or providing more details about any of these specific events, nor do I feel it would be productive. We all know this is just a small cross-section of what goes on in downtown Hamilton and other urban centers on a daily basis.

My point is that it is chilling to learn that the Police Service Board has actively resisted the use of body-worn cameras for officers.

It is chilling to learn that the acquisition and use of military assault rifles is a priority for this "community service organization".

These actions and priorities clearly demonstrate a disregard for de-escalation.

Many folks in my community would like to see:

- **A clear, honest and publicized commitment to de-escalation and anti-oppression training by the HPS.**
- **Body cameras made absolutely mandatory for all officers responding to a police call.**

- **A reduction in the acquisition and use of military firearms**

- **No police presence in schools**

- **More diversification in race, age and gender of the Police Services Board** - this would go a long way towards better representing and serving your community.

I sincerely hope you don't dismiss this letter. I care for community safety and wish only for a more positive, constructive police presence.

Thank you for reading,

Jonah Kamphorst

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Firearm Data Submission under the *Police Services Act***

DATE OF ISSUE:	March 4, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0011
PRIORITY:	High

Under subsection 134(8) of the *Police Services Act* (PSA), chiefs of police must ensure their police forces keep a register of firearms and follow rules that include:

On or before the 31st day of January in each year, a statement shall be filed with the Solicitor General listing the firearms that have come into the possession of the police force during the preceding calendar year, indicating which firearms are still being retained and which have been disposed of, and giving the particulars of disposition.

This information helps to support the Firearms Analysis & Tracing Enforcement (FATE) program within the Criminal Intelligence Service Ontario (CISO), which provides support to Ontario police services and international partners, assisting them with the identification of groups and trends in the trafficking and/or smuggling of crime guns, as well as identifying links in cases between jurisdictions. The information also provides support to the Ministry of the Solicitor General's analysis of illegal firearm activity trends.

In accordance with subsection 134(8), as outlined above, the reporting deadline for 2019 data was **January 31, 2020**. All police services are required to provide this information as soon as possible. Unless previously submitted, 2017 and 2018 data must also be included in your report.

- 2 -

The specific data elements to be submitted include:

- General information, such as:
 - Investigator details (contact information)
 - Occurrence details (date, location, crime category, etc.)
- Firearm information, such as:
 - Firearm details (serial number, type, make, model, manufacturer, etc.)
 - Firearm/property status (stolen, surrendered, seized, found, etc.)
 - Disposition status (retained, disposed, etc.)
 - Disposition details (destroyed, returned, donated, etc.)
- Person (possessor) information linked to firearms:
 - Unique identifiers (name, address, gender, etc.)
 - Relation to firearm (finder, owner, seized from, etc.)

For those services that wish to extract the data from their records management systems, please provide a data dictionary that includes:

- names, description, format of the variables from which the data was pulled from, as they appear in your RMS;
- any caveats/notes/limitations regarding the data.

Please use the attached spreadsheet template to prepare the extracts; it includes the information that should exist in your records management system.

Please email the completed template using OPP-PKI encryption to Brianne Chan, Senior Statistics Advisor at Brianne.Chan2@ontario.ca. If you prefer an alternate method of submission, please contact Brianne at (416) 212-2698 or by email.

If you have any questions regarding the submission requirements, or any technical question, please contact Jeanette Gorzkowski, Analytics Unit Manager, at (437) 928-7427 or Jeanette.Gorzkowski@ontario.ca. For questions related to the statutory requirements under the PSA, please contact Lisa Sabourin, Standards Development Officer, at Lisa.Sabourin@ontario.ca or (416) 314-3082.

Thank you for your attention to this matter.

Sincerely,



Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Bill C-75 changes to s.145 of the Criminal Code**

DATE OF ISSUE:	March 4, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0012
PRIORITY:	Normal

Further to All Chiefs Memo 19-0052, I am sharing further information from the Ministry of the Attorney General's Criminal Law Division regarding Bill C-75, including renumbering of the *Criminal Code of Canada* and advice on appropriate charges depending on the timing of an alleged breach/failure and release order.

Please review the attachment memo from Assistant Deputy Attorney General Susan Kyle for further information. As always, you are encouraged to reach out to your local Crown office if you have any questions.

Sincerely,

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments


**Ministry of the
Attorney General**

Office of the
Assistant Deputy Attorney General
Criminal Law Division

McMurtry-Scott Building
720 Bay Street
6th Floor
Toronto ON M7A 2S9

Tel: 416-326-2615
Fax: 416-326-2063

**Ministère du
Procureur général**

Cabinet du
Sous-procureur général adjoint
Division du droit criminel

Édifce McMurtry-Scott
720, rue Bay
6^e étage
Toronto ON M7A 2S9

Tél.: 416-326-2615
Téléc.: 416-326-2063

MEMORANDUM TO: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training
Division Ministry of the Solicitor General

FROM: Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division - Ministry of the Attorney
General

DATE: February 20, 2020

SUBJECT: **Section 145 of the *Criminal Code* – Renumbering
and Charging Advice (as a result of Bill C-75)**

This memorandum addresses the renumbering of Section 145 of the *Criminal Code* as a result of the amendments in *An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts* (formerly known as Bill C-75) (Bill C-75), and includes advice on the appropriate charge depending on when the release order was made and when the alleged breach or failure occurred. This memorandum can be shared with police services.

Introduction

On June 21, 2019, Bill C-75 received Royal Assent. Bill C-75 was created in response to a number of Supreme Court of Canada decisions, including *R. v. Antic*, 2017 SCC 27 (*Antic*), the leading decision on judicial interim release. The *Criminal Code* underwent significant amendments, including Part XVI: Compelling Appearance of an Accused Before a Justice and Interim Release. Release-related terminology was

updated, and attempts were made to simplify and modernize the provisions related to police and judicial interim release. As a result of the amendments made to Part XVI, section 145 of the *Criminal Code* was renumbered and updated to reflect the revised terminology. These amendments came into force on December 18, 2019.

Section 145 of the *Criminal Code* was renumbered as follows:

Old Provision		NEW Provision
145 (1)	Escape from lawful custody or being at large	145 (1)
(2)(a)	Fail to appear court – judicial release order	(2)(a)
(2)(b)	Fail to appear court – judicial order to appear at next appearance date	(2)(b)
Was not in an enumerated paragraph	Fail to surrender in accordance with order of the court	(2)(c)
(4) summons; (5) appearance notice	Fail to appear at court or for fingerprints (appearance notice or summons)	(3)
(5) police recognizance; (5.1) police undertaking	Failure to comply with undertaking	(4)(a)
Was not in an enumerated paragraph	Fail to appear court or for fingerprints (undertaking)	(4)(b)
(3)	Fail to comply with a judicial release order	(5)(a)
(3)	Fail to comply with judicial non-communication order (515(12), (516(2), 522(2.1)	(5)(b)

By virtue of the transitional provisions included in Bill C-75, all release orders entered into by an accused before December 18, 2019, are deemed to be the equivalent form of release on and after December 18, 2019. This includes forms of police release and judicial interim release. As a result, where an accused is alleged to have violated a condition of release or has failed to comply or appear on or after December 18, 2019, charges should be laid under the new section.

The following chart identifies equivalent forms of release before and after December 18, 2019:

Original Form of Release (before December 18, 2019)	Deemed Form of Release (on or after December 18, 2019)
Summons [Form 6]	Summons [Form 6] *no change
Appearance Notice [Form 9]	Appearance Notice [Form 9] *no change
Promise to Appear [Form 10]	Appearance Notice [Form 9]
Undertaking to Peace Officer or Officer in Charge (ss. 499 or 503(2.1)) [Form 11.1]	Undertaking [Form 10]
Recognizance entered into before Peace Officer or Officer in Charge (ss. 498 or 499) [Form 11]	Undertaking [Form 10]
Undertaking given to judge or justice (ss. 503(3.1), 515, 522, 524, 525, 679, 683, 816, 832) [Form 12]	Release Order [Form 11]
Recognizance entered into before a judge or justice (ss. 503(3.1), 515, 522, 524, 525, 679, 683, 816, 832) [Form 32]	Release Order [Form 11]

Charging Advice

Failure to Comply

If a person is on a **recognizance of bail or an undertaking issued by a Justice** of the Peace or Judge that was entered into before December 18, 2019, that form of release is deemed to be a “**release order**” on and after December 18, 2019. Therefore, if an accused is alleged to have violated a condition of that release on or after December 18, 2019, the charge should be laid under the new section 145(5)(a): failure to comply with release order (and not the old section 145(3): failure to comply with undertaking or recognizance).

If a person was released on an **undertaking to an officer in charge** that was entered into before December 18, 2019, that form of release is deemed to be an “**undertaking**” on and after December 18, 2019. Therefore, if an accused is alleged to have violated a condition of that release on or after December 18, 2019, the charge should be laid under the new section 145(4)(a): failure to comply with undertaking (and not the old section of 145(5.1): failure to comply with undertaking).

Failure to Appear

If a person was served with a **summons** that was issued before December 18, 2019, it will still be referred to as a **summons** on and after December 18, 2019. If an accused

is alleged to have failed to appear in court on or after December 18, 2019 in accordance with that order, the charge should be laid under the new section of 145(3) (and not the old section of 145(4)).

If a person was named in an **appearance notice** or a **promise to appear** that has been confirmed by a justice before December 18, 2019, these forms of release are deemed to be an **“appearance notice”** on and after December 18, 2019. Therefore, if an accused is alleged to have failed to appear in court on or after December 18, 2019 in accordance with that order, the charge should be laid under the new section of 145(3) (and not the old section of 145(5)).

If a person was released on a **recognizance to an officer in charge or other peace officer** that was entered into before December 18, 2019, that form of release is deemed to be an **“undertaking”** on and after December 18, 2019. Therefore, if an accused is alleged to have failed to appear in court or for prints on or after December 18, 2019, the charge should be laid under the new section 145(4)(b) (and not the old section of 145(5)).

If a person is on a **recognizance of bail or an undertaking issued by a Justice** of the Peace or Judge that was entered into before December 18, 2019, that form of release is deemed to be a **“release order”** on and after December 18, 2019. Therefore, if an accused is alleged to have failed to appear in court on or after December 18, 2019, the charge should be laid under section 145(2). This is the same section as before December 18, 2019, although the wording has been updated.

Charge Wording

Long Form Charge Wording

Due to the assortment of IT systems used by Ontario’s police services and the data tracking needs of other entities, section numbers for all offences should now be included in the wording of the charge. **Section numbers must always refer to the offence-creating provision and must not refer to penalty-creating provisions.** Only references to offence-creating provisions will satisfy the data collection and reporting needs of police services, the courts, Statistics Canada, and other entities. To ensure proper sections are cited, the attached chart has been prepared, showing the updated charge wording for section 145 of the *Criminal Code*.

Charges should use the specific wording provided. Wording should not be modified, except in cases where multiple breaches of the same release order on the same date are alleged. In those cases, officers *may* further particularize each count by adding the words “to wit” followed by the wording of the conditions alleged to have been breached.

This charge wording is being shared with Ontario police services to ensure consistency across the province, and to minimize the likelihood of litigation surrounding the wording of the charges. In particular, third-party applications that

supply charge wording for these offences may have to be manually overridden if they do not accord with the supplied charge wording. Informations that do not use the charge wording provided may have to be re-sworn to comport with this wording. Serious defects in wording provided by third-party applications have been detected in some cases.

Short Form Charge Wording

The attached chart also includes revised short form wording. Strict compliance with the suggested short form wording is not required. It is provided here in response to those services or entities that have requested it.

We would ask that you encourage Chiefs of Police and Detachment Commanders to reach out to their local Crown Attorneys with any questions.

I trust this information will assist you.

Sincerely,

A handwritten signature in black ink, appearing to be 'Susan Kyle', with a large, stylized initial 'S' and 'K'.

Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division - Ministry of the Attorney General

Attachment: chart for short form wording of s.145 charges

Charge Wording for new Section 145 Offences under Bill C-75
(effective December 18, 2019)

Section Number and Short Form Wording	Long Form Wording
Section 145(1) – Escape Lawful Custody or Unlawfully at Large	Escape lawful custody: ...did escape from lawful custody, contrary to section 145(1) of the Criminal Code. Unlawfully at large: ...was, before the expiration of a term of imprisonment to which they were sentenced, at large without lawful excuse, contrary to s. 145(1) of the Criminal Code.
Section 145(2)(a) – Fail to Attend Court while on Release Order	Fail to attend court – release order ...did, being at large on a release order, fail to attend court in accordance with the release order, contrary to section 145(2)(a) of the Criminal Code.
Section 145(2)(b) – Fail to Attend Court after having Appeared	Fail to attend court – having appeared ...did, having appeared before a court, justice or judge, fail to subsequently attend court as required by the court, justice or judge, contrary to s. 145(2)(b) of the Criminal Code.
Section 145(2)(c) – Fail to Surrender as per Court Order	Fail to surrender – court order ...did fail to surrender themselves in accordance with an order of the court, of a justice or of a judge, contrary to section 145(2)(c) of the Criminal Code.

Charge Wording for new Section 145 Offences under Bill C-75
(effective December 18, 2019)

Section Number and Short Form Wording	Long Form Wording
Section 145(3) – Fail to Comply with Appearance Notice or Summons to Attend for Fingerprinting or Court	<p>Fail to comply with appearance notice or summons – fingerprinting</p> <p>...did, being named in an appearance notice that has been confirmed by a justice under section 508 of the Criminal Code, or having been served with a summons, did fail to appear at the time and place stated in the notice or summons for the purposes of the Identification of Criminals Act, contrary to s. 145(3) of the Criminal Code.</p> <p>Fail to comply with appearance notice or summons – court</p> <p>...did, being named in an appearance notice that has been confirmed by a justice under section 508 of the Criminal Code, or having been served with a summons, did fail to attend court in accordance with the notice or summons, contrary to s. 145(3) of the Criminal Code.</p>
Section 145(4)(a) – Fail to comply with Undertaking	<p>Fail to comply with undertaking</p> <p>...did, being at large on an undertaking, fail to comply with a condition of that undertaking, contrary to section 145(4)(a) of the Criminal Code.</p>
Section 145(4)(b) – Fail to Attend for fingerprints or court as per undertaking	<p>Fail to comply with undertaking – fingerprints</p> <p>...did, being at large on an undertaking that has been confirmed by a justice under section 508 of the Criminal Code, fail to appear at the time and place stated in the undertaking for the purposes of the Identification of Criminals Act, contrary to section 145(4)(b) of the Criminal Code.</p>

Charge Wording for new Section 145 Offences under Bill C-75
(effective December 18, 2019)

Section Number and Short Form Wording	Long Form Wording
Section 145(4)(b) – Fail to Attend for fingerprints or court as per undertaking	Fail to comply with undertaking – court ...did, being at large on an undertaking that has been confirmed by a justice under section 508 of the Criminal Code, fail to attend court in accordance with the undertaking, contrary to section 145(4)(b) of the Criminal Code.
Section 145(5)(a) – Failure to comply with release order (other than to attend court)	Fail to comply with release order – other than to attend court ...did, being at large on a release order, fail to comply with a condition of that release order other than a condition to attend court, contrary to section 145(5)(a) of the Criminal Code.
Section 145(5)(b) – fail to comply with an order under ss. 515(12), 516(2), or 522(2.1)	Fail to comply with non-communication order ...did, while bound to comply with an order under sections 515(12), 516(2) or 522(2.1) of the Criminal Code, fail to comply with that order, contrary to section 145(5)(b) of the Criminal Code.

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Oscar Mosquera, for
Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Anti-Human Trafficking Strategy**

DATE OF ISSUE:	March 6, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0013
PRIORITY:	Normal

Please find attached a letter from the Honourable Jill Dunlop, Associate Minister of Children and Women's Issues and the Honourable Sylvia Jones, Solicitor General of Ontario, regarding a newly announced anti-human trafficking strategy.

Copies of the letter in English and French are attached for your convenience.

Sincerely,

Oscar Mosquera, for
Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

**Ministry of Children,
Community and Social Services**

Minister's Office

438 University Avenue, 7th Floor
Toronto, Ontario
M7A 1N3
Tel.: 416-325-5225
Fax: 416-325-5240

Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor
Toronto ON M7A 1Y6
Tel: 416 325-0408
MCSCS.Feedback@Ontario.ca

**Ministère des Services à l'enfance
et des Services sociaux et communautaires**

Bureau du Ministre

438, avenue University, 7^e étage
Toronto, Ontario
M7A 1N3
Tél. : 416 325-5225
Téléc. : 416 325-5240

Solliciteur général

Bureau de la sollicitrice générale

25, rue Grosvenor, 18^e étage
Toronto ON M7A 1Y6
Tél.: 416 325-0408
MCSCS.Feedback@Ontario.ca



127-2020-1313

March 6, 2020

Dear Partner:

Human trafficking is one of the fastest-growing crimes worldwide, with nearly two-thirds of police-reported cases in Canada taking place in Ontario. Every day, in communities across our province, criminals are preying on our children and youth for the purpose of sexual exploitation.

The unchecked growth of this crime is unacceptable. There is no place in this province for a crime that robs women and young girls of their freedom, their dignity and their future.

That is why today, our government announced a new, five-year strategy to combat human trafficking and child sexual exploitation across the province. This strategy is a major step forward in Ontario's fight against human trafficking.

Ontario's new Anti-Human Trafficking Strategy is a proactive, comprehensive action plan focused on four key areas.

- **Raising awareness** by providing multi-sector training and enhanced public education – including a new, province-wide marketing campaign – to ensure children, youth, parents, and all Ontarians know what human trafficking is, how to recognize the signs, and where to get help.
- **Protecting victims and intervening early** by focusing on prevention measures to support children and youth, leveraging key partners, such as police and child protection services as part of new specialized intervention teams, and establishing dedicated, licensed residences to serve victims, including those under age 16.

...cont'd/

-2-

- **Supporting survivors** by investing new funding in community-based supports and Indigenous-led initiatives to make more services available for survivors across the province and enhancing victim services to assist survivors throughout the court process.
- **Holding offenders accountable** by enhancing specialized Crown prosecution capacity, strengthening intelligence gathering in the correctional system, and building law enforcement capacity. This includes support to help police services combat human trafficking through a coordinated approach and increasing dedicated policing by expanding the Ontario Provincial Police Child Sexual Exploitation Unit.

The strategy reflects valuable input from survivors of human trafficking, Indigenous communities and organizations, law enforcement and frontline service providers. More detail can be found in today's [news release](#) and at Ontario.ca/humantrafficking.

Yesterday, we also announced that our government is providing a total of \$2 million in additional annualized funding for sexual assault centres across Ontario, to support the important work they are doing for victims and survivors of sexual assault and human trafficking.

We value your contribution as a partner in the fight against human trafficking and we want to take this opportunity to reaffirm our commitment to working with you to make a real impact in supporting survivors and stopping this horrific crime.

Sincerely,



Jill Dunlop
Associate Minister of Children
and Women's Issues



Sylvia Jones
Solicitor General

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Oscar Mosquera, for
Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: Ontario Licence Plates

DATE OF ISSUE:	March 6, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0014
PRIORITY:	Normal

Further to All Chiefs Memo 20-0002, dated January 29, 2020, I am sharing a communication from the Ministry of Transportation regarding the redesign of Ontario's licence plates.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown for further details. If you have any questions or concerns, please contact Elizabeth Marles, Manager, Vehicle Programs Office at Elizabeth.marles@ontario.ca or 416-235-3433.

Sincerely,

Oscar Mosquera, for
Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

**Ministry of
Transportation**

Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

**Ministère des
Transports**

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153



March 6, 2020

MEMORANDUM TO: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division
Ministry of Transportation

SUBJECT: **Ontario Licence Plates**

This is further to a previous memorandum issued in late January 2020, regarding the re-designed, blue Ontario licence plate. The re-designed plates were released on February 1, 2020. As a result of issues raised with respect to the re-designed plate, the government is working with 3M Canada to develop an enhanced, new licence plate.

While the enhanced version is being developed, kindly advise all police services to notify their members that the blue design licence plates are still valid and permitted to be displayed on motor vehicles to which they were issued.

As outlined in the announcement from the Ministry of Government and Consumer Services on February 28, 2020, the government has developed an interim strategy and plate replacement plan to transition holders of the current blue plates to the enhanced plate, when it is available.

- As an immediate measure, the current blue licence plates will no longer be issued, as of end of day March 4, 2020.
- Starting March 5, 2020, white embossed licence plates will be temporarily issued until the existing supply of material is used up.
- Distribution of new enhanced licence plates will start the week of March 16, 2020, and a replacement process for blue plates will take place over the following months.

- 2 -

The ministry will advise further when the plate replacement process has been concluded but until then, both the blue licence plates and the white embossed licence plates can still be displayed on motor vehicles to which they were issued. Further communications will be provided regarding the implementation of enhanced licence plates.

Please bring this memorandum to the attention of the policing community. If police services would like to discuss this information in more detail, they may contact Elizabeth Marles, Manager, Vehicle Programs Office, Ministry of Transportation, at (416) 235-3433 or Elizabeth.Marles@ontario.ca.

Thank you for your assistance.



Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division

Attachment (1) – Licence Plate Images

Licence Plate Images

Current Blue Plates:

English Slogan:



French Slogan:



White Embossed Plates:

English Slogan:



French Slogan:



Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Adult Correctional Facilities in Response to COVID-19**

DATE OF ISSUE:	March 14, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0015
PRIORITY:	High

As the province continues to coordinate efforts with regard to COVID-19, I am sharing the attached memo from my colleague Suzanne McGurn, Assistant Deputy Minister of Institutional Services, regarding measures being taken in adult correctional facilities.

Further to All Chiefs Memo 20-0004 I would like to share with you the Ministry of Health's website, which is kept up to date with information on the status of the 2019 novel coronavirus in Ontario:

- EN: <https://www.ontario.ca/page/2019-novel-coronavirus>
- FR: <https://www.ontario.ca/fr/page/nouveau-coronavirus-2019>

Thank you for your assistance. We will continue to provide timely updates on COVID-19 as they relate to police services.

Sincerely,

A handwritten signature in black ink that reads "Marc Bedard".

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor General

Office of the
Assistant Deputy Minister
Institutional Services

25 Grosvenor Street
17th Floor
Toronto ON M7A 1Y6
Tel: 416-327-9992
Fax: 416-327-3849

Ministère du Solliciteur général

Bureau du sous-ministre adjoint
Services en établissement

25, rue Grosvenor
17^e étage
Toronto ON M7A 1Y6
Tél. : 416-327-9992
Télec. : 416-327-3849



MEMORANDUM TO:

Marc Bedard
Assistant Deputy Minister
Public Safety Division

FROM:

Suzanne McGurn
Assistant Deputy Minister
Institutional Services Division

DATE:

March 13, 2020

SUBJECT:

Adult correctional facilities in response to COVID-19

Out of an abundance of caution, the ministry is taking decisive actions to protect the health and safety of our staff and those in our custody as well as the community as a whole.

Given the ongoing and evolving COVID-19 virus situation, the ministry is taking proactive action to reduce possible transmission of the virus in our correctional facilities.

Effective today, March 13, 2020, intermittent inmates who serve time on the weekends will be required to attend their reporting facilities and then they will be sent home. The ministry will be granting temporary absence permits to facilitate the temporary release from custody.

It is important to keep in mind that intermittent inmates have been deemed low-risk by the courts and remain in the community Monday to Friday.

We are also temporarily suspending personal visits within our correctional facility effective Saturday, March 14, 2020. Professional visits including legal counsel will continue.

We can appreciate the need for inmates to be able to have contact with their friends and loved ones, but these measures are necessary in order to reduce any potential transmission of the COVID-19.

Inmates within our facilities will continue to have access to telephones to keep in contact.

The ministry will continue to monitor and assess the situation and take steps to respond effectively. Regular operations will resume as soon as it is appropriate to do so.



Suzanne McGurn
Assistant Deputy Minister, Institutional Services

Cc: Daryl Pitfield, Executive Director, Institutional Services

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Information to Support Police Operations – Novel
Coronavirus (COVID-19)**

DATE OF ISSUE:	March 16, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0016
PRIORITY:	High

This memorandum is meant to be a useful starting point for all police leaders (e.g., police services boards and chiefs of police) to help mitigate the risk related to COVID-19 in relation to police operations.

As a precaution, we would like to provide the policing sector with information as it relates to:

- Interactions with members of the public, including at police facilities;
- Transportation of individuals in custody;
- Extending First Appearance dates;
- Encouraging releases with conditions; and
- Crowns being available to provide advice on release powers.

Police services boards are encouraged to provide chiefs of police with the timely and necessary resources required to support the management and mitigation of the spread of COVID-19.

-2-

Precautions in the Course of Policing Duties*Travel*

To limit the spread of COVID-19, the Government of Canada and Ontario's Chief Medical Officer of Health advises that you avoid all non-essential travel outside of Canada. The Government of Canada and Ontario's Chief Medical Officer Health is advising that you avoid all travel on cruise ships due to the ongoing COVID-19 outbreak until further notice.

Public Events and Gatherings

Based on the advice of Ontario's Chief Medical Officer of Health, police services boards and chiefs of police should immediately suspend all large events and public gatherings of over 250 people. If you are organizing a small gathering, please seek the advice of your local public health unit. Ontario's Chief Medical Officer of Health has identified risks associated with hosting and attending public gatherings and is recommending social distancing as much as possible until further notice in order to manage the spread of illness. Virtual options are strongly encouraged.

Passive Screening and Signage

Out of an abundance of caution, I encourage all chiefs of police to post signage throughout police facilities, including at points of entry and at reception areas, to allow members of the public and policing personnel (e.g., police officers, special constables, civilians, etc.) to self-identify if they have relevant symptoms and travel history/exposure, including:

- Fever, and/or
- New or existing cough and difficulty breathing; and
- Travel outside of Canada in the last 14 days since onset of illness OR have had contact with a person who has the above travel history and is ill.

For your reference, please find attached sample signage, which you may wish to use or adapt. Police services may want to consider adding their division/station phone numbers to the signage for individuals to call in that need to come into police stations and cannot delay their visits (irrespective of symptoms). Signage should be visible and must remind members of the public and policing personnel to perform hand hygiene, sneeze/cough into their elbow, wear personal protective equipment, if needed, put used tissues in a waste receptacle, and to wash hands immediately after using tissues.

-3-

For a list of areas affected by COVID-19 (*for the purpose of travel history assessment*), please refer to the daily situation reports issued by the World Health Organization <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/situation-reports>.

Unless there is an overriding emergency situation, chiefs of police are encouraged to instruct all members of the public to self-screen at home prior to visiting policing facilities.

In addition, in accordance with procedures set out by the chiefs of police, policing personnel with symptoms of COVID-19 must not come to work and must report their symptoms to the local public health unit. Chiefs of police shall endeavour to ensure that all policing personnel under their command are aware of early signs and symptoms of COVID-19.

Active Screening

Chiefs of police should encourage members of the public to call the police service in advance of attending policing facilities so that policing personnel can conduct the active screening assessment via telephone.

Within police facilities, chiefs of police should create and implement an active screening plan that includes:

- Location and staffing of the screening area;
- Appropriate script for the screening staff that includes process for non-compliant individuals;
- Signage to support the active screening process;
- Making alcohol-based hand sanitizer available at the screening table;
- Clear rules that identify entry requirements; and
- Clear communication to visitors around the changes, including pamphlets that provide the information.

Based on the plan, chiefs of police should ensure that active screening is conducted by policing personnel:

- For individuals seeking to enter policing facilities such as visitors (e.g., police divisions, detachments, satellite offices, joint operations centres, etc.); and
- In the field by policing personnel on individuals being arrested or detained (e.g., during patrol, at road-side, or within other police facilities, including vehicles and detention facilities).

-4-

Active Screening Checklist

Screening Questions

Please provide individuals with an initial rationale why screening is being conducted. Please ensure you note that COVID-19 continues to evolve quickly; given this, policing personnel are conducting active screening, in the course of their duties, for potential risks of COVID-19 with everyone entering policing facilities to ensure the safety and well-being of all other individuals.

Please ask the following questions as part of the screening process:

1. Do you have any of the following symptoms: fever, new or existing cough and difficulty breathing?

- ☐ Yes
- ☐ No

2. Have you travelled internationally within the last 14 days (outside of Canada)?

- ☐ Yes
- ☐ No

3. Have you had close contact with a confirmed or probable COVID-19 case?

- ☐ Yes
- ☐ No

4. Have you had close contact with a person with acute respiratory illness who has been outside Canada in the last 14 days?

- ☐ Yes
- ☐ No

If an individual screens positive (*i.e., answers "yes" to Q1 and Q2 or Q3 or Q4*), the chief of police should encourage policing personnel to advise the person to wear a surgical or procedure mask (if tolerated) and place them in isolation in order to wait for further assessment.

At all times, chiefs of police should ensure the continued safety and security of all individuals, whether or not they exhibit signs of COVID-19.

-5-

Chiefs of police should consult with the local public health unit if there has been exposure to, or transmission of, a confirmed case of COVID-19 in order to determine any additional public health actions that may need to be taken, including whether to implement additional screening of policing personnel or those in custody.

Policing personnel should not be performing clinical assessments of any possible cases. If concerned that someone you are managing may be at risk of COVID-19, please contact your local public health unit.

Transportation of Persons in Custody

The ministry advises chiefs of police to take extra precautionary measures during the transportation of persons in custody to, and from, police facilities, correctional institutions and courts. Chiefs of police should ensure active screening is conducted by all policing personnel for any individual they take into custody and to follow any appropriate measures for those that screen positive.

Chiefs of police should also endeavour to minimize the number of individuals in custody that are travelling together in any police vehicle taking into account, to the extent practical, best public health practices, which include:

- Social distancing;
- Avoiding contact with people who are sick; and
- Washing hands often with soap and water or alcohol-based hand sanitizer.

Over the course of the next several weeks, police services may be requested to provide additional transportation of persons in custody to courts. Police services boards and chiefs of police should prepare for any increased requests and allocate the appropriate resources needed to facilitate the administration of justice in a timely manner, including staffing court facilities with additional policing personnel.

Extending First Appearance Dates

If a police release is deemed appropriate in the circumstances, the first appearance date should be scheduled for **9 weeks from the date of the arrest until further notice**. If the arrest takes place on the weekend or a statutory holiday, the first appearance date should be on the next juridical date 9 weeks later. In all cases, the electronic brief must be pushed through for disclosure as soon as possible. Do not wait for the first appearance date or for the information to be sworn.

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Encouraging Releases with Conditions

As a reminder, the intent of the recent release-related amendments in Bill C-75 was to **facilitate the earliest and least onerous release of an accused that is appropriate in the circumstances**. The principle of restraint is codified in a new section 493.1 and requires that peace officers, judges and justices give *primary consideration* to the release of an accused at the earliest reasonable opportunity and on the least onerous conditions appropriate in the circumstances with which the accused can reasonably practicably comply. Peace officers have also been given greater flexibility in terms of the forms and conditions of release available, and the previous “officer in charge” distinction has been removed.

When considering available release options, the new section 493.2 requires peace officers, judges and justices to give *particular attention* to the circumstances of both accused and accused who belong to a vulnerable population that is overrepresented in the criminal justice system *and* that is disadvantaged in obtaining release under Part XVI of the *Criminal Code* (emphasis added).

When considering whether or not to release an accused person, peace officers should be mindful of the principle of restraint and the requirement to consider the circumstances of Indigenous accused and those in a vulnerable population captured by section 493.2 *Criminal Code*. **Peace officers are being encouraged to consider release from the station, with or without conditions, bearing in mind these principles and all other relevant considerations.**

For a quick overview of the police powers of release, please refer to Appendix A, attached.

Further details regarding the amendments to the police release provisions can be found in the updated police training material on police powers of release. The Ministry of the Attorney General, Criminal Law Division has shared an updated deck, which is attached (version 03.14.20 (post Bill C-75)); however, we again stress that this training is not for stand-alone use but as a reference for those who have received the training by a Prosecutor. The changes made to this deck include the following:

Slide 18: Added a general outline of the police responsibilities in the case of a police referral to a Judicial Referral Hearing.

Slide 34: Included “Section 503(1.1) to specifically identify the section which permits the officers to re-evaluate their decision to detain.”

.../7

-7-

Slide 54: Removed the bullet that stated: “Accused persons younger than 16 must be released to a parent or guardian” so that officers are not under the mistaken impression that they MUST release all accused.

The Criminal Law Division also made updates to the police training material on options of release when a warrant has been endorsed in Form 29. The changes made to this updated deck, also attached, include the following:

Slide 7: Addition of this bullet “These warrants make specific reference to bringing the accused before a justice”.

Slide 11: Addition of this bullet “*note: in this situation, any conditions imposed on the original undertaking would be cancelled”.

Slide 14: Changed heading to include reference to section 512 and entire slide revised.

Crowns being Available to Provide Advice on Release Powers

Each Crown office will assign a Crown (or more than one Crown in some jurisdictions) who will be available to provide police with advice regarding release options for accused persons. The local Crown Attorney will provide the chief of police with the names and contact information of those Crowns designated for this purpose. The names will be updated as needed.

On the advice of Ontario's Chief Medical Officer of Health, the local Crown Attorney will provide advice to policing personnel via telephone only.

Other

Police services boards and chiefs of police should endeavour to stay up to date on the Ontario government's public health responses to COVID-19 at <https://www.ontario.ca/page/2019-novel-coronavirus>.

Please ensure that you are also connected with your local justice partners, including the Courts and Crown Attorneys in order to coordinate a seamless response of the justice system locally.

The Ontario Court of Justice has posted a message regarding COVID-19 on its website, which is available here: <https://www.ontariocourts.ca/ocj/>.

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I trust this information will assist you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marc Bedard".

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Attention Visitors



If you have a fever and/or new onset of cough or difficulty breathing

AND

In the 14 days before symptom onset, you have:

- been to a COVID-19 impacted area, **or**
- you have been in close contact with a confirmed or probable case of COVID-19, **or**
- you have been in close contact with a person with acute respiratory illness who has been to a COVID-19 impacted area,

please delay your visit AND contact your health care provider, or Telehealth Ontario (1-866-797-0000)

Ontario



Avis aux visiteurs



Si vous faites de la fièvre, avez commencé à tousser ou avez des difficultés à respirer

ET

qu'au cours des 14 jours précédant l'apparition des symptômes vous :

- avez voyagé dans une région touchée par le COVID-19 **ou**
- avez été en contact étroit avec une personne identifiée comme cas confirmé ou probable de COVID-19 **ou**
- avez été en contact étroit avec une personne ayant une maladie respiratoire aiguë qui a voyagé dans une région touchée par le COVID-19

Veillez reporter votre visite ET communiquer avec votre fournisseur de soins de santé ou Télésanté Ontario (1 866 797-0000)

Ontario



请注意 访客



如果您有发烧和/或新出现咳嗽或呼吸困难
并且

在症状开始出现前的 14 天，您曾：

- 到过受 COVID-19 影响的地区，或
- 与 COVID-19 确诊或疑似病例有过密切接触 c，或
- 与患急性呼吸系统疾病的人有过密切接触，而该患者曾到过受 COVID-19 影响的地区，

请延后改期来访并联系您的医疗服务提供者，
或 Telehealth Ontario（安省健康热线）（1-866-797-0000）。



قابل توجه ملاقات کنندگان

اگر تب و/یا سرفه جدید یا دشواری تنفس جدید دارید
و:

در 14 روز قبل از شروع علائم:

- در ناحیه ای بوده اید که COVID-19 در آن وجود داشته است یا
 - با یک مورد تایید شده یا احتمالی مبتلا به COVID-19 در تماس نزدیک بوده اید، یا
 - با شخصی در تماس نزدیک بوده اید که دچار بیماری حاد تنفسی است و در ناحیه ای بوده که COVID-19 در آن وجود داشته است،
- لطفاً ملاقات خود را به تأخیر بیندازید و با کارشناس خدمات بهداشتی و درمانی خود، یا
Telehealth Ontario (1-866-797-0000) تماس بگیرید

APPENDIX A

Options for Release

Bill C-75 enables all peace officers to release an accused on one of three forms of release:

- a summons (s. 498) [Form 6]
- an appearance notice (ss. 496, 497, 498, 499, 500) [Form 9]
- an undertaking, which can include conditions, an accused's promise to pay or a cash deposit (if the accused is not ordinarily resident) (ss. 498, 499, 501) [Form 10].

The “promise to appear” has been eliminated.

Release by Peace Officer

Authority comes from sections 498, 499 & 503 of the *Criminal Code*

s. 498 – Arrest without a warrant

- Shall release on an offence (other than s. 469 offences) **and** has not been taken before a justice or release from custody under any other provision

s. 499 – Arrest with a Warrant

- May not release if warrant unendorsed
- May or may not release even if warrant endorsed for release
- If release may:
 - Issue an appearance notice (contents found in s. 500(1)/Form 9); or
 - An undertaking to the peace officer (contents and conditions found in s. 501(1)-(3)/Form 10)

s. 503 – Most other offences

- Shall detain and bring to a justice **unless decision made to release** on:
 - Issues an appearance notice (contents found in s. 500(1)/Form 9), or
 - An undertaking to the peace officer (contents and conditions found in s. 501(1)-(3)/Form 10)

Contents of appearance notice (s.500(1))

An appearance notice shall:

- set out the name, date of birth and contact information of the accused
- set out the substance of the offence that the accused is alleged to have committed
- require the accused to attend court at a time and place to be stated in the notice and to attend afterwards as required by the court; and,
- indicate if the accused is required to appear at a judicial referral hearing under section 523.1 for a failure under section 496.

Contents and conditions of undertaking (s.501)

An undertaking under paragraph 498(1)(c), 499(b) or 503(1.1)(b) must set out:

- the name, date of birth and contact information of the accused
 - the substance of the offence that the accused is alleged to have committed; and,
 - a summary of subsections 145(4) and (6), sections 512 and 512.2 and subsection 524(4).
- **Mandatory conditions** (s. 501(2)):
 - Attend court at time and place stated
 - Attend court thereafter as required by the court
 - **Additional conditions** (s.501(3)) can only be imposed if:
 - *Reasonable* in the circumstances of the offence

AND

- *Necessary* to:
 - Ensure the accused's attendance in court
 - OR
 - The safety and security of any victim of or witness to the offence
 - OR
 - To prevent the continuation or repetition of the offence or the commission of another offence
- Available conditions include:
 - Report at specified times to peace officer or other specified person
 - Reman with a specified territorial jurisdiction
 - Notify the peace officer or other specified person of any change in address, employment or occupation
 - Abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the undertaking, except in accordance with any specified conditions
 - Abstain from going to any specified place or entering into any geographic area related to any person referred to in non-communication order, except in accordance with any specified conditions
 - Deposit all their passports with the peace officer
 - Reside at specified address, be at that address at specified hours and present themselves at the entrance of that residence to a PO/specified person, at the officer's or specified person's request during those hours
 - Abstain from possessing firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance and surrender those in their

possession to peace officer/specified person, including authorization/license

- Promise to pay an amount specified in the undertaking, which shall not be more than \$500, if they fail to comply with any condition of the undertaking
- Deposit, with the peace officer specified in the undertaking, money or other valuable security whose value does not exceed \$500 if, at the time of giving the undertaking, the accused is not ordinarily resident in the province or does not ordinarily reside within 200 kilometres of the place in which they are in custody
- Comply with any other specified condition for ensuring the safety and security of any victim of or witness to the offence.

POLICE POWERS OF RELEASE: Training Materials

Version: 03.14.20 (post-Bill C-75)

MINISTRY OF THE ATTORNEY GENERAL

***NOTE: TRAINING TO BE DELIVERED BY CROWNS –
NOT FOR STAND-ALONE USE***

Based on materials prepared by: Vivian-Lee Stewart, Assistant Crown Attorney, Ottawa Crown's Office,
with assistance from Kelly Reitsma (PPSC) and A/Insp Kevin Maloney (OPS)

Updated in January 2020 by: Elizabeth Kozak, Counsel, Crown Law Office – Criminal

Privileged and Confidential

What We Will Cover

1. Overview of bail principles
2. Options for release by police – the ladder principle
 - (a) Appearance notice for judicial referral hearing (s. 496)
 - (b) Release from scene by arresting officer (ss. 496 - 497)
 - (c) Arrest without a warrant (s. 498)
 - (d) Arrest with a warrant (s. 499)
 - (e) The rest (ss. 501 - 503)
3. Youth Releases
4. Release Documents
5. Crown Bail Directive
6. Practical Reminders
7. Scenarios

NEW refers to amendments in Bill C-75 (in force on **December 18, 2019**)

The Ministry of the Attorney General (MAG) & the Ministry of Community Safety and Correctional Services (now called the Ministry of the Solicitor General, or SolGen) commissioned a report on bail and remand that was released in early 2017 (the Wyant Report). That report recognized that too many accused are on remand awaiting a bail determination, and set out recommendations to improve bail and remand in Ontario, including:

- the expansion of education for police on their powers of release

<https://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/wyant/>

1. OVERVIEW OF BAIL PRINCIPLES

***R. v. Antic*, 2017 SCC 27**

“The right not to be denied reasonable bail without just cause is an essential element of an enlightened criminal justice system. It entrenches the effect of the presumption of innocence at the pre-trial stage of the criminal trial process and safeguards the liberty of the accused persons. The right has two aspects: a person charged with an offence has the right not to be denied bail without just cause and the right to reasonable bail”

Where to Start

- The decision of whether or not to release an accused person pending trial, and on what conditions, is one of the most significant decisions made in the criminal process
- The decision making starts with the police
- The *Charter* guarantees that an accused not be denied reasonable bail without just cause – section 11(e)

NEW Principle of Restraint

- Newly codified (in force on December 18, 2019)
- s. 493.1: a peace officer...*shall give primary consideration to the release of the accused at the earliest reasonable opportunity and on the least onerous conditions that are appropriate in the circumstances, including conditions that are reasonably practicable for the accused to comply with*

NEW Aboriginal Accused or Vulnerable Populations

- s. 493.2: a peace officer....*shall give particular attention* to the circumstances of:
 - a) Aboriginal accused; and
 - b) accused who belong to a vulnerable population that is overrepresented in the criminal justice system and that is disadvantaged in obtaining release under this Part.

2. OPTIONS FOR RELEASE

- The ladder principle sets out the options for judicial pre-trial release of an accused
- Legal presumption is that an accused will be released on a release order without conditions (formerly called an undertaking)
- Unless it is demonstrated that a more onerous form of release is required

R. v. Antic, 2017 SCC 27, para 67

NEW The Ladder



- A central part of the Canadian law of bail consists of the ladder principle and the authorized forms of release, which are found in s. 515(1) to (3) of the *Criminal Code*
- Release on a release order without conditions is the default position
- Alternative forms of release are to be imposed in accordance with the ladder principle
- Release is favoured at the earliest reasonable opportunity and on the least onerous grounds

R. v. Antic, 2017 SCC 27

Who should be released?

- For most offences the starting point is that the accused person should be released on bail
- Consider if there is any reason not to release the person.
Bail decisions are an exercise in risk management
- It is not practical (or legal) to hold everyone in an effort to guarantee that an accused person will not reoffend

R. v. Van, 2014 ONCJ 232

Who should be released?

- The power to release or detain requires assessment of the facts of each individual case
- Consider the criminal record of the accused and grounds for detention (primary and secondary grounds)
- Avoid passing the buck - consider all options available to you for release before moving to next step on the bail ladder

Reasonable Bail

“...the right to reasonable bail, relates to the terms of bail, including the quantum of any monetary component and other restrictions that are imposed on the accused for the release period. It protects accused persons from conditions and forms of release that are unreasonable”

R. v. Antic, 2017 SCC 27

What are the Options for Release?

(a) **NEW** Appearance notice for judicial referral hearing (s. 496)

- If a peace officer has reasonable grounds to believe that a person has failed to comply with a release (summons, appearance notice, undertaking or release order) **or** to attend court as required **and** that the failure did not:
 - cause a victim physical or emotional harm,
 - property damage or
 - economic loss,the peace officer **may**, without laying a charge, issue an appearance notice to the person to appear at the judicial referral hearing under s. 523.1

NEW Judicial Referral Hearings

- s. 523.1: creates a new proceeding designed to reduce the number of administration of justice (AOJ) charges.
- It allows police (and crowns, if a charge is laid by police) to refer an accused to a hearing if he:
 - has breached a condition of release OR
 - failed to attend court or for fingerprints WHEN
 - there has been no harm caused to a victim, property damage or economic loss.
- Note: not available for breaches of disposition (i.e. probation, conditional sentence order)
- If this procedure is used, no charge is laid by police (or if laid by police and referred to a hearing by a crown, the charge is dismissed)
- The justice or judge hearing the matter has various options under this section: take no action; cancel the release(s) and issue a new one, or detain the accused; or remand the accused into custody for the purposes of the *Identification of Criminals Act*

NEW Judicial Referral Hearings

- The JRH process has the potential to be time consuming and resource intensive
- Consider all other available options before referring to JRH
- Exercise your discretion when investigating failures to comply and to appear
- Adult accused:
 - Don't charge
 - Lay a criminal charge
- If decision is made to refer to a JRH, issue an appearance notice under s.496 (NEW)
- For a JRH to proceed, the Prosecutor must “seek a decision under the section”

NEW Judicial Referral Hearings: YCJA

- Consider all other available options before referring to JRH
- **NEW** s. 4.1 YCJA: EJM are presumed to be adequate to address failures to comply/appear captured by the JRH provision unless:
 - YP has a history of repetitive failures or refusals
 - Failure or refusal has caused harm, or a risk of harm to the safety of the public
- Police options, to be considered in this order:
 - Take no action
 - Give a warning
 - Administer a caution or refer the YP to a community program that may assist the YP not to commit offences (YP's consent required)
 - Refer the YP to a JRH
 - Lay a criminal charge
- If decision is made to refer to a JRH, issue an appearance notice under s.496 (**NEW**)
- For a JRH to proceed, the Prosecutor must “seek a decision under the section”

NEW Judicial Referral Hearings

- *Details of protocol will vary by region, each police service should liaise with their local Crown Attorney's office*
- In all cases of police referral to a JRH, the referring officer **MUST:**
 - Issue an Appearance Notice (s. 496), to the appropriate courtroom, day and time established in your region
 - Prepare "JRH brief"
 - "JRH brief" to contain:
 - summary of the allegations,
 - copies of the relevant officer's notes, underlying information(s) and release order(s), and
 - criminal record of the accused, if any
 - Provide the "JRH brief" to the Crown's office in advance of the hearing date
 - Prepare a Notice of Application (NOA) or "bring forward" form (or a form agreed to in your region), identifying all relevant information number(s) and next court date(s)
 - Attach Appearance Notice to the NOA/bring forward form (or agreed form) and deliver to the Clerk's office to ensure the matter is added to the docket for the date on the Appearance Notice AND deliver a copy of all filed documents to the Crown's office

NEW Appearance Notice

(b) Issue of appearance notice by peace officer (s. 497)

- If a peace officer does not arrest a person, they may issue an appearance notice (no conditions) to the person if the offence is:
 - a) An indictable offence mentioned in s. 533;
 - b) An offence for which the person may be prosecuted by indictment or for which they are punishable on summary conviction; or
 - c) An offence punishable on summary conviction.

Less Serious Offences (s. 497)

- (a) Indictable offences for which the OCJ has absolute jurisdiction (s. 533). Includes:
- *property offences under \$5000,*
 - *attempts and conspiracies,*
 - *gaming & betting,*
 - *breach of recognizance (s. 811),*
 - *failure to comply with probation (s. 733.1),*
 - *simple possession of schedule II (CDSA s. 4(4)(a)),*
 - *trafficking schedule II < prescribed amount (CDSA s. 5(3)(a.1))*
- (b) All hybrid offences
- (c) All summary conviction offences

NEW Appearance Notice (s. 500(1))

- An appearance notice shall (Form 9)
 - a) set out the name, date of birth and contact information of the accused;
 - b) Set out the substance of the offence that the accused is alleged to have committed;
 - c) Require the accused attend court at a time and place to be stated in the notice and to attend afterwards as required by the court; and
 - d) Indicate if the accused is required to appear at a JRH.

NEW Release by a Peace Officer

- Authority comes from sections 498, 499 & 503 of the *Criminal Code*

s. 498 – Arrest without a warrant

- Shall release unless...

s. 499 – Arrest with a Warrant

- May or may not release even if warrant endorsed for release
- May not release if warrant unendorsed
- Release is on an appearance notice or undertaking to the peace officer

s. 503 – Most other offences

- Shall detain and bring to a justice unless decision made to release

(c) **NEW** Arrest without a Warrant (s. 498)

- Person arrested without a warrant by a peace officer
for
 - An offence (other than s. 469 offences)
- and
- Has **not** been taken before a justice or release from custody under any other provision

“Shall Release” (s. 498)

Presumption under s. 498 is that the accused person shall be released

If a person has not been taken before a justice or otherwise been released, the officer **MUST** release that person as soon as practicable:

- a) With the intention of compelling to court by summons;
- b) On an appearance notice;
 - Contents found in s. 500(1)/Form 9 (NEW)
- c) On an undertaking to the peace officer.
 - Contents and conditions found in s. 501(1)-(3)/Form 10 (NEW)

“... as soon as practicable...”

What does this mean?

- s. 498 allows you to wait until it's practical to release the person.
- May include:
 - weather conditions
 - level of intoxication
 - physical condition
 - mental condition
 - presence of family or friend

Also consider the state of the investigation. Does s. 516(1) apply – seeking a 3-day remand in custody?

s. 516(1)

- When an investigation is on-going and the investigator requires more time to continue or conclude a vital part of the investigation (example: interviewing principle witnesses, seize vital evidence etc.), the Crown can make an application to the court to delay the bail hearing for up to 3 clear days pursuant to 516(1)
- The accused must be charged with at least one offence and must be present at court for the application to be made
- Adjournment should be for the shortest amount of time required in the circumstances
- Final decision made by Justice or Judge

NEW When should you not release? (s. 498(1.1))

- The presumption under s. 498 is that they shall be released.
- NEW However, the peace officer shall not release if they believe on reasonable grounds that:

(1) If released the person will fail to attend court
(*primary ground concern*) – s. 498(1.1)(b)

NEW When should you not release? (s. 498(1.1))

(2) It is necessary in the public interest that the person be detained in custody or that the release from custody should be dealt with by other means (bail) having regard to all circumstances including the need to.....

- Establish identity of the person
- Secure or preserve evidence of or relating to the offence
- Prevent the continuation or repetition of the offence or the continuation of another offence
- Ensure the safety or security of any victim or witness to the offence

(secondary grounds) – s. 498(1.1)(a)

NEW When should you not release? (s.498(1.1))

- (3) Where a person has been arrested without a warrant by a peace officer for an indictable offence alleged to have been committed in a different province

(see section 503(3) - 6 day remand procedure)

(d) Arrest with a Warrant (s.499)

- An accused arrested pursuant to a warrant **and** the warrant is endorsed by a justice under s. 507(6), a peace officer **may** release the person if:
 - Issues an appearance notice; or
 - Contents found in s. 500(1)/Form 9 **(NEW)**
 - Person gives an undertaking to the peace officer.
 - Contents and conditions found in s. 501(1)-(3)/Form 10 **(NEW)**
- If the warrant is endorsed, a peace officer may exercise his/her discretion to release from station
 - You don't have to release if warrant is endorsed, but you can
- Includes bench warrants, warrants in the first

Arrest with a Warrant (s. 499)

Consider.....

- What is the risk posed by this accused?
- Can conditions be fashioned which will minimize the risk to an acceptable level?
 - Expanded list of conditions available to all peace officers
 - Reduce the number of accused held for bail hearings
- Warrant in the First or Bench Warrant?
- Is the warrant endorsed?
 - Endorsement permits the officer to use his/her discretion concerning release

Arrest with a Warrant (s. 499)

Consider.....

- Is the accused charged with a serious offence?
- Has the accused been avoiding contact with police?
- Does the accused have a history of FTA or non-compliance?
- Does the accused have other outstanding charges?
- Is the accused charged with an offence which garners mandatory minimum penalties (MMP)?
- Is the accused involved in Drug Treatment Court (DTC)?
- How long has the warrant been outstanding?

Cannot Release (s. 469)

- treason
- alarming Her Majesty
- intimidating Parliament or legislature
- inciting to mutiny
- piracy
- piratical acts
- murder
- accessory after the fact to high treason or treason or murder
- bribery by the holder of a judicial office
- crimes against humanity
- attempting to commit any offence mentioned above
- conspiring to commit any offence mentioned above

(e) **NEW** Section 503 - Shall Bring to Justice unless...

- Person **must** be brought before a Justice within 24 hours unless released
 - 24 hours is the outer limit of what is a reasonable period
 - Police must take the accused before a JP without unreasonable delay
- **NEW** Section 503(1.1) also requires that a peace officer who no longer considers the continued detention necessary to release the person on:
 - An appearance notice, or
 - **NEW** Contents found in s. 500(1)/Form 9
 - An undertaking to the peace officer.
 - **NEW** Contents and conditions found in s. 501(1)-(3)/Form 10

Conditions of Release

- Recall the principle of restraint in s. 493.1 (NEW):
 - least onerous conditions that are appropriate in the circumstances, and
 - reasonably practicable for accused to comply with
- Release conditions should always relate to the specific circumstances of the accused and the offence
- Conditions should be realistic - the accused should be able to comply with the condition
 - For example, a condition requiring a homeless or mentally ill person to report to police weekly or monthly may be virtually impossible for them to comply with
 - Consider whether an alcohol or drug prohibition is necessary – it will likely be impossible for an addict to comply with such a condition
 - now only available under residual catch-all condition IF it is reasonable and necessary and required to ensure the safety and security of a victim/witness

NEW Conditions: Undertaking to a PO (s. 501)

- **MANDATORY CONDITIONS** (s. 501(2)):
 - Attend court at time and place stated
 - Attend court thereafter as required by the court
- **ADDITIONAL CONDITIONS** (s.501(3)) can only be imposed if:
 - *Reasonable* in the circumstances of the offence
 - AND
 - *Necessary* to:
 - Ensure the accused's attendance in court
 - OR
 - The safety and security of any victim of or witness to the offence
 - OR
 - To prevent the continuation or repetition of the offence or the commission of another offence

NEW Additional Conditions s. 501(3)

- Report at specified times to peace officer or other specified person
- Remain with a specified territorial jurisdiction
- Notify the PO or other specified person of any change in address, employment or occupation
- Abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the undertaking, except in accordance with any specified conditions
- Abstain from going to any specified place or entering into any geographic area related to any person referred to in non-communication order, except in accordance with any specified conditions
- **NEW** Deposit all their passports with PO
- **NEW** Reside at specified address, be at that address at specified hours and present themselves at the entrance of that residence to a PO/specified person, at the officer's or specified person's request during those hours
- Abstain from possessing firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance (**NEW**) and surrender those in their possession to peace officer/specified person, including authorization/license

***RECALL THE PRINCIPLE OF RESTRAINT: JUST BECAUSE MORE CONDITIONS ARE AVAILABLE IT DOES NOT MEAN THEY SHOULD BE IMPOSED.**

(least onerous conditions that are appropriate in the circumstances, reasonably practicable for accused to comply with)

NEW Conditions: Undertaking to a PO (s. 501)

CAN ALSO INCLUDE:

- Promise to pay: < \$500 without surety or deposit; **or**
- Deposit to a peace officer specified in the undertaking (<\$500) , if accused is not ordinarily resident in the province or within 200km

BUT NO LONGER INCLUDES:

- Abstain from:
 - consumption of alcohol or other intoxicating substances, or
 - Consumption of drugs except in accordance with a medical prescription

....BUT STILL INCLUDES:

- Comply with any other specified condition for ensuring the *safety* and *security* of any *victim* of, or *witness* to, the offence

NEW Release Conditions – s.501(3)(a)

To report at the times specified to a peace officer or other specified person

Consider:

- Is there reason to believe that the accused will leave the jurisdiction, or is not living in a stable residence?
- Also consider whether this is a condition that the accused can realistically comply with, specifically in cases with a homeless and/or mentally ill accused

NEW Release Conditions – s. 501(3)(b)

To remain within a territorial jurisdiction specified in the undertaking

“Remain in the City of Ottawa”

Consider:

- Is there reason to believe that the accused will leave the jurisdiction, and NOT RETURN for their court date?

Yes – primary ground concern exists, send to bail court

No – no reason for this condition

NEW Release Conditions – s. 501(3)(c)

To notify a peace officer or another person mentioned in the undertaking of any change in his or her address, employment or occupation

Consider:

- Whether we will need to know where the accused is living for service or compliance purposes
- Whether the accused is capable of complying with this condition – accused who are homeless, mentally ill, or addicted may have great difficulty complying with this condition

NEW Release Conditions – s.501(3)(d)(e)

(d) To abstain from communicating, directly or indirectly, with any victim, witness or other person identified in the undertaking except in accordance with conditions specified in the undertaking

(e) To abstain from going to any specified place or entering any geographic area related to any person referred to in (d), except in accordance with conditions specified in the undertaking

Consider:

- Are there any people who the accused should not be able to contact?
- Includes victims, witnesses, co-accused

Yes – use correct spelling of names and confirm addresses

No – no reason for this condition

New Release Conditions – s.501(3)(f)

To deposit **all** the person's passports with the peace officer or other person mentioned in the undertaking

Consider:

- Is there reason to believe that the accused will use his/her passport to leave Canada and not return?

Yes – primary ground concerns, send to bail court

No – no reason for this condition

New Release Conditions – s.501(3)(g)

Reside at a specified address, be at that address at specified hours and present themselves at the entrance of that residence to a peace officer or other specified person, at the officer's or specified person's request during those hours

Consider:

- Whether we will need to know where the accused at an address, at specified times for service or compliance purposes
- Whether the accused is capable of complying with this condition – accused who are homeless, mentally ill, or addicted may have great difficulty complying with this condition

NEW Release Conditions – s.501(3)(h)

Abstain from possessing firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition or explosive substance (**NEW**) and surrender those in their possession to peace officer/specified person, including authorization/license

Consider:

- Is this an offence of violence or threats of violence or weapons?
- See also: s. 515(4.1)

...not to possess any weapons including knives and cross-bows...

Consider:

- Whether the offence involved violence or threats of violence or weapons

Yes – include this condition in your release

No – no reason for this condition

NEW Additional Release Conditions – s.501(3)(k)

To comply with any other specified condition for ensuring the *safety* and *security* of any *victim* of or *witness* to the offence

- Any conditions included in an Undertaking must be directly related to circumstances of the offence, justified and reasonable

Before including any additional conditions ask:

- Is the condition directly related to the alleged offence?
- Is the condition required to protect the safety of any victim or witness?
- Is a condition related to abstaining from the consumption of drugs and/or alcohol appropriately imposed under this section? **No longer authorized by the Code** unless the criteria in this section apply.
- Recall the principle of restraint in s. 493.1 (**NEW**): least onerous conditions that are appropriate in the circumstances, reasonably practicable for accused to comply with

Commonly imposed, but not legally available (in most cases):

- Do not possess tools
- Do not possess cell phones, pagers etc.
- Do not associate with persons known to you to have a criminal record
- Do not be in a motor vehicle without the owner present
- Keep the peace and be of good behaviour

*These conditions cannot be imposed under s. 501(3)(k) **(NEW)**, unless they are required to ensure the safety and security of a victim or witness AND are:*

- *Reasonable in the circumstances of the offence*
- *Necessary*

Release Conditions – Effective Period

- All conditions remain in effect until the final disposition of the associated charges or judicial variation
- If there are conditions given without authority the court will likely not uphold a breach

Release Conditions Intimate Partner Violence (IPV)

- IPV (formerly domestic violence) charges do not bar an accused from a release from the station
- Consideration should be given to the specific circumstances, on a case by case basis

In cases involving children:

- CAS must be advised in every case where children can be expected to be present in the home
 - Children do not have to be present at the time of the offence or ordinarily resident in the home

NEW All Peace Officers

- Record why you decided to release:
 - What principles you considered?
 - What risks you perceived?
 - How the conditions you used would mitigate those risks?
- Record why you decided to detain for a bail hearing:
 - Why you thought you could not mitigate the risks with the conditions available?
 - Remember, these have been expanded in s. 501(3) (NEW)
- Remember that you may be called to give evidence in court or at an inquest concerning the release or detention of an accused person
 - You might be asked to explain your decision to release or detain the accused person and, if released, the rationale behind the release conditions

NEW Reverse Onus – s.515(6)

- An accused is in a reverse onus position and must “show cause” why he should be released when charged with:
 - An indictable offence committed while out on another release for an indictable offence
 - Certain criminal organization and terrorism offences
 - Enumerated offences under the *Security of Information Act*
 - Trafficking or import/exporting firearms
 - Enumerated offences when committed with a firearm (including attempted murder, aggravated sexual assault, robbery, extortion)
 - Any offence involving a firearm, crossbow, prohibited or restricted weapon, prohibited device or ammunition **when** accused is subject to a prohibition order under section 84(1) of the *Criminal Code*
 - An indictable offence and not ordinarily resident
 - An offence in the commission of which violence was used, threatened or attempted against their intimate partner AND the accused has been previously convicted of an offence in which violence was used, threatened or attempted against ANY intimate partner of theirs (NEW)
 - Fail to appear, fail to comply with recognizance or other form of release
 - An offence punishable by life under any of sections 5 to 7 of CDSA

NEW Reverse Onus – s.515(6)

- The *Criminal Code* does not prohibit police from releasing an accused from the station (for non-469 offences) in a reverse onus situation
- Police should pay close attention to the provisions of s.498 (1.1)(a) before deciding to hold a reverse onus case for a bail hearing
- Detention may very well be warranted but should not be automatic but rather the result of a careful application of the principles in s.498 (1.1)
- Crowns will not automatically seek detention of an accused in a reverse onus position
- Crown bail directive recognizes that the obligation to follow the ladder principle continues to exist in reverse onus situations

Administration of Justice (AOJ) Offences

- Includes fail to appear, fail to comply with condition of release, fail to comply with probation
- Dramatic increase in number of AOJ offences being charged and prosecuted in Ontario
- Consider whether it is appropriate to use your discretion and *not charge* all AOJ offences
- **Consider:**
 - The seriousness of the alleged breach
 - Any apparent reason for the breach
 - The underlying facts
 - Whether any physical or emotional harm, property damage or economic loss to victim

3. Youth Releases

- Sections 28 – 33 of the *YCJA*
- Part XVI of the *Criminal Code* still applies
- *s. 28.1: Substitute for Social Measure is prohibited.
 - “A peace officer (NEW), youth court justice or judge shall not detain a young person in custody, or impose a condition in respect of a young person’s release by including it in an undertaking or release order, as a substitute for appropriate child protection, mental health or other social measures”
- Serve the Notice to Parent when releasing a Youth offender

Youth Releases

- A young person may be detained in custody only if:
 - Young person charged with a serious offence
 - or
 - There is a history that indicates a pattern of either outstanding charges or findings of guilt
- and
- Judge finds that:
 - There is substantial likelihood the accused will not attend court
 - or
 - Detention is necessary for the protection or safety of the public including any victim or witness having regard to the circumstances of the case including whether there is a substantial likelihood that the accused will commit a serious offence if released

4. Release Documents

Types of release documents available to a Peace Officer (NEW) include:

- Appearance Notice – Form 9 (NEW)
- Adult Undertaking – Form 10 (NEW)
- Young Offender Appearance Notice – Form 9 (YCJA)
- Young Offender Undertaking – Form 10 (YCJA)

4. Release Documents

- **NEW** Subsection 500(1) of the *Criminal Code* dictates that the release document must include, amongst other things, the *substance of the offence*. Case law requires that the substance of the offence must set out the statute. Short form wordings are acceptable, i.e. *CC 266 – Assault*
- Ensure that the correct region is included on the release
- Double check court dates for statutory holidays, court closures or designated first appearance court schedules

5. Crown Bail Directive

- In effect as of November 14, 2017
- Change in language from the “potential for tragedy at the bail hearing stage” to “one of the fundamental presumptions in Canadian criminal law is that a person arrested and charged with an offence will be out of custody prior to trial”
- The change in tone in the new directive is deliberate
- Moving away from risk aversion that has been the subject of criticism
- To an approach that is in step with the requirements of the *Criminal Code* and the direction from the Supreme Court in *R. v. Antic*, 2017 SCC 27

Highlights of the Bail Directive

- An emphasis on liberty as a guiding principle in bail proceedings and the recognition of detention as an exceptional practice
- A reminder that the fundamental bail principles apply with respect to all charges
- The reinforcement of the “ladder” principle as a basic underpinning of bail
- A statement that surety release is an exceptional measure
- Suggestions to make the bail process more efficient and less time-consuming
- A balancing of the rights of the accused and the public interest/public safety consistent with the provisions of the *Criminal Code* and related jurisprudence

6. Practical Reminders

- Conditions may NOT be attached to an Appearance Notice
- An Undertaking may be used for Summary Conviction offences only if an arrest is made
- Undertaking with deposit < \$500 (NEW) must be used for out-of-province residents or anyone who resides more than 200 km from the jurisdiction in which the offence occurred

Practical Reminders

- The Peace Officer who releases the accused must fill out two copies of the documents (Appearance Notice & Undertaking). The accused is to sign both copies.
- Accused does not have to sign an Appearance Notice s. 500(4) (NEW) or Undertaking s. 501(6) (NEW)
- Lack of signature does not invalidate the release
- The signed release documents must then be scanned in to the corresponding file and then sent to local Court Liaison
- Processing and distribution of all release documents should occur prior to the end of the shift
- If releasing on an endorsed warrant immediately provide a copy of the release documents to CPIC

Practical Reminders

- Where an accused has drug and criminal charges on the same information, the more serious charge takes precedence for first appearance court
- Set all co-accused to the same first appearance date (Youth and adults cannot appear in the same first appearance court)

7. Scenarios

#1

- 38 year old male charged with Impaired driving and over 80
- Arrested on scene after single motor vehicle collision
- BAC readings 195mg & 190mg
- Has criminal record for Impaired driving from 2001
- Promise to appear from another jurisdiction from January 2017 for Impaired driving
- Outstanding warrant in Alberta for theft and theft of a motor vehicle from 1999
- Residence, job and girlfriend in arresting jurisdiction

#2

- 25 year old male charged with sexual assault and voyeurism
- Accused of photographing and having intercourse with his 24 year old terminally ill girlfriend while she is heavily medicated
- She has also seen photographs on his cellphone of other “younger” females
- No criminal record, no outstanding charges
- Accused has a job but was residing with the victim

#3

- On May 16, accused was charged with theft from the LCBO and released on an appearance notice
- On June 25, accused was charged with theft from a different LCBO and released on another appearance notice
- On August 6, accused was charged with theft from yet another LCBO and released on an undertaking
- On September 12, the accused failed to appear in set date court and a bench warrant was issued and endorsed by the presiding Justice of the Peace
- Accused has a criminal record starting in 1987 for property offences
- Accused ordinarily resides in the shelter system and is an alcoholic

#4

- Accused is charged with one count of assault against his girlfriend of two years
- Allegation is that accused shoved her and slapped her across the face
- Victim gave a statement to officers on the scene but has declined to come to the station for a video statement
- No children
- No prior occurrences and accused has no criminal record

Additional Resources: Bail Vettors

- Bail vettor Crowns are in place in 10 courthouses across the province:
 - Kenora
 - London
 - Kitchener
 - Newmarket
 - Barrie
 - Brampton
 - Ottawa
 - Hamilton
 - Old City Hall (Toronto)
 - College Park (Toronto)
- Available upon request to provide advice to local police on issues around detention and release

Additional Resources: Embedded Crowns

- Crowns are embedded at two police services in Ontario
 - Toronto Police Service, 51 Division
 - Ottawa Police Service
- One of the duties of the embedded Crowns is to support and provide advice to police in their exercise of pre-trial release powers
- If you work in one of these jurisdictions, use this resource

Additional Resources:

- Local Crown Attorneys and/or Deputy Crown Attorneys are available to address any questions
- Contact information:
 - [to be added by local Crown Attorney and/or ACA providing training]

Endorsing Warrants: Police Training Material

Ministry of the Attorney General

Privileged and Confidential

March 15, 2020

REVISED POST Bill C-75

Issue

- ▶ Concern that there are too many accused on remand awaiting bail determinations who do not need to be held in custody
- ▶ Many accused on remand are in custody in relation to administration of justice (AOJ) offences

The Context

- ▶ *R v Antic*, 2017 SCC 27
 - ▶ Accused persons are constitutionally presumed innocent and a corollary to that presumption is the constitutional right to bail
 - ▶ Presumption that an accused will be released on an undertaking without conditions, unless it is demonstrated that a more onerous form of release is required (the “ladder principle”)[para. 67]

How can we reduce the remand population?

- ▶ Endorse warrants for adult accused or young persons in appropriate circumstances/cases
- ▶ Endorsing warrants allows the police to exercise their power of release, avoiding the need for the accused or young person to be detained and brought before a justice

When can a warrant be endorsed?

- ▶ Section 507(6) allows a justice who issues a warrant to endorse the warrant in Form 29 allowing for the release of an adult accused or young person by the police in the following circumstances:
 - ▶ Warrant in the 1st (section 507)
 - ▶ Private Prosecution (section 507.1)
 - ▶ After release by Police (section 508)
 - ▶ Public Interest Bench Warrant (section 512(1))
 - ▶ Fail to Appear on summons, appearance notice, or undertaking to an officer (section 512.1 and section 512.2)

- ▶ The exception is an offence listed in section 469
 - ▶ These include: murder, treason, crimes against humanity

Form 29 (Section 507(6))

Endorsement of Warrant [note this form may change to accommodate Bill C-75 amendments]

Canada,

Province of,

(territorial division).

Whereas this warrant is issued under section 507, 508 or 512 of the Criminal Code in respect of an offence other than an offence mentioned in section 522 of the Criminal Code, I hereby authorize the release of the accused pursuant to section 499 of that Act.

Dated this.....day ofA.D., at

A Justice of the Peace in and for

R.S., 1985, c. C-46, Form 29; 1994, c. 44, s. 84.

When can a warrant NOT be endorsed?

- ▶ Fail to appear when on a judicial interim release (section 524 would be the process)
 - ▶ Warrant may issue under section 512.3 where an accused has contravened or is about to contravene a release (this initiates the process under section 524)
 - ▶ Section 512.3 is not included in subsection 507(6), nor is it indicated on Form 29 (Endorsement)
 - ▶ These warrants make specific reference to bringing the accused before a justice
- ▶ Material witness warrants (section 698, 704 and 705) - warrants issued in Form 17 or Form 18
 - ▶ These warrants make specific reference to bringing the person before the court after arrest

What happens when a warrant is endorsed under section 507(6)?

- ▶ When a peace officer arrests a person on a warrant, there are two options:
 - ▶ If the warrant has been endorsed in Form 29 by a justice under section 507(6), the police officer may or may not release the accused pursuant to section 499
 - ▶ If the warrant has not been endorsed, the police officer may not release the accused and the accused must be detained and taken before a justice in accordance with section 503

Warrant in the 1st

- ▶ A justice who receives an information laid under section 504 can issue either a summons or a warrant for the arrest of the accused pursuant to section 507(1)(b)
- ▶ If the justice issues a warrant and then endorses the warrant using Form 29, upon arresting an accused on the warrant in the 1st, the police officer has the option to release the accused pursuant to section 499

Private Prosecutions

- ▶ A judge or designated justice to whom a privately laid information is referred and decides to issue process following the *pre-enquete* hearing, shall issue either a summons or a warrant for the arrest of the accused pursuant to section 507.1(2)
- ▶ If the justice issues a warrant and then endorses the warrant using Form 29, upon arresting an individual on a private information warrant, the police officer has the option to release the individual pursuant to section 499

Warrant after release by Police

- ▶ A justice who receives an information laid under section 505 and considers the case made out, can either confirm or cancel the appearance notice or undertaking pursuant to section 508(1)(b)(i) and section 508(1)(b)(ii)
- ▶ If the justice cancels the appearance notice or undertaking, the justice may issue either a summons or a warrant for the arrest of the accused in accordance with section 507
 - ▶ *note: in this situation, any conditions imposed on the original undertaking would be cancelled
- ▶ If the justice issues a warrant and then endorses the warrant using Form 29, upon arresting the accused on the warrant, the police officer has the option to release the accused pursuant to section 499

Public Interest Bench Warrants

- ▶ A justice may issue a summons or warrant pursuant to section 512(1) where the justice has reasonable or probable grounds to believe it is necessary in the public interest, notwithstanding that:
 - ▶ An appearance notice or undertaking entered into before a peace officer has been confirmed or cancelled
 - ▶ A summons has previously been issued
 - ▶ The accused has been released unconditionally or with the intention of compelling his appearance by way of summons
- ▶ If the justice issues a warrant in the public interest and then endorses the warrant using Form 29, upon arresting the accused on the public interest warrant, the police officer has the option to release the accused pursuant to section 499

Fail to Appear Bench Warrants

- ▶ A justice may issue a warrant for the arrest of the accused pursuant to section 512(2) where:
 - ▶ Service of a summons is proved and the accused fails to attend court in accordance with the summons
 - ▶ An appearance notice or undertaking to an officer has been confirmed and the accused fails to attend court
 - ▶ An accused is evading service of a summons after being released unconditionally with the intention of compelling his appearance by way of summons
- ▶ If the justice issues a warrant in any of these circumstances and then endorses the warrant using Form 29, upon arresting the accused on the fail to appear warrant, the police officer has the option to release the accused pursuant to section 499

When public interest or FTA warrants are issued under section 512, what happens to the previous release?

- ▶ Release conditions remain in effect until varied or cancelled by a justice or the case is concluded
- ▶ Therefore, when a warrant is issued, release conditions remain in effect
- ▶ If a police officer decides to release an accused on a warrant that has been endorsed in Form 29, the police officer can:
 - ▶ If new conditions are considered necessary in the circumstances, the officer should release a new undertaking that captures both the new and original conditions of release, with a new date to attend court
 - ▶ If no new conditions are deemed necessary, the officer should release on an appearance notice with a new court date
 - ▶ In either case, if no new charge is laid (ie FTA), the officer should identify the underlying substantive charge(s) on the new release document

Request for a warrant be endorsed

- ▶ Either duty counsel, accused counsel or the Prosecutor may request that the court endorses the warrant using Form 29
- ▶ In determining whether to make the request, a Prosecutor will consider the background of the accused, the circumstances and nature of the offence and any administration of justice considerations, such as:
 - ▶ The nature and number of any previous fail to appear charges or convictions
 - ▶ If the accused comes from a disadvantaged group e.g. the accused suffers from a mental illness or is homeless
 - ▶ Whether the accused self-identifies as Métis, Inuit or First Nations
 - ▶ Whether the offence involves violence
 - ▶ Purpose of the appearance e.g. plea, trial or preliminary inquiry

Determining whether to release the accused

- ▶ The police officer should confirm that the warrant is properly endorsed in Form 29

- ▶ In determining whether to release the accused, a police officer may consider:
 - ▶ Any information received from the Prosecutor about the case
 - ▶ The circumstances and the nature of the offence e.g. did the offence involve violence
 - ▶ The background of the accused e.g. does the accused have a history of non-attendance or non-compliance with court orders
 - ▶ The length of time the warrant has been outstanding
 - ▶ If a police release would ensure the attendance of the accused at court and address any other concerns such as public safety

Release Options

- ▶ If the warrant is endorsed on Form 29, a peace officer *MAY* pursuant to section 499:
 - ▶ Release the accused on an appearance notice (Form 9)
 - ▶ Release the accused on an undertaking with conditions (Form 10)
 - ▶ Release the accused on an undertaking with a promise to pay an amount not exceeding \$500 if they fail to comply with any condition of the undertaking (Form 10)
 - ▶ Release the accused on an undertaking with a deposit to the peace officer of money or valuable security whose value does not exceed \$500, if the accused is not ordinarily resident or not ordinarily residing within 200km of the place of custody (Form 10)
- ▶ When a justice endorses a warrant, pursuant to subsection 507(7), the subsequent release under section 499 is deemed to have been confirmed under section 508

Undertaking to a Peace Officer

- ▶ Where an accused is released on an undertaking before a peace officer pursuant to section 499, the peace officer can impose conditions in Form 10 (subsection 501(3))
- ▶ Conditions that can form part of the undertaking can include:
 - ▶ Reporting at specified times to a peace officer or other specified person
 - ▶ Remain in jurisdiction
 - ▶ Notify peace officer of change in address, employment, or occupation
 - ▶ Abstain from communicating with victim(s) or witness(es)
 - ▶ Abstain from possessing firearms and surrender firearms/authorizations
 - ▶ Any other condition specified that is necessary to ensure the safety and security of any victim or witness

Summary

When can a warrant be endorsed?

- ▶ Warrant in the 1st (section 507)
- ▶ Private Prosecution (section 507.1)
- ▶ After release by Police (section 508)
- ▶ Public Interest Bench Warrant (section 512(1))
- ▶ Fail to Appear on summons, appearance notice, or undertaking to an officer (section 512.1 and section 512.2)

When can a warrant NOT be endorsed?

- ▶ Fail to appear when on a judicial interim release (section 524 would be the process, warrant issues under section 512.3)
- ▶ Material witness warrants (section 698, 704 and 705) - warrants issued in Form 17 or Form 18

Summary Cont.

- ▶ If a warrant is endorsed in Form 29, a police officer may release an accused on an appearance notice (Form 9)
- ▶ The peace officer may also release an accused on an undertaking (Form 10)
- ▶ An undertaking has conditions, and can include:
 - ▶ Release the accused on an undertaking with a promise to pay an amount not exceeding \$500 if they fail to comply with any condition of the undertaking (Form 10)
 - ▶ Release the accused on an undertaking with a deposit to the peace officer of money or valuable security whose value does not exceed \$500, if the accused is not ordinarily resident or not ordinarily residing within 200km of the place of custody (Form 10)
- ▶ In determining whether to release the accused, the police officer may consider the circumstances and the nature of the offence, the background of the accused, the length of time the warrant has been outstanding and if a police release would ensure the attendance of the accused at court and address any other concerns such as public safety

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037**MEMORANDUM TO:**All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards**FROM:**Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division**SUBJECT:****Declaration of a Provincial Emergency AND
Enforcement of Emergency Orders**

DATE OF ISSUE:	March 18, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0017
PRIORITY:	High

Further to All Chiefs Memo 20-0016, distributed March 16, 2020, we would like to provide the policing sector with new information as it relates to the steps that the Province took today to reduce the spread of the COVID-19 virus and better protect Ontarians.

Distribution of All Chiefs Memos

Chiefs of police should ensure that all policing personnel receive All Chiefs Memos 20-0016 and 20-0017. It is imperative that frontline personnel be provided as much information as necessary to support their work during this period of a declared provincial emergency.

Emergency Declaration

On March 17, 2020, the government declared a provincial emergency through the authority granted under the *Emergency Management and Civil Protection Act* (EMPCA) and has enacted two (2) Orders that will protect the public and reduce the harmful spread of COVID-19. The provincial announcement can be found here, <https://news.ontario.ca/opo/en/2020/03/ontario-enacts-declaration-of-emergency-to-protect-the-public.html>, and the Orders are attached for your reference.

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Emergency Orders

ORDER 1

Based on expert advice received from the Chief Medical Officer of Health, the government will require the following establishments to be closed as of March 17th, 2020 until March 31st, 2020 unless the emergency is terminated earlier:

- All facilities providing indoor recreational programs,
- All public libraries,
- All private schools as defined in the *Education Act*,
- All licensed child care centres,
- All bars and restaurants, except to the extent that such facilities provide takeout food and delivery,
- All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies, and
- All concert venues.

ORDER 2

Based on advice received from Ontario's Chief Medical Officer of Health, all organized public events of over fifty (50) people are hereby prohibited including parades and events and communal services within places of worship.

Police Enforcement of Orders

The Ontario government is requesting the assistance of chiefs of police to enforce emergency orders in their area of policing responsibility in order to reduce the spread of the COVID-19 virus and better protect Ontarians.

Chiefs of police should ensure that policing personnel are aware of the tools available to them to enforce orders, which include the following offences:

Under section 7.0.11(1) of the EMPCA, every person who fails to comply with an order or who interferes with or obstructs any person in the exercise of a power or the performance of a duty conferred by an order under that subsection is guilty of an offence and that these offences apply to individuals, directors or officers of a corporation or corporations.

Note that in any of these circumstances, under section 7.0.11(2), a person is guilty of a separate offence on each day that an offence under section 7.0.11(1) occurs or continues.

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Please note that we are seeking authorization to establish set fines, as required, under Part 1 of the *Provincial Offences Act* for these offences. The amounts of such fines must be determined at the discretion of the Chief Justice of the Ontario Court of Justice.

We anticipate that we will be able to provide an update on these set fine amounts shortly.

Further, in the circumstances of enforcing these Orders, it should be noted that Criminal Code charges under section 129 (willfully obstructing or resisting a peace officer in the execution of duties) may be appropriate. In addition, Section 25 of the Criminal Code affords protection for officers engaged in administering and enforcing the law including where they may be required to use as much force as necessary, in circumstances where they are acting on reasonable grounds and are justified in doing what they are required or authorized to do. For greater clarity, reference should be made to the specific provisions of these Criminal Code sections.

I trust this information will assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bedard". The signature is written in a cursive, flowing style.

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments



Ontario

Executive Council of Ontario Order in Council

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Conseil exécutif de l'Ontario Décret

Sur la recommandation de la personne soussignée, la lieutenante-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit:

Declaration of Emergency under the Emergency Management and Civil Protection Act

WHEREAS the outbreak of a communicable disease namely COVID-19 coronavirus disease constitutes a danger of major proportions that could result in serious harm to persons;

AND WHEREAS the criteria set out in subsection 7.0.1(3) of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, chapter E.9 (the "Act") have been satisfied;

NOW THEREFORE, an emergency is hereby declared pursuant to section 7.0.1 of the Act in **the whole of the Province of Ontario.**

Déclaration de la situation d'urgence en vertu de la *Loi sur la protection civile et la gestion des situations d'urgence*

ATTENDU qu'une épidémie de maladie transmissible, à savoir la maladie à coronavirus ou COVID-19, constitue une situation dangereuse à un point tel qu'elle risquerait de causer un grave préjudice à des personnes;

ET ATTENDU QU'il a été satisfait aux critères énoncés au paragraphe 7.0.1 (3) de la *Loi sur la protection civile et la gestion des situations d'urgence*, L.R.O. 1990, chap. E.9 (la « Loi »);

PAR CONSÉQUENT la situation d'urgence est par la présente déclarée en vertu de l'article 7.0.1 de la Loi pour l'ensemble de l'Ontario.



Recommended: Premier and President of the Council

Recommandé par: Le premier ministre et président du Conseil



Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered:

Approuvé et décrété le:

MAR 17 2020 7:30 am



Lieutenant Governor
La lieutenante-gouverneure



Ontario

Executive Council of Ontario Order in Council

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

Conseil exécutif de l'Ontario Décret

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit:

WHEREAS an emergency was declared on March 17th, 2020 pursuant to Order in Council **518/2020**

AND WHEREAS the criteria set out in subsection 7.0.2 (2) of the *Emergency Management and Civil Protection Act* have been satisfied;

NOW THEREFORE, pursuant to subsection 7.0.2 (4), paragraph 5 of the Act,

The following establishments are hereby ordered to be closed as of the date and time of this Order until March 31st, 2020 unless this Order is terminated earlier:

1. All facilities providing indoor recreational programs,
2. All public libraries,
3. All private schools as defined in the *Education Act*,
4. All licensed child care centres,
5. All bars and restaurants, except to the extent that such facilities provide takeout food and delivery,
6. All theatres including those offering live performances of music, dance, and other art forms, as well as cinemas that show movies, and
7. Concert venues.

ATTENDU QUE la situation d'urgence a été déclarée le 17 mars 2020 en vertu du décret numéro **518/2020**

ET ATTENDU QU'il a été satisfait aux critères énoncés au paragraphe 7.0.2 (2) de la *Loi sur la protection civile et la gestion des situations d'urgence* (la « Loi »);

PAR CONSÉQUENT, conformément au paragraphe 7.0.2 (4), alinéa 5 de la Loi,

Il est ordonné par la présente de fermer les établissements suivants à compter du jour et de l'heure de la prise du présent décret et jusqu'au 31 mars 2020, à moins qu'il ne soit mis fin au présent décret avant cette date :

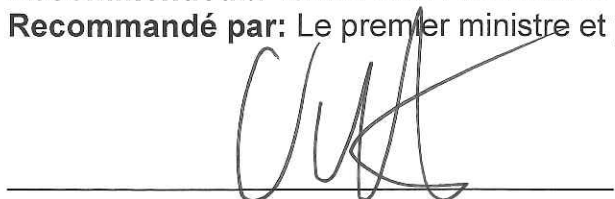
O.C./Décret: 519/2020

1. Tous les établissements qui offrent des programmes récréatifs en salle,
2. Toutes les bibliothèques publiques,
3. Toutes les écoles privées telles que définies dans la *Loi sur l'éducation*,
4. Toutes les garderies agréées,
5. Tous les bars et restaurants, sauf dans la mesure où ces établissements proposent des plats à emporter et la livraison à domicile,
6. Tous les théâtres, y compris ceux qui proposent des spectacles de musique, de danse et d'autres formes artistiques, ainsi que les cinémas qui diffusent des films, et
7. Toutes les salles de concert.



Recommended: Premier and President of the Council

Recommandé par: Le premier ministre et président du Conseil



Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered:

Approuvé et décrété le: MAR 17 2020 ; 7:30 am



Lieutenant Governor
La lieutenante-gouverneure



Ontario

**Executive Council of Ontario
Order in Council**

On the recommendation of the undersigned, the Lieutenant Governor of Ontario, by and with the advice and concurrence of the Executive Council of Ontario, orders that:

**Conseil exécutif de l'Ontario
Décret**

Sur la recommandation de la personne soussignée, la lieutenant-gouverneure de l'Ontario, sur l'avis et avec le consentement du Conseil exécutif de l'Ontario, décrète ce qui suit:

WHEREAS an emergency was declared on March 17th, 2020 pursuant to Order in Council 518/2020

AND WHEREAS the criteria set out in subsection 7.0.2(2) of the *Emergency Management and Civil Protection Act* have been satisfied;

NOW THEREFORE, pursuant to subsection 7.0.2 (4), paragraph 14 of the Act, all organized public events of over fifty people are hereby prohibited including parades and events and communal services within places of worship.

This Order shall be in effect until March 31st, 2020 unless this Order is terminated earlier.

ATTENDU QUE la situation d'urgence a été déclarée le 17 mars 2020 en vertu du décret numéro 518/2020

ET ATTENDU QU'il a été satisfait aux critères énoncés au paragraphe 7.0.2 (2) de la *Loi sur la protection civile et la gestion des situations d'urgence* (la « Loi »);

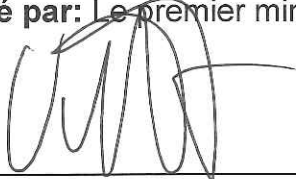
PAR CONSÉQUENT, conformément au paragraphe 7.0.2 (4), alinéa 14 de la Loi, il est par la présente interdit d'organiser tout événement public de plus de cinquante personnes, y compris des défilés, des manifestations, et des services collectifs aux lieux de culte.

Le présent décret reste en vigueur jusqu'au 31 mars 2020, à moins qu'il n'y soit mis fin avant cette date.



Recommended: Premier and President of the Council

Recommandé par: Le premier ministre et président du Conseil



Concurred: Chair of Cabinet

Appuyé par: Le président/la présidente du Conseil des ministres,

Approved and Ordered:

Approuvé et décrété le: MAR 17 2020 7:30 am



Lieutenant Governor
La lieutenante-gouverneure

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Set Fines for Offences under the *Emergency Management and Civil Protection Act***

DATE OF ISSUE:	March 19, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0018
PRIORITY:	High

Further to All Chiefs Memo 20-0017, distributed March 18, 2020, I am writing to advise you that in addition to sharing the emergency declaration and emergency orders that were made under the *Emergency Management and Civil Protection Act* (EMCPA), they are posted online here:

Order in Council 518/2020:
<https://www.ontario.ca/orders-in-council/oc-5182020>

Order in Council 519/2020:
<https://www.ontario.ca/orders-in-council/oc-5192020>

Order in Council 520/2020:
<https://www.ontario.ca/orders-in-council/oc-5192020>

Further, I would like to provide you more information on the set fines for offences under the EMCPA.

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The Chief Justice of the Ontario Court of Justice has ordered the following set fines for individuals:

Item	Offence	Section	Set Fine
1.	Fail to comply with an order made during a declared emergency	7.0.11 (1) (a)	\$750.00
2.	Obstruct any person exercising a power in accordance with an order made during a declared emergency	7.0.11 (1) (a)	\$1,000.00
3.	Obstruct any person performing a duty in accordance with an order made during a declared emergency	7.0.11 (1) (a)	\$1,000.00

Please note that section 7.0.11 (2) creates a separate offence on each day that any offence listed above occurs or continues.

The set fines can be found on the Ontario Court of Justice website at:

<https://www.ontariocourts.ca/ocj/how-do-i/set-fines/set-fines-i/schedule-4-0-1/>

Sincerely,



Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Extension of Expiry of Driver, Vehicle, and Carrier
Products and Services in Response to COVID-19**

DATE OF ISSUE:	March 19, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0019
PRIORITY:	High

At the request of the Ministry of Transportation, I am sharing a communication regarding measures that have been taken to extend the expiry of driver, vehicle, and carrier products/services in light of the COVID-19 pandemic.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, which provides details on these extensions. Please refer to the following list of contacts for further information on enquiries related to:

- Vehicles: Elizabeth Marles at 416-235-3433 or Elizabeth.Marles@ontario.ca
- Drivers' Licences or Temporary Drivers' Licences: Kim MacCarl at 416-235-5248 or Kim.MacCarl@ontario.ca
- Carriers: Jennifer Elliott at 416-200-3107 or Jennifer.Elliott@ontario.ca

Sincerely,

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

**Ministry of
Transportation**

Road User Safety Division
87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

**Ministère des
Transports**

Division de Sécurité Routière
87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153



MEMORANDUM TO: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division
Ministry of Transportation

RE: **COVID-19 - Extension of the Expiry of Driver, Vehicle
and Carrier Products and Services**

This memorandum is to advise you of the emergency measures that the Ministry of Transportation has taken due to the ongoing situation with the COVID-19 virus.

New temporary regulations have been made under the *Highway Traffic Act*, *Photo Card Act*, *Environmental Protection Act*, and *Motorized Snow Vehicles Act* to extend the validity of the various driver, vehicle, and carrier products that would have otherwise expired on or after March 1, 2020 until further notice.

Consequently, where a driver's licence or a vehicle permit appears to have expired it may in fact still be valid under the new temporary regulations. These may include:

- **The following vehicle products:**
 - All licence plate validation stickers
 - Online purchase receipts of validation stickers
 - Special Permits
 - International Registration Plan (IRP) Cab Cards
 - Safety Standards Certificates, Structural Inspection Certificates
 - Extending the requirement to change address/vehicle modification within 6 days

-2-

- **The following driver products:**
 - All classes of Ontario driver's licences, including the temporary driver's licence and the Driving Instructor's licence
 - Medical Review Section of the Ministry of Transportation is also taking necessary steps to ensure if Ontarians required to submit a medical or vision report, the ministry will automatically extend the due date by 60 days or more
- **The following carrier products:**
 - Under the temporary regulation, the ministry has extended the validity of all Commercial Vehicle Operator Registration (CVOR) certificates that expire on or after March 1, 2020, until further notice
 - The ministry is not currently processing any new CVOR applications. Clients are unable to operate without an approved CVOR
 - Annual Oversize/Overweight (O/O) Permits that expire on or after March 1, 2020 will be extended until further notice. Time sensitive critical O/O Single Trip permits will continue to be issued by the ministry

The ministry has extended the validity of all Ontario Photo Cards that expired on or after March 1, 2020 until further notice and the validity of the Enhanced Driver's Licence (EDL) for driving purposes only until further notice. Expired EDLs will not be valid as a travel document.

For clarification, please be advised that the above-noted amendments apply to all police vehicles and drivers as well.


I would ask that you please bring this memorandum to the attention of the policing community. If services would like to discuss these amended programs, they may contact:

- For vehicle related enquiries, Elizabeth Marles, Manager, Vehicle Programs Office, at 416-235-3433 or Elizabeth.Marles@ontario.ca
- For Drivers' Licences or Temporary Drivers' Licence related enquiries, Kim MacCarl, Manager, Driver Programs Office, at 416-235-5248 or Kim.MacCarl@ontario.ca
- For carrier related enquiries, Jennifer Elliott, Manager, Licensing, Permits and Support Office, at 416-200-3107 or Jennifer.Elliott@ontario.ca

In addition, I would like to draw your attention to Appendix A, providing a reminder that the *Highway Traffic Act* provides exemptions for commercial drivers and operators providing direct assistance in support of relief efforts related to the COVID-19 outbreaks.

-3-

Thank you for your assistance in communicating these changes.

A handwritten signature in blue ink, reading "Nosa Ero-Brown". The signature is written in a cursive, flowing style.

Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division

APPENDIX A

Hours of Service – subsection 3(1) of Ontario Regulation 555/06

The hours of service do not apply to a driver driving a:

4. A vehicle engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

4.1 A vehicle operated by or on behalf of a municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

Commercial Vehicle Inspections (Trip Inspections) – subsection 4(1) of Ontario Regulation 199/07

Subsections 107(4) to (12) (requirement to complete an inspection, inspection report, carry inspection schedule, reporting of defects, driving with major/minor defects) of the Act and Part II of this Regulation do not apply in respect of the following classes of vehicles, used in the following circumstances:

An emergency vehicle while responding to or returning from an emergency.

A commercial motor vehicle while providing relief from an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster by transporting passengers or goods.

Speed Limiter – subsection 13(3) of Regulation 587

A commercial motor vehicle is exempt from subsection 68.1(1) of the Act if,

(b) it is engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise; or

(c) it is operated by or on behalf of a municipality, road authority, public utility or of the government of Ontario or of Canada while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update on the Ontario Police College**

DATE OF ISSUE:	March 20, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0020
PRIORITY:	High

We are closely monitoring the COVID-19 situation as it continues to evolve. On the social distancing advice of public health officials, we would like to provide the following updates related to the Ontario Police College (OPC).

Basic Constable Training Program

The current Basic Constable Training (BCT) program will continue as scheduled with some adjustments:

- The program will run through the weekend of March 21 and 22 and will conclude on Thursday, March 26 at noon.
- March Past Ceremony will be cancelled and rescheduled to a future date.
- Recruits will continue to be trained onsite at OPC on weekends.
- Visitors will not be allowed onsite for the duration of the BCT program.
- All after-hours non essential activities (e.g., Talent Show) have been cancelled.

The OPC Health Centre will remain open for the duration of the intake and will be actively monitoring the health of all recruits and staff.

The OPC will be reconvening the Executive Education and Training Advisory Group (EETAG) to meet regularly in the very near future to discuss the upcoming May 2020 and future BCT intakes, including where required possible alternative service delivery options (e.g., online learning, in-service training).

-2-

As the situation is fluid, further communication will be provided as soon as possible on future intakes.

Senior Specialized Courses

Some senior specialized courses starting on March 23, 2020 until April 10, 2020 are cancelled; however, they will be rescheduled. Courses include:

Course	Course Code	Date	Location
Sexual Assault Investigation	SAI-2002	March 23 – April 2	Halton
Criminal Investigation Training	CIT-2005	March 23 – April 2	NAPS
PowerCase for the Command Triangle	PCCT-2002	March 23 – 26	OPC
Investigative Interviewing Techniques	IIT-2004	March 30 – April 3	Sudbury
Homicide Investigation	HI-2001	March 30 – April 3	OPC
Forensic Shooting Scene Examination	SSE-2001	March 30 – April 3	OPC
Human Trafficking Investigation	HT-2001	March 30 – April 3	OPC
IACP: Leadership in Police Organization	LPO-2001c	March 30 – April 3	OPC
Synthetic Drug Operations Re-Certification	SDRC-2001	March 31 – April 1	OPC
Advanced CPIC Query	ACQ-2002	April 7 – 8	OPC
Synthetic Drug Operations Re-Certification	SDRC-2002	April 7 – 8	OPC
Professional Police Practice: Delivering Service Excellence	PDSE-2002	April 7	Hamilton
Professional Police Practice: Managing Service Excellence	PMSE-2002	April 8	Hamilton

The current Basic Forensic Identification course will continue as scheduled.

The OPC may be required to cancel additional classes and events as the situation with COVID-19 evolves. We will update you of any cancellations as soon as possible.

Standardized Field Sobriety Test Training

All Standardized Field Sobriety Test (SFST) Training has been cancelled until April 10, 2020. Impacted courses include:

Course Code	Date	Location
SFST-2020	March 23 – 26	Sudbury
SFST-2021	March 23 – 26	Toronto
SFST-2023	March 30 – April 2	Hamilton
SFST-2024	March 30 – April 2	Orillia
SFST-2022	March 30 – April 2	Ottawa

The post-BCT SFST course scheduled for April 3 – 9, 2020 is also cancelled.

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Drug Recognition Expert Training

The Drug Recognition Expert training scheduled to occur in Jacksonville, Florida from May 28 – June 2, 2020 has been cancelled and will not be rescheduled.

Promotional Exams

All promotional exams scheduled for March 29, 2020 have been postponed. Further communication regarding the rescheduled date will be forthcoming at a later date.

Should you have any questions related to registration, please contact the OPC Registration Office via e-mail at OPCRegistrar@ontario.ca. All other inquiries should be directed to the OPC Administration team via e-mail at OPC.Admin@ontario.ca.

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19.

Sincerely,



Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Ontario Court of Justice Pandemic Planning Update**

DATE OF ISSUE:	March 20, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0021
PRIORITY:	High

I am sharing a communication from Chief Justice Maisonneuve regarding immediate changes to the ongoing critical operations of the Ontario Court of Justice (OCJ) as a result of COVID-19.

The Ministry of the Attorney General is working with the Court and other key justice stakeholders to implement significant audio and video technology capacity to further minimize in person contact for urgent matters that are proceeding.

The attached public notice provides more information on the matters that will continue to proceed in the OCJ. This notice has been posted to the court's website (<https://www.ontariocourts.ca/ocj/>) as well.

We encourage you to check the OCJ website regularly for updates.

Sincerely,

A handwritten signature in black ink that reads "Marc Bedard".

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

**Update: COVID-19 Pandemic Planning - Scheduling of
Criminal and Family Matters in the Ontario Court of Justice
(as of March 20, 2020)**

Please do not come into a courthouse if you have been advised by public health officials, your doctor or the Ontario Ministry of Health (MOH) website (<https://www.ontario.ca/page/2019-novel-coronavirus>) to self-isolate.

In response to the COVID-19 pandemic, the Ontario Court of Justice issued a directive on March 15, 2020, "COVID-19 Pandemic Planning for the Scheduling of Matters in the Ontario Court of Justice" to reduce the number of people who attend court for criminal, family and *Provincial Offences Act* matters. That directive has been revised and extended, as of March 20, 2020.

Unless you have an urgent criminal or an urgent family court appearance in the Ontario Court of Justice between Friday March 20, 2020 and Friday May 29, 2020 do not attend court.

All family trials, criminal trials and preliminary inquiries between Friday March 20, 2020 and Friday May 29, 2020 are suspended, subject to a judge seized with a continuing matter ordering otherwise. This applies to both in-custody and out-of-custody accused.

The Court is reducing the number of courtrooms that will operate. Judicial officials will remain available to preside over:

- regularly scheduled bail courts, remand and plea courts for in-custody proceedings;
- plea court for urgent out-of-custody matters;
- urgent family proceedings;
- applications under the *Health Protection and Promotion Act*; and
- urgent and/or essential intake court functions.

For more details, please see

[COVID-19 Pandemic Planning – Scheduling of Criminal Matters in the Ontario Court of Justice](#) (March 20, 2020)

[COVID-19 Pandemic Planning – Scheduling of Family Matters in the Ontario Court of Justice](#) (March 20, 2020)

For information about the scheduling of *Provincial Offences Act* proceedings, please see [Notice to Public regarding Provincial Offences Act Matters](#).

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Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Assistant Deputy Minister Announcement**

DATE OF ISSUE:	March 23, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0022
PRIORITY:	Normal

I would like to advise you that as of today, Monday, March 23, 2020, I am returning to the Ontario Provincial Police as Chief Superintendent, Commander, Communications and Technology Services Bureau. It has been a pleasure to work with you in my capacity as Assistant Deputy Minister, and I look forward to our paths crossing again in my future role.

Further to this, I am pleased to announce the appointment of Rick Stubbings to the position of Assistant Deputy Minister, Public Safety Division (PSD) and Public Safety Training Division (PSTD), effective today, **March 23, 2020**.

Rick joins us from the Modernization Division within the Ministry of the Solicitor General where he has been the business lead of the Criminal Justice Digital Design (CJDD) project. Prior to joining the ministry Rick contributed to public safety in Ontario as a member of the Toronto Police Service for over thirty-seven years.

Rick has been an active member of the Ontario Association of Chiefs of Police (OACP) and Canadian Association of Chiefs of Police (CACP), having served in the OACP Executive and participating in a number of committees. He has completed many executive programs, including the Pearls in Policing think tank, Rotman Police Leadership Program, and FBI National Academy Program, to name a few. Rick is also a recipient of the Queen Elizabeth Diamond Jubilee Medal.

-2-

Rick will be available at Richard.Stubbings@ontario.ca and via telephone at 416-314-3377.

I would like to take this opportunity to thank you for your support and partnership during my time with the Ministry of the Solicitor General. Please join me in welcoming Rick to the Public Safety and Public Safety Training Divisions and the Assistant Deputy Minister role.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bedard". The signature is written in a cursive, flowing style.

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Assistant Deputy Minister Announcement**

DATE OF ISSUE:	March 23, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0022
PRIORITY:	Normal

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I would like to take this opportunity to thank you for your support and partnership during my time with the Ministry of the Solicitor General. Please join me in welcoming Rick to the Public Safety and Public Safety Training Divisions and the Assistant Deputy Minister role.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Bedard". The signature is written in a cursive, flowing style.

Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Guidance to Police Services Boards Regarding Meetings**

DATE OF ISSUE:	March 23, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0024
PRIORITY:	High

I am writing further to several inquiries we have received in relation to challenges with hosting police services board meetings due to the impact of COVID-19 on in-person activities.

The *Police Services Act* (PSA) outlines the duties of police services boards with respect to board meetings, while requiring that each board establish its own rules and procedures in performing its duties under the Act. While the Act requires that boards meet at least four times a year, it is quite common across the province for boards to meet more frequently, often on a monthly basis in order to fulfill their duties.

While this is ultimately a local decision, the ministry is taking this opportunity to provide clarification that may support boards in continuing to meet via alternative methods in absence of the ability to meet in-person. Notably, the PSA does not require that police services board meetings be held in-person. While police services board meetings are to be open to the public, there is flexibility for public meetings to be held virtually if a board deems this to be appropriate and if the virtual meeting can be made open to the public. With respect to board meetings conducted virtually, police services boards should take all feasible measures to facilitate public and media participation in open meetings.

-2-

Of note, there are specific circumstances that allow for issues to be discussed in-camera and these circumstances remain in-force during the emergency. A board may exclude the public from all or part of a meeting if it is of the opinion that:

- a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
- b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

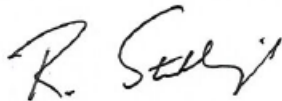
Further, a board may choose to delegate any authority conferred on it within the PSA to two or more of its members (or one member in the case of collective bargaining). Boards are encouraged to consider reviewing their rules and procedures, taking into account the ability to delegate, should it be facing challenges in arranging for all members to participate in decision-making at this time.

As a friendly reminder, should police services boards have questions regarding their obligations with respect to meetings, or any of their duties under the Act, during this time, I would encourage you to work with your Police Services Advisor. Should you require legal advice, please ensure to reach out to your legal counsel.

For any questions, you may wish to reach out to your Police Services Advisor or you may contact Jeeti Sahota, A/Manager of the Operations Unit at jeeti.sahota@ontario.ca.

I hope this information is helpful.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Correctional Institutions and Parole Board Operations
during COVID-19**

DATE OF ISSUE:	March 24, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0025
PRIORITY:	High

As Ontario continues to take action to slow the spread of COVID-19, the government is making further changes to protect frontline corrections workers, inmates and the health care system from the burden an outbreak in our correctional system could cause.

Building on changes we made to grant intermittent inmates temporary absences from custody and temporarily halting personal visits, we have amended Regulation 778 under the *Ministry of Correctional Services Act* to further expand the use of temporary absences and to allow the Ontario Parole Board to use alternatives to in-person meetings.

Going forward, senior corrections officials will have the option to issue temporary absences beyond the current 72-hour maximum. This means inmates serving intermittent sentences who have been granted a temporary absence will not have to report to a correctional facility every weekend, which will avoid cycling individuals between the community and a correctional facility.

In addition, the longer-term temporary absences will allow for early release of those inmates who are near to the end of their sentence. To ensure public safety, inmates would be carefully assessed to ensure they are a low risk to reoffend. Those inmates who have been convicted of serious crimes, such as violent crimes or crimes involving guns, would not be considered for early release.

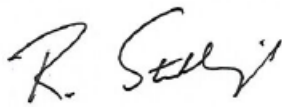
-2-

The amendment will also allow the Ontario Parole Board to conduct hearings by electronic or written means, rather than solely in-person, providing alternative options for hearings.

We continue to evaluate all options to limit the possible spread of COVID-19 within our correctional system. These regulatory amendments will help us preserve the integrity of our health care system, protect our frontline workers and those in our custody, and help keep our communities safe.

I trust this information will assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

EVIDENCE BRIEF

Infection Prevention and Control for First Responders Providing Direct Care for Suspected or Confirmed COVID-19 Patients

March 20, 2020

Key Messages

- COVID-19 is primarily transmitted via droplets and fomites during close contact. Droplet and Contact Precautions including eye protection, surgical/procedure masks (hereafter referred to as masks), gloves, gowns, and meticulous and frequent hand hygiene are recommended for first responders to prevent COVID-19 transmission.
- Airborne spread has not been reported for COVID-19. Airborne Precautions, including N95 respirators, are recommended in addition to Droplet and Contact Precautions for aerosol-generating medical procedures (AGMP) which include: tracheal intubation, non-invasive ventilation, tracheotomy, cardiopulmonary resuscitation, manual ventilation, bronchoscopy, non-invasive positive pressure ventilation for acute respiratory failure (CPAP, BiPAP3-5), and high flow oxygen therapy.
- The use of Droplet and Contact Precautions, with Airborne Precautions only used for AGMPs, is consistent with current evidence on COVID-19, as well as guidance from the Public Health Agency of Canada (PHAC) and World Health Organization (WHO).
- Advice for healthcare workers' to use Routine Practices and point of care risk assessments to determine appropriate personal protective equipment (PPE) for care of confirmed or suspected COVID-19 patients is applicable to first responders and individuals providing first aid.
- First responders should select PPE based on a patient interaction risk assessment. Droplet and Contact Precautions are recommended for the routine care of confirmed or suspected COVID-19 patients. An N95 respirator should be used to perform AGMP.

Important context

"First responders in Ontario are defined as those men and women who, in the early stages of an emergency, are responsible for the protection and preservation of life, property, evidence and the environment. They include police officers, firefighters, military personnel, paramedics, medical evacuation pilots, dispatchers, nurses, doctors, emergency medical technicians and emergency managers."¹ This may also include individuals who act in a volunteer position. This advice applies equally to individuals trained in first aid as part of their job.

Background

In the early stages of the Coronavirus Disease 2019 (COVID-19) response in Ontario, personal protective equipment (PPE) recommendations for assessment^a and specimen collection for COVID-19 included Routine Practices and Airborne Precautions, in addition to Droplet and Contact Precautions. Airborne Precautions were recommended initially based on the precautionary principle because of uncertainty about the transmission mode for this novel pathogen.²

Since early January 2020, there is an expanded understanding of the transmission of COVID-19. Additionally, the Public Health Agency of Canada (PHAC) and World Health Organization (WHO) have released recommendations supporting the use of Droplet and Contact Precautions for clinical interactions, and advising that Airborne Precautions are only required for aerosol-generating medical procedures (AGMPs).

Current literature was reviewed, including select jurisdictional guidance documents, of evidence related to the transmission of COVID-19 to inform recommendations for first responders' PPE. Literature was predominantly drawn from health care worker-based studies which have been extrapolated to first responder scenarios.

Main Findings

Mode of transmission of COVID-19

- Current evidence suggests that the mode of transmission of COVID-19 is through direct contact and respiratory droplets that have the potential to be propelled for up to two meters.³⁻⁵
- To date, there have been no published reports of airborne transmission.
- The majority of cases have been linked to person-to-person transmission through close direct contact to someone with respiratory symptoms^{4,6} or transmission through an index case who was subsequently tested positive for COVID-19 and/or has developed mild symptoms.⁷
- The lack of transmission identified through non-close contacts, such as on airplanes, supports droplet, opposed to airborne, transmission.^{8,9}
- Further information on routes of transmission has been summarized in PHO's "[What We Know So Far about... Routes of Transmission.](#)"

First responder transmissions

- Recently, there have been reports of COVID-19 infections among first responders in North America. In some cases, it is unknown whether these first responders contracted the virus

^a "Assessment" refers to physical examinations, or other close clinical interactions, within 2 metres.

through community contacts or through contact with infected individuals while performing their duties.¹⁰⁻¹³

- There have been reports describing health care workers infected with COVID-19.¹⁴⁻¹⁶ For the most part, these occurred early in the outbreak when there was limited information on the virus; information on access, use or adherence to PPE is not available; and it is unclear whether the infection was community- or hospital-acquired.
- A case report of 41 healthcare workers, 85% of whom wore masks and 15% N95 respirators, were exposed during high risk procedures to an intubated COVID-19 patient. None were infected suggesting droplet and contact precautions provide adequate protection.¹⁷
- Further information on health care worker transmission has been summarized in PHO's ["What We Know So Far about... the Risks to Health Care Workers."](#)

Guidance from other public health organizations

- Not all organizations had specific guidance for first responders at the time of this review.
- WHO: There are some considerations for PPE provided for scenarios that ambulance drivers and transfer workers may experience. Advice for direct care is in line with WHO recommendations for healthcare workers to use Droplet and Contact Precautions with masks, eye protection, long-sleeved cuffed gowns, gloves and the use of meticulous and frequent hand hygiene.¹⁸ The addition of Airborne Precautions, including N95 respirators are recommended for AGMPs. AGMPs are tracheal intubation, non-invasive ventilation, tracheotomy, cardiopulmonary resuscitation, manual ventilation, bronchoscopy, non-invasive positive pressure ventilation for acute respiratory failure (CPAP, BiPAP3-5), and high flow oxygen therapy.^{19,20}
- PHAC: There are no current advice specific to first responders. However, for healthcare workers, PHAC recommends Droplet and Contact Precautions in addition to Routine Practices, and Airborne Precautions for AGMPs.²¹
- The United States Centers for Disease Control and Prevention (CDC): The CDC recommends using masks as an appropriate replacement for use of N95 respirators except when AGMPs are involved.²² The minimum PPE recommended is: A single pair of disposable examination gloves, disposable isolation gown or single-use/disposable coveralls, any NIOSH-approved particulate respirator (i.e., N-95 or higher-level respirator); facemasks are an acceptable alternative until the supply chain is restored, and eye protection (i.e., goggles or disposable face shield that fully covers the front and sides of the face).²³ For law enforcement if unable to wear a disposable gown or coveralls because it limits access to duty belt and gear, ensure duty belt and gear are disinfected after contact with individual.²⁴

Other considerations

- There is evidence demonstrating that N95 respirators are difficult to wear in clinical settings and the adjustment of the respirator leads to touching the face with contaminated hands/gloves, thus exacerbating the potential for transmission.²⁵

- There is community misconception around the importance of N95 respirators and a lack of appreciation of the importance of eye protection and meticulous and frequent hand hygiene.²⁶
- There is evidence that N95 respirators do not provide added protection for health care workers exposed to COVID-19 or other viruses that are spread by droplet and contact.^{27,28}
- Lack of eye protection and incorrect PPE doffing (removal) were significant risk factors for SARS transmission to health care workers, and these should be emphasized as important components of droplet/contact PPE.²⁹

Conclusions

Based on the current best available evidence, COVID-19 is spread via droplets and fomites, and not through airborne spread. In addition, evidence from other viruses such as SARS and influenza do not support a benefit to wearing a N95 respirators for routine clinical care.^{27, 29} Ontario is aligned with PHAC and WHO's recommendations for Droplet and Contact Precautions for care of known or suspected cases of COVID-19. This includes: eye protection, masks, gloves, gowns, and meticulous hand hygiene. Airborne Precautions including N95 respirators should be used for AGMPs including: tracheal intubation, non-invasive ventilation, tracheotomy, cardiopulmonary resuscitation, manual ventilation, and bronchoscopy (note that AGMPs do not include nasopharyngeal or throat swab specimen collection).^{19,}

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Implications for Practice

First responders should select PPE based on a patient interaction risk assessment. Droplet and Contact Precautions are recommended for the routine care of confirmed or suspected COVID-19 patients. An N95 respirator should be used to perform aerosol-generating medical procedures.

Summary of PPE Recommendations for First Responders

Individual	Activity	Type of PPE or procedure
Medical response personnel (e.g. Paramedics, nurses, doctors, emergency medical technicians)	Intubation High Flow Oxygen	Droplet and Contact Precautions: <ul style="list-style-type: none"> - N95 respirators fit tested, seal checked - Isolation gown - Gloves - Eye protection (goggles or face shield)
First responders	Mask and oxygen therapy	Routine Practices – Droplet and Contact Precautions <ul style="list-style-type: none"> - Surgical /Procedure mask - Isolation gown - Gloves - Eye protection (goggles or face shield)

Infection Prevention and Control Recommendations for Health Care Workers Caring for Suspected or Confirmed COVID-19 Patients

First Responders	Chest compressions	Routine practices – Droplet and Contact Precautions - Surgical /Procedure mask - Isolation gown - Gloves - Eye protection (goggles or face shield)
First Responders	Hemorrhage Application of Pressure for a bleed	Routine practices – Droplet and Contact Precautions - Surgical /Procedure mask - Isolation gown - Gloves - Eye protection (goggles or face shield)

Additional Resources

- PIDAC (2020). [Best Practices for Prevention, Surveillance and Infection Control Management of Novel Respiratory Infections in All Health Care Settings](#)

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ISBN

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Ministry of Health

Office of Chief Medical Officer of
Health, Public Health
393 University Avenue, 21st Floor
Toronto ON M5G 2M2

Tel.: 416 212-3831

Fax: 416 325-8412

Ministère de la Santé

Bureau du médecin hygiéniste en
chef, santé publique
393 avenue University, 21^e étage
Toronto ON M5G 2M2

Tél. : 416 212-3831

Télec. : 416 325-8412

March 25, 2020

MEMORANDUM TO: Mario DiTommaso, Deputy Minister, Ministry of the Solicitor General

FROM: Dr. Barbara Yaffe
Associate Chief Medical Officer of Health
Ministry of Health

SUBJECT: **Use of Masks for COVID-19**

Further to our recent discussions on this issue, I would like to provide recommendations regarding the use of masks for front line fire and police service staff.

We have been working closely with Public Health Ontario (PHO), who has been monitoring the scientific evidence since the emergence of the COVID-19 outbreak and has extensive expertise in this area. Their advice and [evidence](#) on this matter is clear: COVID-19 is a droplet/contact spread virus. I have also attached a specific evidence brief that PHO has prepared for the first responder community.

Based on the evidence, the ministry has issued a legally-binding directive from the Chief Medical Officer of Health to all health care settings. This directive specifies that surgical masks are to be worn by health workers for most patient care circumstances. The exception is for aerosol generating medical procedures (AGMPs) – a defined group of medical procedures (e.g. tracheal intubation, non-invasive ventilation, bronchoscopy) performed on patients where N95 respirators are appropriate.

As per routine practices in healthcare, there are a number of controls that I would recommend be put in place across all fire and police services before resorting to personal protective equipment:

- providing services virtually where possible or curtailing non-essential services;
- engineering controls (like plexiglass windows and barriers);
- administrative controls (passive AND active screening); and
- social distancing of 2 meters and hand hygiene should be practiced at all times.

Only once these controls have been put in place would personal protective equipment be used, if necessary.

Consistent with the controls above, the screening currently in place at our Central Ambulance Communications Centres to alert fire and police responders to a potential patient with symptoms of COVID-19 or another infectious disease would greatly control the risk of exposure. For the foreseeable future during this COVID-19 outbreak, paramedic services will manage any close contact with these potential patients.

With the above controls in place, and based on a point of care risk assessment, it will be more appropriate for fire and police personnel to wear a surgical mask in those specific circumstances where they may experience exposure (close contact within 2 meters) to members of the public who are symptomatic. However, I would recommend that these personnel should not wear N95 masks. N95 mask use is more appropriate for a healthcare context involving AGMPs. I understand that paramedic services are also curtailing AGMPs as non-essential during the COVID-19 outbreak, consistent with the hierarchy of controls above.

The ministry would be happy to discuss this with you further and bring expert colleagues to discuss the evidence if needed. While this memo was intended to address masks specifically, the evidence brief from PHO does discuss other personal protective equipment recommendations for your consideration.

Sincerely,

Original signed by

Dr. Barbara Yaffe, MD, MHSc, FRCPC
Associate Chief Medical Officer of Health

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: Use of N95 Masks for Frontline Policing Personnel

DATE OF ISSUE:	March 25, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0026
PRIORITY:	High

The ministry recognizes that police services boards and chiefs of police have been diligent in providing important personal protective equipment to their personnel. This effort, over the course of the past several years, has positioned the policing community as leaders in the protection of policing personnel from infectious diseases.

To support the continued efforts of police services boards and chiefs of police, Ontario's Associate Chief Medical Officer of Health provided advice to the Ministry of the Solicitor General on the use of facial protection for frontline policing personnel in relation to COVID-19, which, as indicated, aligns with guidelines for the healthcare sector. Please see the attached memo from Dr. Barbara Yaffe. Also attached is a scientific evidence brief prepared by Public Health Ontario for your reference.

Police services boards should continue to assess, and meet, their obligations under the *Occupational Health and Safety Act*.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

COVID-19 Self Assessment

Are you feeling unwell with any of the following symptoms?

- Fever, new cough or difficulty breathing (or a combination of these symptoms)

YES ☐ NO ☐

If Yes

Have experienced any of the following:

- Have you travelled outside of Canada in the last 14 days?
- Does someone you are in close contact with have COVID-19 (for example, someone in your household or workplace)?
- Are you in close contact with a person who is sick with respirator symptoms (for example, fever, cough or difficulty breathing) who recently travelled outside of Canada?

YES ☐ NO ☐

Name: _____

Signature: _____

Date: _____

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Basic Constable Training (BCT) Returning Recruits**

DATE OF ISSUE:	March 27, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0027
PRIORITY:	High

Further to All Chiefs Memo 20-0020, dated March 20, 2020, I would like to provide you additional updates on BCT returning recruits that was also shared with impacted training bureaus.

As you know, on the advice of public health officials, the Ontario Police College (OPC) implemented a number of mitigation strategies to maintain the health and safety of both recruits and staff at the College, including:

- Shortening the length of the BCT program and delivering training over the weekend to ensure recruits remained onsite for the duration of the program;
- Cancellation of the March Past Ceremony, which will be rescheduled to a future date;
- Visitors not being allowed on site; and
- The cancellation of all non-essential activities related to the BCT program.

In addition to the above mitigation strategies, OPC Health Unit staff were present on the last day of exams, March 26, 2020, to ensure that every recruit was screened and provided with information from Public Health on self-screening and self-isolation prior to leaving the exam.

-2-

Screening

All recruits were asked to complete the attached self-screening tool and submit it to OPC Health Unit staff. They were also visually examined by Health Unit staff to ensure that no recruit was showing any physical signs that would be indicative of COVID-19 symptoms.

All recruits were screened successfully and no concerns were noted via the self-screening and visual examination by Health Unit staff.

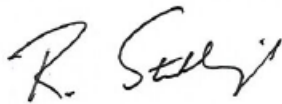
Public Health Brochures

All recruits were provided with the attached brochures on how to continue to self-monitor and self-isolate if required.

Please note, that OPC has no confirmed cases of COVID-19 to-date.

We would like to thank all the recruits and their police services for their support and cooperation in adhering to the mitigation strategies set by OPC during this difficult time.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Coronavirus Disease 2019 (COVID-19)

How to self-isolate

Follow the advice that you have received from your health care provider.
If you have questions, or you start to feel worse, contact your health care provider, Telehealth (1-866-797-0000) or your local public health unit.

Stay home

- Do not use public transportation, taxis or rideshares.
- Do not go to work, school or other public places.
- Your health care provider or public health unit will tell you when it is safe to leave.



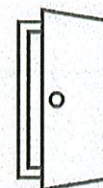
Limit the number of visitors in your home

- Only have visitors who you must see and keep the visits short.
- Keep away from seniors and people with chronic medical conditions (e.g. diabetes, lung problems, immune deficiency).



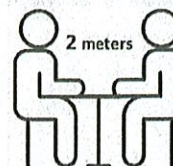
Avoid contact with others

- Stay in a separate room away from other people in your home as much as possible and use a separate bathroom if you have one.
- Make sure that shared rooms have good airflow (e.g. open windows).



Keep distance

- If you are in a room with other people, keep a distance of at least two metres and wear a mask that covers your nose and mouth.
- If you cannot wear a mask, people should wear a mask when they are in the same room as you.



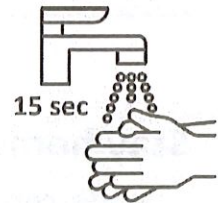
Cover your coughs and sneezes

- Cover your mouth and nose with a tissue when you cough or sneeze.
- Cough or sneeze into your upper sleeve or elbow, not your hand.
- Throw used tissues in a lined wastebasket, and wash your hands.
Lining the wastebasket with a plastic bag makes waste disposal easier and safer.
- After emptying the wastebasket wash your hands.



Wash your hands

- Wash your hands often with soap and water.
- Dry your hands with a paper towel, or with your own cloth towel that no one else shares.
- Use an alcohol-based hand sanitizer if soap and water are not available.



Wear a mask over your nose and mouth

- Wear a mask if you must leave your house to see a health care provider.
- Wear a mask when you are within two metres of other people.



Contact your public health unit:

Learn about the virus

COVID-19 is a new virus. It spreads by respiratory droplets of an infected person to others with whom they have close contact such as people who live in the same household or provide care.

You can also access up to date information on COVID-19 on the Ontario Ministry of Health's website: ontario.ca/coronavirus

The information in this document is current as of February 14, 2020

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Ontario 

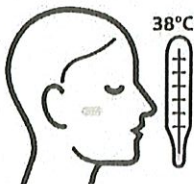
Coronavirus Disease 2019 (COVID-19)

How to self-monitor

Follow the advice that you have received from your health care provider.

If you have questions, or you start to feel worse, contact your health care provider, Telehealth (1-866-797-0000) or your public health unit.

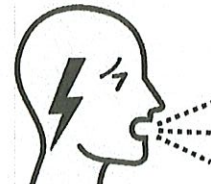
Monitor for symptoms for 14 days after exposure



Fever



Cough



Difficulty breathing

Avoid public spaces

- Avoid crowded public spaces and places where you cannot easily separate yourself from others if you become ill.

What to do if you develop these or any other symptoms?

- Self-isolate immediately and contact your public health unit and your health care provider.
- To self-isolate you will need:
 - Instructions on how to self-isolate
 - Supply of procedure/surgical masks (enough for 14 days)
 - Soap, water and/or alcohol-based hand sanitizer to clean your hands
- When you visit your health care provider, avoid using public transportation such as subways, taxis and shared rides. If unavoidable, wear a mask and sit in the back seat.

Contact your public health unit:

Learn about the virus

COVID-19 is a new virus. It spreads by respiratory droplets of an infected person to others with whom they have close contact such as people who live in the same household or provide care.

You can also access up to date information on COVID-19 on the Ontario Ministry of Health's website: ontario.ca/coronavirus

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Enforcement of Emergency Orders under the
*Emergency Management and Civil Protection Act***

DATE OF ISSUE:	March 27, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0028
PRIORITY:	High

Further to All Chiefs Memos 20-0017 and 20-0018, I am informing you of additional steps taken by the government to support the effort to contain the spread of COVID-19.

Designation of Provincial Offences Officers

The Solicitor General has, pursuant to the *Provincial Offences Act* (POA), designated (see *attached*) the following personnel as provincial offences officers for the purpose of enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA):

- All persons or classes of persons designated in writing by a minister of the Crown as provincial offences officers, notwithstanding the offence or class of offences of that designation;
- All municipal law enforcement officers referred to in subsection 101 (4) of the *Municipal Act, 2001* or in subsection 79 (1) of the *City of Toronto Act, 2006*;
- All by-law enforcement officers of any municipality or of any local board of any municipality; and
- All officers, employees or agents of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act.

-2-

For your information, subsection 1(1) of the *Provincial Offences Act* defines a provincial offences officer. It includes a police officer and a constable appointed pursuant to any Act (e.g., special constables that are appointed under the *Police Services Act*).

All these persons are empowered to assist policing personnel in enforcing emergency orders for the protection of the health and well-being of Ontarians. The decision to enforce is discretionary.

Policing personnel will have important tools available to them such as issuing a ticket under Part I or a summons under Part III of the POA. Set fines for offences under the EMCPA have been established and they include a maximum fine of up to \$1,000 for the obstruction of any person performing a duty in accordance with an order made during a declared emergency.

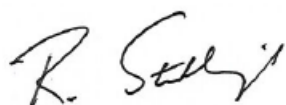
The ministry encourages chiefs of police to advise policing personnel to use their discretion and undertake a graduated approach to enforcement of the emergency orders; the approach should consider the severity of the specific situation and the government's public health intent to contain the spread of COVID-19. The graduated approach to enforcement may include educational messaging to individual members of the public and businesses around the emergency orders, specific warnings to individuals and businesses, the issuance of a ticket under Part I of the POA, or a summons under Part III of that Act.

For additional information, please see attached FAQs that can be shared with policing personnel.

The ministry is working to establish a dedicated 1-800 line which will be intended to provide support to chiefs of police, police officers and other enforcement personnel regarding the enforcement of emergency orders (e.g., information on what is deemed to be an essential workplace). This telephone number will be available to police and enforcement personnel and will not be for the general public. Further details regarding this 1-800 line will be forthcoming in a future All Chiefs Memorandum.

I trust that this information will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings', with a stylized flourish at the end.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Questions and Answers – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

GENERAL QUESTIONS

- 1. Where can I find the emergency orders under the *Emergency Management and Civil Protections Act* (EMCPA)?**

The orders under the EMCPA can be found as regulations through the following link: <https://www.ontario.ca/laws/statute/90e09#BK22>.

- 2. Can I use special constables to enforce the emergency orders?**

Pursuant to subsection 1(1) of the *Provincial Offences Act* (POA), special constables are provincial offences officers. The designation by the Solicitor General enables them to enforce all the orders under the EMCPA.

- 3. Who should officers contact for urgent matters?**

During the declaration of provincial emergency, if circumstances arise where a case under the EMCPA requires urgent attention, the prosecutor may work with the criminal court trial coordinator to bring the matter to the Local Administrative Judge or Regional Senior Judge for direction and potential scheduling.

Please contact Director of Crown Operations, Guns and Gangs Unit, Fred Braley, at fred.braley@ontario.ca or 416-553-1478.

AVAILABLE CHARGES

- 4. Is it an offence to fail to comply with an emergency order?**

Yes. It is an offence to fail to comply with an emergency order, or to obstruct any person acting pursuant to such an order.

The maximum punishment is one-year imprisonment or a fine of up to \$100,000 for an individual, \$500,000 for a director of a corporation, or \$10,000,000 for a corporation itself (EMCPA, s. 7.0.11(1)). If the defendant gained a financial benefit from their violation of an emergency order, the court may increase the maximum fine to match the benefit the defendant received (EMCPA, s. 7.0.11(3)).

Where violations occur on different dates, s.7.0.11(2) allows for a separate charge to be laid for each day an offence occurs or continues.

- 5. What offences can be laid against persons and businesses who are found in violation of an order during a declared emergency?**

Officers have discretion to charge under Part I (Certificate of Offence) or Part III (Information). The following offences are available under the EMCPA for violations of Ontario's declaration of emergency.

Questions and Answers – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

- (1) Fail to comply with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (2) Obstruct any person exercising a power in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (3) Obstruct any person performing a duty in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.

The limitation periods that normally apply under the POA (whether Part I, II or III), have been suspended pursuant to an Order by the Ontario government under s. 7.1 of the EMCPA. The suspension is retroactive to Monday, March 16, 2020.

As a result of this suspension, Justices of the Peace are no longer receiving Part III Informations and municipal courts are no longer accepting the filing of Certificates of Offences.

Proceedings may be initiated once the declaration of provincial emergency is lifted by the provincial government. Once the declaration of provincial emergency is over, and normal court operations resume, these matters will be scheduled and heard in the POA courts in the ordinary

BARS AND OTHER PUBLIC ESTABLISHMENTS IN VIOLATION OF ORDERS

6. What can we do if a bar is open in contravention of Ontario Regulation 51/20?

The following potential charges are available:

1. An individual patron could be charged either under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1)(a) of the EMCPA:
 - If charged under Part I of the POA, a \$750.00 set fine applies
 - If charged under Part III of the POA, a fine of not more than \$100,000 and a term of imprisonment of not more than one year could be imposed
2. An individual who is a director or officer of the corporate entity could be charged under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1)(b) of the EMCPA:
 - If charged under Part I of the POA, a \$750.00 set fine applies

Questions and Answers – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

- If charged under Part III of the POA, a fine of not more than \$500,000 and a term of imprisonment of not more than one year could be imposed
3. The corporate entity could be charged under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(c) of the EMCPA:
- If charged under Part I of the POA, a \$750.00 set fine applies
 - If charged under Part III of the POA, a fine of not more than \$10,000,000 applies

Under this scenario, an officer could proceed under Part I of the POA in respect of the “individual” (the patron) and Part III in respect of the “individual who is a director or officer of the corporate entity” and the corporate entity.

RESTRAIN ORDERS

7. Can I get a restraint order?

Generally, restraint orders are not available. If a restraint order is considered necessary, please contact Director of Crown Operations, Guns and Gangs Unit, Fred Braley, at fred.braley@ontario.ca or 416-553-1478.

As this is provincial legislation, the restraint powers in the *Criminal Code* have no application and there are no restraint (of property) powers in this legislation or under the POA.

8. What about if the actions of a person escalate?

Should the actions of a person contravening the orders escalate to the point of criminal charges being laid, then the restraint powers under the *Criminal Code* may be available. *Criminal Code* restraint orders apply to property that is believed to be proceeds of crime (section 462.33) and property that is believed to be offence-related property (section 490.8). Under the emergency order, it is most likely that the property would fall under the definition of offence-related property. Section 2 of the *Criminal Code* defines offence-related property as property that is used in any manner in connection with an indictable offence (the Crown must proceed by indictment in order to ultimately obtain forfeiture).

There must be a nexus between the use of the property and the criminal offence. If the property satisfies the definition, the Crown may seek restraint of the property under section 490.8 which, if ordered, has the effect of prohibiting any person from dealing with the interest in the property such that generally no further encumbrances can be registered on title so that the interest is preserved for forfeiture following conviction of an indictable offence. An application for restraint under the *Criminal Code* is made by the Attorney General, in writing, usually ex

Questions and Answers – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

parte, to the Superior Court of Justice, based on the strength of an officer's affidavit.

POWER OF ARREST

9. Can an individual be arrested for violations of the EMCPA?

No. The EMCPA does not include any arrest provisions.

10. What if a business that has been ordered to close, refuses to close and people continue to gather inside?

Officers may rely on ancillary powers to order that people leave a business and prevent others from entering. The basis is that the people are committing an offence by violating the emergency order. The intrusions on liberty are acceptable as reasonably necessary for the police to fulfill their duties. The police focus must be on removing people to the extent necessary for public health reasons, such as the need for people to maintain 6 feet of distance. For example, if the owner of a business is inside, and is committing an offence of failing to comply with an order during a declared emergency, but through police intervention, no customers or workers are allowed to enter, then recourse to ancillary powers would likely not be available to justify further intervention.

Officers have ancillary powers under the common law that are available where: (1) the officer's conduct falls within their general duties; and (2) the officer's conduct is reasonably necessary.

As the province has declared an emergency and has made certain orders as a result, the police are acting in the course of their duties to preserve the peace, protect the public, and save lives. These are the "principal duties" of the police at common law. As for the officer's conduct being reasonably necessary, this depends on what the officer seeks to do. The goal of the emergency orders is to keep people apart to contain the spread of COVID-19. The police duty is extremely important; interference of liberty will be necessary.

11. When can officers rely on the Criminal Code for individuals who refuse to comply with an emergency order?

Police should first seek voluntary compliance with emergency orders. Police should make it clear that people are required to comply with the orders and that failure to comply is an offence under s. 7.0.11 of the EMCPA.

If people refuse to comply and follow the officer's commands, officers can rely on s. 129 of the *Criminal Code*, which makes it an offence to resist or wilfully obstruct a public officer or peace officer in the execution of their duty. The *Criminal Code* sets out the powers of arrest and abilities to identify people.

Questions and Answers – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

12. How can individuals be removed from locations they are not allowed to be in?

If people are congregating in public areas or businesses in violation of emergency orders, they may be trespassing. The common law arguably permits officers to use force to remove individuals illegally congregating in public areas or in businesses in violation of emergency orders. This same power may be used to remove trespassers provided that the trespasser has first been asked to leave and was afforded a reasonable opportunity to do so before they were removed. In addition, the officer must ensure that they have authority from the occupier to remove the trespasser, unless the occupier is also in breach of the emergency order.

13. What search powers are available for violations of the EMCPA?

If a business is operating in contravention of the emergency orders issued, there is no statutory authority to search the premises or forcibly enter absent a warrant.

Police can rely on their common law ancillary powers to enter premises if the entry is necessary as an emergency response to a pressing and clear health concern (e.g., extreme violations of the emergency order such as a COVID-19 party of a hundred people). This is akin to the police authority to enter residences when responding to 911 calls in order to locate the person under distress and offer aid as necessary. Officers also can search the home in the name of responding to that same imminent threat to public safety and seize illegal items found in plain view (e.g., guns, drugs). Caution must be exercised to ensure that the entry is for public safety purposes under the EMCPA, and not some other purpose such as a criminal investigation.

PROSECUTION

14. Who will prosecute EMCPA charges?

The prosecution of all charges laid alleging violations of the EMCPA will fall to the Criminal Law Division of the Ministry of the Attorney General. Any questions regarding prosecutions of these offences should be directed to Director of Crown Operations, Guns and Gangs Unit, Fred Braley, at fred.braley@ontario.ca or 416-553-1478.

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Continuing Essential Businesses and the Closing of
Other Workplaces**

DATE OF ISSUE:	March 27, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0029
PRIORITY:	High

Further to All Chiefs Memo 20-0028, I am writing to advise you that as part of the response to contain the spread of COVID-19 and protect the health of Ontarians, the government has ordered the closure of non-essential workplaces. The government has encouraged these entities to continue to operate via alternative and innovative models, including by permitting them to work online, by telephone, or by mail/delivery.

Essential workplaces (i.e., any for-profit, non-profit, or other entity) that provide the services listed in the order will be permitted to continue their operations. The order categorizes essential workplaces into 19 areas:

1. Supply chains
2. Retail and wholesaling
3. Food services and accommodations
4. Institutional, residential, commercial and industrial maintenance
5. Telecommunications and IT infrastructure/service providers
6. Transportation
7. Manufacturing and production
8. Agriculture and food production
9. Construction
10. Financial activities
11. Resources

-2-

12. Environmental services
13. Utilities and community services
14. Communications industries
15. Research
16. Health care and seniors care and social services
17. Justice sector
18. Other businesses
19. Business regulators and inspectors

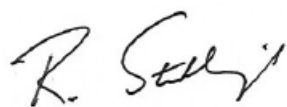
For additional information on each category, please visit:

<https://www.ontario.ca/laws/regulation/r20082>

The Ministry of the Solicitor General (ministry) is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, and enforce this order using the tools provided under the *Emergency Management and Civil Protection Act*.

To support enforcement needs, the ministry is establishing a dedicated 1-800 number to assist policing personnel on their specific questions related to the enforcement of the emergency orders. The number will be used for chiefs of police and other policing personnel may call the dedicated number, once it is established, for enforcement advice (e.g., information on what is deemed to be an essential workplace). This telephone number will be available to police and enforcement personnel and will not be for the general public. Further details regarding this 1-800 line will be forthcoming in a future All Chiefs Memorandum.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division



DO NOT ENTER THE COURTHOUSE



for the **Ontario Court of Justice** unless you are here for:

- **urgent** criminal or family proceedings;
- **urgent** or essential matters for the Criminal Intake Courts (including urgent *POA* intake matters); or
- **urgent** filing of court documents (if you are unable to file by email)

Exceptions will be made for accredited members of the media

Please also note the following operational changes:

- Courthouse doors will be monitored to allow entrance only for the court-related purposes listed above.
- Courtroom attendance will be restricted to the judicial official, essential court staff, and those attending for urgent matters, with physical distancing measures enforced.
- Court documents for urgent matters can now be filed by email.
- Detailed information is available on the Ontario Court of Justice website at www.ontariocourts.ca/ocj/covid-19.

DO NOT ATTEMPT TO ENTER THE COURTHOUSE IF:

- You have COVID-19-related symptoms;
- You have travelled outside Canada within the last 14 days; or
- You have been advised by a health professional or health authority to self-isolate.



IF YOU ARE ATTENDING THE COURTHOUSE FOR A SUPERIOR COURT OF JUSTICE MATTER, PLEASE NOTE THAT ALL REGULAR OPERATIONS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE. THE COURT CONTINUES TO HEAR URGENT MATTERS.

PLEASE VISIT [WWW.ONTARIOCOURTS.CA/SCJ](http://www.ontariocourts.ca/scj) FOR MORE INFORMATION.


Ministry of the Attorney General / Ministère du Procureur général

Court Services Division
Office of the Assistant Deputy
Attorney General

Division des services aux tribunaux
Bureau de la Sous-procureure générale
adjoïnte

McMurtry-Scott Building
720 Bay Street, 2nd Floor
Toronto ON M7A 2S9
Tel.: 416 326-2611
Fax.: 416 326-2652

Édifïce McMurtry-Scott
720, rue Bay, 2^e étage
Toronto ON M7A 2S9
Tél. : 416 326-2611
Téléc. : 416 326-2652

Our Reference #: A-2020-86

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

DATE: March 29, 2020

SUBJECT: **Ontario Court of Justice Notice Limiting Access to
Courthouses – Effective March 28, 2020**

The Ontario Court of Justice (OCJ) has updated its COVID-19 Notices (effective March 28, 2020) to limit access to courthouses. This is being done to curb the spread of the COVID-19 virus and to protect the health and safety of court users, justice system participants and members of the public.

People are being advised not to attend an OCJ courthouse unless they are there for:

- urgent criminal or family proceedings;
- urgent or essential matters for the criminal intake courts (including urgent Provincial Offences Act intake matters); or
- urgent filing of court documents, if unable to email.

Exceptions will be made for accredited members of the media. All non-urgent matters are being rescheduled.

Urgent criminal and family matters requiring hearings will be held by telephone and/or video conferencing, unless otherwise ordered by a judicial official. (It is expected that most in-custody accused will appear by telephone or video.) Where in-court attendance must occur, arrangements will be made to enable attendance by parties, with appropriate physical distancing measures being enforced.

Courtroom attendance will be restricted to the judicial official, essential court staff, and those attending for urgent matters, with physical distancing measures strictly enforced.

Court documents for urgent matters can now be filed by email, thereby further reducing the need to attend at a courthouse. Exceptions for those unable to 'e-file' by email will be made.

The OCJ has asked for entrance doors to be monitored. Public notices will be posted at the entrance door and near the security screening area to outline the direction in the OCJ's Notice. A copy of the public notice is attached for your reference. It includes a list of urgent matters. The information on the notice may be subject to change. Local court managers will be asked to post a final copy of the notice on Monday morning.

The Chief Justice of the OCJ and the Ministry of the Attorney General are asking police services who are normally assigned at the front entrances, or those officers who may be redirected from the courthouse cells (given most in-custody accused will not appear in person), to draw attention to the notices. We are requesting that police ask if they are attending for urgent matters. If the individual's response is "no", the officer can direct them to the notices where they are asked to leave.

Please share this memorandum with police services. If members of the policing community have any questions about this initiative, they may contact the local manager of court operations.

Thank you once again for your assistance and support.

Sincerely,



Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

Enclosure – Public Notice (current)

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Ontario Court of Justice Notice Limiting Access to
Courthouses**

DATE OF ISSUE:	March 29, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0030
PRIORITY:	High

At the request of the Ministry of the Attorney General, I am sharing a communication regarding limiting access to courthouses to contain the spread of the COVID-19 virus and to protect the health and safety of court users, justice system participants, and members of the public.

Please review the attached memo from Assistant Deputy Attorney General Sheila Bristo and the accompanied notices for your reference and action.

I trust this information is useful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

WHAT DOES **URGENT** MEAN?

For more information, refer to the Ontario Court of Justice website: <https://www.ontariocourts.ca/ocj/covid-19/>

Urgent Criminal Matters

- **All criminal cases involving in-custody accused.**
- For out-of-custody criminal cases, urgent matters are matters that require the Court's attention before their next court date, which will be sometime after June 1, 2020.

Examples include:

- urgent guilty pleas (where there is a deadline for eligibility for particular program)
- urgent consent bail variations
- urgent applications to vary police undertakings
- urgent applications to vary probation or conditional sentence conditions.

Urgent Family Matters

- ***Child, Youth and Family Services Act, 2017***: place of safety hearings (s. 90); temporary care and custody hearings (s. 94), restraining orders (s. 137), status review hearings (s. 113), and secure treatment orders (s. 161)
- **Domestic matters**: urgent custody/access motions; motions for restraining orders; Hague applications and non-Hague abduction cases
- ***Family Responsibility and Support Arrears Enforcement Act***: refraining motions (s. 35)

Urgent and/or Essential Criminal Intake

- swearing of Informations and confirmation of process by police
- bail variations
- surety revocations
- search warrants and any other urgent investigative warrants (tracking warrants, transmission data recorder warrants, production orders)
- Form 2 *Mental Health Act* applications
- *Child Youth and Family Services Act, 2017* apprehension warrants
- urgent *Provincial Offences Act* intake if courthouse deals with POA matters

Please contact your local courthouse to enquire about the availability of any remote/virtual processes.

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Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **COVID-19 Enforcement Support Line**

DATE OF ISSUE:	March 29, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0031
PRIORITY:	High

Further to All Chiefs Memorandum 20-0028, I am pleased to inform you that the province has launched a toll-free line to provide support to chiefs of police, policing personnel, and other enforcement personnel regarding the enforcement of emergency orders under the *Emergency Management and Civil Protection Act* (EMCPA).

The COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is **now open** for inquiries. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST. As you may know, the province has established a separate 1-800 number to provide support to Ontario businesses and the public who have questions about the province's recent emergency order to close certain workplaces following recommendations by Ontario's Chief Medical Officer of Health.

This dedicated COVID-19 Enforcement Support line is available to only policing personnel and other enforcement personnel who are designated as provincial offences officers for the purpose of enforcing emergency orders under the EMCPA.

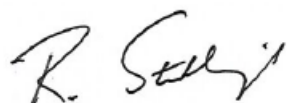
Please distribute this memorandum to policing personnel within your service. To ensure the line can effectively respond to enforcement inquiries, I ask that you do not disclose information associated with the Support Line to the general public.

As a reminder, the ministry encourages chiefs of police to advise policing personnel to use their discretion and undertake a graduated approach to enforcement of the emergency orders.

-2-

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

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Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Social Gatherings and Organized Public Events**

DATE OF ISSUE:	March 31, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0032
PRIORITY:	High

Based on the advice of Ontario's Chief Medical Officer of Health, the government has enacted an Emergency Order under the *Emergency Management and Civil Protection Act* (EMCPA) to prohibit any one from attending:

- an organized public event-of more than five (5) people, including a parade;
- a social gathering of more than five (5) people; or
- a gathering of more than five (5) people for the purposes of conducting religious services, rites or ceremonies.

These prohibitions apply to an event or gathering even if it is held at a private dwelling.

These prohibitions do not apply to gatherings of members of a single household or to a gathering for the purposes of a funeral service that is attended by not more than 10 people.

Note that these prohibitions do not apply to operating emergency child care centres supporting policing personnel, frontline health care workers, and other first responders, provided the number of persons present at each centre does not exceed 50 people.

Organized public events include parades and events including weddings, social gatherings and communal services within places of worship. This Emergency Order replaces a previous emergency order which prohibited organized public events of over 50 people.

-2-

Nothing prohibits more than five (5) people inside of an essential business establishment. For more information on the emergency order, please visit <https://www.ontario.ca/laws/regulation/200052>.

Cautious and Lawful Approach to Enforcement of Emergency Orders

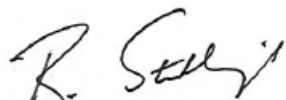
The ministry encourages chiefs of police to advise policing personnel to understand the scope of authority the EMCPA and the *Provincial Offences Act* (POA) provides to them, including any limitation in those Acts. For example, the EMCPA does not provide the legislative basis for policing personnel to detain members of the public, while in transit, and demand documentation on their employment or other evidence related to the reasons for their travel. In addition, open businesses are not required to provide evidence that they are essential pursuant to Schedule 2 of O. Reg. 82/20.

Nothing precludes policing personnel from asking for information on a voluntary basis from a member of the public. Policing personnel should rely on their foundational investigative training to ensure they are performing their duties in a lawful manner.

The ministry also encourages policing personnel to use their discretion and undertake a graduated approach to enforcement of the Emergency Orders; the approach should consider the severity of the specific situation and the government's public health intent to contain the spread of COVID-19. The graduated approach to enforcement may include educational messaging to individual members of the public and businesses around the emergency orders, specific warnings to individuals and businesses, the issuance of a ticket under Part I of the POA, or a summons under Part III of that Act.

Further, in the circumstances of enforcing these Orders, it should be noted that Criminal Code charges under section 129 (willfully obstructing or resisting a peace officer in the execution of duties) may be appropriate. In addition, Section 25 of the Criminal Code affords protection for officers engaged in administering and enforcing the law including where they may be required to use as much force as necessary, in circumstances where they are acting on reasonable grounds and are justified in doing what they are required or authorized to do. For greater clarity, reference should be made to the specific provisions of these Criminal Code sections.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of Health

COVID-19 Guidance: Information on the Use of N95 Filtering Facepiece respirators beyond the manufacturer-designated shelf life

Version 1 - March 27, 2020

This fact sheet provides information for health care workers about the use of N95 respirators beyond the manufacturer-designated shelf life. It is not intended to provide legal or medical advice.

Highlights

- **Do not destroy N95 respirators that are beyond the manufacturer-designated shelf life**
- **N95 respirators beyond the manufacturer-designated shelf life can serve important purposes: Fit Testing, Training, and Droplet/Contact Precautions**

Options for Uses of N95 respirators beyond the manufacturer-designated shelf life

The Ministry of Health is advising health care providers not to dispose of N95 respirators that are beyond the manufacturer-designated shelf life as these respirators can still serve an important purpose; especially during times of supply shortages.

In the context of the current COVID-19 pandemic and the increased demand and decreased supply of certain types of personal protective equipment, N95

respirators that are beyond the manufacturer-designated shelf life can be considered for the following uses:

Fit Testing:

N95 respirators beyond the manufacturer-designated shelf life can be used by health care workers for fit testing. Organizations that wish to consider using these respirators for fit testing need to determine whether this is appropriate for their organization and the selected respirators. In determining whether this is appropriate, several important considerations should be evaluated, including the following:

- Fit-testing should only ever be performed with N95 respirators that have been stored according to the storage conditions specified by the manufacturer.
- Before use in fit-testing, N95 respirators should be visually inspected to confirm the respirators are not distorted or damaged in any way. This includes respirator headbands, nose clip, nose foam, shell and all other components.

If an organization experiences lower-than-expected fit test pass rates while fit testing using N95 respirators beyond the manufacturer-designated shelf life, then the organization should consider discontinuing use of such respirators for fit testing and instead use respirators that are within their stated shelf life for their fit testing operations.

Organizations that choose to use N95 respirators beyond the manufacturer-designated shelf life for fit testing should ensure that such N95 respirators are kept separate from the organizations' inventory of respirators within the stated shelf life.

Training:

N95 respirators beyond the manufacturer-designated shelf life can be used by health care workers for training purposes and in simulation exercises. People should be trained using the same models (or similar models) to the model they are fit tested to.

If an organization has access to N95 respirators that are past their manufacturer-designated shelf life and are the same model as those used by health care workers,

it is preferred that N95s respirators past their manufacturer-designated shelf life be used for training and preserve those N95 respirators within their shelf life for use as respiratory protection.

Droplet and Contact Precautions:

Where surgical masks are not available, N95 respirators beyond the manufacturer-designated shelf life may be used as a surgical mask for health care workers for Contact or Droplet Precautions.

Before using as a surgical mask, N95 respirators should be visually inspected to confirm the respirators are not distorted or damaged in any way. This includes respirator headbands, nose clip, nose foam, shell and all other components. Any model of N95 respirator can be used for droplet and contact precautions, it does not need to be the model that an individual has been fit-tested to.

N95 respirators beyond the manufacturer-designated shelf life should not be used as a surgical mask if the N95 respirator has been used for extended use/reuse or if the respirator is soiled or contaminated following splashes or sprays.

No N95 respirators should be used on patients since this type of respirators can cause breathing resistances, can be difficult for a coughing patient, and patients are not experienced in wearing this respirator.

Other considerations for use of N95 respirators that are beyond the manufacturer-designated shelf life: Health Canada

N95 respirators that are past their designated shelf life are no longer NIOSH-approved, as all manufacturer-designated conditions of use must be met to maintain the NIOSH approval. However, in times of increased demand and decreased supply, consideration can be made to use these expired N95 respirators.

An expired N95 respirator can still be effective at protecting health care provider if:

- the straps are intact
- there are no visible signs of damage
- they can be fit-tested

Health care providers should inspect the respirator and perform a seal check.

There is no specific timeframe beyond the shelf life when N95 respirators would be considered unsuitable for use.

Expiry of N95 Respirators

Many N95 respirators have a manufacturer-designated shelf life. For those N95 respirators that do not have a manufacturer-designated shelf life, please refer to the manufacturer's website for additional information on shelf life.

The straps, nose bridge, and nose foam materials may degrade over time, which can affect the quality of the fit and seal. Please consult the guidance documents provided by the Ministry of Health and Public Health Ontario for up-to-date advice on this issue.

What is an N95 Respirator?

An N95 filtering facepiece respirator (N95 respirator) is a respiratory protective device that has been certified to certain test criteria by the National Institute of Occupational Safety and Health (NIOSH), based on the percentage of small particles it filters from the air when properly used.

The designation '95' refers to the filtering efficiency of a respirator; the "N" means it is not resistant to oil.

Individuals who are required to wear a tight-fitting respirator, such as an N95 filtering facepiece respirator must be fit tested to ensure a proper fit, as required by the manufacturer instructions and in accordance to standards such as current CSA standards.

N95 respirators are used to protect against airborne pathogens and for use in an AGMP. For information on the appropriate personal protective equipment for COVID-19, please consult the Ministry of Health's [guidance](#) for up-to-date advice on this issue. Please note that the ministry issues additional guidance, directives from the Chief Medical Officer of Health under the *Health Protection and Promotion Act* or the Cabinet may issue orders under the *Emergency Management and Civil Protection Act* during a declared emergency. These products will be issued via Situation Reports before being posted on the ministry's website.

Other Resources

Other organizations have published information about the use of N95 respirators beyond the manufacturer-designated shelf-life. Health care organizations may choose to refer to these documents based on their clinical judgement and in consultation with their Infection Prevention and Control & Occupational Health and Safety representatives.

Health Canada

- [Optimizing the use of masks and respirators during the COVID-19 outbreak](#)

United States Centres for Disease Control and Prevention:

- [Strategies for Optimizing the Supply of N95 Respirators](#)
- [Release of Stockpiled N95 Filtering Facepiece Respirators Beyond the Manufacturer-Designated Shelf Life: Considerations for the COVID-19 Response](#)
- <https://www.cdc.gov/coronavirus/2019-ncov/hcp/checklist-n95-strategy-h.pdf>

3M:

- [Respirators Beyond Their Shelf Life – Considerations](#)

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Fact Sheet on Use of Expired N95 Masks**

DATE OF ISSUE:	April 2, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0033
PRIORITY:	High

Further to All Chiefs Memo 20-0026, dated March 25, 2020, I am writing to share with you a fact sheet developed by the Ministry of Health for health care workers on the use of N95 masks beyond the manufacturer-designated shelf life (expired N95 masks), which may also be relevant to police services.

Based on the fact sheet, the Ministry of the Solicitor General is advising police services boards and chiefs of police not to dispose of expired N95 masks, as they may become useful during times of supply shortages.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

**Ministry of
Transportation**

**Ministère des
Transports**



Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division
Ministry of Transportation

RE: **COVID-19 - Extension of the Expiry of Driver, Vehicle
and Carrier Products and Services - REVISION**

Please accept this as an update to the memorandum sent to Marc Bedard on March 19, 2020. New content has been highlighted in yellow for your awareness.

This memorandum is to advise you of the emergency measures that the Ministry of Transportation has taken in order to contain the spread of COVID-19.

New temporary regulations have been made under the *Highway Traffic Act*, *Photo Card Act*, *Environmental Protection Act*, and *Motorized Snow Vehicles Act* to extend the validity of the various driver, vehicle and carrier products that would have otherwise expired on or after March 1, 2020 until further notice.

Consequently, where a driver's licence or a vehicle permit appears to have expired it may in fact still be valid under the new temporary regulations. These may include:

- **The following vehicle products:**
 - All licence plate validation stickers
 - Online purchase receipts of validation stickers
 - Special Permits
 - International Registration Plan (IRP) Cab Cards

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- Safety Standards Certificates, Structural Inspection Certificates
 - Extending the requirement to change address/vehicle modification within 6 days
 - Annual and Semi-Annual Inspections
- **The following driver products:**
 - All classes of Ontario driver's licences, including the temporary driver's licence and the Driving Instructor's licence
 - Medical Review Section of the Ministry of Transportation is also taking necessary steps to ensure if Ontarians required to submit a medical or vision report, the ministry will automatically extend the due date by 60 days or more
 - **The following carrier products:**
 - Under the temporary regulation, the ministry has extended the validity of all Commercial Vehicle Operator Registration (CVOR) certificates that expire on or after March 1, 2020, until further notice
 - The ministry is not currently processing any new CVOR applications. Clients are unable to operate without an approved CVOR
 - Annual Oversize/Overweight (O/O) Permits that expire on or after March 1, 2020 will be extended until further notice. Time sensitive critical O/O Single Trip permits will continue to be issued by the ministry

The ministry has extended the validity of all Ontario Photo Cards that expired on or after March 1, 2020 until further notice and the validity of the Enhanced Driver's Licence (EDL) for driving purposes only until further notice. Expired EDLs will not be valid as a travel document.

During this time period the Ministry is seeking police services' support to suspend enforcement of IRP requirements for out of province carriers. Commercial motor vehicles with no IRP credentials or expired ones will be permitted to operate in Ontario so long as they are legally permitted to operate in their home jurisdiction.

In addition, based on the advice of Ontario's Chief Medical Officer of Health to help contain the spread of COVID-19, all full-time DriveTest Centres and part-time Travel Point locations will be closed. The closures took effect March 23, 2020 until further notice.

For clarification, please be advised that the above-noted amendments apply to all police vehicles and drivers as well.

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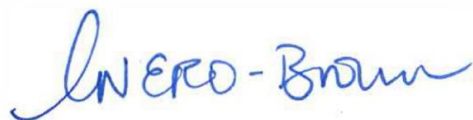
I would ask that you please bring this memorandum to the attention of the policing community. If services would like to discuss these amended programs, they may contact:

- For vehicle related enquiries, Elizabeth Marles, Manager, Vehicle Programs Office, at 416-235-3433 or Elizabeth.Marles@ontario.ca
- For Drivers' Licences or Temporary Drivers' Licence related enquiries, Kim MacCarl, Manager, Driver Programs Office, at 416-235-5248 or Kim.MacCarl@ontario.ca
- For carrier related enquiries, Jennifer Elliott, Manager, Licensing, Permits and Support Office, at 416-200-3107 or Jennifer.Elliott@ontario.ca
- For medical related enquiries, Frank Alulio, Manager, Medical Review Section at 416-235-5322 or frank.alulio@ontario.ca
- For driver control enquiries, Patricia Quattrociochi, Manager, Driver Control at 416-235-4937 or Patricia.Quattrociochi@ontario.ca

In addition, I would like to draw your attention to Appendix A, providing a reminder that the *Highway Traffic Act* provides exemptions for commercial drivers and operators providing direct assistance in support of relief efforts related to the COVID-19 outbreak.

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division

APPENDIX A

Hours of Service – subsection 3(1) of Ontario Regulation 555/06

The hours of service do not apply to a driver driving a:

4. A vehicle engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

4.1 A vehicle operated by or on behalf of a municipality, road authority or public utility while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

Commercial Vehicle Inspections (Trip Inspections) – subsection 4(1) of Ontario Regulation 199/07

Subsections 107(4) to (12) (requirement to complete an inspection, inspection report, carry inspection schedule, reporting of defects, driving with major/minor defects) of the Act and Part II of this Regulation do not apply in respect of the following classes of vehicles, used in the following circumstances:

An emergency vehicle while responding to or returning from an emergency.

A commercial motor vehicle while providing relief from an earthquake, flood, fire, famine, drought, epidemic, pestilence or other disaster by transporting passengers or goods.

Speed Limiter – subsection 13(3) of Regulation 587

A commercial motor vehicle is exempt from subsection 68.1(1) of the Act if,

(b) it is engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise; or

(c) it is operated by or on behalf of a municipality, road authority, public utility or of the government of Ontario or of Canada while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update on the Extension of Expiry of Driver, Vehicle,
and Carrier Products and Services in Response to
COVID-19**

DATE OF ISSUE:	April 2, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0034
PRIORITY:	High

Further to All Chiefs Memo 20-0019, dated March 19, 2020, I am sharing an updated memo from the Ministry of Transportation, which contains new information regarding Inspections and International Registration Plan (IRP) enforcement due to COVID-19.

Please review the attached updated memo from A/Assistant Deputy Minister Nosa Ero-Brown.

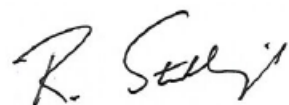
For your reference, please refer to the following list of contacts if you require further information related to:

- Vehicles: Elizabeth Marles at 416-235-3433 or Elizabeth.Marles@ontario.ca
- Drivers' Licences or Temporary Drivers' Licences: Kim MacCarl at 416-235-5248 or Kim.MacCarl@ontario.ca
- Carriers: Jennifer Elliott at 416-200-3107 or Jennifer.Elliott@ontario.ca
- Medical: Frank Alulio at 416-235-5322 or Frank.Alulio@ontario.ca
- Driver Control: Patricia Quattrociochi at 416-235-4937 or Patricia.Quattrociochi@ontario.ca

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I trust you will find this information helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Offence for Failure to Provide Identifying Information for
Enforcement of Violations of Emergency Orders**

DATE OF ISSUE:	April 2, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0035
PRIORITY:	High

As part of the continued effort to contain the spread of COVID-19 and provide law enforcement personnel with the tools to do their jobs, the government has made an emergency order under the *Emergency Management and Civil Protection Act* (EMCPA) requiring individuals to provide identifying information to provincial offences officers for the purpose of issuing a ticket or summons for breaching an emergency order.

Under the emergency order, a police officer or any other provincial offences officer within the meaning of subsection 1 (1) of the *Provincial Offences Act* (POA) who has reasonable and probable grounds to believe that an individual has committed an offence under section 7.0.11 of the EMCPA may require the individual to provide the officer with the individual's correct name, date of birth and address. The individual is required to promptly comply with such a demand.

A provincial offences officer can only require an individual to identify themselves under the emergency order if the officer has reasonable and probable grounds to believe the individual is violating an emergency order under the EMCPA and the demand to identify is made for the purpose of issuing a ticket or summons under the POA.

-2-

Failing to correctly identify oneself carries a fine of \$750 for failure to comply with an order made under the EMCPA or \$1,000 for interfering with or obstructing a provincial offences officer issuing a ticket or summons. In addition, failure to comply with an emergency order could carry punishments of up to one-year imprisonment or a fine of up to \$100,000 for an individual, \$500,000 for a director of a corporation, or \$10,000,000 for a corporation itself if a provincial offences officer charges the individual or corporation by issuing a summons.

Power of Arrest

Please note that the emergency order does not create a power of arrest. However, a provincial offences officer who is a peace officer (e.g., police officer, special constable, First Nations Constable) and who could arrest under the *Criminal Code* (Canada) for the offence of obstructing a peace officer, would be able to arrest a person for obstruction if they failed to identify themselves.

Identifying Information for Other Purposes

Please note that an individual may provide the required information orally and the emergency order does not empower provincial offences officers to require the person to produce documentation. Please note also that the emergency order does not create a power to compel an individual to provide any information other than name, date of birth and address for the purpose of charging the individual with breach of another emergency order under the EMCPA. For example, the emergency order does not create a power to compel an individual to provide information about their business or employment.

Furthermore, the emergency order does not create a power to compel an individual to provide their name, date of birth or address for the purpose of enforcing a different statute, or for the purpose of making general inquiries in order to formulate reasonable and probable grounds in relation to an EMCPA offence. The provincial offences officer must already have reasonable and probable grounds that the individual has breached an emergency order under the EMCPA before the officer can compel the individual to provide this information.

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, and enforce emergency orders using the tools provided under the EMCPA.

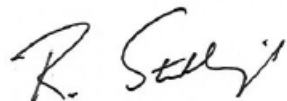
For information on orders please visit the regulations section under e-laws:
<https://www.ontario.ca/laws>.

Visit Ontario's [website](#) to learn more about how the province continues to protect Ontarians from COVID-19.

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I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

**Ministry of
Transportation**

Road User Safety Division
87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

**Ministère des
Transports**

Division de Sécurité Routière
87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153



MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division
Ministry of Transportation

RE: **COVID-19 – EXPANSION OF MTO ENFORCEMENT
OFFICER AND MAINTENANCE STAFF POWERS TO
ASSIST IN DIRECTION TRAFFIC IN AN EMERGENCY &
CHANGES TO TRUCK PARKING RULES**

This memorandum is to advise you of the emergency measures that the Ministry of Transportation (MTO) has taken due to the ongoing situation with the COVID-19 virus.

Given the evolving nature of the COVID-19 pandemic and the measures that the various levels of government are undertaking to respond to this public health crisis, MTO enforcement officers and maintenance staff have been temporarily granted broadened authorities to provide the necessary services and levels of support to police agencies across the province, under the Ontario Regulation 89/20, made under the *Emergency Management and Civil Protection Act*, Order under Subsection 7.0.2 (4) of the Act - Traffic Management (see Appendix A).

The purpose of this order is to help ensure that adequate resources are available to ensure the safety of the travelling public, including commercial vehicles who are critical to the supply chain.

Under these expanded powers:

- MTO enforcement officers will be able to direct traffic. In addition, MTO officers or maintenance staff may direct a highway closing. Currently, these authorities are reserved to police officers. Extending these authorities will increase the number of persons able to provide traffic directions or direct closings and will provide relief to police involved in other duties.

-2-

- Allow the police, ministry officers, maintenance staff, and contractors that assist them to use alternative methods of closing highways, other than those currently prescribed in regulation, to avoid a situation in which highways cannot be closed because of a lack of the types of devices stipulated in regulation. Instead, those parties will be able to close a highway using any reasonable means that would make it obvious to the travelling public that the highway is closed.
- Institute an emergency parking scheme to protect against commercial vehicles being stranded on the roadway in case of border or road closures.
 - The emergency parking measures will ensure that the highways are clear and that there are places to park such vehicles.
 - For example, emergency parking locations may include a location on a highway, or a property owned by the Province, a municipality, an institution or a business.

When designating an emergency parking location, officers should make best efforts to prioritize properties owned by the province or areas of the highway right-of-way where it is safe or operationally feasible.

Designation of private properties as emergency parking locations should be done when no safe or reasonable alternative is available. A dwelling location that is not a business will not be designated as an emergency parking location (e.g. personal residence, apartment building parking lot, etc.).

Best efforts should also be made to contact private property owners to communicate the need for the emergency parking and secure their consent in advance of designating the emergency parking location. However, in the event that it is critical to remove vehicles from the highway and consent cannot be secured in advance from the owner the order provides the authority to designate an emergency parking location so that vehicles can be moved off of the highway.

This order applies to the province as a whole and it came into effect immediately upon signing. It will remain in effect for at least 14 days, plus any further periods as may be granted by extension. The intent is for these powers to be used only in extraordinary circumstances and they will not be continued after the state of emergency has ended.

I would ask that you please bring this memorandum to the attention of the policing community. If policing services would like to discuss these amended programs, they may contact Chris Davies, Manager Carrier Enforcement Program, at (289) 407-1155.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division

APPENDIX A:
ONTARIO REGULATION 89/20

made under the

EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT
ORDER UNDER SUBSECTION 7.0.2 (4) OF THE ACT - TRAFFIC
MANAGEMENT

Whereas an emergency was declared pursuant to Order in Council 518/2020 (Ontario Regulation 50/20) on March 17, 2020 at 7:30 a.m. Toronto time pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act* (the “Act”);

And Whereas the criteria set out in subsection 7.0.2 (2) of the Act have been satisfied;

Now Therefore, this Order is made pursuant to paragraphs 2, 3, 11, 12 and 14 of subsection 7.0.2 (4) of the Act, the terms of which are set out in Schedule 1;

And Further, this Order applies generally throughout Ontario;

And Further, this Order shall be in effect for the duration of the declared emergency, subject to section 7.0.8 of the Act.

SCHEDULE 1

Directing traffic

1. Ministry of Transportation officers appointed under section 223 of the *Highway Traffic Act* may exercise all the authorities to direct traffic that are granted to police officers under section 134 of the *Highway Traffic Act*. Persons who receive a traffic direction from a Ministry officer are obliged to obey as if the direction came from a police officer.

Closing highways

2. Despite not being police officers, Ministry of Transportation officers and individuals employed by the Ministry of Transportation to maintain highways may close a highway, or part thereof, to vehicles pursuant to subsection 134 (2) of the *Highway Traffic Act*. The officers and employees are permitted to drive their vehicles on a closed highway.

Closing highways, other means

3. Where it is not feasible to close a highway by following the procedures set out in Regulation 599 of the Revised Regulations of Ontario, 1990 (Highway Closings) made under the *Highway Traffic Act*, a police officer or person authorized by section 2 of this Schedule may close a highway using any reasonable means that is likely to make it obvious to the travelling public that the highway is closed.

Clearing highways of vehicles

4. In order to ensure that vehicles do not remain on a highway when the highway is closed or when, for other emergency-related reasons, the highway is required to be clear of vehicles, the following emergency parking measures will apply:

1. The Ministry of Transportation, a municipality, a police officer or a Ministry of Transportation officer may designate an emergency parking location.
2. Emergency parking locations may include any location on a highway or on a property owned by the Province, a municipality, an institution or a business.
3. A dwelling place that is not a business location shall not be designated as an emergency parking location.
4. A police officer or a Ministry of Transportation officer may require the driver, owner, operator or person having charge or control of any vehicle that is parked or stopped, or that is likely to become parked or stopped, on a highway to drive or transport the vehicle to an emergency parking location for the purpose of keeping the highway clear. Every person shall obey the requirement of an officer.
5. The owner, lessee or occupier of an emergency parking location shall permit the parking of any vehicle directed to the location by a police officer or Ministry of Transportation officer. Reasonable access to the vehicle shall also be permitted to retrieve personal property, to maintain the condition of the vehicle and any load, to remove the vehicle, or to access the vehicle as directed by a police officer or Ministry officer.
6. An emergency parking designation under this Order and a direction to drive or transport a vehicle to an emergency parking location may be given verbally, electronically or in writing.
7. Provincial parking and stopping regulations and municipal by-laws do not apply to the designation of an emergency parking location or to the direction of a vehicle to such a location.
8. If a vehicle is not driven or transported to an emergency parking location in compliance with a direction of a police officer or Ministry of Transportation officer, the officer may make arrangements for the vehicle to be moved to that location at the cost and risk of the owner, operator and driver.
9. There shall be no cost or charges to the vehicle owner, driver, the Province or any municipality for the storage of a vehicle at an emergency parking location, unless the Province subsequently approves a measure to allow fees to be charged or to provide for compensation.

10. The *Repair and Storage Liens Act* does not apply to the storage of a vehicle under this Order.
11. Parking of a vehicle or accessing a vehicle in accordance with this Order at an emergency parking location does not constitute a trespass to property.

Assigning duties to officers

5. The Ministry of Transportation will be authorized, despite any policy, contract, agreement, including but not limited to collective agreement, to assign duties related to any section of this Schedule to Ministry of Transportation officers.

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Expansion of MTO Enforcement Officer and
Maintenance Staff Powers to Assistant in Direction
Traffic in an Emergency & Changes to Truck Parking
Rules**

DATE OF ISSUE:	April 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0036
PRIORITY:	High

At the request of the Ministry of Transportation (MTO), I am sharing a communication regarding expanded powers for MTO enforcement officers and maintenance staff and an emergency parking scheme in response to COVID-19.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, for further details on the emergency order, which can also be found at <https://www.ontario.ca/laws/regulation/200089>. If you require further information, please contact Chris Davies at (289) 407-1155.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

CORONAVIRUS DISEASE (COVID-19)

You have symptoms that may be due to COVID-19.

MANDATORY ISOLATION

The Government of Canada has put in place emergency measures to slow the introduction and spread of COVID-19 in Canada. All persons entering Canada **MUST isolate for 14 days** subject to the *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)*.

Your compliance with this Order is subject to monitoring, verification and enforcement. Those in violation may face detention in a quarantine facility as well as fines and/or imprisonment.

- ▶ Before leaving the airport, clean your hands and **put on the mask** provided to you. Keep the mask on while in all public settings.
- ▶ Go to the place where you will isolate without delay, and remain there for a minimum of 14 days from the date you arrive in Canada and follow instructions provided by your public health authority.
- ▶ You are only allowed to take private transportation (e.g. personal vehicle) to get to your place of isolation.
 - If you do not have private transportation, a Public Health Agency of Canada representative will discuss options with you.
- ▶ Maintain a 2 metre distance from others (social distancing) at all times.
- ▶ Minimize contact with others while in transit:
 - Remain in the vehicle as much as possible;
 - Do not stop or stay at a hotel;
 - If you need gas, pay at the pump;
 - If you need food, use a drive through;
 - If you need to use a rest area, put on your mask and be mindful of social distancing and good hygiene practice.

WHEN IN ISOLATION, FOLLOW THE INSTRUCTIONS PROVIDED

The instructions on how to isolate at home are available at:

www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-how-to-isolate-at-home.html



IT IS VERY IMPORTANT THAT YOU:

Do not leave your place of isolation unless absolutely necessary, such as to seek medical care



Limit contact with others within the place of isolation



Wash your hands frequently



Cover your mouth and nose when coughing or sneezing



Clean and disinfect surfaces regularly

CONTINUE TO MONITOR YOUR HEALTH FOR:

FEVER



COUGH



DIFFICULTY BREATHING

If your symptoms get worse (persistent cough, shortness of breath, or fever equal or greater than 38°C, or signs of fever e.g. shivering, flushed skin, excessive sweating), call the public health authority in the province or territory where you are located (see below) and follow their instructions.

PUBLIC HEALTH AUTHORITIES

PROVINCES AND TERRITORIES	TELEPHONE NUMBER	WEBSITE
British Columbia	811	www.bccdc.ca/covid19
Alberta	811	www.myhealth.alberta.ca
Saskatchewan	811	www.saskhealthauthority.ca
Manitoba	1-888-315-9257	www.manitoba.ca/covid19
Ontario	1-866-797-0000	www.publichealthontario.ca
Quebec	1-877-644-4545	www.quebec.ca/en/coronavirus
New Brunswick	811	www.gnb.ca/publichealth
Nova Scotia	811	www.nshealth.ca/public-health
Prince Edward Island	811	www.princeedwardisland.ca/covid19
Newfoundland and Labrador	811 or 1-888-709-2929	www.gov.nl.ca/covid-19
Nunavut	867-975-5772	www.gov.nu.ca/health
Northwest Territories	911	www.hss.gov.nt.ca
Yukon Territory	811	www.yukon.ca/covid-19

FOR MORE INFORMATION:

1-833-784-4397



@canada.ca/coronavirus

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **The *Quarantine Act* (Canada) and Mandatory Isolation Order**

DATE OF ISSUE:	April 3, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0037
PRIORITY:	High

The Government of Canada has implemented an Emergency Order (*Minimizing the Risk of Exposure to COVID-19 in Canada Order [Mandatory Isolation]*) under the *Quarantine Act* (Canada) that requires persons entering Canada (by air, sea or land) to:

- Isolate themselves for a 14-day period; and
- Monitor themselves for signs of COVID-19 until the expiry of the 14-day period and if they develop symptoms to notify public health authorities.

The requirement to self-isolate does not apply to certain individuals (e.g., a member of the Canadian Forces). An individual who is unable to self-isolate is required to go to a federal quarantine facility using transportation means provided by the Public Health Agency of Canada (PHAC).

PHAC Quarantine Officers are responsible for implementing this federal Emergency Order with support from Screening Officers with the Canada Border Services Agency (CBSA). PHAC will take a risk-based approach to enforcement; travelers will be asked questions about their health and symptoms, which they are required to report to a Screening Officer. They will also be asked to acknowledge that they are required, under the *Quarantine Act* (Canada), to isolate themselves for a 14-day period that begins on the day on which they enter Canada.

-2-

The risk-based approach includes sorting all inbound international travelers into two categories: (1) asymptomatic travelers; and (2) symptomatic travelers.

- All asymptomatic travelers will be provided with a green coloured hand-out (see Attachment 1) that directs them to self-isolate for 14 days and report any COVID-19 symptoms that develop to local public health authorities. These individuals may use public transportation to get to their destination.
- All symptomatic travelers will also be required to self-isolate and use private means of travel to get to their destination. These travelers will be issued a red coloured hand-out (see Attachment 2) advising them of their obligation.
 - If they are unable to self-isolate (e.g., they need to use public means of transportation, such as a taxi, ride-sharing service, or a subway, to leave the port of entry), then these individuals will be required to use means of transportation provided by PHAC to complete their 14-day isolation in a quarantine facility designated by the Chief Public Health Officer of Canada.

Peace Officer Powers

The use of powers by a peace officer under the *Quarantine Act* (Canada) must be based on a request for assistance from a Quarantine or Screening Officer, or a warrant issued under that Act.

Peace officers may charge an individual under the *Quarantine Act* (Canada) for an offence or take other actions at the request of a Quarantine Officer for the purpose of enforcing the Act, such as detaining a person in their home or transporting a person to a quarantine facility.

There are no administrative monetary penalties a peace officer may issue under the *Quarantine Act* (Canada).

PHAC strongly discourages peace officers from charging individuals under the *Quarantine Act* (Canada) and has indicated it should be a measure of last resort. PHAC encourages peace officers to take a progressive approach to compliance, including by providing educational measures for travelers that supports the public health mandate.

Before charging an individual under the *Quarantine Act* (Canada), the Ministry of the Solicitor General (ministry) advises chiefs of police to encourage policing personnel to seek the advice of a Quarantine Officer.

-3-

Based on a request for assistance issued by a Quarantine Officer, a peace officer may also bring an individual to a Quarantine Officer if the officer has reasonable grounds to believe the individual has refused to be isolated or to comply with other disease prevention measures ordered under the *Quarantine Act* (Canada). A Quarantine Officer may detain that individual in a federal quarantine facility.

Offences under *Quarantine Act* (Canada)

Failure to comply with the federal Emergency Order under the *Quarantine Act* (Canada) is an offence. Maximum penalties include a fine of up to \$750,000 and/or imprisonment for six months.

A person who causes a risk of imminent death or serious bodily harm to another person while willfully or recklessly contravening the *Quarantine Act* (Canada) or its regulations could be liable for a fine of up to \$1,000,000 or imprisonment of up to three years, or to both.

Obligations on Police Services

Under the *Quarantine Act* (Canada), a peace officer is required to provide assistance to a Quarantine Officer or Screening Officer for the purpose of administering or enforcing that Act. PHAC does not intend to exercise its power to compel peace officers on a frequent basis. It intends to conduct some spot checks with a select number of symptomatic and asymptomatic travelers (see the Fact Sheet in Attachment 3 for more information). Subject to the need for compliance checks over time, PHAC will seek the support of police services in a small number of cases. In those scenarios, traveler information will be shared with the Ontario Provincial Police (OPP) via the Royal Canadian Mounted Police.

Based on the address of the quarantined individuals, the OPP will provide the information to the police service of jurisdiction (e.g., a First Nation police service or municipal police service). The police service of jurisdiction is expected to follow-up with those individuals to ensure they are adhering to the mandatory quarantine orders.

If an individual is non-compliant, peace officers have several options available under the *Quarantine Act* (Canada). Again, before laying an information against an individual under the *Quarantine Act* (Canada), the ministry encourages peace officers to contact PHAC.

Chiefs of police should institute internal processes to ensure policing personnel seek the necessary guidance from a supervisor in advance of contacting PHAC. Supervisors and appropriate policing personnel (i.e., a peace officer) can call **613-614-4754** between 08:00 EST and 17:00 EST to discuss a situation they have encountered; this line will be answered by a PHAC official involved with compliance verification and enforcement of the Order. If a determination is made that the advice or input of a Quarantine Officer is required, the call will be forwarded by the official.

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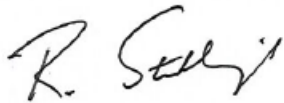
A Quarantine Officer may choose to make an Order against an individual specifically, and ask the peace officer to enforce the Order.

For information on provincial orders please visit the regulations section under e-laws: <https://www.ontario.ca/laws>.

Visit [Ontario.ca/coronavirus](https://www.ontario.ca/coronavirus) to learn more for updates and to learn about how the province continues to protect Ontarians from COVID-19.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

CORONAVIRUS DISEASE (COVID-19)

WHILE OUTSIDE OF CANADA, YOU MAY HAVE COME IN CONTACT WITH THE VIRUS THAT CAUSES COVID-19

MANDATORY SELF-ISOLATION

The Government of Canada has put in place emergency measures to slow the introduction and spread of COVID-19 in Canada. All persons entering Canada **MUST self-isolate for 14 days** subject to the *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation)*.

Your compliance with this Order is subject to monitoring, verification and enforcement. Those in violation may face detention in a quarantine facility as well as fines and/or imprisonment.



Go to the place where you will self-isolate without delay, and self-isolate for 14 days from the date you arrive in Canada.



Maintain a 2 metre distance from others (social distancing) at all times.



Do not have visitors, especially older adults, or those with medical conditions, who are at a higher risk of developing serious illness.



Wash your hands often with soap and warm water for 20 seconds, or use an alcohol-based hand sanitizer if soap and water are not available.



Avoid touching your face.



Cover your mouth and nose with your arm when coughing or sneezing.



Clean and disinfect surfaces regularly.

When in self-isolation, follow the instructions provided.
The instructions are also available at the link provided below.

www.canada.ca/en/public-health/services/publications/diseases-conditions/coronavirus-disease-covid-19-how-to-self-isolate-home-exposed-no-symptoms.html

MONITOR YOUR HEALTH FOR 14 DAYS

FEVER



COUGH



DIFFICULTY
BREATHING



IF YOU START HAVING SYMPTOMS OF COVID-19

(persistent cough, shortness of breath, or fever equal to or greater than 38°C, or signs of fever e.g. shivering, flushed skin, excessive sweating).



immediately isolate yourself from others in your house



contact your public health authority as soon as possible and follow their instructions

PUBLIC HEALTH AUTHORITIES

PROVINCES AND TERRITORIES	TELEPHONE NUMBER	WEBSITE
British Columbia	811	www.bccdc.ca/covid19
Alberta	811	www.myhealth.alberta.ca
Saskatchewan	811	www.saskhealthauthority.ca
Manitoba	1-888-315-9257	www.manitoba.ca/covid19
Ontario	1-866-797-0000	www.publichealthontario.ca
Quebec	1-877-644-4545	www.quebec.ca/en/coronavirus
New Brunswick	811	www.gnb.ca/publichealth
Nova Scotia	811	www.nshealth.ca/public-health
Prince Edward Island	811	www.princeedwardisland.ca/covid19
Newfoundland and Labrador	811 or 1-888-709-2929	www.gov.nl.ca/covid-19
Nunavut	867-975-5772	www.gov.nu.ca/health
Northwest Territories	911	www.hss.gov.nt.ca
Yukon Territory	811	www.yukon.ca/covid-19

SPECIAL PROVISIONS

Exceptions have been made for certain individuals or certain types of workers who provide essential services.

Workers in these sectors should contact their employer for specific instructions, maintain a distance of 2 metres from others at all times, closely self-monitor for symptoms, and self-isolate immediately should symptoms develop.

FOR MORE INFORMATION:

 1-833-784-4397

 [@canada.ca/coronavirus](https://canada.ca/coronavirus)

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Extension of the Declaration of Emergency and Updates
on Emergency Orders**

DATE OF ISSUE:	April 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0038
PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that as part of the response to contain the spread of COVID-19 and protect the health and well-being of Ontarians, the government has ordered the extension of the Declaration of Emergency and associated emergency orders, including the closure of non-essential workplaces and restrictions on social gatherings, which will be in effect until April 13, 2020. See the link for a full [list of emergency orders](#).

Update on Emergency Orders*Closure of Outdoor Recreational Amenities*

Through Emergency Order 83-2020, the government has ordered the closure of outdoor recreational amenities for the duration of the emergency. No person shall enter or use the following outdoor recreational amenities except for a maintenance, safety, law enforcement or other similar purpose:

- All outdoor playgrounds, play structures and equipment.
- All outdoor sports facilities and multi-use facilities including,
 - baseball diamonds,
 - soccer fields,
 - frisbee golf locations,
 - tennis, platform tennis, table tennis and pickleball courts,

-2-

- basketball courts,
 - BMX parks, and
 - skate parks.
- All off-leash dog areas.
- All portions of parks and recreational areas containing outdoor fitness equipment.
- All outdoor allotment gardens and community gardens.
- All outdoor picnic sites, benches and shelters in park and recreational areas.

Outdoor recreational amenities listed above that are intended for use of more than one family are closed, regardless whether they are public or privately owned (e.g., play structures at a condominium or apartment building).

Walking through or using park or recreational areas that are not otherwise closed (e.g., green spaces, walking pathways) would continue to be permitted but individuals must maintain the safe physical distance of at least two metres apart from others, unless they are members of the same household. Ontario's provincial parks and conservation reserves remain closed.

Update on Child Care Centres for Law Enforcement Frontline Workers

As part of the plan to support frontline emergency workers during the response to COVID-19, the government has exempted certain licensed child care centres from the closure order under O. Reg. 51/20 (<https://www.ontario.ca/laws/regulation/200051>).

These emergency child care centres will assist law enforcement frontline workers such as police officers, other members of a police service, or an individual who performs work that is essential to the delivery of core services in a municipality or First Nation community, as determined by the municipality or First Nation, during this difficult time so they can continue to work.

The government will put in strict measures to ensure the well-being of the children and child care workers, including keeping the number of people in a given facility low and taking other public health precautions such as not allowing visitors to enter the centre, restricting the capacity to 50 people in the location at one time, including children, employees, parents and guardians, and requiring that a plan is in place should any staff, children, or parents be exposed to the virus. The capacity number may change as the outbreak evolves. This service will be free for law enforcement frontline workers.

The Ministry of Education is working closely with its Consolidated Municipal Service Managers, District Social Service Administration Boards, and First Nations who will identify appropriate locations that will best support their communities. Law enforcement frontline workers should check with their service system managers.

The Ministry of Education website has the list of the 47 service system managers: <http://www.edu.gov.on.ca/childcare/websiteServiceManagers.html>.

-3-

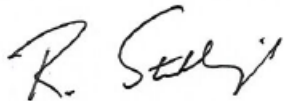
Some emergency child care centres are already open. A list of locations is available at:
<https://www.ontario.ca/page/child-care-health-care-and-frontline-staff#section-2>

Home-based child care (licensed and unlicensed) is and will continue to be an option for parents who need child care. For more information on home-based childcare please visit <https://www.ontario.ca/page/find-and-pay-child-care#section-2>.

Visit Ontario's [website](#) for updates and to learn more about how the province continues to protect Ontarians from COVID-19.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

**Ministry of
Transportation**

**Ministère des
Transports**



Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division
Ministry of Transportation

**RE: COVID-19 – Clarification on the extension of the six-day
requirement to register a vehicle in Ontario**

The purpose of this letter is to provide clarification on the [government's announcement](#) last week regarding the extension to the requirement to register a vehicle within six days. The regulation will be revoked once the province is able to restore regular services and clear all backlogs.

Customers who have purchased a used vehicle are exempt from the requirement to transfer the vehicle into their name within six days.

If the new owner of a used vehicle has a set of valid plates for the same class of vehicle, registered in their name, they can attach those plates to the purchased vehicle. The plate owner must have in their possession when driving: the plate portion of the permit for plate displayed; the vehicle portion of the permit with application for transfer completed and signed; and, the dealer's Bill of Sale (if purchased from a dealer).

The new owner of a used vehicle is not required to get a Safety Standards Certificate completed until the regulation is revoked and they have to register the vehicle at ServiceOntario.

Customers will need to return to ServiceOntario once the extension has ended (i.e., the regulation is revoked) to transfer the vehicle, attach plates and obtain a valid permit in their name. A valid Safety Standards Certificate will be required at that time, along with all the other vehicle transfer documentation (e.g., signed permit, Bill of Sale, etc.).

If the new owner of the used vehicle does not have their own plates, a visit to ServiceOntario is required to transfer the vehicle and purchase/attach plates. If clients have purchased a new vehicle that they intend to drive immediately, they will need to continue to visit a ServiceOntario location to register and plate the vehicle according to current legislation.

Vehicles branded as “salvage” or “irreparable” cannot be driven on Ontario’s roads and this regulation will not change that. These vehicles will need to pass a structural inspection before they can be registered and driven on-road.

I would ask that you please bring this information to the attention of the policing community.

In case a police service would like to discuss the operational aspects of these temporary regulations, they may contact Elizabeth Marles, Manager, Vehicle Programs Office, at 416-235-3433 or Elizabeth.Marles@ontario.ca.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Clarification on the Extension of the Six-Day
Requirement to Register a Vehicle in Ontario**

DATE OF ISSUE:	April 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0039
PRIORITY:	High

At the request of the Ministry of Transportation, I am sharing a communication to provide information about the extension of the six-day requirement to register a vehicle in Ontario.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown for further clarification, and if you require further information, please contact Elizabeth Marles at 416-235-3433 or Elizabeth.Marles@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update to the List of Essential Businesses,
Requirements that Apply to Businesses and the Closing
of Non-Essential Businesses**

DATE OF ISSUE:	April 4, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0040
PRIORITY:	High

Further to All Chiefs Memo 20-0028, I am writing to advise you that following advice from Ontario's Chief Medical Officer of Health, on April 3, 2020, Ontario amended the emergency order listing places of essential business that can remain open. The restrictions are aimed at further reducing contact between people and stopping the spread of COVID-19.

By 11:59 p.m. Saturday, April 4, 2020, places of business that are not identified on the updated list must close their physical locations.

While the order requires certain *places* of non-essential business to close, it does not require the non-essential businesses to stop operating. The government has encouraged these businesses to continue to operate via alternative and innovative models, including by working online, by telephone, curbside pick-up, or by mail/delivery.

Essential businesses (i.e., for-profit, non-profit, or other entity) that provide the services listed in the order will be permitted to continue to keep their places of business open. The order categorizes essential workplaces into 15 areas:

1. Supply chains
2. Food

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3. Services
4. Services to the public that are restricted to alternative methods of sale
5. Financial services
6. Telecommunications and IT infrastructure/service providers
7. Maintenance
8. Transportation services
9. Manufacturing
10. Agriculture and food production
11. Construction
12. Resources and energy
13. Community services
14. Research
15. Health care and social services

For additional information on each category, please visit:

<https://www.ontario.ca/page/list-essential-workplaces>

Business owners will be expected to review the updated list of essential businesses which are authorized to stay open and determine whether they believe that they fit into any of the categories. If they determine they do fit in a category of an essential business, the business owner will then make their decision on whether or not to stay open.

The person responsible for a place of business that continues to operate shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers.

Policing personnel are encouraged to undertake a graduated approach to enforcement of the emergency order, which may include educational messaging to businesses around the emergency order (e.g., education on physical distancing, cleaning or disinfecting practices – further resources can be found at <https://www.publichealthontario.ca/>) and specific warnings before the issuance of a ticket under Part I of the Provincial Offences Act (POA) or a summons under Part III of that Act.

Restricting Access to Businesses and Providing Alternative Methods of Sale

The person responsible for a place of business that continues to operate and that engages in retail sales to the public, except for pharmacies and businesses that primarily sell food and beverages at retail, shall, to the fullest extent possible, restrict

-3-

public access to the place of business by providing alternative methods of sale such as curb side pick-up or delivery.

Stores that sell any of the following items shall restrict public access to the place of business and shall provide all items to the public using an alternative method of sale such as curb side pick-up or delivery, except in exceptional circumstances:

- I. Hardware products.
- II. Vehicle parts and supplies.
- III. Pet and animal supplies.
- IV. Office supplies and computer products including computer repair.
- V. Safety supplies.

Short Term Rentals and Prohibition on Open Houses

Every person who provides short term rentals in rental accommodations shall ensure that any rentals booked after April 4, 2020 are only provided to individuals who are in need of housing during the emergency period. This does not apply to hotels, motels and student residences.

In addition, every person who is responsible for a business that provides real estate agent services shall ensure that the business does not host, provide or support any open house events.

Enforcement and Public Reporting of Non-Compliance

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA). Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of an essential business that is authorized to stay open in accordance with O. Reg. 82/20.

Please note that the ministry is not in a position to provide advice on whether a specific business is an essential business as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

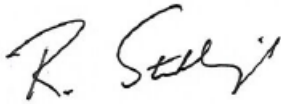
To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

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To ensure the line can effectively respond to enforcement inquiries, I ask that you do not disclose information associated with the Support Line to the general public. Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as may be appropriate.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Disclosure of COVID-19 Status Information by
Laboratories and Public Health Units**

DATE OF ISSUE:	April 6, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0041
PRIORITY:	High

As part of the effort to support emergency frontline responders and contain the spread of COVID-19, the government has made an emergency order under the *Emergency Management and Civil Protection Act* that would enable police services to obtain COVID-19 status information from specified custodians (i.e., medical officers of health and licensed laboratories). For your reference, the order can be found online at: <https://www.ontario.ca/laws/regulation/200120>.

COVID-19 status information consists of name, address, date of birth, and whether the individual has had a positive test result.

Through this emergency order, the government recognizes that it is critical that first responders have access to COVID-19 status information (positive status only) of individuals they are coming into contact with to help protect and reduce the potential spread of the virus to first responders and those they come into contact with in the community.

Please note this will be implemented through a centralized mechanism/application; therefore, outreach to licensed laboratories and Medical Officers of Health is not recommended (refer to Implementation Section below).

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Disclosure to Police Requirements

COVID-19 (positive) status information may be requested by members of police services, including municipal and First Nations police services, and other emergency response personnel (e.g., firefighters and paramedics).

The emergency order will allow police services to request the COVID-19 (positive) status information and require specified custodians to provide it for the 14 days it is in effect (until April 17, 2020) or longer if the emergency order is renewed. The government will continue to assess the need for COVID-19 status information on an ongoing basis.

Personal health information about the COVID-19 (positive) status of an individual must only be used to prevent, respond to or alleviate the effects of the COVID-19 emergency, such as ensuring appropriate measures are taken to protect police personnel when responding to a call. It cannot be used for any other purpose. Consistent with the purpose of the emergency order, policing personnel may continue to confirm the COVID-19 (positive) status information of an individual they have interacted with after the interaction while this emergency order remains in effect. This information is subject to any relevant law with respect to privacy and confidentiality when the declared emergency is terminated, including the *Police Services Act* and, as applicable, the *Municipal Freedom of Information and Protection of Privacy Act* or the *Freedom of Information and Protection of Privacy Act*. The confidentiality and protection of this personal health information is paramount.

This approach ensures consistency with other “premise warnings” issued by communication and dispatch services to first responders to such things as mental health concerns and weapons.

Having access to COVID-19 (positive) status information is one precautionary measure. Police services should also consider information about community spread of COVID-19, and risk assessments should happen for any contact with members of the public including on route to situations and on scene. Police services should also adapt current practices to allow for physical distancing where possible and seek advice from their occupational health and safety/infection prevention and control experts on personal protective equipment based on provincial guidance. Please continue to exercise caution during interactions as there may be times when individuals who are positive for COVID-19 may not have been tested for the virus or may not be showing symptoms that indicate COVID-19.

-3-

Implementation

Centralized Access

The ministry is urgently working with the Ministry of Health to develop an information portal that would enable police services to query COVID-19 status information. Once this mechanism/application becomes available, the ministry will notify police services. As indicated earlier, outreach to licensed laboratories and Medical Officers of Health is not recommended.

The ministry recommends chiefs of police centralize access to COVID-19 status information through their communication and dispatch service to ensure internal control measures are in place for the disclosure of information within the police service and provide oversight by a supervisor. Access to COVID-19 (positive) status information within police services should be limited to the greatest extent possible.

Policies and Procedures

The ministry encourages police services boards to develop policies related to the disclosure of COVID-19 (positive) status information by a chief of police within a police service. The policy should include the circumstances that a chief of police may provide COVID-19 status information to policing personnel and how such information is stored within policing information systems.

The ministry recommends police services boards and chiefs of police institute policies and procedures that prohibit access to COVID-19 (positive) status information at the conclusion of the provincial emergency and ensure destruction of the information as soon as permitted by law.

In addition, chiefs of police should develop procedures on the access to and disclosure of such information, including the need for the supervisor of the police communication and dispatch services to ensure that information is only disclosed within the police service for the protection of officer safety when they are on route to specified calls for service. Please note that clause 6(1)(a) of O. Reg. 3/99 under the *Police Services Act* already requires police communication and dispatch services to be supervised 24 hours a day by a member of a police service.

Communication and Dispatch Service's Screening Protocol

The ministry also encourages chiefs of police to institute a COVID-19 active screening protocol for communication and dispatch services. Call-takers should endeavor to obtain the necessary COVID-19 status information from callers when applicable. Please ensure that policing personnel continue to prioritize the response to calls for service in accordance with the police service's standard procedure.

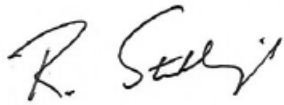
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-4-

To support the development of your screening protocol, I am sharing with you the protocol instituted by the Ministry of Health for Central Ambulance Communications Centres. Please find the protocol attached.

I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

CACC/ACS Training Bulletin

Call Taking and Dispatching Protocols for COVID-19 coronavirus

April 02, 2020

Issue Number 7 – version 7.0

Emergency Health Services
Ministry of Health

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Version	Date	Rationale
1.0	January 25, 2020	- First release
1.1	January 26, 2020	- Expanded to all CACC/ACS
2.3	January 31, 2020	- Updated case definition (using nCoV-2019)
3.0	February 07, 2020	- Updated case definition (expansion of impacted area to include "mainland China")
3.1	February 13, 2020	- Updated case definition (using COVID-19)
4.0	February 26, 2020	- Updated case definition (expansion of impacted area to include: China, Hong Kong, Iran, Italy, Japan, Singapore and South Korea)
4.1	February 26, 2020	- Addresses lack of update to Paramedic and Responder Notifications. - Fixes spelling errors (UNKOWN to UNKNOWN) - Adds Impacted Areas map
4.2	February 27, 2020	- Adds Singapore to Q2 - Repeats instruction from TB into Appendix A
5.0	March 10, 2020	- Adds self-isolation question to Call Taking protocol for all calls - Adds Case Definition (as of February 26, 2020) in Appendix - Appendixes updated - Removes Introduction section
6.0	March 12, 2020	- Removes FREI+ prerequisite from enhanced screening protocols - Screening questions to be asked of all emerge calls - Screening protocols include self-monitoring and self-isolation, symptoms, travel outside Canada, and close-contact triggers
6.1	March 12, 2020	- Addresses cut and paste error in Paramedic and Responder Notifications section - Removes unnecessary documentation and communications demands on NEGATIVE and UNKNOWN screening results
7.0	April 02, 2020	- Removes Self-Isolation question - Removes travel component from close contact Q - Results assessment updated

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Call Taking and Dispatching Protocols for COVID-19 coronavirus

COVID-19 Screening Questions

The COVID-19 Call Taking and Dispatching protocols are to be **followed for all calls** being processed with an emergency call taking screen (or paper equivalent), **regardless of FREI+**.

The ACO will ask the COVID-19 screening questions at the end of the Secondary Assessment and before PAI is provided and add the shorthand comments of /COVP, /COVN, /COVU or COVO as per [CACC/ACS COVID 19 Shorthand Comments for ARIS II V1.1 released March 31, 2020](#).

In cases of VSA or Choking, where the ACO is directed to PAI immediately from the Primary Assessment, as soon as is practical following the immediate PAI, and **before disconnecting from the caller**, ACOs will conduct the COVID-19 screening questions ***and ensure the results of any screening is provided to all responders.***

In cases of Allergic Reaction (Card 3) where immediate provision of PAI is directed, as soon as is practical following the PAI, and **before disconnecting from the caller**, ACOs will conduct the COVID-19 screening questions ***and ensure the results of any screening is provided to all responders.***

Q1: Is the person presenting with fever, or new onset of cough, or difficulty breathing?

If YES: document response and go to Q2 (COVID-19 Screen Positive)

If NO: document response and go to Q2

If UNKNOWN: document response and go to Q2

Q2: Has the person travelled outside of Canada in the past 14 days?

If YES: document response and go to Q3 (COVID-19 Screen Positive)

If NO: document response and go to Q3

If UNKNOWN: document response and go to Q3

Q3: Did the person have close contact with a confirmed or probable case of COVID-19?

*If **YES**: document response and go to **Q4 (COVID-19 Screen Positive)***

*If **NO**: document response and go to **Q4***

*If **UNKNOWN**: document response and go to **Q4***

Q4: Did the person have close contact with anyone with acute respiratory illness in the past 14 days?

*If **YES**: document response and conclude screening protocol (**COVID-19 Screen Positive**)*

*If **NO**: document response and conclude screening protocol*

*If **UNKNOWN**: document response and conclude screening protocol*

Documenting Results of COVID-19 Screening Questions

If the response to **ANY** of the screening questions is **YES** the ACO will immediately document the responses and use the shorthand comment of **/COVP** in the comments section of CAD. Which expands to: **** cacc screener, patient screened POSITIVE on screener, inform all responders****

If the responses to **ALL** the screening questions are **NO** the ACO will document all responses and use the shorthand comment of **/COVN** in the comments section of CAD, which expands to: **** cacc screener, patient screened NEGATIVE on screener, inform all responders****

If the responses to **ALL** the screening questions are **UNKNOWN** the ACO will document the responses and use the shorthand comments or **/COVU** in the comments section of CAD which expands to: **** cacc screener, patient screened UNKNOWN on screener, inform all responders****

If the responses to the **ALL** screening questions are a combination of **NO** and **UNKNOWN** the ACO will document the responses and use the shorthand comments of **/COVU** which expands to: **** cacc screener, patient screened UNKNOWN on screener, inform all responders****

* Shorthand comments will be used by the ACO Call Taker to document immediately after completing screening questions for all calls except for Standbys and IIDPCI Transfers.

For IIDPCI calls, the ACO should use the information provided by the sending institution related to FREI screening type questions and provide this information to the paramedics. See IIDPCI Cards 32 to 34.

Paramedic and Responder Notifications

If the COVID-19 screening answers produce a positive result **"COVID-19 Screen Positive"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen is positive" and communicate the caller's positive response(s).

If the COVID-19 screening answers produce a negative result **"COVID-19 Screen Negative"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen is negative".

If the COVID-19 screening answers produce an unknown result **"COVID-19 Screen Unknown"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen answers are all unknown".

If the COVID-19 screening answers are a combination of negative and unknowns **"COVID-19 Screen No and Unknown"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen answers are negative and unknown"

Appendix A

Printer Ready COVID-19 Screening Protocol

COVID-19 Screening Questions

Q1: Is the person presenting with fever, or new onset of cough, or difficulty breathing?

*If **YES**: document response and go to **Q2 (COVID-19 Screen Positive)***

*If **NO**: document response and go to **Q2***

*If **UNKNOWN**: document response and go to **Q2***

Q2: Has the person travelled outside of Canada in the past 14 days?

*If **YES**: document response and go to **Q3 (COVID-19 Screen Positive)***

*If **NO**: document response and go to **Q3***

*If **UNKNOWN**: document response and go to **Q3***

Q3: Did the person have close contact with a confirmed or probable case of COVID-19?

*If **YES**: document response and go to **Q4 (COVID-19 Screen Positive)***

*If **NO**: document response and go to **Q4***

*If **UNKNOWN**: document response and go to **Q4***

Q4: Did the person have close contact with anyone with acute respiratory illness in the past 14 days?

*If **YES**: document response and conclude screening protocol (**COVID-19 Screen Positive**)*

*If **NO**: document response and conclude screening protocol*

*If **UNKNOWN**: document response and conclude screening protocol*

Documenting Results of COVID-19 Screening Questions

If the response to **ANY** of the screening questions is **YES** the ACO will immediately document the responses and use the shorthand comment of **/COVP** in the comments section of CAD. Which expands to: **** cacc screener, patient screened POSITIVE on screener, inform all responders****

If the responses to **ALL** the screening questions are **NO** the ACO will document all responses and use the shorthand comment of **/COVN** in the comments section of CAD, which expands to: **** cacc screener, patient screened NEGATIVE on screener, inform all responders****

If the responses to **ALL** the screening questions are **UNKNOWN** the ACO will document the responses and use the shorthand comments or **/COVU** in the comments section of CAD which expands to: **** cacc screener, patient screened UNKNOWN on screener, inform all responders****

If the responses to the **ALL** screening questions are a combination of **NO** and **UNKNOWN** the ACO will document the responses and use the shorthand comments of **/COVU** which expands to: **** cacc screener, patient screened UNKNOWN on screener, inform all responders****

* Shorthand comments will be used by the ACO Call Taker to document immediately after completing screening questions for all calls except for Standbys and IIDPCI Transfers.

For IIDPCI calls, the ACO should use the information provided by the sending institution related to FREI screening type questions and provide this information to the paramedics. See IIDPCI Cards 32 to 34.

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If the COVID-19 screening answers produce a positive result **"COVID-19 Screen Positive"**, the ACO will inform all paramedics and responders that:

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"COVID-19 screen is negative".

If the COVID-19 screening answers produce an unknown result **"COVID-19 Screen Unknown"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen answers are all unknown".

If the COVID-19 screening answers are a combination of negative and unknowns **"COVID-19 Screen No and Unknown"**, the ACO will inform all paramedics and responders that:

"COVID-19 screen answers are negative and unknown"

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Disclosure of COVID-19 Status Information by
Laboratories and Public Health Units**

DATE OF ISSUE:	April 6, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0041
PRIORITY:	High

As part of the effort to support emergency frontline responders and contain the spread of COVID-19, the government has made an emergency order under the *Emergency Management and Civil Protection Act* that would enable police services to obtain COVID-19 status information from specified custodians (i.e., medical officers of health and licensed laboratories). COVID-19 status information consists of name, address, date of birth, and whether the individual has had a positive test result.

Through this emergency order, the government recognizes that it is critical that first responders have access to COVID-19 status information (positive status only) of individuals they are coming into contact with to help protect and reduce the potential spread of the virus to first responders and those they come into contact with in the community.

Please note this will be implemented through a centralized mechanism/application; therefore, outreach to licensed laboratories and Medical Officers of Health is not recommended (refer to Implementation Section below).

-2-

Disclosure to Police Requirements

COVID-19 (positive) status information may be requested by members of police services, including municipal and First Nations police services, and other emergency response personnel (e.g., firefighters and paramedics).

The emergency order will allow police services to request the COVID-19 (positive) status information and require specified custodians to provide it for the 14 days it is in effect (until April 17, 2020) or longer if the emergency order is renewed. The government will continue to assess the need for COVID-19 status information on an ongoing basis.

Personal health information about the COVID-19 (positive) status of an individual must only be used to prevent, respond to or alleviate the effects of the COVID-19 emergency, such as ensuring appropriate measures are taken to protect police personnel when responding to a call. It cannot be used for any other purpose. Consistent with the purpose of the emergency order, policing personnel may continue to confirm the COVID-19 (positive) status information of an individual they have interacted with after the interaction while this emergency order remains in effect. This information is subject to any relevant law with respect to privacy and confidentiality when the declared emergency is terminated, including the *Police Services Act* and, as applicable, the *Municipal Freedom of Information and Protection of Privacy Act* or the *Freedom of Information and Protection of Privacy Act*. The confidentiality and protection of this personal health information is paramount.

This approach ensures consistency with other “premise warnings” issued by communication and dispatch services to first responders to such things as mental health concerns and weapons.

Having access to COVID-19 (positive) status information is one precautionary measure. Police services should also consider information about community spread of COVID-19, and risk assessments should happen for any contact with members of the public including on route to situations and on scene. Police services should also adapt current practices to allow for physical distancing where possible and seek advice from their occupational health and safety/infection prevention and control experts on personal protective equipment based on provincial guidance. Please continue to exercise caution during interactions as there may be times when individuals who are positive for COVID-19 may not have been tested for the virus or may not be showing symptoms that indicate COVID-19.

-3-

Implementation

Centralized Access

The ministry is urgently working with the Ministry of Health to develop an information portal that would enable police services to query COVID-19 status information. Once this mechanism/application becomes available, the ministry will notify police services. As indicated earlier, outreach to licensed laboratories and Medical Officers of Health is not recommended.

The ministry recommends chiefs of police centralize access to COVID-19 status information through their communication and dispatch service to ensure internal control measures are in place for the disclosure of information within the police service and provide oversight by a supervisor. Access to COVID-19 (positive) status information within police services should be limited to the greatest extent possible.

Policies and Procedures

The ministry encourages police services boards to develop policies related to the disclosure of COVID-19 (positive) status information by a chief of police within a police service. The policy should include the circumstances that a chief of police may provide COVID-19 status information to policing personnel and how such information is stored within policing information systems.

The ministry recommends police services boards and chiefs of police institute policies and procedures that prohibit access to COVID-19 (positive) status information at the conclusion of the provincial emergency and ensure destruction of the information as soon as permitted by law.

In addition, chiefs of police should develop procedures on the access to and disclosure of such information, including the need for the supervisor of the police communication and dispatch services to ensure that information is only disclosed within the police service for the protection of officer safety when they are on route to specified calls for service. Please note that clause 6(1)(a) of O. Reg. 3/99 under the *Police Services Act* already requires police communication and dispatch services to be supervised 24 hours a day by a member of a police service.

Communication and Dispatch Service's Screening Protocol

The ministry also encourages chiefs of police to institute a COVID-19 active screening protocol for communication and dispatch services. Call-takers should endeavor to obtain the necessary COVID-19 status information from callers when applicable. Please ensure that policing personnel continue to prioritize the response to calls for service in accordance with the police service's standard procedure.

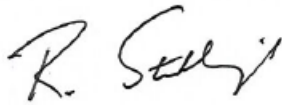
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-4-

To support the development of your screening protocol, I am sharing with you the protocol instituted by the Ministry of Health for Central Ambulance Communications Centres. Please find the protocol attached.

I hope this is of assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
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de sécurité publique25 rue Grosvenor
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Toronto ON M7A 2H3Téléphone: (416) 314-3377
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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Basic Constable Training (BCT) May 2020 Intake –
Update**

DATE OF ISSUE:	April 6, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0042
PRIORITY:	High

As you know, the Ministry of the Solicitor General has been closely monitoring the COVID-19 situation as it continues to evolve.

Further to All Chiefs Memo 20-0020, we would like to confirm that the Basic Constable Training (BCT) intake (BCT classes 2011-2020), scheduled to commence on May 6, 2020, **will not** be proceeding and will be deferred to a later date.

The Ontario Police College (OPC) has reconvened the Executive Education and Training Advisory Group (EETAG) to discuss options for future BCT intakes, including where required, possible alternative service delivery options (e.g., online learning, in-service training). Those meetings are still underway and further information related to the next intake will be communicated in the near future.

We thank you for your patience and understanding during this rapidly evolving situation.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

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Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Authorized Users for Disclosure of COVID-19 Status
Information to Communication and Dispatch Centres**

DATE OF ISSUE:	April 9, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0044
PRIORITY:	High

Further to All Chiefs Memo 20-0041, the Ministry of the Solicitor General (ministry) is developing an online look-up solution for authorized communication and dispatch personnel (authorized users) to access COVID-19 status information (*i.e., name, address, date of birth and whether the individual has had a positive test result for COVID-19*). The look-up solution is intended to enable authorized users in communication and dispatch centres to query COVID-19 status information. Further, the authorized users will be able to provide notice of COVID-19 status information to first responders (*e.g., if there is a known risk of COVID-19 for an individual and/or location they may be attending or have attended*). The intent is to make the information available as soon as possible.

Authorized User List

As part of the effort to support your frontline personnel, the ministry requires a list of authorized users to ensure the security of the platform and protection of the sensitive personal health information. The list of authorized users should be limited to only individuals in your police services who perform communication and dispatch functions and would be directly involved in communicating COVID-19 status information to frontline personnel. The ministry does not intend to grant access to policing personnel that are not directly involved in this process.

-2-

Please send your list of authorized users to Savio Pereira, Standards Development Officer, at Savio.Pereira@ontario.ca by **April 9, 2020 at 5:30pm EST** using the attached spreadsheet.

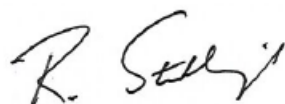
The ministry will provide additional communication as more detailed information about the look-up service becomes available.

Retention, Disclosure and Security of Personal Health Information

Please note that any alerts/flags using the COVID-19 status information in your computer-aided dispatch (CAD) systems should be set to a default expiry date. This date should coincide with *the day the declared provincial emergency ceases to be in effect*. In addition, please ensure that COVID-19 status information obtained through the ministry's solution is not entered into the Canadian Police Information Centre (CPIC), your police service's records management system, or any other databases, including intelligence databases.

Please keep COVID-19 status information contained with your communication and dispatch centres and only disclose this information when needed to support frontline policing personnel in making informed decisions about whether they need to take additional precautions to prevent the spread of COVID-19 when responding to calls for service while the emergency order is in effect.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

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Public Safety Training Division25 Grosvenor St.
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de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Changes to Use of Force and Firearms Training
Requirements During Declaration of Provincial
Emergency**

DATE OF ISSUE:	April 9, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0045
PRIORITY:	High

As part of the continued effort to contain the spread of COVID-19 and provide law enforcement personnel with the tools to do their jobs, the government has made an emergency order under the *Emergency Management and Civil Protection Act* (EMCPA) to change use of force and firearms training requirements.

[O. Reg.132/20](#) allows chiefs of police to authorize members of a police service to perform duties involving the use of force or to carry a firearm, provided the member has received the training required under the Equipment and Use of Force Regulation (R.R.O. 1990, Reg. 926) within the 24 month period before the authorization is made, instead of the usual 12 months (e.g., if an officer received use of force and firearm training on April 1, 2019, the officer would be able to perform policing duties despite not “requalifying” on April 1, 2020).

The emergency order will remain in effect for the duration of the declaration of provincial emergency. The chief of police’s authorization would remain in effect as long as the order remains in effect, unless the chief revokes the authorization sooner.

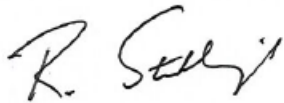
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Allowing members to use force and carry firearms if they received training in the previous 24 months will also enable police services boards to reappoint recently retired policing personnel who received training within the past 24 months. This order will support police services boards and chiefs of police in ensuring the continued delivery of public safety services through the duration of the COVID-19 outbreak.

In anticipation of the future backlog of requalification needs once the emergency is over and the 24-month rule no longer applies, the ministry is also exploring changes to the Equipment and Use of Force Regulation under the *Police Services Act* to extend the timeframe for requalification to ensure a seamless transition to a regular training schedule on use of force.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

**Ministry of the
Attorney General**

Office of the Assistant Deputy
Attorney General

Policy Division

McMurtry-Scott Building
720 Bay Street, 7th Floor
Toronto ON M7A 2S9

Tel: 416 212-5365
Fax: 416 326-2699

**Ministère du
Procureur général**

Bureau du sous-procureur
général adjoint

Division des politiques

Édifice McMurtry-Scott
720, rue Bay, 7e étage
Toronto ON M7A 2S9

Tél. : 416 212-5365
Télec. : 416 326-2699

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

FROM: Jane Mallen
A/Assistant Deputy Attorney General
Policy Division
Ministry of the Attorney General

DATE: April 9, 2020

SUBJECT: **Emergency Order – Cannabis Retail Delivery and
Curbside Pick-up**

As you are aware, Ontario has ordered the closure of non-essential businesses until April 18, 2020, with possible extension, based on the advice of Ontario's Chief Medical Officer of Health to stop the spread of COVID-19 and protect the health and well-being of all Ontarians. Private cannabis retail stores are among the businesses that were ordered to close as of April 4, 2020.

Under the *Cannabis Licence Act, 2018* private cannabis retail stores are not permitted to provide delivery and/or curbside pick-up services, unlike other non-essential businesses which can continue operating remotely. As such an emergency order has been approved to temporarily enable private cannabis retail stores in Ontario to provide delivery and curbside pick-up services in the province. This will help support the government's objective of combatting the illegal market by maintaining access to safe and regulated recreational cannabis for consumers in Ontario.

These changes came into effect on April 7, 2020 and will last until April 21, 2020, with the possibility of extension.

Please find below certain key requirements included in the emergency order:

- Products for delivery and curbside pick-up are limited to cannabis and other products permitted for sale at a cannabis retail store (i.e., cannabis accessories, shopping bags, and any item other than a cannabis accessory that relates in

some direct way to cannabis or its use, but not including any food or drink that is not cannabis).

- Permitted hours of sale, delivery and curbside pick-up are between the hours of 9 a.m. and 11 p.m. seven days a week.
- Retailers are required to verify the identification of any individual who appears to be under the age of 25. Section 7 of the *Cannabis Control Act, 2017* prohibits anyone from knowingly selling or distributing cannabis to an individual under the age of 19 and that continues to apply.
- Cannabis must be provided in its original packaging and delivered to the customer in a way that ensures the contents are not visible to minors.
- The cannabis retail store must receive payment, online or by telephone, for the cannabis and other items purchased before they are picked up or delivered.
- With respect to curbside pick-up, the location for picking up the cannabis and other purchased items must be an outdoor area in close proximity to the retail store. Customers are not allowed into the store. Further, the individual picking up the cannabis must be the same individual who purchased the cannabis.
 - The Alcohol and Gaming Commission of Ontario's (AGCO's) Registrar's Standards require that cannabis only be distributed in areas that are clearly captured by the store's surveillance cameras.
- With respect to delivery, retailers are not permitted to use the services of a third-party; all deliveries must be completed by the licence holder or their employee(s). Further, cannabis must be delivered to the residential address specified in the order and to the purchaser or another person who lives at the address who is at least 19 years of age.
- The Emergency Order permits First Nation communities to request that delivery and/or curbside pick-up not be permitted on their reserve.

Please see the [Emergency Order](#) for further detail.

In addition to the requirements set out in the Emergency Order, the AGCO, Ontario's provincial regulator for private cannabis retail, has established Registrar's Standards to ensure the continued safe and responsible sale of cannabis through these temporary delivery and curbside pick-up services. **It should be noted that compliance with AGCO Registrar's Standards is a requirement under the *Cannabis Licence Act, 2018*, not part of the Emergency Order. As such, compliance with the Registrar's Standards would continue to only be enforced by AGCO compliance officials.**

For more information, you may also wish to see the AGCO's related [Information Bulletin](#).

I would ask that you please bring this memorandum to the attention of the policing community. If policing services would like to discuss these changes, they may contact Alexander Bishop, A/Director, Legalization of Cannabis at Alexander.Bishop2@ontario.ca.

Thank you for your assistance in communicating these changes.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jane Mallen".

Jane Mallen
A/Assistant Deputy Attorney General
Policy Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **O. Reg. 128/20 - Pick Up and Delivery of Cannabis**

DATE OF ISSUE:	April 9, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0046
PRIORITY:	High

At the request of the Ministry of the Attorney General, I am sharing a communication regarding an emergency order ([O. Reg. 128/20](#)) made under the *Emergency Management and Civil Protection Act* (EMCPA) that temporarily enables private licensed cannabis retail stores in Ontario to provide delivery and curbside pick-up services in Ontario.

Please review the attached memo from A/Assistant Deputy Attorney General, which provides further detail on the emergency order, including details on delivery and curbside pick-up parameters.

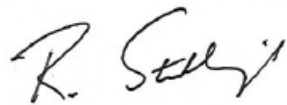
Please note: while the legal sale of cannabis is generally enforced by the Alcohol and Gaming Commission of Ontario (AGCO), as an emergency order under the EMCPA, this order may also be enforced by provincial offences officers.

In addition to the requirements set out in the Emergency Order, the AGCO, Ontario's provincial regulator for private cannabis retail, has established Registrar's Standards to ensure the continued safe and responsible sale of cannabis through these temporary delivery and curbside pick-up services. **It should be noted that compliance with AGCO Registrar's Standards is a requirement under the *Cannabis Licence Act, 2018*, not part of the Emergency Order. As such, compliance with the Registrar's Standards would continue to only be enforced by AGCO compliance officials.**

-2-

If you require further information on this order, please contact Alexander Bishop at Alexander.Bishop2@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: Collection of Enforcement Data related to the Emergency
Orders under the *Emergency Management and Civil
Protection Act*

DATE OF ISSUE:	April 12, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0047
PRIORITY:	High

Further to All Chiefs Memo 20-0028, the Ministry of the Solicitor General (ministry) is coordinating province-wide reporting on enforcement of the *Emergency Management and Civil Protection Act* (EMCPA) in response to COVID-19. This reporting will help track the enforcement of the emergency orders under the EMCPA and assist in other areas of emergency management.

The data being requested includes:

- **Occurrence record data**, which is intended to capture record-level data as extracted from Record Management Systems; and
- **Other aggregated data** (as available), which is intended to capture data that may not have individual records available but is relevant to enforcement efforts. Examples include calls related to COVID-19 or the number of individuals who received education from officers related to EMCPA emergency orders.

The ministry is requesting that police services boards and chiefs of police submit data related to their enforcement of the EMCPA in accordance with the format of the attached template spreadsheet on a **weekly basis**. The spreadsheet includes technical instructions to support the extraction of this information. Please provide your first submission by **Tuesday, April 14, 2020 at 1:00 p.m. EST** and on each Tuesday by 1:00 p.m. EST every week thereafter.

-2-

Reporting should cover each week preceding the reporting date, with the week starting on Sundays and ending on Saturdays (e.g., for the April 14th report, please report on the period covering April 5-11, inclusive). For further details, please refer to the "Instructions" tab within the attached template.

Please note, the ministry will **not** be sending a fresh template for weekly entry. Services are expected to populate the template attached on a weekly basis.

Please email the completed template using OPP-PKI encryption to Keith Drakeford, Senior Statistics Advisor at Keith.Drakeford@ontario.ca. If you prefer an alternate method of submission, please contact Keith by email.

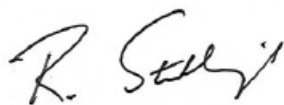
If you have any questions regarding the submission requirements, or any technical questions, please contact Jeanette Gorzkowski, Analytics Unit Manager, at (437) 928-7427 or Jeanette.Gorzkowski@ontario.ca.

The ministry will rely on the information you submit to inform the government's response to COVID-19, including tracking enforcement approaches. To ensure the accuracy and completeness of the information, the ministry may request additional information or update its collection approach.

Please note that the collection, retention, and disclosure of information will be carried out in accordance with all applicable legislation.

The ministry appreciates your continued efforts and is aware of the multiple requests for information from your police services in a short period of time. We are exploring options on how to best streamline and coordinate these requests.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Launch of the First Responders COVID-19 Risk Look-Up
Web Portal**

DATE OF ISSUE:	April 13, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0048
PRIORITY:	High

Further to All Chiefs Memos 20-0041 and 20-0044, I am pleased to inform you that the Ministry of the Solicitor General (ministry) has launched the First Responders COVID-19 Risk Look-Up web portal (the Portal). The Portal includes information about the COVID-19 status of specific individuals (i.e., *name, address, date of birth, and whether the individual has had a positive test result*).

The ministry will only provide access to the Portal for authorized users identified by police services who are involved in communication and dispatch centres. This restrictive approach is to protect personal health information from unauthorized access and use, and to promote compliance with the *Emergency Management and Civil Protection Act* (EMCPA). The EMCPA requires that information shared pursuant to the emergency order *only* be used to prevent, respond to or alleviate the effects of the emergency. The EMCPA also requires that any information-sharing authorized under the emergency order occur in a manner that limits its intrusiveness.

The ministry requests that police services boards and chiefs of police ensure this information is secured appropriately at communication and dispatch centres. Information should only be disclosed when needed to support frontline policing personnel in making informed decisions about whether to take additional precautions to prevent the spread of COVID-19 when responding to calls for service while the emergency order is in effect.

-2-

Please note that having access to COVID-19 status information is only one tool to assist frontline personnel when taking appropriate precautions. It is important to continue to exercise caution and seek advice from local public health units on precautionary measures to take during interactions with the public. There may be situations where an individual may have COVID-19 but has not had a positive test, or when information about a positive test result is not immediately available. Individuals may also be able to spread COVID-19 without showing any symptoms.

For more information on the limitations of the information in the Portal, please refer to the user guide provided to authorized users.

Avoid Outreach to Specified Custodians

Police services boards and chiefs of police should ensure that policing personnel **do not contact** specified custodians (i.e., licensed laboratories and Medical Officers of Health (public health units)) for COVID-19 status information. This information is accessible through the Portal and will be updated as information becomes available.

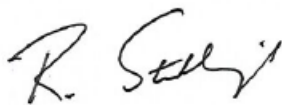
As a result of specified custodians providing the Ministry of Health with the COVID-19 status information to be made available through the Portal, pursuant to [O. Reg. 120/20](#), these specified custodians are no longer required to provide that information directly to policing personnel upon request (e.g., police officers, First Nations Constables, special constables, etc.).

Like policing personnel, laboratories and public health units are on the front line responding to and helping contain the spread of COVID-19. It is important they focus on their critical public health mandate rather than on responding to various queries from policing personnel now that the Portal is available.

I appreciate your patience through the development of the Portal and I thank you for your commitment to supporting the health and well-being of Ontarians. If you have any questions about the Portal, please contact Savio Pereira at Savio.Pereira@ontario.ca.

I trust that this information will be of assistance.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

**Ministry of Government and
Consumer Services**

Office of the Assistant Deputy
Minister, Central Services Division

777 Bay Street, 15th Floor,
Toronto ON M7A 2J3

Telephone: 416-325-2857

**Ministère des Services
gouvernementaux et des Services
aux consommateurs**

Bureau de la sous-ministre adjointe de
la Division des services centraux

777, rue Bay, 15^e étage,
Toronto ON M7A 2J3

Téléphone : 416-325-2857



Memorandum

To: Richard Stubbings, Assistant Deputy Minister, Public Safety Division

Date: April 13, 2020

Subject: Emergency Temporary Regulation to Extend Accessible Parking Permit
Validity Dates

In response to the state of emergency declared in Ontario due to the COVID-19 outbreak, the Ministry of Government and Consumer Services has developed a temporary emergency regulation under Part III of the Highway Traffic Act (HTA) (s. 5(1) of O. Reg. 581).

The new regulation extends the validity of accessible parking permits (APPs) until the emergency regulation is revoked. As of March 26, 2020, all APPs that expired on or after March 17, 2020 are considered valid and can be used as normal. This means individuals do not need to renew their permits in person, helping to keep vulnerable Ontarians safe.

Please advise police services. Should anyone in police services require more information on this regulation please refer them to [Regulation 581 of the HTA \(https://www.ontario.ca/laws/regulation/900581\)](https://www.ontario.ca/laws/regulation/900581) or email APPServices@Ontario.ca.

Alexandra Schmidt

Alexandra Schmidt
A/Assistant Deputy Minister
Central Services Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Emergency Temporary Regulation to Extend Accessible
Parking Permit Validity Dates**

DATE OF ISSUE:	April 13, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0049
PRIORITY:	High

At the request of the Ministry of Government and Consumer Services, I am sharing a communication regarding the temporary extension of validity for accessible parking permits (APPs).

Please review the attached memo from A/Assistant Deputy Minister Alexandra Schmidt, which provides further detail on this emergency [regulation](#) under the *Highway Traffic Act*.

If you require further information, please contact APPServices@Ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of Health

COVID-19 Provincial Testing Guidance Update

April 8, 2020

As the COVID-19 outbreak continues to evolve and laboratory testing capacity has increased, Ontario's provincial testing guidance is also being updated.

It is expected that this guidance will be consistently applied across all regions in Ontario.

This guidance adds to the initial COVID-19 Public Health Guidance on Testing and Clearance issued March 25, 2020. This information is current as of April 8, 2020.

Additional guidance is expected to be provided in the coming days to further increase the testing of Ontarians. Today's updated guidance will firstly focus on vulnerable populations and health care workers, caregivers, and first responders.

There are four updates to the guidance provided in this document:

1. **Hospital inpatients and residents living in long-term care homes and retirement homes**
2. **Health care workers/caregivers/care providers/first responders**
3. **Remote/Isolated/Rural/Indigenous communities**
4. **Priorities in situations of resource shortages**

1. Hospital Inpatients and Residents Living in Long-Term Care and Retirement Homes

Definition: Patients requiring/likely requiring inpatient admission. This does not include outpatients.

OR

Residents living in either long-term care/nursing homes or retirement homes:

- **Long-term care/nursing homes:** Health care homes designed for adults who need access to on-site 24-hour nursing care and frequent assistance with activities of daily living
- **Retirement homes:** Privately-owned, self-funded residences that provide rental accommodation with care and services for seniors who can live independently with minimal to moderate support

Testing Guidance:

Following active surveillance, any patient/resident with the following, should be tested:

Symptomatic patients/residents in line with the provincial case definition, who are experiencing one of the following symptoms revised from previous guidance:

- Fever (Temperature of 37.8°C or greater); OR
- Any new/worsening acute respiratory illness symptom (e.g. cough, shortness of breath (dyspnea), sore throat, runny nose or sneezing, nasal congestion, hoarse voice, difficulty swallowing); OR
- Clinical or radiological evidence of pneumonia.

Atypical presentations of COVID-19 should be considered, particularly in elderly persons. For a list of potential atypical symptoms, please see Appendix.

Asymptomatic patients: Testing of asymptomatic new admissions or re-admissions to a long-term care home or retirement home should be performed within the first 14 days under the direction of the overseeing clinician. Patients transferred from hospital to a long-term care home should be tested prior to the transfer. A negative result does not rule out the potential for incubating illness and all patients should remain under a 14-day self-isolation period following transfer.

In the event of a symptomatic resident in an institutional setting (e.g. long-term care home, retirement home, shelter, mental health institution, prison, hospice and other congregate living settings), asymptomatic residents living in the same room should be tested immediately along with the symptomatic resident. A negative result does not rule out the potential for incubating illness and all close contacts should remain under a 14-day self-isolation period following contact.

In the event of an outbreak of COVID-19 in a long-term care home or retirement home asymptomatic contacts of a confirmed case, determined in consultation with the local public health unit, should be tested including:

- All residents living in adjacent rooms
- All staff working on the unit/care hub
- All essential visitors that attended at the unit/care hub
- Any other contacts deemed appropriate for testing based on a risk assessment by local public health

Local public health may also, based on a risk assessment, determine whether any of the above-mentioned individuals do not require testing (e.g. a resident that has been in self-isolation during the period of communicability).

2. Healthcare Workers/Caregivers/Care Providers/First Responders

This section applies to healthcare workers, caregivers (i.e. volunteers, family members) and care providers (e.g., employees, privately-hired support workers) and first responders.

Testing Guidance:

All healthcare workers, caregivers and care providers, as well as first responders, should be tested as soon as is feasible, if they develop any symptom compatible with COVID-19, including atypical symptoms (see Appendix).

3. Remote/Isolated/Rural/Indigenous Communities

Testing Guidance:

Testing should be offered to individuals who are experiencing one of the following symptoms:

- Fever (Temperature of 37.8°C or greater); OR
- Any new/worsening acute respiratory illness symptom (e.g. cough, shortness of breath (dyspnea), sore throat, runny nose or sneezing, nasal congestion, hoarse voice, difficulty swallowing); OR
- Clinical or radiological evidence of pneumonia.

Atypical presentations of COVID-19 should be considered, particularly in elderly persons and children. For a list of potential atypical symptoms, please see Appendix.

In the event of a confirmed case of COVID-19 in a remote, isolated, rural or Indigenous community testing of contacts can be considered in consultation with the local public health unit.

4. Priorities in Situations of Resource Limitations

All facilities conducting testing should ensure an appropriate amount of swabs are available and exercise prudence when ordering swabs to ensure an equitable distribution across the province. Where there are shortages of testing supplies, the following groups should be **prioritized** for testing within 24 hours to inform public health and clinical management for these individuals:

- Symptomatic health care workers (regardless of care delivery setting) and staff who work in health care facilities
- Symptomatic residents and staff in Long Term Care facilities and retirement homes and other institutional settings e.g. Mental Health institutions and homeless shelters (as per outbreak guidance)
- Hospitalized patients admitted with respiratory symptoms (new or exacerbated)
- Symptomatic members of remote, isolated, rural and/or indigenous communities
- Symptomatic travellers identified at a point of entry to Canada
- Symptomatic first responders (i.e. firefighters, police)
- Individuals referred for testing by local public health

Reminders:

- Testing of asymptomatic patients, residents or staff is generally not recommended.
- Despite this guidance, clinicians may continue to use their discretion to make decisions on which individuals to test.

Appendix:

Atypical Symptoms/Signs of COVID-19

Symptoms

- Unexplained fatigue/malaise
- Delirium (acutely altered mental status and inattention)
- Falls
- Acute functional decline
- Exacerbation of chronic conditions
- Digestive symptoms, including nausea/vomiting, diarrhea, abdominal pain
- Chills
- Headaches
- Croup

Signs

- Unexplained tachycardia, including age specific tachycardia for children
- Decrease in blood pressure
- Unexplained hypoxia (even if mild i.e. O₂ sat <90%)
- Lethargy, difficulty feeding in infants (if no other diagnosis)

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update on COVID-19 Preparations and Actions to
Manage Disease Spread**

DATE OF ISSUE:	April 14, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0050
PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that as part of the response to stop the spread of COVID-19 and protect the health of Ontarians, the government is implementing an enhanced suite of public health measures based on recommendations from Ontario's Chief Medical Officer of Health.

Based on these recommendations, beginning immediately, the Ministry of Health (MOH) is implementing a new lab testing strategy to utilize testing capacity in the system, support further population testing and contain outbreaks.

As part of this work, the MOH has updated the COVID-19 Provincial Testing Guidance (see attached COVID-19 Testing Guidance Update) to focus on vulnerable populations, health care workers, caregivers, and first responders, in particular:

- All health care workers, caregivers and care providers, as well as **first responders (e.g., police, firefighters)**, should be tested as soon as is feasible, if they develop any symptom compatible with COVID-19, including atypical symptoms.
- All facilities conducting testing have also been advised that where there are shortages of testing supplies, symptomatic first responders including police are included in the group prioritized for testing within 24 hours.

-2-

These guidelines are attached and can also be found on the Ministry of Health's website accessible through the following link:

http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/2019_covid_testing_guidance.pdf

Also based on these recommendations, Ontario's Chief Medical Officer of Health will be:

- Issuing new guidance on the use of cloth (non-medical) masks by members of the public where physical distancing is a challenge or not possible, and ensuring that the use of medical masks is reserved for health care workers, **emergency responders (e.g., police, firefighters)**, and individuals who need to leave their homes for essential reasons;

Note: Please reference current guidance on PPE for first responders including that N95 Respirators are to be used for aerosol generating medical procedures.

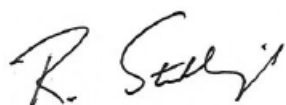
- <https://www.publichealthontario.ca/-/media/documents/ncov/evidence-brief/eb-covid-19-first-responders.pdf?la=en>
- <https://www.publichealthontario.ca/-/media/documents/ncov/ipac/report-covid-19-aerosol-generation-coughs-sneezes.pdf?la=en>

- Considering additional public health measures based on further advice from the Public Health Measures Table (e.g., public gatherings, enhanced protections for essential businesses, urban/rural travel).

We will continue to keep you apprised of actions taken in these key areas and work with you to ensure law enforcement personnel have the tools to do their jobs.

Thank you for your continued support.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Clarification of Application of O. Reg. 104/20: Closure of
Outdoor Recreational Amenities to Beaches**

DATE OF ISSUE:	April 15, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0051
PRIORITY:	High

Further to All Chiefs Memorandum 20-0038, I am writing to clarify how [O. Reg. 104/20](#), regarding the closure of outdoor recreational amenities, applies to beaches.

Access to outdoor recreational amenities, including those at beaches, is prohibited by order of the province, and, in some cases, may also be prohibited by way of a decision by a municipality. Signs may be posted, but where they are not, individuals are still responsible for being aware of existing limits on use.

O. Reg. 104/20 does not prohibit entry to or use of beaches generally. However, all outdoor recreational amenities located on beaches are prohibited from entry or use, regardless of whether they are publicly or privately owned. For example, individuals are not permitted to enter or use playgrounds at beaches, portions of beaches containing sports and fitness amenities such as beach volleyball courts, picnic sites, benches, and shelters at beaches, unless entry or use is for a maintenance, safety, law enforcement or other similar purpose. A full list of outdoor recreational amenities that are closed and prohibited from entry or use, whether on beaches or elsewhere, can be found in [O. Reg. 104/20](#).

Individuals may continue to walk through or use areas of beaches that are not otherwise prohibited from use or closed, for example, to exercise or walk pets. Individuals should be encouraged to maintain a safe physical distance of at least two metres from others.

-2-

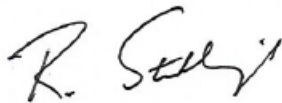
Beaches must not be used to engage in organized public events or social gatherings of more than five (5) people, in accordance with the requirements of [O. Reg. 52/20](#).

Please note that this information also applies to parks and other recreational areas (e.g., green spaces, walking pathways) that are not explicitly prohibited from entry or use under O. Reg. 104/20. Note that Ontario's provincial parks and conservation reserves remain closed.

Officers are encouraged to undertake a graduated approach to enforcement of this and other emergency orders; the approach should consider the severity of the specific situation and the Government of Ontario's public health intent to contain the spread of COVID-19. The graduated approach to enforcement may include educational messaging around the emergency order, specific warnings, the issuance of a ticket under Part I of the *Provincial Offences Act* (POA) or a summons under Part III of that Act.

I trust this information is of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings', with a stylized flourish at the end.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Updates on *Quarantine Act* (Canada): Compliance
Verifications and Contraventions Regulations**

DATE OF ISSUE:	April 16, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0052
PRIORITY:	High

Further to All-Chiefs Memo 20-0037, I want to provide you an update on the implementation of the federal emergency order (*Minimizing the Risk of Exposure to COVID-19 in Canada Order* [Mandatory Isolation Order]) under the *Quarantine Act* (Canada).

As you are aware, the Mandatory Isolation Order came into effect on March 25, 2020 and will be in force until June 30, 2020. Subsection 2(1) of the Mandatory Isolation Order requires any person entering Canada to isolate themselves without delay for 14 days and to monitor for signs and symptoms of COVID-19 until the expiry of the 14-day period. There are limited exceptions to this order for certain individuals and classes of persons, provided they are not exhibiting signs and symptoms on their arrival.

Nationally, the Public Health Agency of Canada (PHAC) administers the *Quarantine Act* (Canada) and is leading the enforcement of the Mandatory Isolation Order. PHAC has requested the assistance of police services in conducting physical verifications of specified individuals (*i.e., those deemed to be high priority*) that are subject to the Mandatory Isolation Order.

-2-

PHAC has notified the Ministry of the Solicitor General (ministry) that it will provide a list of travellers that are subject to the Mandatory Isolation Order to the Ontario Provincial Police (OPP) via the Royal Canadian Mounted Police (RCMP). Travellers will be assigned two priority levels (high priority or normal priority) or be included as N/A for informational purposes only (normal priority and N/A assigned individuals are still subject to the federal order, however, are not required to be checked by police).

A priority level (either high or normal) for travellers will be based on indicators gathered from verification call(s) or from other sources, such as information referenced at time of screening at a point of entry. In cases where a Quarantine Officer confirms or suspects non-compliance with the Mandatory Isolation Order, or is unable to establish contact with the traveller after multiple attempts, the priority level will be identified as high. In addition, all symptomatic travellers will be identified as high priority.

Compliance Verification: OPP as the Provincial Lead

As the ministry was building its provincial approach, the OPP conducted compliance verifications across Ontario on behalf of local police services of jurisdiction. The OPP also notified those impacted police services.

Moving forward, to effectively manage and streamline reporting on compliance verifications done by police services, the ministry has designated the Ontario Provincial Police as the lead police service.

The OPP will provide the list of individuals deemed “high priority” and “normal priority” to the applicable police service of jurisdiction through the Emergency Operations Centre. The ministry expects each police service to conduct its own compliance verification for those deemed “high priority” and report back to the OPP on a consistent basis. The OPP will roll up those compliance verification reports and notify PHAC of the results.

To support the OPP’s efforts in disseminating the list of priority individuals, please provide contact information (i.e., first name, surname, phone number and email address) for your police service’s lead to OPP.GHQ.EOC@opp.ca by **April 20, 2020 at 12:00pm EST**.

If your police service has received a call for service in relation to a person who is suspected of being subject to the Mandatory Isolation Order, you may call PHAC at the dedicated phone line for policing personnel to confirm the status of that individual at **613-614-4754** (see below for more information).

If your police service finds non-compliance with the Mandatory Isolation Order, please use your discretion with respect to appropriate enforcement actions. The ministry and PHAC encourage police services to take a progressive approach to enforcement, including by providing education to individuals on their obligations and the public health impetus for self-isolation. Charging an individual under the *Quarantine Act* (Canada) should be a measure of last resort.

Contraventions Regulations

On April 11, 2020, the Government of Canada amended the [Contraventions Regulations](#) by adding a new Schedule XVI (*Quarantine Act*). The amendments came into force on April 11, 2020 and were published in [Part II of the Canada Gazette under SOR/2020-86](#) on April 14th, 2020. The amendments will enable policing personnel to issue tickets under the *Provincial Offences Act* (POA) for the most likely contravention of section 58 of the *Quarantine Act* (Canada).

Section	Short-form Description	Set Fine
58	Failure to comply with an order prohibiting or subjecting to any condition the entry into Canada	\$1000

Police services can obtain ticket books from their local POA court office in order to issue charges under the *Quarantine Act* (Canada). Please note that if policing personnel already issue tickets under the POA (e.g., traffic, bylaw or other POA offences), they would have the most current version of these tickets and do not need to obtain new ticket books.

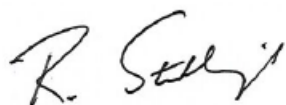
Prior to charging an individual subject to the Mandatory Isolation Order, chiefs of police should ensure that policing personnel consult, via the appropriate internal procedures, with PHAC at **613-614-4754**. Please note that this phone number is only for policing personnel and should be kept confidential.

The administrative processes of the POA apply to this new offence; however, because of the declared provincial emergency, and pursuant to [O. Reg. 73/20](#) under the *Emergency Management and Civil Protection Act* (EMCPA), all timelines and limitation periods identified in any provision of any statute, regulation, rule, by-law or order of the Government of Ontario have been suspended.

In addition, please note that the Ontario Court of Justice has closed its facilities to the public and any scheduled POA matters has been adjourned for the foreseeable future. To file a certificate of offences, please contact your local court administrator. They will provide you guidance on any new processes.

Thank you for your continued assistance.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

COPIES

Schedule 74

Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Business entity employing private investigator— fail to register as employer as required	clause 5 (a)	\$250.00	\$50.00	\$300.00
2	Business entity employing security guard — fail to register as employer as required	clause 5 (a)	\$250.00	\$50.00	\$300.00
3	Business entity employing private investigator— fail to give Registrar mailing address for service in Ontario	clause 5 (b)	\$100.00	\$20.00	\$120.00
4	Business entity employing security guard — fail to give Registrar mailing address for service in Ontario	clause 5 (b)	\$100.00	\$20.00	\$120.00
5	Business entity employing private investigator— fail to notify Registrar within five days after change in mailing address	clause 5 (b)	\$100.00	\$20.00	\$120.00
6	Business entity employing security guard — fail to notify Registrar within five days after change in mailing address	clause 5 (b)	\$100.00	\$20.00	\$120.00
7	Act or hold out as private investigator without appropriate licence	section 6	\$150.00	\$25.00	\$175.00
8	Act or hold out as security guard without appropriate licence	section 6	\$150.00	\$25.00	\$175.00
9	Act or hold out as private investigator — not employed as required and not sole proprietor or partner of licensed business entity	section 6	\$150.00	\$25.00	\$175.00
10	Act or hold out as security guard — not employed as required and not sole proprietor or partner of licensed business entity	section 6	\$150.00	\$25.00	\$175.00
11	Sell or hold out as available to sell services of private investigator without appropriate licence	clause 7 (1) (a)	\$250.00	\$50.00	\$300.00
12	Sell or hold out as available to sell services of security guard without appropriate licence	clause 7 (1) (a)	\$250.00	\$50.00	\$300.00
13	Sell services of private investigator from more than one place — main office or branch office not designated	subsection 7 (2)	\$150.00	\$25.00	\$175.00
14	Sell services of security guard from more than one place — main office or branch office not designated	subsection 7 (2)	\$150.00	\$25.00	\$175.00
15	Act or offer services under licence without Registrar consent after change in officers	subsections 8 (1) and (2)	\$150.00	\$25.00	\$175.00
16	Act or offer services under licence without Registrar consent after change in directors	subsections 8 (1) and (2)	\$150.00	\$25.00	\$175.00
17	Act or offer services under licence without Registrar consent after change in partners	subsections 8 (1) and (2)	\$150.00	\$25.00	\$175.00
18	Licensee — act or hold out as available to act with respect to collection of accounts	clause 9 (1) (a)	\$150.00	\$25.00	\$175.00
19	Licensee — act or hold out as available to act as bailiff	clause 9 (1) (b)	\$150.00	\$25.00	\$175.00
20	Licensee — act or hold out as available to act with respect to eviction under the <i>Residential Tenancies Act, 2006</i>	clause 9 (1) (c)	\$150.00	\$25.00	\$175.00
21	Act or offer services under licence — does not have clean criminal record	subsection 10 (2)	\$150.00	\$25.00	\$175.00
22	Act or offer services under licence — is not entitled to work in Canada	subsection 10 (2)	\$150.00	\$25.00	\$175.00
23	Fail to return licence to Registrar as required after ceasing to meet licensing requirement	subsection 10 (2)	\$100.00	\$20.00	\$120.00
24	Act as security guard and private investigator at same time	paragraph 3 of section 12	\$100.00	\$20.00	\$120.00
25	Licensee — fail to attend meeting required by facilitator	subsection 19 (8)	\$100.00	\$20.00	\$120.00
26	Obstruct investigator	subsection 22 (7)	\$250.00	\$50.00	\$300.00
27	Withhold something relevant from investigator	subsection 22 (7)	\$250.00	\$50.00	\$300.00
28	Conceal something relevant to investigation	subsection 22 (7)	\$250.00	\$50.00	\$300.00
29	Alter something relevant to investigation	subsection 22 (7)	\$250.00	\$50.00	\$300.00
30	Destroy something relevant to investigation	subsection 22 (7)	\$250.00	\$50.00	\$300.00
31	Person not on premises — fail to produce something required by investigator	subsection 22 (8)	\$150.00	\$25.00	\$175.00
32	Person not on premises — fail to assist investigator to produce material in readable form	subsection 22 (8)	\$150.00	\$25.00	\$175.00
33	Person on premises — fail to produce something required by inspector	subsection 27 (5)	\$150.00	\$25.00	\$175.00
34	Person on premises — fail to assist inspector to produce material in readable form	subsection 27 (5)	\$150.00	\$25.00	\$175.00
35	Obstruct inspector	subsection 27 (6)	\$250.00	\$50.00	\$300.00
36	Withhold something relevant from inspector	subsection 27 (6)	\$250.00	\$50.00	\$300.00
37	Conceal something relevant to inspection	subsection 27 (6)	\$250.00	\$50.00	\$300.00
38	Destroy something relevant to inspection	subsection 27 (6)	\$250.00	\$50.00	\$300.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

39	Licensed business entity — fail to carry liability insurance as required	section 30	\$400.00	\$85.00	\$485.00
40	Business entity — employ private investigator who does not have appropriate licence	section 31	\$250.00	\$50.00	\$300.00
41	Business entity — employ security guard who does not have appropriate licence	section 31	\$250.00	\$50.00	\$300.00
42	Licensee — fail to file mailing address for service	paragraph 1 of section 32	\$100.00	\$20.00	\$120.00
43	Licensee — fail to inform Registrar in writing within five business days after change in mailing address for service	paragraph 1 of section 32	\$100.00	\$20.00	\$120.00
44	Licensee — fail to file mailing address of branch office	paragraph 2 of section 32	\$100.00	\$20.00	\$120.00
45	Licensee — fail to inform Registrar in writing within five business days after change in mailing address of branch office	paragraph 2 of section 32	\$100.00	\$20.00	\$120.00
46	Licensee — fail to file street address of office or branch office where different from mailing address	paragraph 3 of section 32	\$100.00	\$20.00	\$120.00
47	Licensee — fail to inform Registrar in writing within five business days after change in street address of office or branch office	paragraph 3 of section 32	\$100.00	\$20.00	\$120.00
48	Carry on business under name other than licensed name	section 33	\$250.00	\$50.00	\$300.00
49	Fail to carry private investigator licence	clause 34 (1) (a)	\$100.00	\$20.00	\$120.00
50	Fail to identify self as private investigator on request	clause 34 (1) (b)	\$100.00	\$20.00	\$120.00
51	Fail to produce private investigator licence on request	clause 34 (1) (c)	\$100.00	\$20.00	\$120.00
52	Possess identification or symbol of authority as private investigator other than licence	subsection 34 (2)	\$100.00	\$20.00	\$120.00
53	Fail to carry security guard licence	clause 35 (1) (a)	\$100.00	\$20.00	\$120.00
54	Fail to identify self as security guard on request	clause 35 (1) (b)	\$100.00	\$20.00	\$120.00
55	Fail to produce security guard licence on request	clause 35 (1) (c)	\$100.00	\$20.00	\$120.00
56	Security guard — fail to wear uniform that complies with the regulations — name, logo or crest of licensed employer not affixed as required	subsection 35 (2)	\$100.00	\$20.00	\$120.00
57	Security guard — fail to wear uniform that complies with the regulations — term “Security”, “Sécurité”, “Security Guard” or “Agent de sécurité” in required form and colour not affixed to front of uniform as required	subsection 35 (2)	\$100.00	\$20.00	\$120.00
58	Security guard — fail to wear uniform that complies with the regulations — word “Security” or “Sécurité” in required form and colour not affixed to back of uniform as required	subsection 35 (2)	\$100.00	\$20.00	\$120.00
59	Security guard — fail to wear uniform that complies with the regulations — proper identification tag not affixed to uniform as required	subsection 35 (2)	\$100.00	\$20.00	\$120.00
60	Security guard — fail to wear uniform that complies with the regulations — uniform has rank chevrons	subsection 35 (2)	\$100.00	\$20.00	\$120.00
61	Security guard — fail to wear uniform that complies with the regulations — uniform has black or navy blue shirt with collar	subsection 35 (2)	\$100.00	\$20.00	\$120.00
62	Security guard — fail to wear uniform that complies with the regulations — trousers have stripes that are not reflective safety stripes	subsection 35 (2)	\$100.00	\$20.00	\$120.00
63	Possess identification or symbol of authority as security guard not authorized by Act	subsection 35 (4)	\$100.00	\$20.00	\$120.00
64	Licensed business entity — fail to display licence as required	subsection 36 (1)	\$100.00	\$20.00	\$120.00
65	Licensed business entity — fail to display branch office licence in branch office	subsection 36 (2)	\$100.00	\$20.00	\$120.00
66	Fail to return suspended licence	paragraph 1 of section 37	\$100.00	\$20.00	\$120.00
67	Fail to return revoked licence	paragraph 1 of section 37	\$100.00	\$20.00	\$120.00
68	Fail to return licence when branch office discontinued	paragraph 2 of section 37	\$100.00	\$20.00	\$120.00
69	Fail to return licence when business discontinued	paragraph 3 of section 37	\$100.00	\$20.00	\$120.00
70	Possess fake licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
71	Possess altered licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
72	Possess fraudulently obtained licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
73	Display or permit display of fake licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
74	Display or permit display of altered licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
75	Display or permit display of fraudulently obtained licence	clause 38 (a)	\$250.00	\$50.00	\$300.00
76	Lend licence to person or permit to person to use licence	clause 38 (b)	\$250.00	\$50.00	\$300.00
77	Display licence not issued to him, her or it	clause 38 (c)	\$250.00	\$50.00	\$300.00
78	Represent as own licence not issued to him, her or it	clause 38 (c)	\$250.00	\$50.00	\$300.00
79	Display suspended licence	clause 38 (d)	\$250.00	\$50.00	\$300.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

80	Represent suspended licence as valid	clause 38 (d)	\$250.00	\$50.00	\$300.00
81	Display revoked licence	clause 38 (d)	\$250.00	\$50.00	\$300.00
82	Represent revoked licence as valid	clause 38 (d)	\$250.00	\$50.00	\$300.00
83	Display licence when no longer meeting licensing requirement	clause 38 (e)	\$150.00	\$25.00	\$175.00
84	Represent licence as valid when no longer meeting licensing requirement	clause 38 (e)	\$150.00	\$25.00	\$175.00
85	Licensee — hold out as providing services or performing duties connected with police	section 39	\$250.00	\$50.00	\$300.00
86	Private investigator — use term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
87	Private investigator — use variation of term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
88	Private investigator — use term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
89	Private investigator — use variation of term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
90	Security guard — use term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
91	Security guard — use variation of term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
92	Security guard — use term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
93	Security guard — use variation of term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
94	Business selling services of private investigators or security guards — use term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
95	Business selling services of private investigators or security guards — use variation of term “Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
96	Business selling services of private investigators or security guards — use term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
97	Business selling services of private investigators or security guards — use variation of term “Private Detective”	paragraph 1 of section 40	\$100.00	\$20.00	\$120.00
98	Private investigator — use term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
99	Private investigator — use variation of term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
100	Security guard — use term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
101	Security guard — use variation of term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
102	Business selling services of private investigators or security guards — use term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
103	Business selling services of private investigators or security guards — use variation of term “law enforcement”	paragraph 2 of section 40	\$250.00	\$50.00	\$300.00
104	Private investigator — use term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
105	Private investigator — use variation of term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
106	Security guard — use term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
107	Security guard — use variation of term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
108	Business selling services of private investigators or security guards — use term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
109	Business selling services of private investigators or security guards — use variation of term “police”	paragraph 3 of section 40	\$250.00	\$50.00	\$300.00
110	Private investigator — use term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00
111	Private investigator — use variation of term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00
112	Security guard — use term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

113	Security guard — use variation of term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00
114	Business selling services of private investigators or security guards — use term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00
115	Business selling services of private investigators or security guards — use variation of term “officer”	paragraph 4 of section 40	\$100.00	\$20.00	\$120.00
116	Fail to comply with Registrar’s order to cease making representation in published or transmitted material	clauses 42 (a) and 43 (1) (b)	\$200.00	\$35.00	\$235.00
117	Fail to comply with Registrar’s order to retract representation made in published or transmitted material	clauses 42 (b) and 43 (1) (b)	\$200.00	\$35.00	\$235.00
118	Fail to comply with Registrar’s order to publish correction of equal prominence to representation in original publication	clauses 42 (b) and 43 (1) (b)	\$200.00	\$35.00	\$235.00
119	Knowingly furnish false information in application	clause 43 (1) (a)	\$200.00	\$35.00	\$235.00
120	Knowingly furnish false information in statement	clause 43 (1) (a)	\$200.00	\$35.00	\$235.00
121	Knowingly furnish false information in return	clause 43 (1) (a)	\$200.00	\$35.00	\$235.00
122	Fail to comply with condition of licence imposed by Registrar	clause 43 (1) (c)	\$200.00	\$35.00	\$235.00

Schedule 74-1

Ontario Regulation 361/07

Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Licensed business entity — fail to give Registrar colour photographs of changed uniform as required	subsections 1 (2) and (4)	\$100.00	\$20.00	\$120.00
2	Licensed business entity — fail to give Registrar colour photographs of changed vehicle as required	subsections 1 (2) and (4)	\$100.00	\$20.00	\$120.00
3	Licensed business entity — fail to notify Registrar in writing within five days after ceasing to use uniform	subsection 1 (3)	\$100.00	\$20.00	\$120.00
4	Licensed business entity — fail to notify Registrar in writing within five days after ceasing to use vehicle	subsection 1 (3)	\$100.00	\$20.00	\$120.00
5	Licensed business entity — fail to notify Registrar in writing within five days after change in officers	section 2	\$100.00	\$20.00	\$120.00
6	Licensed business entity — fail to notify Registrar in writing within five days after change in directors	section 2	\$100.00	\$20.00	\$120.00
7	Licensed business entity — fail to notify Registrar in writing within five days after change in partners	section 2	\$100.00	\$20.00	\$120.00
8	Fail to give Registrar required declaration within five days after becoming officer of licensed business entity	clause 3 (1) (a)	\$100.00	\$20.00	\$120.00
9	Fail to give Registrar required declaration within five days after becoming director of licensed business entity	clause 3 (1) (a)	\$100.00	\$20.00	\$120.00
10	Fail to give Registrar required declaration within five days after becoming partner of licensed business entity	clause 3 (1) (a)	\$100.00	\$20.00	\$120.00
11	Fail to give Registrar required consent to collect information within five days after becoming officer of licensed business entity	clause 3 (1) (b)	\$100.00	\$20.00	\$120.00
12	Fail to give Registrar required consent to collect information within five days after becoming director of licensed business entity	clause 3 (1) (b)	\$100.00	\$20.00	\$120.00
13	Fail to give Registrar required consent to collect information within five days after becoming partner of licensed business entity	clause 3 (1) (b)	\$100.00	\$20.00	\$120.00
14	Licensed business entity — fail to notify Registrar in writing within five days after licensed employee receives authorization to carry a firearm	subsection 4 (1)	\$150.00	\$25.00	\$175.00
15	Licensed business entity — fail to notify Registrar in writing within five days after licensed individual authorized to carry a firearm becomes employee	subsection 4 (1)	\$150.00	\$25.00	\$175.00
16	Licensed business entity — fail to notify Registrar in writing within five days after licensed employee ceases to be authorized to carry a firearm	subsection 4 (2)	\$250.00	\$50.00	\$300.00
17	Licensed business entity — fail to notify Registrar in writing within five days after licensed individual authorized to carry a firearm ceases to be employee	subsection 4 (2)	\$250.00	\$50.00	\$300.00
18	Individual licensee — fail to notify Registrar in writing within five days after being convicted or found guilty of a prescribed offence	section 5	\$100.00	\$20.00	\$120.00

**Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)**

Schedule 74-2		Ontario Regulation 362/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Licensed business entity — fail to ensure licensed employee wears uniform that complies with the regulations	section 8	\$100.00	\$20.00	\$120.00

Schedule 74-3		Ontario Regulation 364/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Vehicle used in providing security guard services does not display "SECURITY" or "SÉCURITÉ" in required manner	section 2 and subsections 3 (1) and (2)	\$150.00	\$25.00	\$175.00
2	Vehicle used in providing security guard services has red, blue, gold or yellow stripes that are not on crest or logo	section 2 and subsections 3 (1) and (4)	\$150.00	\$25.00	\$175.00
3	Vehicle used in providing security guard services displays prohibited term or variation of term	sections 2 and 4	\$150.00	\$25.00	\$175.00

Schedule 74-4		Ontario Regulation 365/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Animal used to control individual	section 1 and subsection 2 (1)	\$400.00	\$85.00	\$485.00
2	Animal used to control crowd	section 1 and subsection 2 (1)	\$400.00	\$85.00	\$485.00
3	Animal used to pursue or restrain individual	section 1 and subsection 2 (1)	\$400.00	\$85.00	\$485.00
4	Animal used to guard or patrol a place while not accompanied by licensed individual	section 1 and subsection 2 (2)	\$400.00	\$85.00	\$485.00
5	Dog accompanying licensed individual not for his or her protection	section 1 and subsection 4 (1)	\$300.00	\$60.00	\$360.00
6	Dog accompanying licensed individual not on a lead	section 1 and clause 4 (2) (a)	\$300.00	\$60.00	\$360.00
7	Dog accompanying licensed individual not under his or her control	section 1 and clause 4 (2) (a)	\$300.00	\$60.00	\$360.00
8	Dog accompanying licensed individual not wearing fluorescent collar	section 1 and clause 4 (2) (b)	\$150.00	\$25.00	\$175.00
9	Dog accompanying licensed individual not wearing proper identification tag	section 1 and clause 4 (2) (b)	\$150.00	\$25.00	\$175.00
10	Dog used in providing private investigator services not trained as required	sections 1 and 5	\$300.00	\$60.00	\$360.00
11	Dog used in providing security guard services not trained as required	sections 1 and 5	\$300.00	\$60.00	\$360.00
12	Licensed business entity — fail to develop policies and procedures on care and handling of dogs as required	section 6	\$300.00	\$60.00	\$360.00
13	Licensed business entity — fail to ensure licensed employee uses animal in accordance with the regulations	section 7	\$300.00	\$60.00	\$360.00
14	Fail to advise person to whom dog is given or sold that dog was used by security guard	section 8	\$300.00	\$60.00	\$360.00

Schedule 74-5		Ontario Regulation 366/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Use firearm without authority under <i>Firearms Act</i> (Canada)	section 1	\$400.00	\$85.00	\$485.00
2	Use baton not issued by licensed or registered employer	paragraph 1 of subsection 2 (1)	\$250.00	\$50.00	\$300.00
3	Use baton not for defensive purposes	paragraph 2 of subsection 2 (1)	\$250.00	\$50.00	\$300.00
4	Licensed business entity — fail to carry insurance for risks associated with employees carrying batons	subsection 2 (2)	\$400.00	\$85.00	\$485.00
5	Use handcuffs not issued by licensed or registered employer	section 3	\$250.00	\$50.00	\$300.00
6	Use cable ties as restraints	section 4	\$250.00	\$50.00	\$300.00
7	Use strip ties as restraints	section 4	\$250.00	\$50.00	\$300.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

8	Licensed business entity — fail to ensure licensed employee uses equipment in accordance with the regulations	section 5	\$250.00	\$50.00	\$300.00
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Schedule 74-6		Ontario Regulation 368/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Business entity required to register as employer — fail to provide Registrar with list of employees who are private investigators or security guards	clause 1 (a)	\$150.00	\$25.00	\$175.00
2	Business entity required to register as employer — fail to provide Registrar with name, address or telephone number of a representative	clause 1 (b)	\$150.00	\$25.00	\$175.00
3	Business entity required to register as employer — fail to renew registration annually	section 3	\$150.00	\$25.00	\$175.00
4	Business entity renewing registration as employer — fail to provide Registrar with updated list of employees who are private investigators or security guards	clause 3 (a)	\$150.00	\$25.00	\$175.00
5	Business entity renewing registration as employer — fail to provide Registrar with new name, address or telephone number of a representative	clause 3 (b)	\$150.00	\$25.00	\$175.00

Schedule 74-7		Ontario Regulation 434/07			
Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Licensed business entity — fail to keep list of private investigators it currently employs	paragraph 1 of subsection 1 (1)	\$250.00	\$50.00	\$300.00
2	Licensed business entity — fail to keep list of security guards it currently employs	paragraph 1 of subsection 1 (1)	\$250.00	\$50.00	\$300.00
3	Licensed business entity — fail to keep list of private investigators it employed in previous two years	paragraph 2 of subsection 1 (1)	\$250.00	\$50.00	\$300.00
4	Licensed business entity — fail to keep list of security guards it employed in previous two years	paragraph 2 of subsection 1 (1)	\$250.00	\$50.00	\$300.00
5	Licensed business entity — fail to keep employment contract of private investigator employed currently or in previous two years	subparagraph 3 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
6	Licensed business entity — fail to keep employment contract of security guard employed currently or in previous two years	subparagraph 3 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
7	Licensed business entity — fail to keep record of period of employment of private investigator employed currently or in previous two years	subparagraph 3 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
8	Licensed business entity — fail to keep record of period of employment of security guard employed currently or in previous two years	subparagraph 3 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
9	Licensed business entity — fail to keep record of locations where services were provided by private investigator employed currently or in previous two years	subparagraph 3 ii of subsection 1 (1)	\$150.00	\$25.00	\$175.00
10	Licensed business entity — fail to keep record of locations where services were provided by security guard employed currently or in previous two years	subparagraph 3 ii of subsection 1 (1)	\$150.00	\$25.00	\$175.00
11	Licensed business entity — fail to keep all notes and reports prepared by private investigator employed by it	subparagraph 4 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
12	Licensed business entity — fail to keep all notes and reports prepared by security guard employed by it	subparagraph 4 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
13	Licensed business entity — fail to keep photograph produced or obtained in course of providing services	subparagraph 4 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
14	Licensed business entity — fail to keep video, audio or other electronic record produced or obtained in course of providing services	subparagraph 4 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
15	Licensed business entity — fail to keep use of force report where handcuffs used by private investigator employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
16	Licensed business entity — fail to keep use of force report where handcuffs used by security guard employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

17	Licensed business entity — fail to keep use of force report where weapon used by private investigator employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
18	Licensed business entity — fail to keep use of force report where weapon used by security guard employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
19	Licensed business entity — fail to keep use of force report where force used by private investigator employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
20	Licensed business entity — fail to keep use of force report where force used by security guard employed by it	subparagraph 4 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
21	Licensed business entity — fail to keep use of force report where dog used in private investigator services attacked person	subparagraph 4 iv of subsection 1 (1)	\$250.00	\$50.00	\$300.00
22	Licensed business entity — fail to keep use of force report where dog used in security guard services attacked person	subparagraph 4 iv of subsection 1 (1)	\$250.00	\$50.00	\$300.00
23	Licensed business entity — fail to keep record listing name of each private investigator authorized to carry handcuffs, baton or firearm	subparagraph 5 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
24	Licensed business entity — fail to keep record listing name of each security guard authorized to carry handcuffs, baton or firearm	subparagraph 5 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
25	Licensed business entity — fail to keep evidence that private investigator was trained in using handcuffs, batons or firearms	subparagraph 5 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
26	Licensed business entity — fail to keep evidence that security guard was trained in using handcuffs, batons or firearms	subparagraph 5 ii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
27	Licensed business entity — fail to keep record of credentials of trainer who trained private investigator in using handcuffs, batons or firearms	subparagraph 5 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
28	Licensed business entity — fail to keep record of credentials of trainer who trained security guard in using handcuffs, batons or firearms	subparagraph 5 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
29	Licensed business entity — fail to keep evidence of insurance against risks associated with use of batons	subparagraph 5 iv of subsection 1 (1)	\$250.00	\$50.00	\$300.00
30	Licensed business entity — fail to keep equipment log as required with respect to handcuffs, baton or firearm issued to private investigator	subparagraph 5 v of subsection 1 (1)	\$250.00	\$50.00	\$300.00
31	Licensed business entity — fail to keep equipment log as required with respect to handcuffs, baton or firearm issued to security guard	subparagraph 5 v of subsection 1 (1)	\$250.00	\$50.00	\$300.00
32	Licensed business entity — fail to keep record of training of dog that accompanies security guard	subparagraph 6 i of subsection 1 (1)	\$250.00	\$50.00	\$300.00
33	Licensed business entity — fail to keep copy of its policies and procedures on the care and handling of dogs	subparagraph 6 iii of subsection 1 (1)	\$250.00	\$50.00	\$300.00
34	Licensed business entity — fail to keep log as required with respect to dog issued to security guard	subparagraph 6 iv of subsection 1 (1)	\$250.00	\$50.00	\$300.00
35	Licensed business entity — fail to retain required record for required length of time	subsection 1 (2)	\$250.00	\$50.00	\$300.00

Schedule 74-8

Ontario Regulation 26/10

Item	Short Form Wordings for Offences Under PSISA	PSISA Section	Set Fine	Surcharge	Total
1	Licensed business entity — provide training program for security guards not conforming to Ministry curriculum	subsection 3(1)	\$250.00	\$50.00	\$300.00
2	Licensed business entity — provide training program for private investigators not	subsection 3(1)	\$250.00	\$50.00	\$300.00

Appendix B – Current & Recommended Set Fines for Offences Under the
Private Security & Investigative Services Act, 2005 (PSISA)

	conforming to Ministry curriculum				
3	Registered business entity — provide training program for security guards not conforming to Ministry curriculum	subsection 3(1)	\$250.00	\$50.00	\$300.00
4	Registered business entity — provide training program for private investigators not conforming to Ministry curriculum	subsection 3(1)	\$250.00	\$50.00	\$300.00
5	Unauthorized person or entity — hold out as being authorized to provide training program for security guards	subsection 3(2)	\$400.00	\$85.00	\$485.00
6	Unauthorized person or entity — hold out as being authorized to provide training program for private investigators	subsection 3(2)	\$400.00	\$85.00	\$485.00
7	Unauthorized person or entity — suggest that completion of training program given by it will satisfy training requirements for security guard licence	subsection 3(2)	\$400.00	\$85.00	\$485.00
8	Unauthorized person or entity — suggest that completion of training program given by it will satisfy training requirements for private investigator licence	subsection 3(2)	\$400.00	\$85.00	\$485.00

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update on Private Security and Investigative Services**

DATE OF ISSUE:	April 17, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0053
PRIORITY:	High

The Ministry of the Solicitor General ("ministry") regulates Ontario's private security and investigative services industry through the *Private Security and Investigative Services Act, 2005* (PSISA). The PSISA sets the legislative requirements that all licensed individual security guards, private investigators, agencies, and registered employers that directly employ in-house security staff must adhere.

To support the private security sector in continuing to perform their role and fulfill current contracts without disruption during the COVID-19 outbreak, the ministry will be granting **90-day extensions** to individual security guards, private investigators, agencies, and registered employers whose licences/registrations expire between **March 16, 2020 to June 16, 2020**.

The ministry maintains a public licence registry for all licencees/registrants. The Private Security and Investigative Services Branch online registry can be accessed by using the following link:

http://www.mcscs.jus.gov.on.ca/english/PSIS/LicenceRegistry/licensee_list.aspx.

Any individual who has had their licence extended is mandated to continue meeting all licence/registration requirements pursuant to the PSISA for their licence to remain valid. These parameters include the requirement to hold a clean criminal record per O. Reg. 37/08. In accordance with section 10 of the PSISA, licencees are required to notify the ministry within five days if they no longer meet any licence requirements.

-2-

Police services may encounter common infractions of the PSISA, such as licensing/identification violations. If found in violation of the PSISA and/or its regulations, individuals and business entities can be subject to charges and, upon conviction, fines or imprisonment.

Police officers across Ontario can enforce the PSISA and its regulations through:

- Ticket issuance under Part I of the *Provincial Offences Act* (POA).
- Set fines range from \$100 to \$400 for PSISA offences, not including victim surcharge and court fee.
- Set fines are prescribed under the POA, Regulation 950, Schedules 74 to 74.8.
- Individuals or businesses found in violation of the PSISA may also be charged under Part III of the POA.

A list of all current and recommended set fines is attached to help inform police services about the types of charges that may be laid under the PSISA to increase compliance throughout the private security industry.

Should there be questions or concerns regarding private security, police officers can directly contact the PSISB at our general email inbox PSISB.Compliance@ontario.ca or by phone at 1-877-459-7070 (monitored during regular business hours (Monday-Friday; 8:00 a.m. - 5:00 p.m. EST)).

If the matter requires immediate attention, please contact:

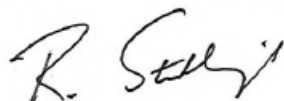
Navdeep Sidhu-Gill
Director/Registrar (A)
Navdeep.Sidhu@ontario.ca

Steven Pattison
Deputy Registrar (A)
Steven.Pattison@ontario.ca

Thank you in advance for reviewing and distributing these resources to the appropriate personnel.

We appreciate your support during this time.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Police Week 2020 – May 10-16, 2020**
Provincial Theme “*Leading the way to safer communities*”

DATE OF ISSUE:	April 18, 2020
CLASSIFICATION:	General Information
RETENTION:	May 16, 2020
INDEX NO.:	20-0054
PRIORITY:	Medium

Police Week is an annual recognition week that is focused on increasing community awareness and acknowledgement of police services, while strengthening partnerships between police and the community they serve. This week provides an opportunity to highlight all members of police services that contribute to keeping Ontario's communities safe and resilient.

With the ongoing circumstances concerning COVID-19, police service personnel, and their community partners, are playing critical roles in protecting Ontarians. The government acknowledges the courageous efforts of the police, as well as other frontline service providers, for their commitment in supporting the pandemic response.

This year, May 10 to 16, 2020, will be designated Police Week in Ontario and the provincial theme is “***Leading the way to safer communities.***” This week aims to promote the profession of policing in Ontario and commend staff for their dedication and commitment in keeping our communities safe.

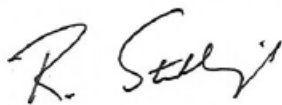
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While it is important to celebrate Police Week, we know that police services are focused on keeping communities and people safe as part of their response to COVID-19 and may want to consider a scaled back, social media targeted plan for Police Week. Police services across the province are encouraged to use the hashtag **#PoliceWeekON** to promote local efforts during Police Week 2020, and to highlight police service personnel (both civilian and sworn) and the important work they do.

In addition, the ministry has developed a web banner to help promote Police Week 2020 on your local websites and social media. Please visit the Ontario Association of Chiefs of Police (OACP) website (www.oacp.ca) to download the banner.

If you have any questions about Police Week 2020, please contact Claudia Tenuta at Claudia.Tenuta@ontario.ca. As always, I would like to thank the OACP for its support in the planning process and for sharing this year's Police Week materials on its website.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **O. Reg. 98/20: Emergency Order on Price Gouging and
Referrals to Police Services**

DATE OF ISSUE:	April 19, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0055
PRIORITY:	High

As part of the effort to stop the spread of COVID-19, the government has made an emergency order ([O. Reg. 98/20](#)) under the *Emergency Management and Civil Protection Act* (EMCPA) to address price gouging. The order prohibits retailers and individuals from raising prices significantly on the necessary goods Ontarians need to protect themselves and their families from COVID-19.

The emergency order is now in force and applies to individuals who own or operate retail businesses and who are charging unconscionable prices for necessary goods. The emergency order also applies to any individual who did not ordinarily deal in selling necessary goods before the declaration of the provincial emergency came into effect on March 17, 2020. The emergency order does not apply to sales or offers to sell that are made by a manufacturer, distributor or wholesaler.

Breaches of this emergency order can only be enforced in relation to conduct that occurred on or after the date on which it came into effect (i.e., March 27, 2020).

-2-

Necessary goods covered under the emergency order include:

- Masks and gloves used as personal protective equipment in relation to infections;
- Non-prescription medications for the treatment of the symptoms of COVID-19, as those symptoms are described by Public Health Ontario;
- Disinfecting agents intended for cleaning and disinfecting objects or humans; and
- Personal hygiene products, including soap products and paper products.

Establishing Evidence of Price Gouging

The emergency order states that no person shall sell or offer to sell necessary goods at an “unconscionable price”. An “unconscionable price” includes the sale of necessary goods at a price that grossly exceeds the price at which similar goods are available to like consumers.

Proof that the price grossly exceeds the price at which similar goods are available to like consumers will require evidence of:

- a) the pricing and availability of similar products at brick and mortar stores in the same geographical area, and/or
- b) the pricing and availability of similar products online.

Please note that individuals can either be issued a ticket under Part I or an information can be laid under Part III of the *Provincial Offences Act* (POA) whereas a corporation can only be prosecuted under Part III of the POA. If the accused is a corporation then the articles of incorporation should be obtained. In either case, the investigator should ascertain who was responsible for setting the price.

Investigators should be mindful of innocent explanations for an increase in pricing, including higher costs paid by the retailer to purchase the goods at wholesale or to operate the business (e.g., labour and overhead expenses). It will also be helpful to seize business records establishing the retailer’s costs and prices before and after the declaration of the provincial emergency. Business records and other documents that may engage a privacy interest should be seized by means of a POA warrant.

If your police service requires legal advice as to what constitutes an “unconscionable price” or other assistance on evidentiary issues arising in individual cases, you may contact your local Crown Attorney’s office.

-3-

Referral to Police Services for Investigation and Enforcement

All complaints received from members of the public through the government's [online portal](#) will be reviewed by the Ministry of Government and Consumer Services (MGCS) and assessed against screening criteria. Based on the severity of the alleged contravention, MGCS, in consultation with the Ministry of the Solicitor General, will commence proportionate actions, including referral to the local police service for further investigation and enforcement as appropriate.

Once referrals are made, Chiefs of Police should commence the appropriate investigations into those accused of “unconscionable price” gouging and take any appropriate enforcement actions authorized under the EMCPA.

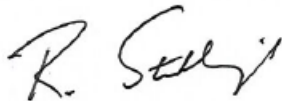
When your police service receives complaints directly from members of the public, please ensure that your organization follows up on those complaints and conducts any appropriate investigations and/or enforcement actions.

To ensure referrals that are made to your police service are streamlined and tracked, please identify a lead investigator for your police service in relation to “unconscionable price gouging”. Once you have identified the lead investigator, please send their contact information (i.e., first name, surname, phone number and email address) to Rosa Taddeo at Rosa.Taddeo@ontario.ca by **April 21 at 12:00pm EST**.

Rosa will send any referrals to the identified lead investigator. Your police service can triage appropriately thereafter in accordance with your organization's response protocols and prioritization level. In addition, your police service may choose to triage some of the referrals from the ministry to by-law enforcement officers, where appropriate. You may wish to refer to the attached Q&A package for further information.

Thank you for your continued assistance.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Questions and Answers – Prohibition on Price-Gouging of Necessary Goods

GENERAL QUESTIONS

1. Who should policing personnel contact for urgent matters?

During the declaration of provincial emergency, if circumstances arise where a case of price gauging requires urgent attention, the prosecutor may work with the criminal court trial coordinator to bring the matter to the local administrative judge or regional senior judge for direction and potential scheduling.

2. Who should I call with questions?

Call your local Crown attorney's office for specific questions dealing with the prohibition against price gouging.

ABOUT UNCOUNSCIONABLE PRICE GOUGING

3. What is the prohibition against price gouging?

The prohibition is a regulatory offence that prohibits people from selling or offering to sell necessary goods at an unconscionable price. The offence occurs each day that the price is unconscionable.

4. What is an “unconscionable price”?

“Unconscionable price” includes a price that grossly exceeds the price at which similar goods are available to like consumers.

5. When did the prohibition take effect?

The prohibition took effect on March 27, 2020. Only sales or offers to sell after March 27, 2020 are covered by the prohibition.

6. How long will the prohibition continue?

The prohibition can be renewed in periods of up to 14 days during the state of emergency. Checking [here](#) will provide the updated extension dates.

7. Can it continue beyond the state of emergency?

Yes. The Ontario government can extend the prohibition after the end of the state of emergency in blocks of up to 14 days at a time, where the prohibition is necessary to deal with the effects of the emergency.

Questions and Answers – Prohibition on Price-Gouging of Necessary Goods

8. To whom does the prohibition apply?

The prohibition applies to:

- i. persons who own or operate a retail business; and
- ii. persons who did not ordinarily deal in “necessary goods” before March 17, 2020

Note that “persons” includes not just individuals but also other entities and corporations.

The prohibition does **not** apply to manufacturers, distributors or wholesalers.

9. What does “necessary goods” include?

The prohibition defines “necessary goods” as “includ[ing]”:

- i. Masks and gloves used as personal protective equipment in relation to infections.
- ii. Non-prescription medications for the treatment of the symptoms of COVID-19, as those symptoms are described by Public Health Ontario.
- iii. Disinfecting agents intended for cleaning and disinfecting objects or humans.
- iv. Personal hygiene products, including soap products and paper products.

Investigators considering a charge involving “necessary goods” other than those listed above should call their local Crown Attorney’s office for advice.

ENFORCEMENT

10. How is the prohibition enforced?

The prohibition is governed by the *Provincial Offences Act* (“POA”) and enforced via Part I Certificates of Offences (i.e. tickets) or Part III Informations.

The limitation periods that normally apply under the POA (whether Part I, II or III), including the six month limitation period set out in s.76 of the POA, have been suspended pursuant to [O. Reg. 73/20](#) made under ss. 7.1(2) of the EMCPA. The suspension is retroactive to Monday, March 16, 2020.

Additionally, the OCJ is no longer scheduling justices of the peace in POA courts to receive information or review certificates of offence.

Proceedings may be initiated once the declaration of provincial emergency is lifted by the provincial government. However, if circumstances arise where a case of price gauging requires urgent attention during the state of emergency, the prosecutor may work with the criminal court trial coordinator to bring the matter to the Local

Questions and Answers – Prohibition on Price-Gouging of Necessary Goods

Administrative Judge or Regional Senior Judge for direction and potential scheduling.

Once the declaration of provincial emergency is over, and normal court operations resume, these matters will be scheduled and heard in the POA courts in the ordinary course.

11. What evidence will I need?

Evidence of this offence may take many forms including personal observations, witness statements, business records and other documentary evidence. The evidence should establish both the profit margin to the offender and the price of similar goods available to consumers in the community.

12. How do I seize business records and other documents?

Business records and other documents that may engage a privacy interest should be seized by means of a POA warrant.

Questions and Answers – Prohibition on Price-Gouging of Necessary Goods

13. Who will prosecute EMCPA price gouging offences?

To be consistent with current POA prosecution responsibilities, prosecution responsibility is clarified in the following chart:

	Charges Laid under Part I of the POA	Charges Laid under Part III of the POA
Type of Provincial Offences Officers	Prosecution Falls To	Prosecution Falls To
Police officers and First Nations constables	Municipalities pursuant to the transfer agreement with MAG	Ministry of the Attorney General (MAG), Criminal Law Division (CLD)
Police service employed special constables	Municipalities pursuant to the transfer agreement with MAG	MAG, CLD
Non-police service employed (special constables) who are employed by the Government of Ontario or its agencies	Individual organizations have their own in-house prosecution service or other arrangement Exception: Niagara Parks Commission charges are prosecuted by municipalities pursuant to the transfer agreement with MAG	Individual organizations have their own in-house prosecution service or other arrangement. Exception: Niagara Parks Commission charges are prosecuted by MAG, CLD
Non-police service employed special constables who are <u>not</u> employed by the Government of Ontario or its agencies	Municipalities	Municipalities
Municipal law enforcement officers	Municipalities	Municipalities
By-law enforcement officers	Municipalities	Municipalities
Officers, employees or agents of any municipality/local board	Municipalities	Municipalities
Other Provincial Offences Officers employed by ministries of the Government of Ontario	MAG, Civil Law Division	MAG, Civil Law Division



U.S. Department
of Transportation

**Federal Motor Carrier
Safety Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

**Waiver in Response to the COVID-19 Emergency –
For States, CDL Holders, CLP Holders, and Interstate Drivers Operating
Commercial Motor Vehicles**

March 24, 2020

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Grant of waiver.

SUMMARY: FMCSA grants, until June 30, 2020, a waiver from certain regulations applicable to interstate and intrastate commercial driver's license (CDL) and commercial learner's permit (CLP) holders and to other interstate drivers operating commercial motor vehicles (CMVs). The Agency has initiated this action in response to the President's declaration of a national emergency under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19).

DATES: This waiver is effective March 20, 2020 and expires on June 30, 2020.

FOR FURTHER INFORMATION CONTACT: Ms. Nikki McDavid, Chief of the Commercial Driver's License Division, Office of Safety Programs, 202-366-0831, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

Legal Basis

The Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) provides the Secretary of Transportation (the Secretary) authority to grant waivers from any of the Federal Motor Carrier Safety Regulations issued under Chapter 313 of Title 49 of the United States Code or 49 U.S.C. § 31136, to a person(s) seeking regulatory relief (49 U.S.C. §§ 31136(e), 31315(a)). The Secretary must make a determination that the waiver is in the public interest and that it is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver. Individual waivers may be granted only for a specific unique event for a period up to three months. TEA-21 authorizes the Secretary to grant waivers without requesting public comment, and without providing public notice.

The Administrator of FMCSA has been delegated authority under 49 CFR 1.87(e) and (f) to carry out the functions vested in the Secretary by 49 U.S.C. chapter 313, relating to commercial motor vehicle operators, and 49 U.S.C. chapter 311, subchapter I and III, relating to commercial motor vehicle programs and safety regulations.

Background

The President has declared a national emergency under 42 U.S.C. § 5191(b) related to Coronavirus Disease 2019 (COVID-19). This waiver is in response to COVID-19 outbreaks and

their effects on people and the immediate risk they present to public health, safety, and welfare in the fifty States and the District of Columbia. Several States are experiencing greater than normal employee absences or have closed offices of their State Driver Licensing Agencies in response to the guidance from the U.S. Center for Disease Control to use social distancing to reduce the spread of COVID-19. As a result, many CDL and CLP holders are unable to renew their CDLs and CLPs and are unable to provide medical certificates to their State Driver Licensing Agencies. In addition, many medical providers nationwide have canceled regularly scheduled appointments to dedicate resources to the COVID-19 response. As a result, drivers are unable to obtain appointments for physical examinations with medical examiners to comply with the Federal Motor Carrier Safety Regulations (FMCSRs). Given the national emergency, there is a public need for immediate transportation of essential supplies, equipment, and persons, which requires an adequate and sustained supply of CDL holders, CLP holders, and drivers operating CMVs (non-CDL drivers). This waiver provides needed relief from specified FMCSRs for CDL holders, CLP holders, and non-CDL drivers.

FMCSA's Determination and Regulatory Provisions Waived

Consistent with the statutory requirements for waivers, FMCSA has determined that it is in the public interest to issue a waiver, limited in scope and circumstances, that is likely to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver until June 30, 2020.

To respond to this unique event and to continue the ability of intrastate and interstate CDL and CLP holders and interstate non-CDL drivers to transport goods in response to the COVID-19 emergency, this waiver:

- Extends until June 30, 2020 the maximum period of CDL validity by waiving 49 CFR 383.73(b)(9) and 383.73(d)(6) for CDLs due for renewal on or after March 1, 2020.
- Extends until June 30, 2020 the maximum period of CLP validity by waiving 49 CFR 383.73(a)(2)(iii) and 383.25(c) for CLPs that are due for renewal on or after March 1, 2020, without requiring the CLP holders to retake the general and endorsement knowledge tests.
- Waives the requirement under 49 CFR 383.25(e) that CLP holders wait 14 days to take the CDL skills test.
- Waives the requirement under 49 CFR 391.45 that CDL holders, CLP holders, and non-CDL drivers have a medical examination and certification, provided that they have proof of a valid medical certification that was issued for a period of 90 days or longer and that expired on or after March 1, 2020. e.
- Waives the requirement under 49 CFR 383.71(h)(3) that, in order to maintain the medical certification status of "certified," CDL or CLP holders provide the State Driver Licensing Agency with an original or copy of a subsequently issued medical examiner's certificate, provided that they have proof of a valid medical certification that expired on or after March 1, 2020.

- Waives the requirement under 49 CFR 383.73(o)(2) that the State Driver Licensing Agency change the CDL or CLP holder's medical certification status to "not certified" upon the expiration of the medical examiner's certificate or medical variance, provided that the CDL or CLP holders have proof of a valid medical certification that expired on or after March 1, 2020.
- Waives the requirements under 49 CFR 383.73(o)(4) that the State Driver Licensing Agency initiate a CDL or CLP downgrade upon the expiration of the medical examiner's certificate or medical variance, provided that the CDL or CLP holders have proof of a valid medical certification or medical variance that expired on or after March 1, 2020.
- In accordance with 49 CFR 383.23(a)(1) and 391.41(a)(1)(i), FMCSA continues to recognize the validity of commercial driver's licenses issued by Canadian Provinces and Territories and Licencias Federales de Conductor issued by the United Mexican States, in accordance with 49 CFR part 383, when such jurisdictions issue a similar notice or declaration extending the validity date of the medical examination and certification and/or validity of the corresponding commercial driver's license due to interruption to government service resulting from COVID-19.

States, CDL holders, CLP holders, and interstate non-CDL CMV drivers are covered under this waiver without further action.

FMCSA will not issue a finding of noncompliance under 49 CFR part 384 against States for action or inaction consistent with this waiver.

FMCSA's legal authorities extend to waiver of the maximum period under the FMCSRs for State issuance of CDLs (8-years). While many States have adopted the maximum 8-year renewal period, other States have adopted shorter periods, and waiving the 8-year limit would provide no relief to drivers with CDLs issued by those States. In the interest of effectively providing automatic CDL renewal relief for as many drivers with recently expired CDLs as possible, FMCSA is therefore issuing a separate Notice of Enforcement Policy stating that, through June 30, 2020, the Agency will not take enforcement against drivers for operation of a CMV if the driver held a valid CDL on February 29, 2020, or against motor carriers for use of such a driver. Most States have adopted the full 1-year maximum period of CLP validity, but FMCSA is similarly including its Enforcement Policy a comparable provision on non-enforcement of recently expired CLPs.

Public Interest

FMCSA finds that the granting of this waiver is in the public interest, given interstate and intrastate CDL and CLP holders' and interstate non-CDL drivers' critical role in delivering necessary property and passengers, including, but not limited to, shipments of essential supplies and persons to respond to the COVID-19 outbreaks. This waiver is in the public interest because it would allow drivers covered under this waiver to deliver essential supplies and persons across State lines to address the national emergency. This waiver will also reduce the administrative burden on State Driver Licensing Agencies and CDL, CLP, and interstate non-CDL drivers during this national emergency.

Safety Equivalence Due to the limited scope of this waiver, the short duration, and the ample precautions that remain in place, FMCSA has determined that the waiver is likely to achieve a level of safety that is equivalent to the level of safety that would be obtained absent the waiver.

The waiver of a particular regulation should not be looked at in isolation but rather as part of the whole of all regulations governing the safety of drivers. Waiver determinations are made holistically, taking all relevant factors into account. See *International Bhd of Teamsters v. DOT*, 724 F.3d 206 (D.C. Cir. 2013). Notably, although the maximum period of time for CDL and CLP expiration is set by regulation, it is not one of the core of regulations that FMCSA evaluates to determine whether a State program is in “substantial compliance.” See 49 CFR 384.301. This waiver also enhances safety by not requiring or incentivizing State offices to remain open during the pandemic and CDC recommendations to social distance.

The waiver does not alter any of the knowledge and skills testing requirements for obtaining either a CDL, a CLP, or a necessary endorsement. It does not allow CDL or CLP holders to extend their licenses if they expired prior to March 1, 2020. It does not apply to a CDL or CLP holder if the driver’s privileges have been suspended or withdrawn for traffic offenses. This waiver does not cover CDL holders, CLP holders, or non-CDL drivers whose medical certifications expired prior to March 1, 2020.

In this case, FMCSA believes that the measures listed below under Terms, Conditions, and Restrictions of the Waiver, including proof of a recently expired valid CDL, CLP or medical certificate, the inapplicability of the waiver to expired medical certificates issued for less than 90 days, and the requirement to notify FMCSA in the event of accidents involving drivers operating under the waiver, taken collectively, provide the assurance needed to meet the legal standard that granting the waiver is likely to achieve an “equivalent level of safety.”

As such, FMCSA has determined that a waiver from the regulations noted above during the period of the waiver will achieve a level of safety that is equivalent to, or greater than, the level of safety that would be obtained in the absence of the waiver.

Unique Circumstances

COVID-19 outbreaks have led to widespread closures of State and Federal government offices, reduction of government and medical services, and disruption of transportation systems, including driver shortages and related interruption of supply chains, which are heavily dependent on continued CMV operations. FMCSA finds that the circumstances surrounding this waiver are unique because such government and medical operations are not providing their usual level of service.

For the reasons above, FMCSA grants, until June 30, 2020, a waiver as provided above, subject to the terms and conditions below.

Terms, Conditions, and Restrictions of the Waiver

This waiver covers States, CDL holders, CLP holders and interstate non-CDL CMV drivers for the period beginning at 12:01 a.m. (ET) on March 20, 2020, continuing through 11:59 p.m. on June 30, 2020.

- (1) This waiver does not apply to a CDL or CLP holder if the driver's license expired before March 1, 2020.
- (2) This waiver does not apply to a CDL or CLP holder if the driver's privileges have been suspended or withdrawn for traffic offenses.
- (3) Drivers claiming relief under this waiver from the requirement for a valid medical certificate must have proof of a valid medical certificate that expired on or after March 1, 2020, and carry a paper copy of their expired medical certificates.
- (4) Drivers who cannot produce evidence of a prior medical certification that expired on or after March 1, 2020, are not covered under this waiver, including new drivers who have never obtained a medical certification.
- (5) Drivers who, since their last medical certificate was issued, have been diagnosed with a medical condition that would disqualify the driver from operating in interstate commerce, or who, since their last medical certificate was issued, have developed a condition that requires an exemption or Skill Performance Evaluation from FMCSA are not covered under this waiver.
- (6) This waiver does not apply to medical examiner's certificates originally issued for less than 90 days.
- (7) Notification to FMCSA of Accidents. Each motor carrier must notify FMCSA within 5 business days of an accident (as defined in 49 CFR 390.5), involving any CDL holder, CLP holder, or non-CDL driver operating under the terms of this waiver. See 49 CFR 390.15(b) (requiring maintenance of accident registry.) Notification shall be by email to MCPSD@DOT.GOV. The notification must include the following information:
 - i. Date of the accident;
 - ii. City or town, and State in which the accident occurred, or closest to the accident scene;
 - iii. Driver's name and license number;
 - iv. Vehicle number and State license number;
 - v. Number of individuals suffering physical injury;
 - vi. Number of fatalities;
 - vii. The police-reported cause of the accident (if available at time of the report); and
 - viii. Whether the driver was cited for violation of any traffic laws, or motor carrier safety regulations.
- (8) FMCSA reserves the right to revoke this waiver for drivers' involvement in accidents, motor carriers' failure to report accidents, and drivers' failure to comply with the restrictions of this waiver.

Jim Mullen
Acting Administrator

**Ministry of
Transportation**

Road User Safety Division
87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

**Ministère des
Transports**

Division de Sécurité Routière
87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153



MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division
Ministry of Transportation

RE: **COVID-19 – Federal Motor Carrier Safety Administration (FMCSA) – Waiver and Reduced Load Period temporary regulation in Response to the COVID-19 Outbreak**

This memorandum is to advise you of two new initiatives being undertaken by the Ministry of Transportation in response to the COVID-19 Outbreak.

COVID-19 – Federal Motor Carrier Safety Administration (FMCSA) – Waiver in Response to the COVID-19 Outbreak

The Ministry of Transportation (MTO) will acknowledge commercial drivers from the United States (US) with expired licences covered under the recent FMCSA waiver in response to the COVID-19 outbreak, from March 20 to June 30, 2020.

Jurisdictions throughout North America have declared states of emergency due to COVID-19. The ministry is supporting the trucking industry so that they can keep goods moving and continue to provide people with essential supplies.

In response to the COVID-19 outbreak, several regulations have been put in place by the ministry to extend the validity of a range of driver, vehicle and carrier products and services that expired on or after March 1, 2020 until further notice (e.g., driver's licences including commercial licences, vehicle validation stickers, cab card, special permits, Safety Standards Certificates, etc.).

On March 26, 2020, MTO received notice that, given the national emergency declared in the US due to COVID-19 and immediate need for transportation of essential supplies, equipment and persons, the FMCSA has granted a waiver for commercial vehicle drivers whose driver licences expire after March 20th through June 30th to ensure an adequate number of commercial vehicle drivers are available to deliver essential transportation services.

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The waiver also includes waiver of other requirements such as medical certification and skills testing.

During this time period the Ministry is seeking police services' support to suspend enforcement of US commercial drivers with expired licences. US commercial motor vehicle drivers will be permitted to operate in Ontario as the waiver serves as proof that the drivers in question are in compliance with the law and are legally permitted to operate in their home jurisdiction.

If services would like to discuss this interim measure, they may contact:

- Kim MacCarl, Manager, Driver Programs Office, at 416-235-5248 or Kim.MacCarl@ontario.ca
- For medical related enquiries, Frank Alulio, Manager, Medical Review Section at 416-235-5322 or frank.alulio@ontario.ca

COVID-19 - New Temporary Regulation to Respond to COVID-19 Additional Commodities for Reduced Load Period (RLP) Exemption

Ontario is taking further steps to keep goods moving during the COVID-19 outbreak by temporarily lifting reduced load period restrictions for truck drivers in southern Ontario.

This memorandum is to advise you that the Ministry of Transportation (MTO) has enacted a temporary regulation under the *Highway Traffic Act* to exempt additional commodities from Reduced Load Period requirements in select areas of southern Ontario.

Lifting reduced load period restrictions will help the trucking industry to efficiently move the essential goods that Ontarians need, including food and agricultural products, medical supplies and fuel.

Our food supply chain is one of the strongest in the world, and our government will continue to work with municipalities, the trucking industry, agricultural sector and retailers to ensure the people of Ontario have access to the supplies they need.

Given the evolving nature of the COVID-19 outbreak and the measures that the various levels of government are undertaking to respond to this public health crisis, the Ministry has exempted commodities listed in the federal Hours of Service exemptions as issued by Transport Canada from Reduced Load Periods across southern Ontario:

1. Medical supplies and equipment related to the testing, diagnosis and treatment of COVID-19;
2. Supplies and equipment necessary for community safety, sanitation, and prevention of community transmission of COVID-19 such as masks, gloves, hand sanitizer, soap and disinfectants;

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3. Paper products and other groceries for emergency restocking of distribution centers or stores;
4. Immediate precursor raw materials-such as paper, plastic or alcohol-that are required and to be used for the manufacture of items in categories (1), (2) or (3);
5. Fuel;
6. Equipment, supplies and persons necessary to establish and manage temporary housing, quarantine, and isolation facilities related to COVID-19;

To assist farmers and agribusinesses, the Ministry of Transportation has temporarily exempted the following commodities:

- Food;
- Farm products; and
- Products that support the production of farm products (e.g. seed, animal feed, fertilizer)

These measures will only be applicable to the portions of southern Ontario, defined by regions south of the Ontario frost penetration depth of 1.6 m which runs along a line extending from Penetanguishene, through Lake Simcoe to Cornwall, including the following geographic areas:

1. The geographic areas of Brant, Bruce, Chatham-Kent, Dufferin, Durham, Elgin, Essex, Grey, Haldimand, Halton, Hamilton, Huron, Lambton, Middlesex, Niagara, Norfolk, Northumberland, Oxford, Peel, Perth, Peterborough, Prince Edward, Simcoe, Toronto, Waterloo, Wellington or York.
2. The part of each of the following geographic areas that is south of that part of the King's Highway known as No. 7:
 - i. Frontenac.
 - ii. Hastings.
 - iii. Kawartha Lakes.
 - iv. Lennox and Addington.
3. The part of the geographic area of Leeds and Grenville that is within the City of Brockville or that is within one of the following townships:
 - i. Athens.
 - ii. Elizabethtown-Kitley.
 - iii. Front of Yonge.
 - iv. Leeds and the Thousand Islands.

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As you are aware, the Reduced Load Period allows the local road authority to implement Section 122 of the *Highway Traffic Act*, via local bylaws, to protect pavement infrastructure during the spring thaw period.

If policing services would like to discuss these amended programs, they may contact Joe Lynch, P.Eng., Senior Vehicle Standards Engineer at 416-389-8308 or joe.lynch@ontario.ca.

I would ask that you please bring this memorandum to the attention of the policing community.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown
Assistant Deputy Minister (A)
Road User Safety Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Commerical Drivers Licence Waiver and Reduced Load
Period Exemption**

DATE OF ISSUE:	April 20, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0056
PRIORITY:	High

At the request of the Ministry of Transportation, I am sharing a communication regarding two recent updates impacting the trucking industry.

The first is in relation to measures which were taken by the United States government to grant a waiver for commercial vehicle drivers whose driver licences expire after March 20th through June 30th. The waiver is attached for your reference.

The second is in relation to the exemption of additional commodities from Reduced Load Period (RLP) requirements in select areas of southern Ontario

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, which provides details on these initiatives and their implications on enforcement.

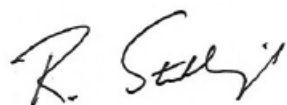
If you require further information regarding the waiver, please contact Kim MacCarl at 416-235-5248 or Kim.MacCarl@ontario.ca, Frank Alulio at 416-235-5322 or frank.alulio@ontario.ca.

If you require further information regarding the RLP requirements, please contact Joe Lynch at 416-389-8308 or joe.lynch@ontario.ca.

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I trust this will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Victim Quick Response Program+ During COVID-19**

DATE OF ISSUE:	April 23, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0057
PRIORITY:	High

At the request of the Ministry of the Attorney General, I am sharing a communication regarding changes to the Victim Quick Response Program+ (VQRP+) during the COVID-19 emergency.

Please review the attached memo from Assistant Deputy Attorney General Tamara Gilbert, which provides details on the temporary enhancements that are being made available. If you require further information, please contact Vivienne Lipman at Vivienne.Lipman@ontario.ca or 647-409-2456.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Attorney General
Victims and Vulnerable Persons Division

720 Bay Street, 3rd Floor
Toronto, ON M7A 2S9

Telephone: (416) 326-2526
Facsimile: (416) 212-1091

Ministère du Procureur général
Division des services aux victimes et aux
personnes vulnérables

720, rue Bay, 3^e étage
Toronto, ON M7A 2S9

Téléphone: (416) 326-2526
Télécopieur: (416) 212-1091



April 23, 2020

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Tamara Gilbert
Assistant Deputy Attorney General
Victims and Vulnerable Persons Division
Ministry of the Attorney General

SUBJECT: **Victim Quick Response Program+ (VQRP+) Changes during COVID-19**

On April 2, the government announced that the Ministry of the Attorney General would be implementing temporary enhancements to some benefits provided through the Victim Quick Response Program+ (VQRP+) that will be available for the duration of the COVID-19 outbreak.

Specifically, temporary accommodation and meal benefits have been enhanced to ensure victims of crime, particularly domestic violence victims, can access safe living arrangements while complying with self-isolation requirements. This includes expanding the maximum benefit for hotel stays to \$3,150, and for meals and groceries to \$840.

VQRP+ service providers are open despite the evolving COVID-19 outbreak, even though many are working remotely, and continue to be the point of contact to access these enhanced benefits. We encourage you, Chiefs of Police, and the members of their service to refer victims to the local Victim Crisis Assistance Ontario providers (VCAOs) or other VQRP+ service providers should they require assistance. I would ask that you share this information with these partners, as this will allow them, and the clients they assist, to be aware of these temporary enhancements to VQRP+.

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For more information on VQRP+, please visit the [MAG website](#) and for further information on VQRP+ service providers across the province, please use the [Victim Services Directory](#).

If you require further information or have questions, please contact Vivienne Lipman, Director of Ontario Victim Services at Vivienne.Lipman@ontario.ca or 647-409-2456. Thank you for your support of this program and the victims of crime it supports.

A handwritten signature in black ink, appearing to read 'Tamara', with a long horizontal flourish extending to the right.

Tamara Gilbert
Assistant Deputy Attorney General



Memorandum

March 2020

To: Marc Bedard
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

From: Ontario Police Health and Safety Committee
Labour and Management Co-Chairs

Re: *Guidance Note #18: Role of the Safety Officer in the Incident Management System*

The Ontario Police Health and Safety Committee (OPHSC) is appointed by the Minister of Labour, Training and Skills Development under Section 21 of the *Occupational Health and Safety Act* for the purpose of advising the Minister and making recommendations on occupational health and safety issues that affect police personnel across Ontario.

As you know, police personnel face unique occupational health and safety hazards that may not specifically be addressed in Ontario's *Police Services Act*, its regulations, or in supporting policing guidelines.

The OPHSC has developed *Guidance Note #18: Role of the Safety Officer in the Incident Management System*. The purpose of this guidance note is to reinforce the important role of a Safety Officer, as a part of an Incident Management System (IMS), in protecting the health and safety of police service workers who are responding to an emergency. This guidance note replaces *Advisory #4: Incident Management System*.

The OPHSC is seeking your support in ensuring these guidance notes and posters are distributed broadly within the policing community.

Sincerely,

A handwritten signature in black ink, appearing to be "MB", written over a horizontal line.

Mark Baxter
Labour Co-Chair
Police Association of Ontario

A handwritten signature in blue ink, appearing to be "Bryan Larkin", written over a horizontal line.

Bryan Larkin
Management Co-Chair
Ontario Association of Chiefs of Police



Ontario Police Health and Safety Committee

Guidance Note #18

The Role of the Safety Officer in the Incident Management System

The purpose of this guidance note is to reinforce the important role of a Safety Officer, as a part of an Incident Management System (IMS), in protecting the health and safety of police service workers who are responding to an emergency.

Introduction

Emergency incidents are increasing in complexity and frequency, as such, emergency preparedness and the protection of police service workers is an increasing priority for police services.

A police service might be the sole emergency response provider, or it might be part of a coordinated response for a large scale or complex emergency. An emergency within a municipality could involve both public and private emergency response service providers (e.g. police, firefighters, Emergency Medical Services, utilities, construction, transportation, etc.) as well as other jurisdictions (e.g. other municipalities, provincial ministries and federal ministries).

The Province of Ontario Incident Management System (IMS) doctrine was produced as part of Ontario's ever-improving emergency management program. IMS is a broad term which is intended to bring an orderly, consistent and flexible chain of command and control within an emergency response. The IMS doctrine promotes a standardized approach in structuring a response to all kinds of incidents (small, large and/or complex). It addresses the coordination of personnel, facilities, equipment, procedures and communications to maximize efficiency, effectiveness, timeliness and safe functional interoperability at all levels of emergency management.

The Ontario Police Health and Safety (S.21) Committee supports the Incident Management System for Ontario (IMS doctrine).

Emergency Management and Civil Protection Act

The *Emergency Management and Civil Protection Act* (EMCPA) sets out requirements for provincial ministries and municipalities to develop emergency management programs for public safety.

The EMCPA specifically sets out that:

“...in the event of a conflict between this Act or an order made under subsection 7.0.2(4) and the *Occupational Health and Safety Act* (OHSA) or a regulation made under it, the OHSA or the regulation made under it prevails.”

In the event of a conflict between the EMCPA or an emergency order made under subsection 7.0.2(4) of the EMCPA and the OHSA (or a regulation made under the OHSA), the obligations and requirements under the OHSA or the regulations must be complied with.

Occupational Health and Safety Act (OHSA)

At all times, a police service employer and a supervisor (as defined under the OHSA) must take every precaution reasonable in the circumstances for the protection of a worker (OHSA subclauses 25(2)(h)) and 27(2)(c) respectively).

Employers are also required to provide information, instruction and supervision to a worker to protect the health and safety of the worker (OHSA clause 25(2)(a)).

The health and safety of workers must be protected including during an “emergency”, regardless of whether the incident is managed locally, within a single jurisdiction or is more complex requiring a multi-disciplinary, multi-jurisdictional response.

Role of the Safety Officer

The IMS doctrine describes the role of a Safety Officer assigned by the Incident Command as an individual who “monitors safety conditions and develops safety measures.” It recognizes that “while each person who is assigned a leadership role is responsible for the safety of personnel working under their leadership, the Safety Officer is tasked with creating systems and procedures related to the overall health and safety of all incident responders.”

The IMS doctrine specifically states that “the Safety Officer must have knowledge and professional experience to be able to control or reduce occupational hazards and exposures.” It also states that “during a complex incident, assistants to the Safety Officer may be assigned from a variety of organizations and levels of government.” This is particularly important when multiple emergency response services are responding to the same incident and as the conditions change during an emergency.

The IMS doctrine lists the following as some of the responsibilities for the Safety Officer:

- works closely with Operations to ensure that responders are as safe as possible under the circumstances, including wearing appropriate protective equipment and implementing the safest operational options
- advises command on issues regarding incident safety
- minimizes employee risk by promoting safety procedures (e.g. ensure an adequate personnel accountability system is in place to track the status/movement of all personnel)
- conducts risk analyses based on information from responders' social support

- centres and implementing safety measures, normally through the planning process
- alters, suspends or terminates any or all activities that are deemed hazardous regardless of jurisdiction
- assists in the review of the Incident Action Plan to identify safety concerns and issues
- assists with writing the Incident Medical Plan

The Safety Officer needs to be informed about emerging occupational health and safety hazards affecting all responders including police service workers engaged in activities at the incident. The police service employer and supervisor should obtain current information from the Safety Officer for the incident so that health and safety measures and procedures to protect the health and safety of police personnel.

It is up to each police service to establish how they will structure their internal incident command system and coordinate with other emergency response service providers depending on the nature and complexity of an emergency. In all cases, the police service is required to comply with the OHSA and should adhere to the IMS protocols at the same time.

In the event of a police-only response, the on-scene police service supervisor may be the person with the appropriate level of knowledge and experience to act as the Safety Officer for the incident. Alternatively, it could be another police representative, with the appropriate level of knowledge and experience, who acts as the Safety Officer and who communicates worker health and safety information to and from the police service employer and supervisor.

In an incident involving multiple emergency response service providers, and dependent on the nature of the incident, a police service may not be the agency to assume the role of Incident Command and the on-scene Safety Officer may not be a member of the police service. The responsibility for Incident Command may fall to another agency, such as fire service. The police service should ensure that there is ongoing communication between their Officer in Charge or designate and the on-scene Safety Officer. Continuous communication with the on-scene Safety Officer is necessary to ensure that police service members are knowledgeable about health and safety hazards and the measures and procedures to follow to protect themselves, including wearing appropriate personal protective equipment (PPE) when it is needed.

In incidents which are large-scale, complex, and/or multi-jurisdictional, or in which there are multiple incident sites, a Unified Command model may be necessary. In this case, agencies “work together through their designated members of the Unified Command, to establish a common set of objectives and strategies and a single Incident Action Plan”. The scale of an emergency may also require the establishment of multiple Incident Commands, coordinated through a central Emergency Operations Centre (EOC). The Safety Officer for a police service may therefore be situated at a command center and may be required to obtain briefings from the on-scene Safety Officer. The IMS doctrine notes that it may become necessary to designate Assistant Safety Officers for multi-discipline incidents or for multiple high-risk operations. The Safety Officer would then be responsible for communicating with and obtaining briefings from the Assistant Safety Officers.

When multiple emergency response service providers respond to an incident, some key responsibilities of a police service Safety Officer may include, but not be limited to:

- liaising with the on-scene Safety Officer and other emergency response services engaged in the incident response to assess the health and safety risks and appropriate measures and procedures to protect workers
- identifying health and safety hazards using situational risk assessments and reporting them to the police employer, supervisor and to the on-scene Safety Officer
- liaising with the police service employer and supervisor in a timely manner, to implement health and safety measures and procedures, including the use of personal protective equipment (PPE)
- checking that workers have been provided with current information, instruction and supervision regarding the employer emergency management policy and program, including specific health and safety measures and procedures
- following the communication system protocols to ensure effective communication of current and emerging health and safety information
- remaining available, as appropriate, to respond to questions and/or receive recommendations regarding health and safety matters affecting police service workers who are at the incident site
- documenting any unplanned worker exposures involving police service workers
- reporting all near misses and incidents where police service workers are injured to the police service's supervisor and employer and the incident Safety Officer
- reviewing previous incidents and making recommendations to the police service employer and joint health and safety committee/health and safety representative to improve emergency measures and procedures for worker protection as part of a comprehensive workplace health and safety policy and program

Advancing a culture of health and safety together

Through the adoption of the IMS doctrine and recognition of the important role of the Safety Officer in emergency management we can all work together to protect workers from health and safety hazards and advance a culture of health and safety.

Acknowledgements

The Ontario Police Health and Safety Committee is made up of professionals in police services from across the province with representatives from the Police Association of Ontario, Ontario Provincial Police, Ontario Provincial Police Association, Toronto Police Service, Toronto Police Association, Ontario Association of Chiefs of Police, Ministry of the Solicitor General, Ministry of Labour, Training and Skills Development, Ontario Police College, Ontario Police Health and Safety Association, Ontario Senior Officers' Police Association and Public Services Health and Safety Association. The committee also receives input from experts in the police sector. The Ministry would like to thank the committee for their help in making this guidance note possible.

Additional Information

OPHSC Guidance Note #4: Worker Information, Instruction and Training
 OPHSC Guidance Note #12: Competent Supervision- Knowledge, Training and Experience

Resources

Occupational Health and Safety Act
<https://www.ontario.ca/laws/statute/90o01?search=occupational+health+and>

Emergency Management and Civil Protection Act
<https://www.ontario.ca/laws/statute/90e09>

Office of the Fire Marshall and Emergency Management Ontario (OFMEM)

[OFMEM IMS Doctrine](#)

SOLGEN OFMEM Training Portal
https://training.emergencymanagementontario.ca/TPOnline/TPOnline.dll/EMO_Home

SOLGEN OFMEM Hazard Identification & Risk Assessment Information (HIRA)
<https://www.emergencymanagementontario.ca/english/emcommunity/ProvincialPrograms/hira/hira.html>

INCIDENT SAFETY OFFICER NFPA 1521, Chapter 5, 2015
<https://www.oafc.on.ca/sites/default/files/uploads/Training/OFMEM-Train-Res/Sign-Offs/Incident%20Safety%20Officer%20%28NFPA%201521-2015%29%20-%20OFMEM%20Skill%20Sheets%20Booklet%20%28December%208%2C%202017%29.pdf>

Incident Command System Canada
<http://www.icscanada.ca/>

ER-004 Major Incident Command – Policing Standards Manual

Health and Safety System Partners

<http://www.labour.gov.on.ca/english/hs/websites.php>

This document should be shared with the workplace Joint Health and Safety Committee or Health and Safety Representative, incorporated into the workplace occupational health and safety policy and program and posted on the police service's intranet.

The Public Services Health and Safety Association may be contacted for assistance in the development and implementation of an occupational health and safety program, training and specialized services: <http://www.pshsa.ca/>

For more information, contact the Ministry of Labour, Training and Skills Development (MLTSD) Health & Safety Contact Centre toll free at 1-877-202-0008.

For additional information on the requirements under the *Occupational Health and Safety Act* (OHSA), refer to http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm

This guidance note has been prepared to assist the workplace parties in understanding some of their obligations under the OHSA and the regulations. It is not intended to replace the OHSA or the regulations and reference should always be made to the official version of the legislation.

It is the responsibility of the workplace parties to ensure compliance with the legislation. This guidance note does not constitute legal advice. If you require assistance with respect to the interpretation of the legislation and its potential application in specific circumstances, please contact your legal counsel.

While this guidance note will also be available to MLTSD inspectors, they will apply and enforce the OHSA and its regulations based on the facts as they may find them in the workplace. This guidance note does not affect their enforcement discretion in any way.

**Ministry of Labour,
Training and Skills
Development**

Office of the Assistant
Deputy Minister
Operations Division

400 University Avenue
14th Floor
Toronto ON M7A 1T7
Tel.: 416 326-7667
Fax: 416 212-4455

**Ministère du Travail, de la
Formation et du Développement
des compétences**

Bureau du
sous-ministre adjoint
Division des opérations

400, avenue University
14^e étage
Toronto ON M7A 1T7
Tél. : 416 326-7667
Télec. : 416 212-4455



March 2020

MEMORANDUM TO: Rick Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Jody Young
Assistant Deputy Minister
Operations Division
Ministry of Labour, Training and Skills Development

Subject: Guidance Note #18: The Role of the Safety Officer in the Incident Management System

The Ontario Police Health and Safety Committee (OPHSC) is appointed by the Minister of Labour, Training and Skills Development under Section 21 of the Occupational Health and Safety Act for the purpose of advising the Minister and making recommendations on occupational health and safety issues that affect police personnel across Ontario.

The OPHSC has developed Guidance Note #18: The Role of the Safety Officer in the Incident Management System. This guidance note replaces Advisory #4: Incident Management System, 2011. The purpose of this guidance note is to reinforce the important role of a Safety Officer, as a part of an Incident Management System (IMS), in protecting the health and safety of police service workers who are responding to an emergency.

The Ministry of Labour, Training, Skills and Development is seeking the continued support of SOLGEN in raising awareness of health and safety issues by distributing the attached guidance note to police personnel at all levels within the policing community.

Yours sincerely,

A handwritten signature in black ink, appearing to be "Jody Young".

Jody Young
Assistant Deputy Minister
Operations Division
Ministry of Labour, Training and Skills Development

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **The Role of the Safety Officer in the Incident
Management System**

DATE OF ISSUE:	April 23, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0058
PRIORITY:	Normal

At the request of the Ministry of Labour, Training and Skills Development, I am sharing a communication package regarding a Guidance Note recently prepared by the Ontario Police Health and Safety Committee (OPHSC) with respect to the role of a Safety Officer, as a part of an Incident Management System (IMS).

Please review the attached memo and associated attachments from Assistant Deputy Minister Jody Young for further detail on this Guidance Note. If you require further information, please contact Fiona MacPate, Provincial Specialist, at Fiona.Macpate@ontario.ca.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

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For more assistance with Adobe Reader visit <http://www.adobe.com/go/acrreader>.

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Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Issues Related to the Protection of Persons
Administering and Enforcing the Law - Sections 25.1 to
25.4 of the *Criminal Code of Canada***

DATE OF ISSUE:	April 24, 2020
CLASSIFICATION:	For Action
RETENTION:	June 30, 2020
INDEX NO.:	20-0059
PRIORITY:	High

Requirement for Annual Reporting

The ministry is required to prepare a report for the period of February 1, 2019 to January 31, 2020 consistent with the statutory requirement to make public an annual report on the use of specific portions of the law enforcement justification provisions by police services in Ontario, as stated in s. 25.3 of the *Criminal Code*. In order to comply with this obligation, we require the following information:

- **Number of Designations by a Senior Official Under Subsection 25.1 (6):**
State the number of times a Senior Official made emergent designations and the nature of conduct being investigated in these instances. As per this subsection, a Senior Official may temporarily (48 hours) designate a Public Officer in circumstances which require such quick police response that awaiting the Minister's approval of designation through the normal protocol may affect the timeliness of a critical investigation.
- **Number of Authorizations by a Senior Official Under Paragraph 25.1 (9)(a):**
State the number of times a Senior Official provided written authorization to a Public Officer to commit an act or omission – or direct its commission – that would otherwise constitute an offence and which was likely to result in serious loss of or damage to property, prior to the act(s) or omission(s) being committed. State the type(s) of act(s)/omission(s) that was committed.

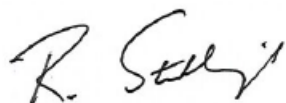
-2-

- **Number of Times that Acts or Omissions Were Committed by Public Officers in Accordance With Paragraph 25.1 (9)(b):** State the number of times that a Public Officer, due to exigent circumstances and without prior written approval from a Senior Official, committed an act or omission – or directed its commission – that would otherwise constitute an offence and which was likely to result in serious loss of or damage to property. State the type(s) of act(s)/omission(s) that was committed.

In order to maintain consistency in the ministry's reporting, the attached reporting template provides you with general categories for (a) nature of conduct being investigated and (b) types of acts or omissions authorized to be committed, or committed, by a Public Officer or directed by a Public Officer, which would otherwise constitute an offence. The categories are accessible by drop-down boxes embedded within the form. The document is protected when completed.

Please complete the attached reporting template and return it to the Criminal Intelligence Service Ontario (CISO) by **June 30, 2020**. Replies may be e-mailed with encryption directly to ciso.c24@ontario.ca. Should you have any questions, please contact Steve Rowbottom at 519-773-4403 or steve.rowbottom@ontario.ca or Kristin Ridout at 416-679-2138 or kristin.ridout@ontario.ca.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Crime Gun Submissions to the Firearms Tracing and
Enforcement (FATE) Program**

DATE OF ISSUE:	April 24, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0060
PRIORITY:	High

Further to the All Chiefs Memo 20-0011, dated March 4, 2020, regarding the submission of firearm data to the ministry, this memorandum seeks to clarify that crime gun information should be forwarded directly to the Firearms Tracing and Enforcement (FATE) program administered by Criminal Intelligence Service Ontario (CISO).

The FATE program provides support to Ontario police services and international partners, assisting them with the identification of groups and trends in the trafficking and/or smuggling of crime guns, as well as identifying links in cases between jurisdictions.

Information about crime guns should be forwarded to CISO **as soon as the guns come into the possession of the police service**. The attached Crime Gun Submission Form should be used for this purpose and emailed to firearmtracing@ontario.ca.

The following are criteria for a crime gun:

- is used or has been used in a criminal offence;
- is obtained, possessed or intended to be used to facilitate criminal activity;
- has a removed or obliterated serial number(s);
- is found; and
- includes any weapon that has been adapted to be used as a firearm.

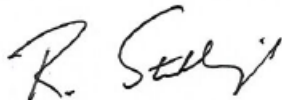
-2-

As a reminder, police services are required to **continue to submit** firearm data to the ministry pursuant to ACM 20-0011, to satisfy requirements of s.134 of the *Police Services Act*, using the template provided. A copy of this template is being re-attached to this memo for your reference.

If you have any questions regarding the FATE program or submission of crime gun information, please contact CISO through either Scott Ferguson, at Scott.Ferguson@ontario.ca or (416) 407-1842, or Michael McMenemy, at Michael.McMenemy@ontario.ca or (416) 679-2100.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Data Tabs	Field Name	Field Description
All tabs	Agency	Agency Name
All tabs	Occurrence No. General Occurance Report (GO#)	Occurrence number - unique identifier assigned to each incident
'Firearms Info' and 'Firearm Possessor Info'	FirearmID	Unique firearms identifier
'General Info'	Date Seized/Received	Date the firearm was seized
'General Info'	Investigator	Investigator First and last name
'General Info'	Phone Number	Investigator Phone number
'General Info'	Email Address	Investigator Email address
'General Info'	Street Number	Location seized - Building number
'General Info'	Street Name	Location seized - Street name
'General Info'	Street Type	Location seized - Street type
'General Info'	Direction	Location seized - Street direction
'General Info'	Apt./Unit	Location seized - Apartment/unit number
'General Info'	City	Location seized - City
'General Info'	Province	Location seized - Province
'General Info'	Detachment/Division	Location seized - Detachment/Division (e.g., OPP SeizedDutyLocation)
'General Info'	Proceeds of Crime	Value of proceeds of crime
'General Info'	General Info Remarks	General information/seizure - remarks
'General Info'	Crime Category	Firearm crime category: - where firearm was used in a criminal offence; - where a firearm was obtained, possessed or intended to be used to facilitate criminal activity;
'General Info'	Crime Category Description	Text description of crime category

Firearms Info	Crime Gun	Indicator if the firearm was a crime gun
'Firearms Info'	Manufacturer	Firearm manufacturer
'Firearms Info'	Make	Firearm make
'Firearms Info'	Model	Firearm model
'Firearms Info'	Serial Number	Firearm serial number
'Firearms Info'	Type of firearm	Type of firearm
'Firearms Info'	Calibre	Firearm calibre in millimeters
'Firearms Info'	Magazine Capacity/Cylinder	Firearm magazine capacity/cylinder
'Firearms Info'	Barrel Length	Firearm barrel length in millimeters
'Firearms Info'	Firearm Classification	Firearm classification
'Firearms Info'	Firearm / Property Status	Indicator if the firearm is stolen
'Firearms Info'	Disposition Status	
'Firearms Info'	Disposition Details / Method	
'Firearms Info'	Firearm Remarks	Firearm information - remarks
Firearm Posessor Info	Posessor Last Name	Firearm possessor - Last name
Firearm Posessor Info	Posessor Given Names (separate by commas)	Firearm possessor - Given Names (separated by comma)
	Given Name 2	
	Given Name 3	
Firearm Posessor Info	Date of Birth	Firearm possessor - Date of birth
Firearm Posessor Info	Gender	

Firearm Posessor Info	Street Number	Firearm possessor - Street name
Firearm Posessor Info	Street Name	Firearm possessor - Street type
Firearm Posessor Info	Street Type	Firearm possessor - Street direction
Firearm Posessor Info	Direction	Firearm possessor - Apartment/unit number
Firearm Posessor Info	Apt./Unit	Firearm possessor - City
Firearm Posessor Info	City	Firearm possessor - City of residence
Firearm Posessor Info	Province	Firearm possessor - Province
Firearm Posessor Info	Postal Code/Zip Code	Firearm possessor - Province/zip code
Firearm Posessor Info	Country	Firearm possessor - Country of residence
Firearm Posessor Info	Relation to Firearm	Firearm possessor - Relation to firearm
Firearm Posessor Info	Posessor Info Remarks	Firearm possessor - Remarks

Format	Niche Suggested Field:	Versaterm Suggested Field:
	refer to query	General Occurrence Report [GO#]
YYYY-MM-DD	refer to query [ReportedTimeTZV2IF]	[seizure_date] AND/OR [entry_date]
	refer to query [LabelEmpl]	
	refer to query [CommAddressG]	
	refer to query [CommAddressG]	
	refer to query [BuildingUnitIdentifierG]	
	refer to query [StreetNameG]	
	refer to query [StreetTypeG]	
	refer to query [StreetDirectionG]	
	refer to query [BuildingUnitIdentifierG]	
	refer to query [MunicipalityNameG]	
	refer to query [ProvStateCodeG]	
	refer to query [ESAreaLevel4G]	
	Proceeds of crime	
	refer to query [OccurrenceStdOccTypeRId_L]	
	refer to query [MostSeriousViolationMerged]	Offence Code linked through General Occurrence # (include UCR code and extension)
	refer to query [MostSeriousViolationDescription]	

	Not required. Will be determined through other fields provided such as: Crime Category Serial Number Proceeds of crime Type of firearm	Not required. Will be determined through other fields provided such as: Offence code Serial Number Property Status Type of firearm
	refer to query firearm.[ManufacturerG]	[manufacturer]
	refer to query firearm.[MakeG]	[firearm_make]
	refer to query firearm.[ModelG]	[firearm_model]
	refer to query firearm.[Serial NumberG]	[Serial_Number]
	refer to query firearm.[Type2G]	[firearm_type]
	refer to query firearm.[CalibreG]	[calibre]
	refer to query firearm.[ShotCount]	[shots]
	refer to query firearm.[BarrelLengthG]	[barrel_length]
	refer to query (firearm.[Type1G] OR [ClassificationG])	[firearm_desc]
	[Stolen Firearm]	[Property_Status]
	refer to query [Disposition]	Disposition Status
	refer to query [Disposition Method]	Disposition Details
	refer to query	
	refer to query Person.[Surname_cache]	Fields linked through General Occurance #
	refer to query Person.[Given1]	Fields linked through General Occurance #
	refer to query Person.[Given2]	Fields linked through General Occurance #
	refer to query Person.[Given3]	Fields linked through General Occurance #
YYYY-MM-DD	refer to query Person.[DateOfBirth_cacheG]	Fields linked through General Occurance #
	refer to query Person.[Gender_cacheG]	Fields linked through General Occurance #

	refer to query [CivicSiteStreetNumberG]	Fields linked through General Occurance #
	refer to query [StreetNameG]	Fields linked through General Occurance #
	refer to query [StreetTypeG]	Fields linked through General Occurance #
	refer to query [StreetDirectionG]	Fields linked through General Occurance #
	refer to query [BuildingUnitIdentifierG]	Fields linked through General Occurance #
	refer to query [CityCodeG]	Fields linked through General Occurance #
	refer to query [ProvStateCodeG]	Fields linked through General Occurance #
	refer to query [PostalZipCodeG]	Fields linked through General Occurance #
	refer to query [CountryCodeG]	
	refer to query [Type1G]	
	refer to query [Remarks]	

Agency	Occurrence No. General Occurrence Report (GO#)	Date Seized/Recei ved	Investig ator	Phone Number
--------	--	-----------------------------	------------------	--------------

Email Address	Street Number	Street Name	Street Type	Direction	Apt./Unit

City	Province	Detachme nt/Divisio n	Proceeds of Crime	General Info Remarks	Crime Category
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Crime Category
Description

Agency	Occurrence No. General Occurrence Report (GO#)	Firearm ID	Crime Gun	Manufacturer
--------	---	------------	--------------	--------------

Make	Model	Serial Number	Type of firearm	Calibre	Magazine Capacity/Cylinder
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Barrel Length	Firearm Classification	Firearm / Property Status	Disposition	Disposition	Firearm Remarks
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Agency	Occurrence No. General Occurrence Report (GO#)	Firearm ID	Posessor Last Name	Posessor Given Names (separate by commas)
--------	--	------------	--------------------	---

Given Name 2	Given Name 3	Date of Birth	Gender	Street Number

Street Name	Street Type	Direction	Apt./Unit
-------------	-------------	-----------	-----------

City	Province	Postal Code/Zip Code	Country	Relation to Firearm
------	----------	----------------------	---------	---------------------

Possessor
Info
Remarks

Data Tabs	Field Name
'Firearms Info'	Crime Gun

Field

Offence code

Offence code

Serial Number

Property Status

Type of firearm

Criteria

That is used or has been used in a criminal offence;

That is obtained, possessed or intended to be used to facilitate criminal activity;

That has a removed or obliterated serial number(s);

That is found;

Includes any weapon that has been adapted to use as a firearm.

Field Description	Niche Suggested Field:	Versaterm Suggested Field:
Indicator if the firearm was a crime gun	Not required. Will be determined through other fields provided such as: Crime Category Serial Number Proceeds of crime Type of firearm	Not required. Will be determined through other fields provided such as: Offence code Serial Number Property Status Type of firearm

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Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Staffing Resources Reporting**

DATE OF ISSUE:	April 24, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0061
PRIORITY:	High

As Ontario continues to take decisive action to stop the spread of COVID-19, the Ministry of the Solicitor General is assessing how the outbreak is impacting critical resources across the sector. As part of this process, the ministry is seeking information on the number of policing personnel (e.g., police officers, special constables, auxiliary members and civilians) who have been impacted by COVID-19.

This information will serve as a tool to understand the staffing levels in critical frontline areas across the province, increase sightlines into the availability of these resources, and allow for trending and analysis of this information to determine where staff shortages may exist.

We are requesting that police services complete a weekly report to ensure the ministry has updated information on the spread of COVID-19 within the policing sector and its impact on staffing. Beginning **April 28, 2020**, and for the duration of the emergency period, your service is asked to submit a weekly report **each Tuesday by 12 p.m. EST**.

The report is a password-protected PDF form which can be submitted directly to the ministry, and can be accessed through the following [link](#). For more information about the form and the submission process, please refer to the attached guidance document. If you encounter any issues in opening the form, please refer to this tip sheet.

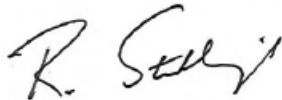
-2-

Further to All Chiefs Memo 20-0047 (Collection of Emergency Data related to Emergency Orders under the *Emergency Management and Civil Protection Act*), I want to extend my sincere appreciation for your services' cooperation and support during this time. The information you have been sharing with the ministry has been critical in supporting the government's understanding of the impacts of COVID-19 and your continued cooperation helps to shape our response. As we continue to track the demands of and impacts to frontline resources, the ministry will work with you on new solutions as they become available.

Recognizing the need to support your services' capacity, we will also continue to explore how requests can be better streamlined and will keep you apprised of any changes or improvements to this process.

If you require further information or assistance with this reporting process, please contact your designated police services advisor or SOLGEN-HRSBU@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Staffing Resources Reporting – Guidance Document

Process

- Download and complete the online reporting form using the following [link](#)
- Please bookmark the link and access the form by downloading the form directly from the Ontario Central Forms Repository website for each report back as the form may be updated regularly to reflect feedback and improved user functionality
- The form is protected and can be accessed by entering the password: **CERT2020**
- The form is dynamic, and based on your selections, specific questions about the operations you are reporting for will appear
- Please use the 'submit form' button at the end of the page. Following the submission, you will receive a confirmation email

Frequency

- Please submit a report once a week by **12:00pm (EST) each Tuesday**
- Information captured in the report should be the most recent information available to the service at the time of report completion

Technology Requirements

- Internet enabled PC/Laptop (form cannot be completed on a mobile phone or tablet)
- Adobe Acrobat version 10 or higher
- Internet Explorer (see page 2) / Google Chrome (see page 3) or any other internet browser
- If the form fails to open, please visit the [Adobe Acrobat website](#) and download the most recent version


Internet Explorer

1. Navigate to the form using the link previously provided, also found here: [Staffing Resources Reporting](#)
1. Once you arrive at the page for the form, in the details section, click on the “BPS Critically Essential Resource Tracking link” as shown below:

Central Forms Repository

Location: [Forms Home](#) > [Quick Search](#) > [Quick Search Results](#) > [Form Details](#)

Form Details

Format	Form Link Address	Form Format	Functionality	Size
Adobe PDF	 BPS Critically Essential Resource Tracking		Fill, Print & Submit	117.0 kb

Form Classification

Classification / Identification:

Form Number: ON00066E **Edition date:** 2020/04

Title: BPS Critically Essential Resource Tracking

Ministry: Solicitor General

Branch/ABC: SolGen Solutions Branch

Program: Corrections

Purpose of Form: For use by fire, municipal and First Nations polices services and emergency management operations for reporting on staffing levels to the Ministry of the Solicitor General.

2. You will see a menu bar at the bottom of your screen asking to open or save the file



- a. Click the arrow beside the save button and choose a location to save the file.
 - b. The file should begin to download to your pre-selected location.
3. Navigate to you the location in which you saved the form
 - a. Double click the form, ensure that the file opens in Adobe Acrobat 10 or higher
 - i. If you successfully opened the form in Adobe Acrobat 10 or higher please proceed to complete your form submission
 - ii. If your form did **not** open in Adobe Acrobat 10, please continue to step 5.
 4. Ensure that you have closed the file that is currently open.

5. Go back to the location where you saved the form, right click on the file and select "Open With" In this menu please select Adobe Acrobat or Adobe Acrobat Reader.
6. If you successfully opened the form in Adobe Acrobat 10 or higher please proceed to complete your form submission

If you are still having trouble opening the file, please refer to the "IT Support" section


Google Chrome

1. Navigate to the form using the link previously provided, also found here: [Staffing Resources Reporting](#)
2. Once you arrive at the page for the form, in the details section, click on the "BPS Critically Essential Resource Tracking link" as shown below:

Central Forms Repository

Location: [Forms Home](#) > [Quick Search](#) > [Quick Search Results](#) > [Form Details](#)

Form Details

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Title:	BPS Critically Essential Resource Tracking		
Ministry:	Solicitor General		
Branch/ABC:	SolGen Solutions Branch		
Program:	Corrections		
Purpose of Form:	For use by fire, municipal and First Nations polices services and emergency management operations for reporting on staffing levels to the Ministry of the Solicitor General.		

3. The form should automatically download and will be saved to your default save location, typically this would be the Downloads folder on your C:\ Drive.
4. Navigate to you the location in which you saved the form.
 - a. Double click the form, ensure that the file opens in Adobe Acrobat 10 or higher.
 - i. If you successfully opened the form in Adobe Acrobat 10 or higher please proceed to complete your form submission.
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7. If you successfully opened the file in Adobe Acrobat 10 or higher please proceed to complete your form submission.

If you are still having trouble opening the file, please refer to the "IT Support" section

IT Support

- Please ensure that you have met the minimum browser requirements to utilize the Ontario Central Forms Repository: <https://www.ontario.ca/page/supported-browsers>
- Please ensure you have the Adobe Acrobat 10 Reader/Professional on your PC/Laptop. If you do not, please click here to download the latest version: <https://get.adobe.com/reader/>
- **Note: If your PC/Laptop was issued by your organization you may need administrative rights to install this application on your PC/Laptop. Please contact your internal IT department for further installation instructions.**
- Use another PC/Laptop to complete the submission.
- If you continue to face issues, please contact SOLGEN-HRSBU@ontario.ca.

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Extension for Community Safety and Well-Being
Planning Deadline**

DATE OF ISSUE:	April 24, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0062
PRIORITY:	Normal

I would like to provide you with an important update on Ontario's modernized approach to community safety and well-being in light of the COVID-19 outbreak.

As you may know, on January 1, 2019, amendments to the *Police Services Act* (PSA) came into force, which mandate every municipality in Ontario to prepare and adopt a community safety and well-being (CSWB) plan.

As part of these legislative requirements, municipalities must consult with chiefs of police and police services boards or detachment commanders and other various sectors, including health/mental health, education, community/social services and children/youth services, as they undertake the planning process. As previously communicated, municipalities had two years from the in-force date to prepare and adopt their first CSWB plan (i.e., by January 1, 2021).

In order to support our municipal, policing and community partners during this emergency, on April 14, 2020, the government passed the *Coronavirus (COVID-19) Support and Protection Act, 2020*, which amends the PSA to allow the Solicitor General to extend the deadline to prepare and adopt CSWB plans. The amendments came into force immediately upon Royal Assent.

-2-

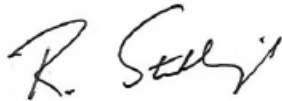
The amendments allow the Solicitor General to prescribe a new deadline past January 1, 2021, which will help ensure municipalities are able to meet the legislative requirements and complete their CSWB plans.

This extension will ensure municipalities, police services and local service providers can continue to dedicate the necessary capacity and resources to respond to the COVID-19 outbreak, while also providing adequate time to effectively undertake consultations, work collaboratively with partners, and develop meaningful and fulsome plans following the provincial emergency.

The ministry will work with the Association of Municipalities of Ontario, as well as the City of Toronto, to determine an appropriate new deadline that will be set by regulation at a later date. We will continue to keep our stakeholders updated on this process.

I thank you for your commitment to supporting the safety, health and well-being of Ontarians and appreciate your continued support as we move forward with this modernized approach to CSWB together. If you have any questions, please contact Tiana Biordi, Community Safety Analyst at Tiana.Biordi@ontario.ca or Steffie Anastasopoulos, Community Safety Analyst, at Steffie.Anastasopoulos@ontario.ca.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Bill C-75 / Appearance Notice (Form 9), Undertaking
(Form 10) and Other Forms**

DATE OF ISSUE:	April 27, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0063
PRIORITY:	Normal

At the request of the Ministry of the Attorney General, I am sharing a communication regarding updates to a number of forms as a result of Bill C-75.

Please review the attached memo from Assistant Deputy Attorney General Sheila Bristo, which provides details on these updated forms.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Attorney General

Court Services Division
Office of the Assistant Deputy
Attorney General

McMurtry-Scott Building
720 Bay Street, 2nd Floor
Toronto ON M7A 2S9
Tel.: 416 326-2611
Fax.: 416 326-2652

Ministère du Procureur général

Division des services aux tribunaux
Bureau de la Sous-procureure générale
adjointe

Édifice McMurtry-Scott
720, rue Bay, 2^e étage
Toronto ON M7A 2S9
Tél. : 416 326-2611
Téléc. : 416 326-2652

Our Reference #: A-2020-66

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

DATE: April 24, 2020

SUBJECT: **Bill C-75 / Appearance Notice (Form 9), Undertaking (Form 10) and Other Forms**

Appearance Notice (Form 9)

Further to an All Chiefs Memo issued December 16, 2019 and as a result of amendments to the *Criminal Code* made by Bill C-75, this update is to confirm that an initial shipment of the Form 9 (Appearance Notice) was delivered to all court locations the week of January 20, 2020, and a larger shipment of the Form 9 in “booklet” format was delivered to all court locations between February 10 and February 12, 2020. For the Toronto region, the Form 9 shipment was delivered to the Toronto Police Services at 9 Hanna Avenue.

Undertaking (Form 10)

The Court Services Division is facilitating the production of the Undertaking (Form 10) in a new pre-printed format (similar to the Appearance Notice “booklet”). This entails the design and creation of a new form product and the engagement of specialized services outside of the Court Services Division in order to facilitate the production. The Court Services Division will advise through a further Memorandum when the new form product is available.

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In accordance with amendments resulting from Bill C-75, an updated version of the printable Undertaking (Form 10) was made available to police services on December 18, 2019 on the Criminal Forms Extranet. This printable version continues to be accessible on the Criminal Forms Extranet.

Other Forms

As a reminder to police services, in accordance with Bill C-75 amendments to the *Criminal Code* effective December 18, 2019, the Court Services Division updated the following forms:

- Information (Common Information) (Form 2)
- Summons (Form 6)
- Warrant for Arrest (Form 7) (and related Endorsement of Warrant (Form 28))
- Warrant for Committal (Form 8)
- Release Order (Form 11) *New form*
- Surety Declaration (Form 12) *New form*
- Recognizance (Form 32)

These forms (and versions of these forms) were made available on December 18, 2019, via standard methods of police access to forms, such as the [Criminal Forms Extranet](#).

A detailed list of the new and revised forms may be found by accessing the “Site Updates” link on the Criminal Forms Extranet home page.

Thank you for your attention to this matter.

Sincerely,

Original signed by

Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

GENERAL INFORMATION

1. I need help with the First Responders COVID-19 Risk Look-Up Portal. Who should I contact?

Inquiries may be directed to the COVID-19 Enforcement Support Line. Please call the following number: 1-866-389-7638. Assistance is available Monday to Sunday, from 8 a.m. EST – 9 p.m. EST.

To ensure the line can effectively respond to inquiries, the ministry requests that information associated with the support line not be disclosed to the general public.

2. What information is included in the portal?

The portal contains confirmed positive test results (beginning on April 1, 2020) for individuals who qualified for and have undergone a COVID-19 test. An individual who is included in the portal is never removed, even if they have subsequently recovered.

Policing personnel should continue to conduct point of interaction risk assessments and take other appropriate precautions when interacting with members of the public. It is important to continue to exercise caution and seek advice from local public health units on precautionary measures to take during interactions with members of the public.

3. Does the Ontario government certify the information in the portal to be completely accurate and up to date?

The Province of Ontario does not warrant that the information available through portal is complete, accurate, or up-to-date. The information is not intended to be relied upon as a definitive indicator of whether an individual has COVID-19 at the time of interaction.

Having access to COVID-19 status information is only one tool to assist frontline personnel with taking appropriate precautions. Individuals who are positive for COVID-19 may not have had a positive test, information about positive tests may not be available immediately, and individuals may be able to spread COVID-19 without showing any symptoms. Thus, it is important to continue to exercise caution and seek advice from local public health units on precautionary measures to take during interactions with members of the public.

4. What are some of the considerations with respect to the information contained within the portal?

Please note the following considerations regarding the information contained in the portal:

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

- It may take up to four days for test results to become available;
- The information in the portal is only updated once a day and does not reflect real-time testing information;
- Individuals who have tested positive may no longer have COVID-19;
- An individual who is included in the portal is never removed;
- Individuals' addresses may be recorded inconsistently;
- An address for a multi-unit building may have a positive case but not at the relevant unit; and
- There may be individuals at an address who do not reside there.

APPROPRIATE USE OF PORTAL

5. What are the parameters with respect to the use and disclosure of information contained within the portal?

The *Emergency Management and Civil Protection Act* (EMCPA) requires that information shared pursuant to [O. Reg. 120/20](#) only be used to prevent, respond to, or alleviate the effects of the emergency. The EMCPA also requires that any information-sharing authorized under the emergency order occur in a manner that limits its intrusiveness.

The portal is *only* intended to be used to look up the COVID-19 status of individuals that members of the police service will encounter or have encountered during the declared emergency *as a result of responding to calls for service*, for the sole purpose of supporting frontline policing personnel in making informed decisions about whether they need to take additional precautions to prevent the spread of COVID-19.

The portal must not be used to advise any individual about its contents for unauthorized purposes (*e.g., disclosures to heads of council or public health units for informational purposes*). For greater certainty, searches of the portal should not be conducted to ascertain the number of individuals in a municipality or region that appear on the portal and such information, if already obtained, should not be shared; such a use of the portal is not consistent with the requirements of the EMCPA in the ministry's view.

It is imperative that police services boards and chiefs of police protect the sensitive personal health information in the portal.

Police services should consult with their legal counsel to determine whether access to or use or disclosure of information from the portal is permitted.

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

6. Why is there sometimes a significant discrepancy between the number of positive COVID-19 cases being reported by local public health units and the number of persons on the spreadsheet based on the portal?

Previously, the portal contained the COVID-19 status of individuals who qualified for and have undergone a COVID-19 test that was determined to be not negative (e.g., *incomplete and indeterminate test results*).

As of April 25, 2020, the ministry has improved the data quality of the portal. It now only contains confirmed positive test results (beginning on April 1, 2020) for individuals who qualified for and have undergone a COVID-19 test. An individual who is included in the portal is never removed, even if they have subsequently recovered.

Please note the following considerations regarding the information contained within the portal:

- It may take up to four days for test results to become available;
- The information in the portal is only updated once a day and does not reflect real-time testing information;
- An individual who is included in the portal is never removed.
- Individuals who have tested positive may no longer have COVID-19;
- Individuals' addresses may be recorded inconsistently;
- An address for a multi-unit building may have a positive case but not at the relevant unit; and
- There may be individuals at an address who do not reside there.

The ministry continues to work to improve the portal including the quality of data available and will share further updates as available.

7. If an individual has recovered from COVID-19 are they removed from the list?

No, they are not removed.

8. Is the portal available to external special constable law enforcement agencies and municipal by-law enforcement officers?

The Emergency Order (O. Reg. 120/20) does not entitle non-police employed special constables or municipal by-law enforcement officers to gain access to the information from specified custodians or through the Ministry of Health information portal. Any disclosure to non-authorized persons would need to be made in accordance with applicable legislation, including the EMCPA and *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or the *Freedom of Information and Protection of Privacy Act* (FIPPA).

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

The EMCPA provides that the information must only be used to prevent, respond to, or alleviate the effects of the emergency.

PRIVACY AND SECURITY

9. Is there an audit logging function available for the portal?

The ministry has instituted an audit logging function that will track all user activity on the portal and flag any queries that are deemed to be inappropriate use of the portal (e.g., broad municipal-based searches). Where such inappropriate use of the portal is confirmed, the ministry may revoke access to the portal for the user who violated the terms of service or the entire group of users affiliated with the police service.

Furthermore, the ministry may report suspected unauthorized portal access or use/disclosure of information from the portal to the Information and Privacy Commissioner of Ontario. The ministry will, on request of a chief of police or police services board, provide a copy of an authorized user's audit logs for the purpose of investigating unauthorized access, or use or disclosure of information, for the purpose of pursuing discipline.

10. I need to investigate a suspected unauthorized access or use. Can the ministry provide me access to a user's activity?

The ministry will, on request of a chief of police or police services board, provide a copy of an authorized user's audit logs for the purpose of investigating unauthorized access, use or disclosure or pursuing discipline.

If you need access to a user's activity log, please contact the COVID-19 Enforcement Support Line at 1-866-389-7638.

11. What employment sanctions are available to a police services board or a chief of police if an individual misuses the portal or information from the portal?

Depending on the circumstances, the misuse of the portal or information from the portal by a police officer may amount to misconduct under the *Police Services Act*. The misconduct that could follow includes:

- Insubordination (depending on directions given or chief's procedures made);
- Breach of confidence (e.g., divulging any matter which it is the police officer's duty to keep secret); or
- Discreditable conduct (e.g., acting in a manner likely to bring discredit upon the police force's reputation).

The consequences for misconduct, after a hearing, can include suspension without pay and dismissal from employment with the police service.

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

The conduct of other employees in police services may also be subject to discipline.

12. What other consequences could individuals face?

It is a provincial offence under section 48 of the MFIPPA and section 61 of the FIPPA for a person to willfully disclose personal information in contravention of those Acts. On conviction, a person may be liable to a fine not exceeding \$5,000.

13. What is the ministry doing to secure access to data in the portal?

The ministry has only allowed individuals who perform communication and dispatch functions to access the portal. Those individuals have been issued with a user name and password to access the portal.

All activity on the portal is tracked by the ministry. Where inappropriate access or queries of the database is identified, the ministry will make the appropriate notifications and support investigation into the conduct. The ministry also can revoke access and suspend user privileges.

14. How should we be treating data pertaining to disclosure of COVID-19 status information, including the collection, use, disclosure, retention and destruction of the data?

The ministry continues to advise police services boards and chiefs of police to set default expiry dates for any alerts/flags in your computer-aided dispatch (CAD) system. The expiry dates should coincide with the day the declared provincial emergency ceases to be in effect.

Where your police service chooses to enter “remarks” into your CAD system, please ensure that personal health information is only included if necessary, and only the minimum amount of personal health information is included. The ministry recognizes that some functionalities of CAD systems may automatically transfer information into your Records Management System (RMS). This information continues to be subject to applicable law during and after the declared emergency, including the MFIPPA or the FIPPA.

15. Can COVID-19 status information obtained through portal be included in CPIC or intelligence databases?

Please note the COVID-19 status information should not be entered into the Canadian Police Information Centre (CPIC) and intelligence databases. The ministry encourages masking and restricting access to such personal health information as soon as practicable and no later than the conclusion of the provincial emergency.

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

16. Should policing personnel continue to take notes in their memo books?

Please be advised that policing personnel should continue to take appropriate notes in memo books in accordance with local policies and procedures, which may include information about the COVID-19 status of an individual.

17. Can COVID-19 status information be broadcast over the radio to policing personnel on the field through our communication and dispatch centre?

COVID-19 status information may be broadcast over your dispatch centre's encrypted radio communications system to the appropriate policing personnel to the extent necessary. The ministry recognizes that such radio transmissions will be recorded permanently and maintained for evidentiary purposes, where applicable, and in accordance with provincial legislation.

Please avoid relaying any personal health information over unencrypted electronic or radio communication systems. Please note that the EMCPA provides that personal information subject to an emergency order is subject to any law with respect to the privacy and confidentiality of personal information when the declared emergency is terminated.

Police services should consult with their legal counsel to determine whether access to or use, disclosure or destruction of information from the portal is permitted.

18. I want to download or export the list data in the portal. How do I do that?

For privacy reasons, those functions are not permitted. Please refer to the appropriate usage statements provided in the User Guide.

19. How long should I be keeping alerts and flags in my computer-aided dispatch (CAD) system?

Any alerts/flags using the COVID-19 status information in your CAD systems should be set to a default expiry date. This expiry date should coincide with the day the declared provincial emergency ceases to be in effect.

TROUBLESHOOTING

20. I do not have a user account for the First Responders COVID-19 Risk Look-Up Portal. Can you help me create one?

Access to the portal is only being provided to authorized users. Authorized users are individuals identified by the police service and who perform a communication and dispatch function. The ministry will be screening using job function and only allow access to individuals whose work has a nexus to communication and dispatch.

FAQ – First Responders COVID-19 Risk Look-Up Web Portal

- 21. My police service has identified me as an authorized user and I perform a communication and dispatch function. Can you please provide me access to the portal?**

Please contact the COVID-19 Enforcement Support Line at 1-866-389-7638 and provide the ministry with the name of your police service, your surname, first name, email address and job title. A person at the ministry will get back to you as soon as possible.

- 22. I forgot my password and/or I am locked out because I tried unsuccessfully to login in more than four times. Can you help me?**

Please contact the COVID-19 Enforcement Support Line at 1-866-389-7638 and provide the ministry with your user name, first name, surname and email address and the police service that you are calling from. A person at the ministry will get back to you as soon as possible.

- 23. I have the URL for the portal, but it is still not working. Can you help me access it?**

If the URL used is correct and the site is still not found, one should consult their local IT support personnel.

- 24. When will system maintenance be performed and how will authorized users be notified?**

When system maintenance is required, a notice will be posted on the website and an email to all users will be sent in advance.

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **First Responders COVID-19 Risk Look-Up Tool Web
Portal: Protection of Personal Health Information and
Appropriate Use**

DATE OF ISSUE:	April 27, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0064
PRIORITY:	High

Further to All Chiefs Memos 20-0041, 20-0044, and 20-0048, I would like to provide you with important information on the contents of the First Responders COVID-19 Risk Look-Up Tool Web Portal (the portal), its appropriate use, and the urgent need to protect personal health information.

Contents of the Portal

The portal now contains confirmed positive test results (beginning on April 1, 2020) for individuals who qualified for and have undergone a COVID-19 test. An individual who is included in the portal is never removed, even if they have subsequently recovered. Policing personnel should continue to conduct point of interaction risk assessments and take other appropriate precautions when interacting with members of the public.

Please note the following considerations regarding the information contained within the portal:

- It may take up to four days for test results to become available;
- The information in the portal is only updated once a day and does not reflect real-time testing information;

-2-

- Individuals who have tested positive may no longer have COVID-19;
- An individual who is included in the portal is never removed;
- Individuals' addresses may be recorded inconsistently;
- An address for a multi-unit building may have a positive case but not at the relevant unit; and
- There may be individuals at an address who do not reside there.

The ministry continues to work to improve the portal including the quality of data available and will share further updates as available.

Use and Disclosure of Information

Over the course of the past few days, it has come to the attention of the ministry that some policing personnel have used or disclosed information in the portal in a manner that is not consistent with *Emergency Management and Civil Protection Act* (EMCPA) or the ministry's instructions. The EMCPA requires that information shared pursuant to [O. Reg. 120/20](#) *only* be used to prevent, respond to, or alleviate the effects of the emergency. The EMCPA also requires that any information-sharing authorized under the emergency order occur in a manner that limits its intrusiveness.

The portal should not be used to obtain information about employees in the police service for the purpose of managing the workforce (e.g., identifying whether an employee should remain at home or other employees who were in close contact should self-isolate). Information about employees' COVID-19 status should be obtained directly from employees where appropriate. Given the limitations of the portal, including those described above, the portal is likely a less reliable tool for identifying individuals who are COVID-19 positive than the information employees themselves can provide.

The portal is *only* intended to be used to look up the COVID-19 status of individuals that members of the police service will encounter or have encountered during the declared emergency *as a result of responding to calls for service*, for the sole purpose of supporting frontline policing personnel in making informed decisions about whether they need to take additional precautions to prevent the spread of COVID-19.

The portal must not be used to advise any individual about its contents for unauthorized purposes (e.g., *disclosures to heads of council or public health units for informational purposes*). For greater certainty, searches of the portal should not be conducted to ascertain the number of individuals in a municipality or region that appear on the portal and such information, if already obtained, should not be shared. In the ministry's view, such use of the portal is not consistent with the requirements of the EMCPA. It is imperative that police services boards and chiefs of police protect the sensitive personal health information in the portal.

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Audit Logging and Accountability

The ministry has instituted an audit logging function that will track all user activity on the portal and may flag any queries that are deemed to be an inappropriate use of the portal (e.g., broad municipal-based searches). Where such inappropriate use of the portal is confirmed, the ministry may revoke access to the portal for the user who violated the terms of service or the entire group of users affiliated with the police service.

Furthermore, the ministry may report suspected unauthorized portal access or use/disclosure of information from the portal to the Information and Privacy Commissioner of Ontario. Police services board and chiefs of police should commence their own internal investigation and, where appropriate, undertake disciplinary measures for all unauthorized access, or use or disclosure of information from the portal. The ministry will, on request of a chief of police or police services board, provide a copy of an authorized user's audit logs for the purpose of investigating unauthorized access, or use or disclosure of information, for the purpose of pursuing discipline.

Please note that if a police officer misuses the portal or information from the portal, it could amount to misconduct under the *Police Services Act*. Other members of a police service could also face discipline. It is also a provincial offence for any person to willfully disclose personal information in contravention of the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) or *Freedom of Information and Protection of Privacy Act* (FIPPA).

Retention and Record-Keeping of Information in Portal

The ministry continues to advise police service boards and chiefs of police to set default expiry dates for any alerts/flag in your computer-aided dispatch (CAD). The expiry dates should coincide with the day the declared provincial emergency ceases to be in effect. Where your police service chooses to enter "remarks" into your CAD, please ensure that personal health information is only included if necessary, and only the minimum amount of personal health information is included.

The ministry recognizes that some functionalities of CAD may automatically transfer information into your Record Management System (RMS). This information continues to be subject to applicable law during and after the declared emergency, including the MFIPPA or FIPPA.

Please note the COVID-19 status information should not be entered into the Canadian Police Information Centre (CPIC) and intelligence databases.

Police services should consult with their legal counsel to determine whether specific uses of information from the portal are permitted. The ministry encourages masking and restricting access to such personal health information as soon as practicable and no later than the conclusion of the provincial emergency.

.../4

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Please be advised that policing personnel should continue to take appropriate notes in memo books in accordance with local policies and procedures, which may include information about the COVID-19 status of an individual. Furthermore, COVID-19 status information may be broadcast over your dispatch centre's encrypted radio communications system to the appropriate policing personnel to the extent necessary. The ministry recognizes that such radio transmissions will be recorded permanently and maintained for evidentiary purposes, where applicable, and in accordance with provincial legislation. Please avoid relaying any personal health information over unencrypted electronic or radio communication systems.

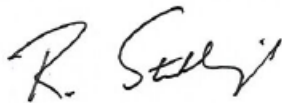
Please note, the EMCPA provides that personal information subject to an emergency order is subject to any law with respect to the privacy and confidentiality of personal information when the declared emergency is terminated.

Please refer to subsection 7.0.2(7) of the EMCPA with respect to the rules that apply to the information subject to this emergency order. Also attached is a Question & Answer document with more information on the portal, for your reference.

If you have any other questions, please contact the COVID-19 Enforcement Support Line at 1-866-389-7638.

Thank you for your continued assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Update on the Prosecution of *Provincial Offences Act*
Charges Laid Alleging Violations of the *Emergency
Management and Civil Protection Act***

DATE OF ISSUE:	April 27, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0065
PRIORITY:	High

At the request of the Ministry of the Attorney General, I am sharing a communication regarding updates on the approach to prosecution of *Provincial Offences Act* (POA) charges laid alleging violations of emergency orders made under the *Emergency Management and Civil Protection Act* (EMCPA).

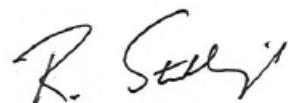
Please review the attached memo from Assistant Deputy Attorney Generals Susan Kyle and Michel Hélie, which provides further detail. You will notice that the chart included in this memo is consistent with the chart included in the Price Gouging Q&A attachment from All Chiefs Memo 20-0055.

Also attached is an updated set of Frequently Asked Questions (FAQs) that can be shared with enforcement personnel designated to enforce emergency orders under the EMCPA. Please note, this set of FAQs is meant to replace those shared in All Chiefs Memo 20-0028.

-2-

I trust this information will assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Ministry of the Attorney General
Assistant Deputy Attorney General

Criminal Law Division
Civil Law Division

McMurtry-Scott Building
720 Bay Street
Toronto ON M7A 2S9

Ministère du Procureur générale
Bureau du sous-procureur général adjoint

Division du droit criminel
Division du droit civil

Édifice McMurtry-Scott
720 rue Bay
Toronto, ON M7A 2S9



MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division

Michel Hélie
Assistant Deputy Attorney General
Civil Law Division

DATE: April 17, 2020

SUBJECT: **Update on the Prosecution of *Provincial Offences Act* Charges Laid Alleging Violations of the *Emergency Management and Civil Protection Act***

We are writing to advise you of updates on the approach to prosecution of *Provincial Offences Act* (POA) charges laid alleging violations of emergency orders made under the *Emergency Management and Civil Protection Act* (EMCPA).

Previous communication identified that the prosecution of all charges laid under the POA alleging violations of emergency orders made under the EMCPA would fall to the Criminal Law Division of the Ministry of the Attorney General (MAG).

Moving forward, to be consistent with current POA prosecution responsibilities, prosecution responsibility is clarified as follows:

	Charges Laid under Part I of the POA	Charges Laid under Part III of the POA
Type of Provincial Offences Officers (POOs)	Prosecution Falls To	Prosecution Falls To
Police officers and First Nations Constables	Municipalities pursuant to the transfer agreement with MAG	Ministry of the Attorney General, Criminal Law Division
Police service employed special constables	Municipalities pursuant to the transfer agreement with MAG	Ministry of the Attorney General, Criminal Law Division
Non-police service employed (special constables) who are employed by the Government of Ontario or its agencies	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Municipalities pursuant to the transfer agreement with MAG	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Ministry of the Attorney General, Criminal Law Division
Non-police service employed special constables who are <u>not</u> employed by the Government of Ontario or its agencies	Municipalities	Municipalities
Municipal law enforcement officers	Municipalities	Municipalities
By-law enforcement officers	Municipalities	Municipalities
Officers, employees or agents of any municipality/local board	Municipalities	Municipalities
Other POOs employed by ministries of the Government of Ontario	Ministry of the Attorney General, Civil Law Division	Ministry of the Attorney General, Civil Law Division

Attached is an updated set of Frequently Asked Questions (FAQs) that can be shared with employers of POOs designated to enforce emergency orders for distribution to their enforcement personnel, current as dated. Please note, these are intended to replace previous versions of the FAQs shared.

Thank you for your support and efforts to contain the spread of COVID-19.

Sincerely,

A handwritten signature in black ink, appearing to read 'SKyle', with a large loop at the end.

Susan Kyle
Assistant Deputy Attorney General
Criminal Law Division

A handwritten signature in blue ink, appearing to read 'MHélie', with a stylized 'H'.

Michel Hélie
Assistant Deputy Attorney General
Civil Law Division

Questions and Answers for Police Services – Enforcement of Orders Under the *Emergency Management and Civil Protection Act*

Updated April 17, 2020

GENERAL QUESTIONS

- 1. Where can I find the emergency orders under the *Emergency Management and Civil Protection Act* (EMCPA)?**

The orders under the EMCPA can be found as regulations through the following link: <https://www.ontario.ca/laws/statute/90e09>.

- 2. Can I use special constables to enforce the emergency orders?**

Pursuant to subsection 1(1) of the *Provincial Offences Act* (POA), special constables are provincial offences officers. The designation by the Solicitor General enables them to enforce all the orders under the EMCPA.

- 3. Who should officers contact for urgent matters?**

During the declaration of provincial emergency, if circumstances arise where a case under the EMCPA requires urgent attention, the prosecutor may work with the criminal court trial coordinator to bring the matter to the Local Administrative Judge or Regional Senior Judge for direction and potential scheduling.

Once the declaration of provincial emergency is over, and normal court operations resume, these matters will be scheduled and heard in the POA courts in the ordinary course.

AVAILABLE CHARGES

- 4. Is it an offence to fail to comply with an emergency order?**

Yes. It is an offence to fail to comply with an emergency order, or to obstruct any person acting pursuant to such an order.

Officers have discretion to enforce. Officers are encouraged to undertake a graduated approach to enforcement of the emergency orders; the approach should consider the severity of the specific situation and the Government of Ontario's public health intent to stop the spread of COVID-19.

The graduated approach to enforcement may include educational messaging to individual members of the public around the emergency orders, specific warnings to individuals, the issuance of a ticket under Part I of the *Provincial Offences Act* (POA) or a summons under Part III of that Act.

The maximum punishment is one-year imprisonment or a fine of up to \$100,000 for an individual, \$500,000 for a director of a corporation, or \$10,000,000 for a

corporation itself (EMCPA, s. 7.0.11(1)). If the defendant gained a financial benefit from their violation of an emergency order, the court may increase the maximum fine to match the benefit the defendant received (EMCPA, s. 7.0.11(3)).

Where violations occur on different dates, s.7.0.11(2) allows for a separate charge to be laid for each day an offence occurs or continues.

5. What offences can be laid against persons and businesses who are found in violation of an order during a declared emergency?

Officers have discretion to charge under Part I (Certificate of Offence) for individuals or Part III (Information) for individuals and corporations. The following offences are available under the EMCPA for violations of Ontario's declaration of emergency.

- (1) Fail to comply with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (2) Obstruct any person exercising a power in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (3) Obstruct any person performing a duty in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.

The limitation periods that normally apply under the POA (whether Part I, II or III), including the 6 month limitation period set out in s.76 of the POA, have been suspended pursuant to [O. Reg. 73/20](#) made under ss. 7.1(2) of the EMCPA. The suspension is retroactive to Monday, March 16, 2020.

Additionally, the OCJ is no longer scheduling justices of the peace in POA courts to receive informations or review certificates of offence.

Proceedings may be initiated once the declaration of provincial emergency is lifted by the provincial government. However, if circumstances arise under the EMCPA requiring urgent attention during the state of emergency, the prosecutor may work with the criminal court trial coordinator to bring the matter to the Local Administrative Judge or Regional Senior Judge for direction and potential scheduling.

Once the declaration of provincial emergency is over, and normal court operations resume, these matters will be scheduled and heard in the POA courts in the ordinary course.

BARS AND OTHER PUBLIC ESTABLISHMENTS IN VIOLATION OF ORDERS

6. What can we do if a bar is open in contravention of Ontario Regulation 51/20?

The following potential charges are available:

1. An individual, including a patron, could be charged either under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1)(a) of the EMCPA:
 - If charged under Part I of the POA, a \$750.00 set fine applies
 - If charged under Part III of the POA, a fine of not more than \$100,000 and a term of imprisonment of not more than one year could be imposed
2. An individual who is a director or officer of the corporate entity could be charged under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1) of the EMCPA:
 - If an individual who is a director or officer commits an offence as an individual (as opposed to as a result of the actions or directions of the corporate entity of which they are director or officer), they may be charged pursuant to 7.0.11(1)(a) under Part I or Part III of the POA. A \$750.00 set fine could be imposed under Part I, or a fine of not more than \$500,000 and a term of imprisonment of not more than one year could be imposed under Part III.
 - If an individual who is a director or officer commits an offence as a result of the actions or directions of the corporate entity of which they are director or officer, they may be charged pursuant to 7.0.11(1)(b) under Part III of the POA. A fine of not more than \$500,000 and a term of imprisonment of not more than one year could be imposed.
3. The corporate entity could be charged under Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(c) of the EMCPA. A fine of not more than \$10,000,000 applies.

RESTRAINT ORDERS

7. Can I get a restraint order?

Generally, restraint orders are not available. As this is provincial legislation, the restraint powers in the *Criminal Code* have no application and there are no restraint (of property) powers in this legislation or under the POA.

8. What about if the actions of a person escalate?

Should the actions of a person contravening the orders escalate to the point of criminal charges being laid, then the restraint powers under the *Criminal Code* may be available. *Criminal Code* restraint orders apply to property that is believed to be proceeds of crime (section 462.33) and property that is believed to be offence-related property (section 490.8). Under the emergency order, it is most likely that the property would fall under the definition of offence-related property. Section 2 of the *Criminal Code* defines offence-related property as property that is used in any manner in connection with an indictable offence (the Crown must proceed by indictment in order to ultimately obtain forfeiture).

There must be a nexus between the use of the property and the criminal offence. If the property satisfies the definition, the Crown may seek restraint of the property under section 490.8 which, if ordered, has the effect of prohibiting any person from dealing with the interest in the property such that generally no further encumbrances can be registered on title so that the interest is preserved for forfeiture following conviction of an indictable offence. An application for restraint under the *Criminal Code* is made by the Attorney General, in writing, usually *ex parte*, to the Superior Court of Justice, based on the strength of an officer's affidavit.

POWER OF ARREST

9. Can an individual be arrested for violations of the EMCPA?

No. The EMCPA does not include any arrest provisions.

10. When can officers rely on the Criminal Code for individuals who refuse to comply with an emergency order?

Police should first seek voluntary compliance with emergency orders. Police should make it clear that people are required to comply with the orders and that failure to comply is an offence under s. 7.0.11 of the EMCPA.

If people refuse to comply and follow the officer's commands, officers can rely on s. 129 of the *Criminal Code*, which makes it an offence to resist or wilfully obstruct a public officer or peace officer in the execution of their duty.

11. How can individuals be removed from locations they are not allowed to be in?

If people are congregating in public areas or businesses in violation of emergency orders, they may be trespassing. The common law arguably permits officers to use force to remove individuals illegally congregating in public areas or in businesses in violation of emergency orders. This same power may be used to remove trespassers provided that the trespasser has first been asked to leave and was afforded a reasonable opportunity to do so before they were removed. In addition, the officer must ensure that they have authority from the occupier to remove the trespasser, unless the occupier is also in breach of the emergency order.

12. What search powers are available for violations of the EMCPA?

There are no search powers specifically available under the EMCPA. If a business is operating in contravention of the emergency orders issued, there is no statutory authority to search the premises or forcibly enter absent a warrant.

Police can rely on their common law ancillary powers to enter premises if the entry is necessary as an emergency response to a pressing and clear health concern (e.g., extreme violations of the emergency order such as a party of a hundred people). This is akin to the police authority to enter residences when responding to 911 calls in order to locate the person under distress and offer aid as necessary. Officers also can search the home in the name of responding to that same imminent threat to public safety and seize illegal items found in plain view (e.g., guns, drugs). Caution must be exercised to ensure that the entry is for public safety purposes under the EMCPA, and not some other purpose such as a criminal investigation.

PROSECUTION

13. Who will prosecute EMCPA charges?

Previous communication identified that the prosecution of all charges laid under the POA alleging violations of emergency orders made under the EMCPA would fall to the Criminal Law Division of the Ministry of the Attorney General (MAG).

Moving forward, to be consistent with current POA prosecution responsibilities, prosecution responsibility is clarified as follows:

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Non-police service employed (special constables) who are employed by the Government of Ontario or its agencies	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Municipalities pursuant to the transfer agreement with MAG	Individual organizations have their own in-house prosecution or other arrangement. Niagara Parks Commission - Ministry of the Attorney General, Criminal Law Division
Non-police service employed special constables who are <u>not</u> employed by the Government of Ontario or its agencies	Municipalities	Municipalities

Municipal law enforcement officers	Municipalities	Municipalities
By-law enforcement officers	Municipalities	Municipalities
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Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Updates to O. Reg. 82/20: Certain Businesses Allowed to
Open; Strict Health and Safety Guidelines**

DATE OF ISSUE:	May 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0066
PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that the Ontario government is allowing certain places of business to reopen on Monday, May 4, 2020. When they reopen, they must they comply with strict public health measures, operate in accordance with all applicable law, and comply with other rules in O. Reg. 82/20 under the *Emergency Management and Civil Protection Act* (EMCPA) during the state of emergency.

On April 27, 2020 the government released [A Framework for Reopening our Province](#), which outlines guiding principles for the safe, gradual reopening of businesses, services and public spaces, and the criteria Ontario's Chief Medical Officer of Health and health experts are using to advise the government on the loosening of public health measures, including emergency orders.

The following businesses will be permitted to open their places of business on **Monday, May 4 at 12:01 a.m.:**

- Garden centres and plant nurseries with curbside pick-up and delivery or other alternative methods of sale only;
- Lawn care and landscaping;

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- Construction projects and services that support the operations of, and provide new capacity in, schools, colleges, universities, municipal infrastructure and child care centres;
- Construction projects that started before April 4, 2020 that would provide additional capacity:
 - for businesses that provide logistical support, distribution services, warehousing, storage or shipping and delivery services, or
 - in the operation and delivery of information technology services or telecommunications services;
- Construction to prepare a site for an institutional, commercial, industrial or residential development, including any necessary excavation, grading, roads or utilities infrastructure;
- Automated and self-serve car washes;
- Businesses that sell motor vehicles, open by appointment only;
- Golf courses, only for the purpose of preparing their courses for the upcoming season, but not opening to the public; and
- Marinas, only for the purpose of repairing or servicing boats and other watercrafts, placing watercrafts in the water to be secured to a dock until the marina open to the public, and performing other services that may be required to:
 - enable individuals to access their primary place of residence,
 - support government operations or services, or
 - support the transportation of items by commercial barges.

Please note this list is in addition to those places of business already permitted to operate. For more information, please review [O. Reg. 82/20](#).

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

In partnership with the Ministry of Labour, Training and Skills Development, health and safety associations have released a series of more than 60 technical sector guidance documents to further support employers and employees in remaining safe in the workplace during the COVID-19 outbreak (click on the link for specific sector guidance <https://news.ontario.ca/opo/en/2020/04/health-and-safety-association-guidance-documents-for-workplaces-during-the-covid-19-outbreak.html>). Please note that this includes a [health and safety guidance document for police services](#).

The Ministry of Labour, Training and Skills Development has also prepared guidance notes for five key economic sectors:

- [Construction](#)
- [Food processing](#)
- [Restaurant and food services](#)
- [Agriculture](#)
- [Manufacturing](#)

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The person responsible for any place of business that is allowed to operate must ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They must also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers.

The Ministry of Health also released a [Guidance Document for Essential Workplaces](#), on preventative and other measures that essential workplaces can take to prevent the spread of COVID-19.

Enforcement of Emergency Orders under EMCPA

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the EMCPA. Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of an essential business that is authorized to stay open in accordance with O. Reg. 82/20.

Please note the ministry is not in a position to provide advice on whether a specific business falls under the categories listed above as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

If you are concerned that a place of business permitted to operate under O. Reg. 82/20 is not following general public health and safety measures, policing personnel are encouraged to notify and consult with their local public health unit or the Ministry of Labour, Training and Skills Development (MLTSD). Questions related to occupational health and safety should be directed to MLTSD.

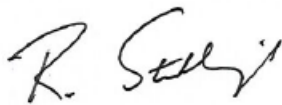
To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

-4-

To ensure the line can effectively respond to enforcement inquiries, I ask that you do not disclose information associated with the Support Line to the general public. Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as appropriate.

Thank you for your continued support.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Government of Canada Ban on Assault-style Firearms**

DATE OF ISSUE:	May 3, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0067
PRIORITY:	High

I am writing to advise that on May 1, 2020, the Government of Canada announced the ban of over 1,500 models and variants of assault-style firearms under the Criminal Code of Canada. These models represent nine categories of firearms and two types identified by characteristic. Some of their components are also prohibited (e.g., Nordic Components NC-PCC). The amendments to the Criminal Code can be found here: <http://canadagazette.gc.ca/rp-pr/p2/2020/2020-05-01-x3/pdf/q2-154x3.pdf>

The newly prohibited firearms and components cannot be legally used, sold, or imported. Owners must also continue to safely store them and may only transfer and transport them under limited circumstances (e.g., transporting a firearm to deactivate it by an approved business or to surrender it to police or to return it to a lawful owner's residence).

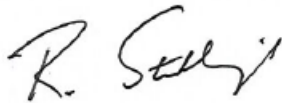
Further, the Government of Canada will allow a transition period of two years to protect owners of newly prohibited firearms from criminal liability while they take steps to comply with these new rules. This two-year amnesty order under the Criminal Code is in effect until April 30, 2022. There are exceptions under the amnesty for Indigenous peoples exercising Aboriginal or treaty rights to hunt, and for those who hunt or trap to sustain themselves or their families. These exceptions will allow for the continued use of newly prohibited firearms in limited circumstances until a suitable replacement can be found. By the end of the amnesty period, all firearms owners must comply with the ban.

-2-

The Government of Canada intends to implement a buy-back program as soon as possible to safely remove these firearms and to introduce legislation as early as possible, working with Parliament and through public consultation.

We will share further information on this as it becomes available.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
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de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Additional Resources on the *Quarantine Act* (Canada)**

DATE OF ISSUE:	May 4, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0069
PRIORITY:	High

Further to All Chiefs Memos 20-0037 and 20-0052, the Ministry of the Solicitor General is providing you with additional resources on the *Quarantine Act* (Canada) prepared by the Public Health Agency of Canada (PHAC).

If you have any questions on the resources, please contact PHAC at 613-614-4754. Please note that this phone number is only for policing personnel and should be kept confidential.

I trust that this will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments



GUIDANCE FOR LAW ENFORCEMENT FOR ENFORCEMENT OF ORDER IN COUNCIL, MINIMIZING THE RISK OF EXPOSURE TO COVID-19 IN CANADA (MANDATORY ISOLATION), No. 2



Public Health
Agency of Canada

Agence de la santé
publique du Canada

Canada



TO PROMOTE AND PROTECT THE HEALTH OF CANADIANS THROUGH LEADERSHIP, PARTNERSHIP,
INNOVATION AND ACTION IN PUBLIC HEALTH.

—Public Health Agency of Canada

Également disponible en français sous le titre :

Réponse du gouvernement du Canada à la COVID-19 dans le domaine de la recherche

To obtain additional information, please contact:

Public Health Agency of Canada
Address Locator 0900C2
Ottawa, ON K1A 0K9
Tel.: 613-957-2991
Toll free: 1-866-225-0709
Fax: 613-941-5366
TTY: 1-800-465-7735
E-mail: publications@hc-sc.gc.ca

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PURPOSE

The purpose of this document is to provide guidance to law enforcement authorities in relation to the compliance and enforcement of the Order in Council “*Minimizing the Risk of Exposure to COVID-19 Coronavirus Disease in Canada Order (Mandatory Isolation), No. 2*” (the ‘Order’), a federal Order made pursuant to section 58 of the *Quarantine Act*.

BACKGROUND

Effective April 15, 2020 until June 30, 2020, the Government of Canada has implemented the Order requiring anyone entering Canada, whether by air, sea or land—subject to limited exceptions—to remain in isolation for 14 days. This Order applies to persons who enter Canada on or after the date the Order takes effect thus superseding the similarly named Mandatory Isolation Order, made on March 25, 2020. The Mandatory Isolation Order No. 2, builds on the previous requirements of the Mandatory Isolation Order. It imposes new measures to reduce the possibility of spread by persons who do not have symptoms on arrival.

Failure to comply with the Order is an offence under the Quarantine Act. Information related to this Order and other orders and regulations related to COVID-19 can be found on the Government of Canada website: <https://www.justice.gc.ca/eng/csj-sjc/covid.html>.

The Order for mandatory isolation is intended to prevent the spread of COVID-19 in Canada, which will help save Canadian lives, as COVID-19 has been clearly demonstrated to cause severe life-threatening respiratory disease.

Under the Order, there are three categories of persons entering Canada: those with symptoms (mandatory isolation), those without symptoms (mandatory quarantine), and those who are exempt from certain requirements of the Order. Upon entry into Canada, Screening or Quarantine Officers provide the following instructions to travellers:

Travellers WITH SYMPTOMS are subject to MANDATORY ISOLATION which means they MUST:

- Before leaving the point of entry into Canada, put on an appropriate mask or face covering. Keep the mask or face covering on while in transit.
- Go directly to the place where they will isolate and stay there for a minimum of 14 days
- Use private transportation only—no travel on public transit is allowed



- Remain in the vehicle as much as possible, and not make any unnecessary stops along the way. Avoid contact with other while in transit
- Stay INSIDE their home.
- Not leave their place of isolation unless absolutely necessary (to seek medical attention)
- Not have visitors and limit contact with others in the place of isolation, including children and those who have not travelled nor been exposed to the virus
- Practice physical distancing at all times
- Not isolate in a place where they will have contact with vulnerable individuals*, including those who have an underlying medical condition that makes them susceptible to complications relating to COVID-19, those with a compromised immune system from a medical condition or treatment, or those 65 years of age or older.
 - *Unless the vulnerable person is a consenting adult or the parent or minor in a parent-minor relationship.
- Arrange for the necessities of life to be delivered to the place of isolation.

Anyone with symptoms who does not have a suitable place in which to isolate will be required to isolate for 14 days in a facility designated by the Chief Public Health Officer of Canada.

A symptomatic traveller may leave Canada before the expiry of the 14-day period isolation at the discretion and following the instructions of a Quarantine Officer provided they continue to isolate themselves until they depart from Canada in a private conveyance.

Travellers WITHOUT SYMPTOMS are subject to MANDATORY QUARANTINE which means they MUST:

- Use private transportation if possible. Before using public transportation, put on an appropriate mask or face covering. Keep the mask or face covering on while in transit.
- Go directly to their place of quarantine without delay and stay there for a minimum of 14 days
- Remain in the vehicle as much as possible, and not make any unnecessary stops along the way. Avoid contact with others while in transit
- Stay at their place of quarantine (if they go outside they must stay on the private property in the yard or balcony)
- Not leave their place of quarantine unless absolutely necessary (to seek medical attention)



- Monitor their health for symptoms of COVID-19
- Not have visitors and limit contact with others in the place of isolation, including children and those who have not travelled nor been exposed to the virus
- Practice physical distancing at all times
- Not isolate in a place where they will have contact with vulnerable individuals*, including those who have an underlying medical condition, compromised immune system or are 65 years of age or older.
 - *Unless the vulnerable person is a consenting adult or the parent or minor in a parent-minor relationship.
- Arrange for the necessities of life to be delivered to the place of quarantine.

Asymptomatic travellers are required to start over their 14 day quarantine period if they develop any sign or symptoms of COVID-19 during the 14 day period or if they are exposed to another person with symptoms who is subject to the order.

An asymptomatic traveller may leave Canada before the expiry of the 14-day quarantine period provided they continue to quarantine themselves until they depart from Canada and they must wear a mask or face covering.

Persons EXEMPT from quarantine MUST:

- Continually monitor their health for symptoms of COVID-19 including for 14 days each time they re-enter Canada

They are also informed that they SHOULD:

- Respect the intent of the Order to minimize spread of COVID-19 in Canada, when they are not working
- Maintain a two-metre distance (physical distancing) from others at all times
- Ensure that their living arrangements while staying in Canada enable them to avoid any vulnerable individuals, including those who have an underlying medical condition, compromised immune system from a medical condition or treatment, or are 65 years of age or older
- Not have visitors.

Certain individuals are exempt from the quarantine requirements, but the rule of thumb is everyone has to isolate/quarantine upon entry, with few exceptions.



Travellers to whom the mandatory isolation requirement applies may be subject to compliance verification and enforcement activities. The support of law enforcement officers is essential to effectively enforce the Quarantine Act. The Public Health Agency of Canada (PHAC) is requesting the assistance of law enforcement to conduct onsite verifications and take enforcement actions when needed.

COMPLIANCE AND ENFORCEMENT

To align with PHAC's Compliance and Enforcement Framework, PHAC is recommending a risk-based, graduated approach to non-compliance, recognizing that law enforcement will exercise their discretion when responding to violations.

PHAC is actively engaged with travellers by conducting compliance promotion activities, including promoting awareness of the requirements of the Order through handouts provided to travellers at the point of entry and through electronic means of communication. PHAC is also playing a lead role in the verification and monitoring of compliance through phone calls with some returning travellers.

On April 11th, 2020 the amendments to the Contraventions Regulations came into force as to designate as contraventions offences under the Quarantine Act. The ticketing regime under the Contraventions Act allows an enforcement authority (such as police officers) to issue contraventions tickets to those found in violation of certain provisions of the Quarantine Act including contravening an emergency order made under that Act - such as the Mandatory Isolation Order. Refer to the **Appendix I** for the complete context and details of fine regime.

Authorities

While the primary responsibility for administering the Quarantine Act lies with PHAC (and the Minister of Health), PHAC has requested the assistance of Peace Officers. Peace officers (including members of the RCMP, provincial and municipal police and military police), are defined in section 2 of the Quarantine Act, and play a role in administering or enforcing the Act (refer to **Appendix II** for specific authorities under Quarantine Act).



Compliance Verification Measures

Compliance verification activities will initially be conducted by PHAC's Screening Officers who will call a subset of travellers to confirm their compliance with the Order and reinforce the importance of continued compliance. Subsequent calls are performed if there are indications of non-compliance.

PHAC will assign a priority level, either high, medium or low priority to travellers based on indicators gathered from the verification call(s) or from other sources, such as information referenced at time of border crossing. In cases where the Screening Officers confirm or suspect a non-compliance with the Order the priority level will be identified as "high". In situations where PHAC is unable to establish contact with the traveller after multiple attempts, the priority level will be identified as "medium". In situations where there is no indication of non-compliance, the priority level will be set at "low". Information on travellers that PHAC receives will be shared on a daily basis with the National Operations Center (NOC) at the Royal Canadian Mounted Police (RCMP) who will dispatch the information to local law enforcement based on jurisdictional boundaries.

With this, PHAC engages law enforcement and requests that they conduct an onsite visit at a traveller's place of isolation for identified "high" and "medium" priority travellers at least once during the remainder of the isolation period to confirm compliance with the Order and to the associated instructions (listed in the Background section of this document). The frequency of these visits is based on operational requirements and priorities of each law enforcement unit. Law enforcement can report the outcome of their visits to the RCMP NOC or for Ontario, through the Ontario Provincial Police Operating Centre who will in turn report to PHAC using the contact information provided in the Inquiries and Support section below.

Enforcement Measures

The objective of the Order is to limit the spread and number of victims of COVID-19 in Canada by preventing movement of travellers outside of their place of isolation. To reduce the threat posed by non-compliant travellers, law enforcement may take further enforcement actions based on the risk level and associated offence. Enforcement actions may include, but are not limited to:

- **Verbal warning**
A verbal warning can be given by law enforcement in person to formally inform the traveller of the infraction to the Order.



- **Written warning**
A written warning can be issued to officially communicate to the traveller that they are in non-compliance with the Order. You may contact PHAC to request a copy of this notice.
- **Fines under the Contraventions Act**
Contraventions tickets with set fines could be issued by police officers (or other enforcement authority under the Contraventions Act) to the traveller for certain contraventions of the Quarantine Act listed in the Contraventions Regulations. This option is only available in the provinces that have signed an administration and enforcement agreement with respect to the Contraventions Act. This does not currently include Alberta, Saskatchewan or the territories.
With respect to section 71 of the Quarantine Act —failure to comply with an Order made under section 58, such as the Mandatory Isolation Order, a \$1,000 fine can be issued. Refer to the Appendix I for a complete list of fines that can be issued to the traveller found in violation of specific provisions of the Quarantine Act.
- **Increased surveillance**
In the event of suspected contravention to the Order, increased surveillance may be required to verify that the conditions imposed by the Order are respected.
- **Escort to quarantine facility**
To limit further introduction and spread of the disease, law enforcement may escort a traveller to a quarantine facility in the event the traveller has committed an offence and has not respected or is unlikely to respect the measures imposed by the Order. This enforcement measure may also be taken in the event the traveller no longer has access to a suitable place in which to isolate for the period of time imposed by the Order. PHAC should be contacted at the number provided in the Inquiries and Support section to make arrangements for the transportation of the travellers to quarantine facilities.



- **Appearance Notice, Summons, Recommendation for Prosecution**
In the event the traveller is not respecting the requirements of the Order and that other enforcement measures have not been successful at compelling compliance, law enforcement may lay charges under the Quarantine Act.
- **Arrest, Detention**
In situations where law enforcement finds a person committing a summary conviction offence such as failing to comply with the Order, as a last resort, law enforcement may arrest the traveller in accordance with their normal powers of arrest (section 495 of the Criminal Code) and with the ultimate objective of limiting the spread of the COVID-19.

A Peace Officer may also, on request of a Screening Officer or Quarantine Officer, arrest a traveller without a warrant under section 18 of the Quarantine Act in order to bring the traveller to a Quarantine Officer where law enforcement has reasonable grounds to believe that traveller has refused to be isolated or refuses to comply with a measure ordered under subsection 15(3) of the Quarantine Act.

A Peace Officer may also, on request of a quarantine officer, arrest without a warrant under section 28 (2) of the Quarantine Act an individual who is resisting detention.

Enforcement Discretion

Law enforcement is expected to use their discretion in enforcing the Order. Being the front line on the ground, law enforcement has access to facts that will direct their enforcement approach and the selection of the most appropriate enforcement actions given the situation.

CONSIDERATIONS FOR DECISION MAKING

The ultimate purpose of the Order is to limit the introduction and the spread of COVID19 in Canada. This should be the foundation for all decision making pursuant to the enforcement of the Quarantine Act in relation to the COVID-19 outbreak.

To help guide enforcement decisions in the field, the following factors may be taken into consideration:



Confirmation that the traveller is subject to the Order

- Do you have confirmation that the person is subject to the Order?
- On what date did the person most recently enter Canada?

Any person who has entered Canada between March 25th and April 14th is subject to the requirements set out in the Mandatory Isolation Order for a minimum of 14 days following their entry into Canada.

Additionally, any person who has entered Canada on or after April 15th is subject to the requirements set out in the Mandatory Isolation Order No. 2 for a minimum of 14 days following their entry into Canada.

The Canada Border Services Agency (CBSA) may be contacted to confirm if a traveller has entered Canada in the previous 14 day period. All COVID-19 related requests for traveller history from the CBSA can be made by calling **1-800-523-5072**.

Level of risk

- Does the person have COVID-19 symptoms?
- Are they conducting high-risk activities (e.g., are they outside, are they not wearing mask, are they not maintaining two-metre physical distance)?

If the person has COVID-19 or if law enforcement suspects that the person has symptoms, they are considered higher risk of spreading the disease. If the person is on the street but is alone, they may be presenting a lesser risk than if they are chatting with their neighbour while not maintaining the two-metre physical distance and not wearing a mask.

Place of isolation

- What is the feasibility of respecting the requirement at the place of isolation?
- Can the traveller avoid interaction with vulnerable people at the place of isolation?
- Do they have access to the necessities of life (medication, food, cleaning supplies)?

A suitable place of isolation is one where a two-metre distance can be maintained between people living at the place, where contacts with vulnerable people can be avoided, and where they can have access to the necessities of life. PHAC can be contacted to help determine if the place of isolation is suitable.

Likelihood that the person will comply

- Does the person clearly understand the obligations?
- What is the behaviour of the person? Are they careless and reckless?
- Has the person indicated that they will not comply with the Order?



- Does the person need professional attention due to other conditions (e.g. Drug addictions, mental health challenges)?

There may be circumstances where an individual might need to be placed in a controlled quarantine facility in order to limit the spread of COVID-19. Such decision will be assessed on a case-by-case basis. PHAC can be consulted to help guide the decision.

Recurrent offences

- Has the person contravened the Order in the past?
- Has this person been warned before?
- What is the likelihood that the enforcement action will stop the individual from further violations?

If the person is repeatedly disregarding the requirements of the Order, and previous enforcement action has not lead to compliance, other enforcement actions might need to be taken to compel compliance.

INQUIRIES AND SUPPORT

For inquiries related to the compliance and enforcement of the Order, please contact COVID-19 PHAC Compliance and Enforcement Single Window at:

- Email: phac.isolation-isolement.aspc@canada.ca
- Tel.: **1 833-995-2339** or **613-614-4754** (24/7)

All COVID-19 related requests for traveler history from the CBSA can be made by calling: **1 800-523-5072**

SUPPORTING DOCUMENTS

- Latest information on COVID-19 is available at canada.ca/coronavirus
- The Quarantine Act is available at <https://laws-lois.justice.gc.ca/eng/acts/q-1.1/page-1.html#docCont>
- The amendment to the Contraventions Regulations is available at <http://www.gazette.gc.ca/rp-pr/p2/2020/2020-04-14-x1/html/sor-dors86-eng.html>
- The Orders in Council can be found on the Government of Canada website: <https://www.justice.gc.ca/eng/csj-sjc/covid.html>



- Exempt workers: Refer to the link below for information on essential workers: <https://www.canada.ca/en/public-health/corporate/mandate/about-agency/acts-regulations/list-acts-regulations.html> (Under OIC 10- Group Exemptions)
- Handout for symptomatic traveller (Red): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-how-to-isolate-at-home.html>
- Handout for asymptomatic traveller (Green): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/2019-novel-coronavirus-information-sheet.html>
- Handout for essential workers (Orange): <https://www.canada.ca/en/public-health/services/publications/diseases-conditions/covid-19-information-essential-service-workers.html>



APPENDIX I – Fines under the Contraventions Regulations related to offences under the Quarantine Act

On April 11, 2020, the Contraventions Regulations were amended to designate ten existing offences under the Quarantine Act as contraventions, with fine amounts for these new contraventions ranging between \$275 and \$1,000 (the maximum fine for a young person, twelve years of age or more but under 18, is \$100). The ticketing regime under the Contraventions Act allows law enforcement officers in those provinces where the Contraventions Regime is in place to issue contraventions tickets to those found in violation of certain provisions of the Quarantine Act and the mandatory isolation order.

Compliance and Enforcement Framework of the Quarantine Act

The Quarantine Act applies to persons arriving in or departing from Canada. It provides measures for the screening, health assessment, and medical examination of travellers to determine whether they have a communicable disease, and control measures to prevent the introduction and spread of such disease.

The ticketing regime fits into the overall compliance and enforcement approach being undertaken by the Public Health Agency of Canada (PHAC) and its partners.

Ticketing Regime

Amendments to Regulations under the Contraventions Act allow enforcement authorities, including the Royal Canadian Mounted Police, as well as local or provincial police forces, at their discretion, to issue tickets for specified offences under the Quarantine Act to individuals in Canada who are not complying with mandatory isolation or other orders issued after returning from international travel.

Under this ticketing regime, enforcement authorities will have the discretion to either issue a ticket or pursue the matter through the criminal justice system to obtain a conviction, depending on the seriousness of the conduct.



When deemed appropriate, a ticket can be issued by enforcement authorities, allowing the accused person to plead guilty and pay the ticket voluntarily, avoiding a trial and a criminal record. If the person chooses to challenge the ticket, they will appear before the provincial court.

To date, the Contraventions Regime has been implemented in eight provinces, with the exception of Alberta and Saskatchewan. It has not been implemented in the three territories. Contraventions Act administration and enforcement agreements have not therefore been signed with those five jurisdictions.

If Alberta and Saskatchewan were to accept to implement the regime for the purpose of the Quarantine Act designated offences, agreements with them would need to be signed. The Government of Canada is not in a position to extend the regime at the present time to the territories, which may have capacity issues in enforcing their existing territorial ticketing schemes, do not have the legal authority to collect federal fines, and community members in the North may not have the ability to pay fines.

Breakdown of Fines

Fines could be issued by Peace Officers to the traveller for the following contraventions to the Quarantine Act:

- \$275 for:
 - 12 Failure to present oneself to a screening officer at the nearest entry point
 - 15 (1) Failure to answer any relevant questions asked by a screening officer or quarantine officer OR Failure to provide to a screening officer or quarantine officer any required information or record
 - 15 (2) Failure to disclose having or possibly having a communicable disease or being infested with vectors OR Failure to disclose having been in close proximity to a person who has or is reasonably likely to have a communicable disease or is infested with vectors
 - 25 (1) Failure to report to a public health authority
 - 65 (1) Unauthorized entry into a quarantine facility
 - 66 Make a false or misleading statement to a quarantine officer, a screening officer or an environmental health officer
- \$500 for:
 - 15 (3) Failure to comply with any reasonable measure ordered by a screening officer or quarantine officer

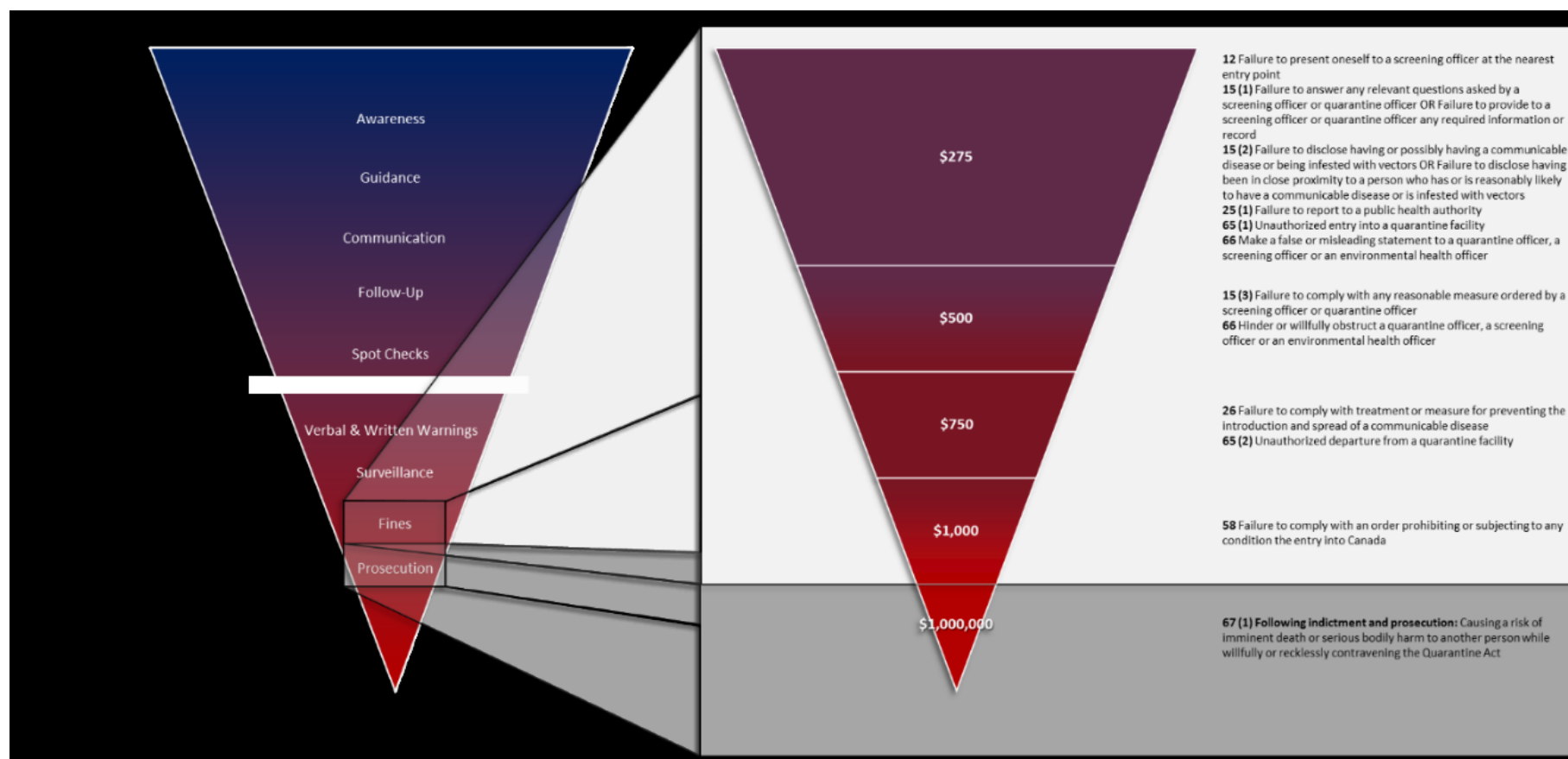


- 66 Hinder or willfully obstruct a quarantine officer, a screening officer or an environmental health officer
- \$750 for:
 - 26 Failure to comply with treatment or measure for preventing the introduction and spread of a communicable disease
 - 65 (2) Unauthorized departure from a quarantine facility
- \$1,000 for:
 - 58 Failure to comply with an order prohibiting or subjecting to any condition the entry into Canada

Underlying Principle: Prior to considering enforcement action, as it relates to the laying of charges, it is of primary importance that officers investigate complaint allegation(s) so as to determine the elements exist in order to establish probable grounds that an offence has been committed.



Compliance and Enforcement Framework of the Quarantine Act including the fine structure





APPENDIX II – List of Articles Referring to Law Enforcement Authorities under the Quarantine Act

- Section 18: A peace officer may, at the request of a screening officer or quarantine officer, arrest without a warrant and bring to a quarantine officer any traveller who the peace officer has reasonable grounds to believe has refused to be isolated or refuses to comply with a measure under subsection 15(3).
- Section 27: On an ex parte application by a quarantine officer, a provincial court judge within the meaning of section 2 of the Criminal Code who is satisfied on information submitted in writing and under oath that a traveller has failed to comply with an order made under subsection 25(1) or section 26 may issue a warrant directing a peace officer to arrest the traveller and take them to a quarantine officer.
- Section 28 (1): A quarantine officer may detain any traveller who
 - (d) The quarantine officer has reasonable grounds to believe
 - (i) has or might have a communicable disease or is infested with vectors, or has recently been in close proximity to a person who has or might have a communicable disease or is infested with vectors, and
 - (ii) is capable of infecting other people;
 - (e) has been arrested under section 27; or
 - (f) has been arrested without a warrant under section 18.
 (2) A peace officer may, at the request of a quarantine officer, arrest without a warrant and bring to the quarantine officer any traveller referred to in subsection (1) who resists detention.
- Section 48(3): A quarantine officer or an environmental health officer who executes a warrant [to enter a dwelling house] shall not use force unless they are accompanied by a peace officer and the use of force is specifically authorized in the warrant.
- **Section 52: A peace officer shall provide any assistance that an officer acting under this Act may request for the purpose of administering or enforcing this Act.**

ISOLATION WARNING

Contravention of the *Quarantine Act* and *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation), No. 2*

You are being issued this warning because you are in contravention of the *Mandatory Isolation No. 2 Order* made pursuant to section 58 of the federal *Quarantine Act*. The *Mandatory Isolation No. 2 Order* applies to persons who entered Canada between April 15 and June 30, 2020.

For asymptomatic persons, the *Mandatory Isolation No. 2 Order* provides, at section 3, that

Any person entering Canada who does not have signs and symptoms of COVID-19 must quarantine themselves without delay in accordance with instructions provided by a screening officer or a quarantine officer and remain in quarantine until the expiry of the 14-day period that begins on the day on which the person enters Canada.

For symptomatic persons, the *Mandatory Isolation No. 2 Order* provides, at section 9, that

Any person entering Canada who has COVID-19 or has signs and symptoms of COVID-19 or has reasonable grounds to suspect they have such signs and symptoms must isolate themselves without delay in accordance with instructions provided by a screening officer or a quarantine officer and remain in isolation until the expiry of the 14-day period that begins on the day on which the person enters Canada.

Upon entry to Canada, you were [check the appropriate box]:

☐

Asymptomatic (did not have signs and symptoms of COVID-19)

☐

Symptomatic (had COVID-19 or had signs and symptoms of COVID-19)

Upon entry to Canada, you were provided instructions by a government official to quarantine/isolate yourself at an identified place of quarantine/isolation.

You have selected _____ in the _____, in the
[address of location of quarantine/isolation] [name of city, town, village]

Province of _____ as the location of quarantine/isolation.

You arrived in Canada on _____, 2020 and your period of quarantine/isolation expires at
[date of entry]

the end of _____, 20____.
[date of expiry of quarantine/isolation, 14 days including the date of entry]

During this 14-day period, you must:

- a) **Remain at your place of quarantine/isolation at all times;**
- b) Maintain a 2m (6 feet) distance from others at all times;
- c) Not quarantine/isolate yourself in a place where you may have contact with a vulnerable person;
- d) Arrange for the necessities of life to be delivered to your place of quarantine/isolation;
- e) Not have visitors and limit contact with others in your place of quarantine/isolation;
- f) Monitor for signs and symptoms of COVID-19; and
- g) Follow any other instructions provided by government officials.

If you did not have signs and symptoms of COVID-19 upon entry to Canada (asymptomatic):

- If you develop any signs and symptoms of COVID-19, including a fever and a cough or a fever and difficulty breathing, you must immediately isolate yourself from other people in your household, contact your public health authority as soon as possible at _____, and follow their instructions.
- Pursuant to section 3(2) of the *Mandatory Isolation No. 2 Order*, if you develop signs and symptoms of COVID-19 or are exposed to another person subject to the *Mandatory Isolation No. 2 Order* who exhibits signs and symptoms of COVID-19, **be advised that the 14-day period of quarantine and its associated requirements begin anew.**

If you had COVID-19 or had signs and symptoms of COVID-19 upon entry to Canada (symptomatic):

- You must stay inside your home and not leave your place of isolation unless it is to seek medical attention.

Failure to follow these instructions may result in a charge under section 71 of the *Quarantine Act*, and you may be liable to a fine of up to \$750,000, 6 months in jail, or both.

You have contravened the *Mandatory Isolation No.2 Order* by [check the appropriate box]:

☐

On [date] _____, you were found outside of your identified place of quarantine/isolation. Specifically, you were found:

☐

On [date] _____, you [other, specify]:

Complying with the *Mandatory Isolation No. 2 Order* and the *Quarantine Act* means that you are doing your part to contain the outbreak and prevent further spread of COVID-19 in Canada, which has been classified as a global pandemic and identified by the Government of Canada as being an imminent and severe risk to public health in Canada.

For further information about your legal obligations and the *Mandatory Isolation No. 2* Order, you may consult the following websites:

- *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation), No. 2:*
<https://orders-in-council.canada.ca/attachment.php?attach=39166&lang=en>
- Requirements for isolation and quarantine:
<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice.html?topic=tilelink#f>

This warning is being issued to you by _____, on _____
[Officer name] [date]

ISOLATION WARNING

Contravention of the *Quarantine Act* and *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation), No. 2*

You are being issued this warning because you are in contravention of the *Mandatory Isolation No. 2 Order* made pursuant to section 58 of the federal *Quarantine Act*. The *Mandatory Isolation No. 2 Order* applies to persons who entered Canada between April 15 and June 30, 2020.

For asymptomatic persons, the *Mandatory Isolation No. 2 Order* provides, at section 3, that

Any person entering Canada who does not have signs and symptoms of COVID-19 must quarantine themselves without delay in accordance with instructions provided by a screening officer or a quarantine officer and remain in quarantine until the expiry of the 14-day period that begins on the day on which the person enters Canada.

For symptomatic persons, the *Mandatory Isolation No. 2 Order* provides, at section 9, that

Any person entering Canada who has COVID-19 or has signs and symptoms of COVID-19 or has reasonable grounds to suspect they have such signs and symptoms must isolate themselves without delay in accordance with instructions provided by a screening officer or a quarantine officer and remain in isolation until the expiry of the 14-day period that begins on the day on which the person enters Canada.

Upon entry to Canada, you were [check the appropriate box]:

☐

Asymptomatic (did not have signs and symptoms of COVID-19)

☐

Symptomatic (had COVID-19 or had signs and symptoms of COVID-19)

Upon entry to Canada, you were provided instructions by a government official to quarantine/isolate yourself at an identified place of quarantine/isolation.

You have selected _____ in the _____, in the
[address of location of quarantine/isolation] [name of city, town, village]

Province of _____ as the location of quarantine/isolation.

You arrived in Canada on _____, 2020 and your period of quarantine/isolation expires at
[date of entry]

the end of _____, 20____.
[date of expiry of quarantine/isolation, 14 days including the date of entry]

During this 14-day period, you must:

- a) **Remain at your place of quarantine/isolation at all times;**
- b) Maintain a 2m (6 feet) distance from others at all times;
- c) Not quarantine/isolate yourself in a place where you may have contact with a vulnerable person;
- d) Arrange for the necessities of life to be delivered to your place of quarantine/isolation;
- e) Not have visitors and limit contact with others in your place of quarantine/isolation;
- f) Monitor for signs and symptoms of COVID-19; and
- g) Follow any other instructions provided by government officials.

If you did not have signs and symptoms of COVID-19 upon entry to Canada (asymptomatic):

- If you develop any signs and symptoms of COVID-19, including a fever and a cough or a fever and difficulty breathing, you must immediately isolate yourself from other people in your household, contact your public health authority as soon as possible at _____, and follow their instructions.
- Pursuant to section 3(2) of the *Mandatory Isolation No. 2 Order*, if you develop signs and symptoms of COVID-19 or are exposed to another person subject to the *Mandatory Isolation No. 2 Order* who exhibits signs and symptoms of COVID-19, **be advised that the 14-day period of quarantine and its associated requirements begin anew.**

If you had COVID-19 or had signs and symptoms of COVID-19 upon entry to Canada (symptomatic):

- You must stay inside your home and not leave your place of isolation unless it is to seek medical attention.

Failure to follow these instructions may result in a charge under section 71 of the *Quarantine Act*, and you may be liable to a fine of up to \$750,000, 6 months in jail, or both.

You have contravened the *Mandatory Isolation No.2 Order* by [check the appropriate box]:

☐

On [date] _____, you were found outside of your identified place of quarantine/isolation. Specifically, you were found:

☐

On [date] _____, you [other, specify]:

Complying with the *Mandatory Isolation No. 2 Order* and the *Quarantine Act* means that you are doing your part to contain the outbreak and prevent further spread of COVID-19 in Canada, which has been classified as a global pandemic and identified by the Government of Canada as being an imminent and severe risk to public health in Canada.

For further information about your legal obligations and the *Mandatory Isolation No. 2* Order, you may consult the following websites:

- *Minimizing the Risk of Exposure to COVID-19 in Canada Order (Mandatory Isolation), No. 2:*
<https://orders-in-council.canada.ca/attachment.php?attach=39166&lang=en>
- Requirements for isolation and quarantine:
<https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/latest-travel-health-advice.html?topic=tilelink#f>

This warning is being issued to you by _____, on _____
[Officer name] [date]

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Chief Coroner Communique on the Approach to
Managing Natural Death Surge in the Community during
COVID-19 Outbreak**

DATE OF ISSUE:	May 4, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0070
PRIORITY:	High

At the request of Dr. Dirk Huyer, Chief Coroner of Ontario, I am sharing a communication regarding the Office of the Chief Coroner/Ontario Forensic Pathology Service approach to case management during the COVID-19 outbreak.

Please review the attached communique from Dr. Huyer for further details about this approach. If you have questions or concerns, please contact occ.inquiries@ontario.ca or 416-314-4000 (local) / 1-877-991-9959 (toll-free).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of the Solicitor General

Ministère du Solliciteur général

Office of the Chief Coroner
Ontario Forensic Pathology ServiceBureau du coroner en chef
Service de médecine légale de l'OntarioForensic Services and
Coroners Complex
25 Morton Shulman Avenue
Toronto ON M3M 0B1Complexe des sciences judiciaires
et du coroner
25, Avenue Morton Shulman
Toronto ON M3M 0B1Telephone: (416) 314-4000
Facsimile: (416) 314-4030Téléphone: (416) 314-4040
Télécopieur: (416) 314-4060

CHIEF CORONER COMMUNIQUE

Approach to Managing Natural Death Surge in the Community during Outbreak

Background:

The Office of the Chief Coroner/Ontario Forensic Pathology Service (OCC/OFPS) recognized that a surge in COVID-19 cases and deaths in Ontario would mean an unprecedented pressure on government systems involving case management and deaths. These systems include: health care, long-term care (LTC)/residential; first responders; death investigation; and funeral services sector (FSS).

The OCC/OFPS worked closely with the Bereavement Authority of Ontario (BAO) to develop an approach to minimize the pressure on these systems while adhering to basic principles for managing deaths occurring both in health and long-term care facilities (LTC) and the community. There are five key principles at the core of this approach:

1. Maintain existing processes
 - Reduce burden on the above systems
2. Health and safety of people at all stages of investigation
 - Transfer of deceased to the FSS promptly to avoid possible overflow within hospitals that can increase health and safety risks
 - Prudent use of Personal Protective Equipment (PPE)
3. Limit movement/transfer of deceased persons to minimize pressure on these systems
 - Reduce movement by expediting transfer to the FSS at the time of death
 - Minimize hospital storage;
4. Ensure capacity of health care system by reducing possible redundancies
 - Pull death certification and storage out of hospitals and LTC sector to reduce burden
 - Health and LTC systems can focus on services for living patients and residents.

5. Maintain professional standards for delivery of services (e.g. identification of bodies, thorough investigations, respectful management of deceased persons, communicating with families)
 - Ensure information support for all sectors

Coordinated Approach: BAO and OCC

For BAO/FSS: Realigned services from funerals and visitations to transfer of deceased, providing additional staffing capacity. They have worked with OCC to develop a process for receiving deceased persons into their care that minimizes entry into hospital/LTC facilities. The BAO have established a solid plan for local services and have contemplated a regional approach should specific areas require assistance. Collectively there is capacity within Ontario's funeral services sector so additional storage should not be required.

For OCC: Established two 24/7 teams to manage expedited response to natural deaths in the hospital/LTC facilities and in the community. The following section details the process for these teams.

Responding to Natural Deaths (including COVID-19)

OCC Team 1: Hospital and LTC Deaths (24/7 Team)

- Hospitals/LTC work with families to promptly determine a funeral service provider; timeframe between time of death and FSS activation is aimed at one hour for hospitals and three hours for LTC
- OCC Team receives information from hospitals/LTC required to complete Medical Certificate of Death (MCD) by OCC member and electronically transmits to FSS
- FSS attends hospital/LTC but does not enter facility. FSS staff meet at release area and bring deceased person into their care from hospital/LTC staff.
 - Restricts building access to hospital/LTC by FSS – reducing potential contamination on either side
 - Prudent use of PPE
 - Decrease need for hospital/LTC morgue storage
 - Prevents overburdening of FSS
 - Hospital/LTC staff can focus on services to living patients

OCC Team 2: Natural Deaths in Community (24/7 Team)

- OCC/OFPS Provincial Dispatch receives call about a death in the community. If it is a natural (including COVID-19) death, call will be redirected to the Community Team 2.

- Community team speaks to first responder (and family member if available) regarding circumstances of death, medical history etc.
- Community team in discussion with the first responder will determine if coroner involvement is required.
- If there are no circumstances that raise concern for further investigation by a coroner, instead of waiting for a physician to attend to complete the MCOD, the body will be transferred to the funeral home and OCC/OFPS will facilitate death certification.
 - Prompt care and management of deceased persons
 - Expedites transfer of deceased to the funeral home
 - Timely support for grieving family members
 - Physician or coroner does not need to attend for natural deaths
 - Physicians can focus their services to living patients
 - Coroners can focus their services on their public safety mandate
 - Timely return to service for first responders

In developing this process, it was vitally important it was built on a foundation of respect, dignity and caring with recognition that each person was an important part of a family, friends and community network. If everyone works together across the systems, this plan will be responsive to an increased need for service in a dignified and respectful manner.

Dirk Huyer, MD
Chief Coroner for Ontario

For more information contact: occ.inquiries@ontario.ca
416-314-4000 / Toll-free 1-877-991-9959

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Valid Ontario Licence Plates**

DATE OF ISSUE:	May 7, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0071
PRIORITY:	Normal

Further to All Chiefs Memos 20-0002 and 20-0014, the Ministry of Transportation has requested that I share the attached communication regarding the provincial government's continued work on licence plates.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, which provides details on the continued approach and validity of licence plates. Of particular note, the memo clarifies that **both** licence plate designs **continue to be valid**. If you require further information, please contact Elizabeth Marles at (416) 235-3433 or Elizabeth.Marles@ontario.ca.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Ministry of
Transportation

Ministère des
Transports

Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto, ON M3M 0B4
Tel: 416-235-4453
Fax: 416-235-4153

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto, ON M3M 0B4
télé: 416-235-4453
télécopieur: 416-235-4153



May 7, 2020

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division
Ministry of Transportation

SUBJECT: **Valid Ontario Licence Plates**

In February, the government commenced the process of designing and manufacturing a new licence plate. However, after thorough testing by law enforcement and other key stakeholders, we are following their advice and will not be moving forward with the new plate for passenger vehicle use.

Under very specific lighting conditions, stakeholders identified visibility issues due to glare. As a result, further work is needed. As such, the Premier has decided that the redesign of the new licence plate will no longer proceed.

Going forward, we will be using the “Yours to Discover” white embossed licence plate. The delamination issue with this plate has been resolved by the manufacturers with a five-year guarantee on the product.

In the interim, we will be exhausting all remaining passenger plates that we have in stock, including the existing supply of “A Place to Grow” flat blue licence plates.

Please advise all police services to notify their members that **both designs** of Ontario licence plates – white embossed “Yours to Discover” and flat blue “A Place to Grow” – **are valid and permitted to be displayed on motor vehicles to which they were issued.**

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Please bring this memorandum to the attention of the policing community. If police services would like to discuss this information in more detail, they may contact Elizabeth Marles, Manager, Vehicle Programs Office, Ministry of Transportation, at (416) 235-3433 or Elizabeth.Marles@ontario.ca.

Thank you for your assistance.



Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division
Ministry of Transportation

Attachment (1) – Licence Plate Images

Plate Version	English	French
Flat Blue Plates	 An Ontario flat blue license plate with white text. At the top is "Ontario". The main text is "ABCD" followed by a small crown icon and "123". At the bottom is "A PLACE TO GROW" and a small crown icon.	 A French version of the Ontario flat blue license plate with white text. At the top is "Ontario". The main text is "ABCD" followed by a small crown icon and "123". At the bottom is "EN PLEIN ESSOR" and a small crown icon.
White Embossed	 An Ontario white embossed license plate with blue text. At the top is "ONTARIO". The main text is "BAJK" followed by a small crown icon and "634". At the bottom is "YOURS TO DISCOVER".	 A French version of the Ontario white embossed license plate with blue text. At the top is "ONTARIO". The main text is "BAJK" followed by a small crown icon and "634". At the bottom is "TANT À DÉCOUVRIR".

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Modification of Restrictions for Retail Stores and
Essential Construction (Operation Under Strict Safety
Guidelines)**

DATE OF ISSUE:	May 9, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0072
PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that the Ontario government is modifying the restrictions imposed on retail stores and essential construction sites, among other changes to [O. Reg. 82/20](#) (Closure of Places of Non-Essential Business). The following changes are being made pursuant to [O. Reg. 200/20](#):

- **Effective Friday, May 8 at 12:01 a.m.:** Garden centres, plant nurseries and businesses that sell motor vehicles are able to open without being required to restrict public access to the place of business by providing alternative methods of sale. However, businesses that sell motor vehicles must still ensure members of the public only enter the area where vehicles are sold or displayed for sale by appointment. Certain sports training facilities are also able to open (further details below). In addition, temporary access to a non-essential place of business is authorized, unless otherwise prohibited by any applicable law, for the purpose of preparing the place of business to be reopened.
- **Effective Saturday, May 9 at 12:01 a.m.:** Hardware stores and safety supply stores are permitted to open without being required to restrict public access to the place of business by providing alternative methods of sale.

-2-

- **Effective Monday, May 11 at 12:01 a.m.:** Non-essential retail businesses with a public entrance that opens onto a street or exterior sidewalk can open their place of business for the purpose of sales made exclusively using alternative methods of sale such as curbside pickup or delivery. No member of the public is permitted to access the place of business, except in exceptional circumstances. The same rules apply to businesses that sell vehicle parts and supplies, pet and animal supplies, and office supplies and computer products, which were already permitted to be open with similar restrictions.
- Also effective on **Monday, May 11 at 12:01 a.m.**, the list of essential businesses is expanded to include any residential construction project that is a condominium, mixed use or other residential building, rather than only such projects where an above grade structural permit has been granted.

The Ontario government is also amending the list of essential businesses as of **Friday, May 8 at 12:01 a.m.** to include training facilities operated by a sports team in one of the following leagues:

- Canadian Football League
- Major League Baseball
- Major League Soccer
- National Basketball Association
- National Hockey League

The training facility may only be used if the team's league has established health and safety protocols and the facility is operated in accordance with those protocols. The only persons permitted to enter and use the facility are players on the team who are using the facility for training or conditioning or necessary staff.

The person responsible for any place of business that is open shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who are in the place of business, whether employees or customers. Also note this requirement applies with respect to all places of business that are open, including non-essential retail businesses permitted to open as of Monday, May 11.

Additional changes also came into effect **Friday, May 8** pursuant to O. Reg. 203/20 to allow marinas to provide services that may be required to give individuals access to their place of residence or their other property, not just their primary place of residence (e.g., access to a cottage).

-3-

Current updates to the essential business list can also be found [here](#).

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

The Ontario government, in partnership with Ontario's health and safety associations, has developed more than 60 guidelines in response to the COVID-19 outbreak. These sector-specific measures will help employers prepare their workplaces so they can be reopened safely and ensure workers, customers and the general public are protected.

In partnership with the Ministry of Labour, Training and Skills Development, health and safety associations (HSAs) have released a series of more than 60 technical sector guidance documents to further support employers and employees in remaining safe in the workplace during the COVID-19 outbreak (click on the link for specific sector guidance <https://news.ontario.ca/opo/en/2020/04/health-and-safety-association-guidance-documents-for-workplaces-during-the-covid-19-outbreak.html>).

The ministry has also prepared guidance notes for five key economic sectors:

- [Construction](#)
- [Food processing](#)
- [Restaurant and food services](#)
- [Agriculture](#)
- [Manufacturing](#)

The Ministry of Health also released a [Guidance Document for Essential Workplaces](#), on preventative and other measures that essential workplaces can take to prevent the spread of COVID-19.

Enforcement and Public Reporting of Non-Compliance

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA). Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of a business that is authorized to stay open in accordance with O. Reg. 82/20.

Please note that the ministry is not in a position to provide advice on whether a specific business falls under the categories listed above as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

-4-

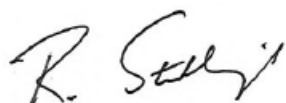
If you are concerned that a place of business permitted to operate under O. Reg. 82/20 is not following general public health and safety measures, policing personnel are encouraged to notify and consult with their local public health unit or the Ministry of Labour, Training and Skills Development (MLTSD). Questions related to occupational health and safety should be directed to MLTSD.

To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

To ensure the line can effectively respond to enforcement inquiries, I ask that you **do not disclose information associated with the Support Line to the general public**. Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as may be appropriate.

Thank you for your continued support.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Upcoming Temporary eHub for Electronic Intake**

DATE OF ISSUE:	May 14, 2020
CLASSIFICATION:	For Action
RETENTION:	May 15, 2020
INDEX NO.:	20-0073
PRIORITY:	High

As a result of the need to contain the spread of COVID-19, the Ministry of the Solicitor General (ministry) is implementing a temporary eHub that will allow policing personnel to send Informations and associated documents electronically for judicial review.

The transmission of e-Telewarrant files between police and the judiciary have been in place for several years. The e-Telewarrant process was first developed by Jeff Pearson of the Toronto Police Service. The e-Telewarrant process has been enhanced to include a court Information component. This enhanced version of the e-Telewarrant process that now includes the court Informations is called the temporary eHub. The temporary eHub uses processes similar to e-Telewarrant to allow police personnel to email the Information and associated documents to a Justice of the Peace for review. Once reviewed, the Justice of the Peace will digitally sign the documents, make them available to the Ministry of the Attorney General (Court Services Division) staff, and reply to the initial email to outline their decision.

The ministry demonstrated the temporary eHub to members of police services via a police advisory group, soliciting their feedback to ensure that it meets the needs of their various police services and to determine the best way to implement this temporary solution. The ministry also consulted with members of the Judiciary and Ministry of the Attorney General (Court Services Division) to ensure that the broader needs of the sector have been considered. The feedback from these consultations has been positive. The temporary eHub has already been implemented in two jurisdictions due to special circumstances. Both jurisdictions provided very positive feedback.

-2-

Several additional agencies have since expressed an eagerness to implement the temporary eHub. In terms of support, the temporary eHub includes excellent built-in support and self-serve training options. Additionally, the ministry is committed to working with its sector partners to ensure successful adoption of the temporary eHub.

The ministry will continue to work collaboratively with the police, the Ontario Court of Justice, and Ministry of the Attorney General (Court Services Division) on post-COVID 19 plans for long-term, sustainable products to enable digital processes. This will include planning how services can transition from the temporary eHub to the ministry's longer-term solution, Criminal e-Intake.

Timeline for Implementation

We are aiming to go live with the temporary eHub within the next few weeks. It will be phased in across the province. The go-live dates are being approved by the Ontario Court of Justice and the Ministry of the Attorney General (Court Services Division). It is anticipated that police services will be contacted by Regional Senior Justices to coordinate adoption of the temporary eHub.

Access to the Temporary eHub

The eHub court information component will be available to policing personnel from services that have been contacted about adopting the eHub and have completed the required actions outlined below.

Action Required:

Given the urgency of implementing this new process, we ask that your service do the following by **6:00 p.m. EST on May 15:**

- 1) Email your police service's public facing static IP addresses (including address(s) that are used via VPN when a laptop or tablet is accessed offsite) to Donald.Dalessandro@torontopolice.on.ca.
- 2) Get OPP-CA Public Key Infrastructure (PKI) certificates for officers/informants who will be submitting Informations and associated documents (if they do not already have one). For information on how to get a PKI certificate, please visit https://ehub.torontopolice.on.ca/welcome/d_pkihub.htm
- 3) Click on <https://ehub.torontopolice.on.ca/> to ensure that networked computers and computers that are used off-site via VPN have access to the eHub.

-3-

Contact Information

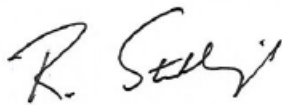
If you have any questions about any of the actions required, please contact:

Jeffrey Pearson, Detective Sergeant
Organized Crime Enforcement
Toronto Police Service
416-315-5634
Jeffrey.Pearson@torontopolice.on.ca

If you have any other questions about the rollout or implementation of this change, please contact:

Linn Mamoniw, Senior Product Manager
Criminal Justice Digital Design Branch
Ministry of the Solicitor General
437-995-2753
linn.mamoniw@ontario.ca

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Amendments to O. Reg. 82/20 (Golf Courses, Marinas,
Campgrounds and Boarding/Kennels/Stables)**

DATE OF ISSUE:	May 16, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0074
PRIORITY:	High

Further to All Chiefs Memo 20-0017, I am writing to advise you that the Ontario government is launching Stage 1 of [A Framework for Reopening our Province](#), starting on Tuesday, May 19, 2020 at 12:01 a.m. The first stage of reopening will focus on workplaces that are well-positioned to follow public health advice and consider workplace safety measures (see <https://news.ontario.ca/opo/en/2020/05/ontario-announces-additional-workplaces-that-can-reopen>). More information on these changes will be communicated in a separate All Chiefs Memo.

Meanwhile, the government has also amended [O. Reg. 82/20 \(Closure of Places of Non-Essential Business\)](#) under the *Emergency Management and Civil Protection Act* (EMCPA) effective Saturday, May 16, 2020 at 12:01 a.m. such that:

- 1) Golf courses, and outdoor golf driving ranges, marinas, boating clubs and other organizations that maintain docking facilities for members or patrons are able to open their places of business subject to the following restrictions:
 - Every person who operates the place of business shall ensure that any clubhouse, restaurant, pool, meeting room, fitness centre or other recreational facility on the premises remains closed to the public unless it is a portion of the building that is used to provide first aid services or contains a washroom or provides access to these areas.

.../2

-2-

- Restaurants located on the premises are able to operate only for take-out or delivery service.

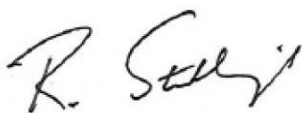
The order has also been amended to clarify that it does not prohibit a person who operates a marina, boating club or other organization that maintains docking facilities for members or patrons from operating a grocery or convenience store on the premises or providing fuel supply, watercraft repair and servicing, watercraft docking and watercraft launching services.

- 2) Restrictions with respect to seasonal campgrounds are updated. A person who operates a seasonal campground shall ensure that:
 - Campsites are made available only for trailers and recreational vehicles that, are used by individuals who do not have another residence in Canada and are in need of housing during the emergency period, or are permitted to be there by the terms of a full season contract;
 - Only campsites with electricity, water service and facilities for sewage disposal are provided for use;
 - All recreational facilities in the campground, and all other shared facilities in the campground such as washrooms, are closed; and
 - Other areas of the seasonal campground are closed to the general public and are only opened for the purpose of preparing the seasonal campground for reopening.
- 3) For greater certainty, the order outlines that persons who operate a boarding kennel or stable can allow an animal's owner to visit the animal, assist in the care or feeding of the animal or ride the animal.

I trust you will find this information helpful. I have also attached additional information that is relevant and applicable on an ongoing basis.

Thank you for your continued support.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Enforcement Information and Resources

Places of Business

Please note the ministry is not in a position to provide advice on whether a specific business falls under a specific category listed in the emergency order [O. Reg. 82/20](#) as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

Also note the emergency order states the person responsible for any place of business that is open shall ensure the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations.

They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting. This requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers. Also note this requirement applies with respect to all places of business that are open, including retail businesses permitted to open.

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

The government and health and safety associations have released more than 90 safety guidance documents to assist employers in multiple sectors, including construction, retail, facilities maintenance and manufacturing. These guidance documents are available at <https://www.ontario.ca/page/resources-prevent-covid-19-workplace>

Enforcement and Public Reporting of Non-Compliance

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA). Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of a business that is authorized to stay open in accordance with O. Reg. 82/20.

To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST. **To ensure the line can effectively respond to enforcement inquiries, police services are asked not to disclose information associated with the Support Line to the general public.** Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders,

Enforcement Information and Resources

including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as may be appropriate.

In addition, policing personnel are encouraged to regularly check the regulations (including emergency orders) under the [Emergency Management and Civil Protection Act](#) on the Government of Ontario's [e-Laws website](#).

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Religious Gatherings and Enforcement Considerations
for O. Reg. 52/20 under the *Emergency Management and
Civil Protection Act***

DATE OF ISSUE:	May 16, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0075
PRIORITY:	High

Further to All Chiefs Memos 20-0029 and 20-0032, I would like to provide you guidance on the enforcement of emergency orders, specifically, with respect to O. Reg.52/20 (Organized Public Events, Certain Gatherings) under the *Emergency Management and Civil Protection Act* (EMCPA) as the weather continues to warm up.

O. Reg. 52/20 under the EMCPA prohibits any person from attending an organized public event of more than five people, including a parade; a social gathering of more than five people; or a gathering of more than five people for the purposes of conducting religious services, rites or ceremonies. This order applies to events and gatherings even if they are held at a private dwelling.

The prohibitions don't apply to:

- A gathering of members of a single household.
- A gathering for the purposes of a funeral service that is attended by not more than 10 persons.

-2-

Vehicle Gatherings for Religious Purposes

On May 16, 2020, the government amended [O. Reg. 52/20](#) to allow persons to gather for the purposes of a religious service, rite or ceremony provided that persons are following all of the following precautions:

- Subject to the exception below, each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements.
- A person must not be in a motor vehicle that contains members of more than one household.
- The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.
- No more than five persons may conduct the service, rite or ceremony from outside a motor vehicle, and the persons conducting the service, rite or ceremony must remain at least two metres apart from each other and from other persons attending the gathering.
- The persons conducting the service, rite or ceremony must ensure that any building that is intended for such activities and that is located at the place where the gathering is occurring remains closed during the gathering except for any access the persons conducting the service, rite or ceremony may reasonably require.
- No materials must be exchanged,
 - between a person conducting the service, rite or ceremony and the occupant of a motor vehicle, or
 - between the occupant of one motor vehicle and the occupant of any other motor vehicle.

Please note that O. Reg. 52/20 enables a person to attend a religious gathering using a non-motorized vehicle if the person ordinarily uses the vehicle due to religious belief. If persons attend the religious gathering, they must remain within their non-motorized vehicle(s). The required precautions mentioned above apply with necessary modification to the persons in the non-motorized vehicle(s).

These restrictions are aimed at safeguarding the health and well-being of Ontarians while allowing individuals to practise their faith in congregate settings.

Enforcement Considerations

With the summer months on the horizon, there may be circumstances where you encounter individuals hosting events or celebrations and these gatherings or organized public events may be contrary to the prohibitions set out for certain social or religious or organized public events (e.g., organized public events of more than five people for fireworks displays).

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-3-

These events should be investigated carefully and where it is determined that a violation has occurred, policing personnel should undertake a graduated enforcement approach (e.g., education, warning, issuing tickets under Part I of the *Provincial Offences Act*, etc.). Policing personnel should always keep in mind the public health intent of the emergency orders is to limit the spread of COVID-19.

Policing personnel should use their discretion to determine whether a congregation of people is a social or religious gathering, organized public event or not. For example, carpooling to get to work is likely not a social gathering. Please note that where individuals gather in vehicles for the purposes of a religious service, rite or ceremony, the persons in each vehicle must be from the same household.

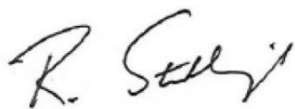
Policing personnel are free to ask questions and obtain voluntary answers, as well as rely on other objective observations, in order to form reasonable and probable grounds. Policing personnel should NOT make any assumptions about who is a member of the same household based on race, gender or any other protected grounds. Policing personnel should use their discretion and consider objective information that may be available to form grounds that a social or religious gathering of more than five people does not only include members of a single household.

I want to acknowledge that in addition to the provincial emergency orders, there may be other municipal or First Nation by-laws that apply to various types of events and gatherings. For example, there could be additional local prohibitions on social gatherings or restrictions on the sale of fireworks. Policing personnel should work with local by-law enforcement personnel on these issues, where they arise.

If you have any questions, you may call the COVID-19 Enforcement Support Line at 1-866-389-7638. The line is only available to chiefs of police, policing personnel, and other enforcement personnel for specific questions related to the enforcement of the emergency orders under the EMCPA. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

I trust that this information will be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **A Framework for Reopening Our Province – Stage 1 and
Outdoor Recreational Amenities**

DATE OF ISSUE:	May 19, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0076
PRIORITY:	High

Further to All Chiefs Memo 20-0074, I am writing to advise you that the Ontario government is launching Stage 1 of [A Framework for Reopening our Province](#) today.

The framework includes guiding principles and public health recommendations the government will use to reopen businesses, services and public spaces in gradual stages. The first stage of reopening focuses on workplaces that are well-positioned to follow public health advice and consider workplace safety measures.

Stage 1 changes to O. Reg. 82/20 (Closure of Places of Non-Essential Businesses) that came into effect **Tuesday May 19 at 12:01 a.m.** are as follows:

Consumer Products

Businesses that sell motor vehicles, recreational vehicles, trailers, boats or other watercraft; or other motorized vehicles, including power-assisted bicycles, golf carts, scooters, snowmobiles and all-terrain vehicles are able to open without being required to restrict public access to the place of business. These businesses are no longer required to ensure members of the public only enter the area where vehicles are sold or displayed for sale by appointment.

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Businesses that engage in retail sales or rentals to the public and have a public entrance that opens onto a street or exterior sidewalk can open their place of business.

However, those businesses must ensure that persons in the place of business can maintain physical distancing of at least two metres from each other at all times, by using alternative methods of sale such as curbside pickup or delivery, operating by appointment, or limiting the number of people who may be in the place of business at any one time.

A person responsible for a place of business described above that has fitting rooms shall ensure that the fitting rooms remain closed, unless the fitting room stalls have a non-fabric door that may be closed. Customers are not permitted to occupy adjacent fitting room stalls at the same time, and the fitting room stalls must be cleaned and disinfected after each use.

Services and Construction

Businesses that provide the following services are permitted to open their place of business:

- Domestic services that support the operation of households, including housekeeping, cooking, indoor and outdoor cleaning and maintenance services.
- Pet services, including pet grooming services, pet sitting services, pet walking services and pet training services, including services for the training and provision of service animals.
 - In addition, places of business that provide veterinary services are no longer restricted to only being open to provide essential services.
- Maintenance, repair and property management services that manage and maintain the safety, security, sanitation and operation of institutional, commercial, industrial and residential properties and buildings. Previously only such businesses providing “strictly necessary services” were allowed to remain open.
- Construction activities or projects and related services that support construction projects, including demolition services. Previously only specified construction projects and activities were allowed to proceed.
- Land surveyors.

Sports and Activities

In addition to permitting training facilities for certain professional sports leagues, the order now permits the following facilities to open:

- Outdoor sports and activities:
 - Baseball diamonds;
 - Soccer fields;
 - Tennis, platform tennis, table tennis and pickleball courts;
 - Basketball courts;
 - BMX parks;

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- Skate parks;
- Motorsport tracks;
- Frisbee golf locations;
- Cycling tracks and bike trails;
- Horse riding facilities; and,
- Shooting ranges.
- Indoor sports and activities:
 - Indoor golf driving ranges;
 - Indoor horse-riding facilities; and,
 - Indoor shooting ranges.

The person who operates one of the above facilities shall ensure that:

- Any person stays at least two metres away from any other person using the facility;
- Team sports are not practiced or played within the facility;
- Other sports or games that are likely to result in individuals coming within two metres of each other are not practiced or played within the facility; and,
- Any locker rooms or clubhouses remain closed except to provide access to a washroom or portion of the facility used for first aid.

Facilities, other than pools, used by the following sports organizations to train or run competitions for professional or amateur athletes are permitted to open:

- A national organization funded by Sport Canada or a member club; and/or,
- A provincial organization recognized by the Ministry of Heritage, Sport, Tourism and Culture Industries or a member club.

The person who operates one of the above facilities shall ensure that:

- The general rules regarding sports facilities (above) are complied with;
- Only athletes who are members of the sports organization use the facility;
- All sport activities are conducted in accordance with the rules and policies of the sports organization; and,
- No spectators are permitted, other than one parent for an athlete under the age of 18.

Horse racing tracks are also permitted to open. The person responsible for the track shall ensure that it is closed to spectators.

Health Care and Social Services

The following businesses may open their place of business:

- Regulated health professionals. Previously such places of business could open for urgent care only;
- Professionals or organizations that provide-in person counselling services; and,

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- Organizations that provide critical personal support services in home or residential services for individuals with physical disabilities are permitted to operate. Previously such places of business could open only if they were non-profit organizations.

Media Industries

The following media industries are permitted to open:

- Sound recording, production and distribution businesses;
- Film and television post-production, visual effects and animation studios;
- Book and periodical production and distribution; and,
- Interactive digital media businesses, including computer system software or application developers and publishers, and video game developers and publishers.

The person responsible for any place of business that is open shall ensure that the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations. They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Note that this requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers. Also note this requirement applies with respect to all places of business that are open including retail businesses permitted to open.

Outdoor Recreational Amenities

Additional changes to O. Reg. 104/20 (Closure of Outdoor Recreational Amenities) that came into effect **Tuesday May 19 at 12:01 a.m.** allow the following outdoor recreational amenities to reopen:

- Outdoor picnic sites, benches and shelters in park and recreational areas;
- Off-leash dog areas; and
- Outdoor multi-use fields and sports facilities (including baseball diamonds, soccer fields, and frisbee golf locations, tennis, platform tennis, table tennis and pickleball courts, basketball courts, BMX parks, and skate parks).

Any person who uses one of the above outdoor recreational amenities shall, unless they are part of the same household, maintain a physical distance of two metres from any other person using the amenity.

A person who uses an allotment garden or community garden shall do so in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

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The following outdoor recreational amenities are required to be closed if they are intended to be used by more than one household, regardless of whether they are publicly or privately owned and whether they are attached to a park system:

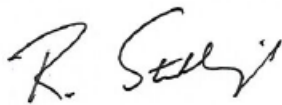
- All outdoor playgrounds, play structures and equipment;
- All outdoor pools, whirlpools and spas, splash pads, spray pads, wading pools and water slides;
- All communal facilities intended to be used by persons using outdoor recreational amenities (except facilities included in the list of essential businesses under the Closure of Places of Non-Essential Business order, for example, facilities used by recognized sports associations);
- All portions of parks and recreation areas containing outdoor fitness equipment.

Public health officials will carefully monitor each stage of the framework for reopening to be able to manage outbreaks and surges that may occur.

For your reference, please find attached previously-shared enforcement-related information that is relevant and applicable on an ongoing basis.

Thank you for your continued support.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Enforcement Information and Resources

Places of Business

Please note the ministry is not in a position to provide advice on whether a specific business falls under a specific category listed in the emergency order [O. Reg. 82/20](#) as this is a discretionary decision made by enforcement personnel based on their judgement, local context and the purpose of the emergency orders to contain the spread of COVID-19.

Also note the emergency order states the person responsible for any place of business that is open shall ensure the business operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and its regulations.

They shall also ensure the business operates in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting. This requirement applies to “the person responsible for a place of business”, not the people who happen to be in the place of business, whether employees or customers. Also note this requirement applies with respect to all places of business that are open, including retail businesses permitted to open.

Health and Safety Association Guidance Documents for Workplaces During the COVID-19 Outbreak

The government and health and safety associations have released more than 90 safety guidance documents to assist employers in multiple sectors, including construction, retail, facilities maintenance and manufacturing. These guidance documents are available at <https://www.ontario.ca/page/resources-prevent-covid-19-workplace>

Enforcement and Public Reporting of Non-Compliance

The Ministry of the Solicitor General is requesting chiefs of police to advise policing personnel to use their discretion, in a graduated manner, in enforcing orders under the *Emergency Management and Civil Protection Act* (EMCPA). Those authorized with EMCPA enforcement powers have the discretion to make an informed assessment of whether or not a particular business meets the criteria of a business that is authorized to stay open in accordance with O. Reg. 82/20.

To support enforcement needs, the COVID-19 Enforcement Support Line has been established at **1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel on their specific questions related to the enforcement of the emergency orders under the *Emergency Management and Civil Protection Act*. Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.

Enforcement Information and Resources

To ensure the line can effectively respond to enforcement inquiries, police services are asked not to disclose information associated with the Support Line to the general public.

Please note that members of the public **should not be directed to call government hotlines** to report alleged violations of emergency orders, including the emergency order mandating the closure of places of non-essential business. Such reports should be taken by police services for investigation, as may be appropriate.

In addition, policing personnel are encouraged to regularly check the regulations (including emergency orders) under the [Emergency Management and Civil Protection Act](#) on the Government of Ontario's [e-Laws website](#).

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Training on Policing Functions under the *Police Services Act***

DATE OF ISSUE:	May 19, 2020
DATE OF RE-ISSUE:	May 20, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0077 (Re-issue)
PRIORITY:	High

Further to All Chiefs Memos 20-0042 and 20-0045, as part of the Ministry of the Solicitor General's (ministry's) efforts to support policing personnel during COVID-19, I would like to provide you the following information with respect to required training for specialized policing functions under the *Police Services Act* (PSA).

As you may be aware, O. Reg. 266/10 (Suspect Apprehension Pursuits), O. Reg. 354/04 (Major Case Management), O. Reg. 3/99 (Adequacy and Effectiveness of Police Services), and O. Reg. 58/16 (Collection of Identifying Information in Certain Circumstances - Prohibition and Duties) under the PSA impose training obligations for specialized policing functions.

Initial Training

Initial training under the PSA is an important requirement that ensures policing personnel have basic training for the performance of policing functions. The following specialized policing functions require initial training for policing personnel pursuant to one of the above-named regulations:

- Suspect Apprehension Pursuit;
- Certain functions identified in the Major Case Management Manual;
- Communication and dispatch, including supervisory roles;

-2-

- Criminal Investigations;
- Forensic Identification;
- Scenes of Crime Analysis;
- Hostage Rescue Team;
- Containment Team;
- Tactical Units;
- Major Incident Command;
- Crisis Negotiations; and
- Collection of Identifying Information in Certain Circumstances.

Please note that O. Reg. 3/99 also requires those performing some other specialized policing functions to have the knowledge, skills and abilities to perform the function (e.g., public order units, explosive forced entry technicians and explosive disposal technicians). Furthermore, if a police services board is responsible for court security, court security personnel are also required to have the knowledge, skills and abilities to perform this function.

For the safety of members of the public and policing personnel, the ministry is not making changes to initial training requirements under the regulations at this time. It is important that policing personnel gain the necessary skills to perform the functions in a safe and appropriate manner.

Ongoing Training Requirements

With respect to ongoing or maintenance training, except for section 11 in O. Reg. 58/16, there are no prescribed requirements for such training in the aforementioned regulations.

The determination with respect to requalification is, generally, a decision left up to the discretion of police services board and chiefs of police. The ministry recommends different time periods for requalification training through various guidelines under the Policing Standards Manual (e.g., ER-002 – Tactical Units). These guidelines are intended to be a starting point for police services boards and chiefs of police in evaluating the professional development needs of their various policing personnel for the performance of policing functions. Police services boards and chiefs of police should evaluate the feasibility of adhering to those best practice guidelines based on several factors, including the declared provincial emergency for COVID-19, requirements in collective agreements, occupational health and safety, and the period in which academic research shows unused skills diminish.

For the requirement in O. Reg. 58/16, the ministry recommends the continuation of that ongoing training requirement given that this training is delivered virtually by the Ontario Police College. The ministry believes that such refresher training will enhance the skills of policing personnel and support outcomes that improve interactions between policing personnel and members of the public.

-3-

Where it is practical and safe to do so, police services boards and chiefs of police should continue to mandate the delivery of ongoing and maintenance training for all relevant policing functions. If your police service intends to suspend your current practices for training requalification on specialized policing functions, where they are not required by law, I encourage you to consult your police services board and make that determination jointly. In addition, you may wish to engage your local police association on this matter.

The ministry also recommends that at the conclusion of the provincial emergency all policing personnel update any of their expired training and continue to undergo professional development at a frequency that enables them to perform policing functions competently.

Training Requirements under the *Criminal Code* (Canada) and the *Occupational Health and Safety Act*

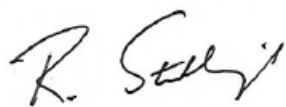
The requirements for training for some policing functions are mandated through federal law and cannot be modified by the province. For example, section 1 of the *Evaluation of Impaired Operation (Drugs and Alcohol) Regulations* (SOR/2008-196) under the *Criminal Code* provides that an evaluating officer must be a certified drug recognition expert accredited by the International Association of Chiefs of Police (IACP). As a result, training modules and frequency established by the IACP govern whether policing personnel are qualified to perform the function. Any changes to this requirement would have to be done by either the federal government or the IACP.

The Ontario Provincial Police is the provincial coordinator for the Drug Recognition Evaluation and Classification Program and is currently working with the Royal Canadian Mounted Police to address training and certification issues associated with this program. If you have any questions related to this, please contact Staff Sergeant Shauna Tozser at Shauna.Tozser@opp.ca.

The *Occupational Health and Safety Act* also requires training for particular marine operations. For example, O. Reg. 629/94 (Diving Operations) requires up-to-date training certification in cardio-pulmonary resuscitation, oxygen administration and first aid. The required training has to meet certain standards (e.g., certification for oxygen administration for S.C.U.B.A. diving injuries is required to be from the Divers Alert Network or an organization that offers equivalent training).

I trust that this will be of assistance.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Correctional Facilities, Court Administration, and
Policing Functions**

DATE OF ISSUE:	May 22, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0078
PRIORITY:	High

As part of the effort to contain the spread of COVID-19, I am advising of the following changes to court administration and correctional facilities.

Discretionary Bench Warrants

As a temporary measure in response to the COVID-19 pandemic, the Ministry of the Solicitor General (ministry) will accept bench warrants with discretion province-wide for persons in custody that may not be able to appear in person or in video remand for cases that are before the Ontario Court of Justice.

Chiefs of police should advise policing personnel that a discretionary bench warrant is sufficient to bring an in-custody accused to a correctional facility. If a judicial official does not agree to issue a discretionary bench warrant, then the ministry may not be able to continue the detention of the person in custody. Policing personnel will be notified if this situation arises and will be required to attend the correctional facility to re-arrest the accused upon their release and bring them back before a judicial official on the same charges the next day.

-2-

DNA Orders

DNA orders during COVID-19 can continue to be ordered. A pressing objective of the DNA Databank is getting each sample on the DNA Data Bank as quickly as possible. By virtue of the *Criminal Code*, DNA orders shall be executed on the day the order was made, on the date set out in the [Form 5.041](#), or as soon as feasible afterwards. Therefore, all DNA orders are valid until executed. Pursuant to [section 487.056\(5\)](#), DNA orders are enforceable anywhere in Canada.

If an offender is *in-custody*, arrangements may be made to execute the DNA order at the correctional facility. Policing personnel will be permitted to attend the institution to execute these orders.

If a jurisdiction is unable to continue with DNA sampling in the ordinary course for *out-of-custody* offenders, or those in-custody offenders who have received no further incarceration, the court may order the offender, in [Form 5.041](#), to appear for DNA sampling at some convenient date well into the future, to accommodate the expected trajectory of COVID-19 (i.e., perhaps in the fall of 2020). Every [Form 5.041](#) order should have a specified date.

Chief of police must document and monitor unexecuted DNA Orders.

Chiefs of police should keep a list of all orders that are not immediately executed to ensure that they are executed on the future date specified in the [Form 5.041](#). The best way to do this is for the police to create an excel spreadsheet that lists name, date of birth, FPS number, date of order, and date where accused refused to attend. As set out above, the DNA orders remain valid until executed. The spreadsheet will allow police serviced to encourage voluntary sampling once the COVID-19 pandemic has subsided, and to ensure that individuals who do not appear when ordered to do so are accounted for.

Failure to Attend at Future Date

If an offender fails to attend on the future date specified in the [Form 5.041](#) order, policing personnel may proceed by way of summons or a warrant may be issued for the arrest of the offender pursuant to [section 487.0551\(1\)](#). Consideration may also be given to the appropriateness of a failure to comply charge under [section 487.0552\(1\)](#). Once apprehended by policing personnel, the offender's DNA order can be executed forthwith.

-3-

Addressing “stale” DNA Orders that have not been executed and for which there is no Form 5.041

If the offender is *in-custody*, the DNA order may be executed at the correctional institution where the offender is held. If the offender is *out-of-custody*, the offender should be given an opportunity to attend for DNA sampling voluntarily. The offender is not required to voluntarily surrender and has the right to consult with counsel for advice. If the offender refuses to voluntarily attend for sampling, or fails to so report, then police are encouraged to consult their local Crown’s office before devising a plan to execute a DNA order in that fashion.

Bail and Parole Conditions - Reporting to a Police Service

Where a condition requiring an individual to report at a prescribed time to a police station or reporting centre has already been imposed on either a bail, probation or parole order, it is recommended that:

- A notice be placed on the door with the phone number to the division/detachment so that the individual can report over the phone.
- The division/detachment should keep a telephone reporting log that includes the name, date and time of those who have reported.

Where the Crown believes public safety requires a reporting term on a release order, it will indicate that reporting must be done by phone to the police division or in-person as directed by the Officer in Charge or their designate.

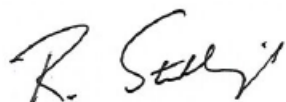
During this pandemic crisis, in a case where an accused person has failed to comply with a condition of their bail requiring that they sign in at a police station the Crown will screen these charges from a similar lens. In these unprecedented times, the Crown will only prosecute these breaches where there are particularly egregious circumstances.

Verification of Identification for the Purpose of Release

Where an accused is being released to a surety and a condition of the Release Order is that the accused “be with their surety at all times when outside their residence”, the surety will have to attend the police station for the accused to be properly released. Prior to releasing the accused from the police station, the police will need to verify the identity of the surety to ensure that they are the surety named in the Release Order.

I hope this is of assistance to you.

Sincerely,



Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **New Standards for Reporting Collisions on Ontario's
Roads Involving Electric Kick-Style Scooters (also
known as E-Scooters)**

DATE OF ISSUE:	May 25, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0079
PRIORITY:	Normal

Further to All Chiefs Memo 19-0089, dated December 11, 2019, I am sharing a communication regarding standardized reporting practices for collisions involving e-scooters, at the request of the Ministry of Transportation, Road User Safety Division.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, which provides details on these collision reporting practices. If you require further information, please contact Sara Volo at sara.volo@ontario.ca or 416-992-3491.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Ministry of Transportation

Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto ON M3M 0B4
Tel.: 416-235-4453

Ministère des Transports

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto ON M3M 0B4
Tél. : 416-235-4453



MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division
Ministry of Transportation

SUBJECT: **New Standards for Reporting Collisions on Ontario's Roads Involving Electric Kick-Style Scooters (also known as E-Scooters)**

The purpose of this memorandum is to provide clarification to the policing community across the province about the new standards for reporting collisions involving kick style e-scooters.

Effective January 1, 2020, a new regulation was made under the Highway Traffic Act (HTA), [O. Reg.389/19: Pilot Project - Electric Kick-Scooters](#) paving the way for a 5-year pilot program allowing the use of electric kick-style scooters (e-scooters) on Ontario's roads. To implement this change, a municipal by-law must be enacted before e-scooters are permitted on any roads within the municipality during the term of the pilot.

The Ministry of Transportation will be evaluating the road safety impact of the pilot program, but will require accurate and reliable data on e-scooter collisions to do this effectively. Accordingly, it is crucial that all police services adopt a standardized approach to recording collisions involving e-scooters. The same standards apply whether collisions are reported using the Motor Vehicle Collision Report ("MVCR") form (SR-LD-401) or an electronic collision data system. Please follow the collision reporting approach (i.e., form or electronic system) used by your police service and the instructions in this bulletin.

Examples of kick style e-scooters are provided in the images below:



When a reportable collision involving an e-scooter occurs, these are the procedures to follow when completing the MVCR:

What needs to be reported

The current requirements for reporting collisions will remain unchanged. The MVCR form must be completed by police in the event of a collision on a public road, that involves at least one motor vehicle that is in motion at the time of a collision, and where the collision falls within at least one of the following scenarios:

- results in a fatality within 30 days;
- results in injury to one or more persons; and/or
- results in property damage exceeding \$2000 in total.

How to report collisions involving e-scooters on the MVCR form

E-scooters are *not* considered motor vehicles and will not be added as a new vehicle type on the MVCR.

However, where an e-scooter is involved in a collision with at least one *other moving vehicle*, which must be a *motor* vehicle, the vehicle types (e.g., V1 as the motor vehicle and V2 as the e-scooter) are to be recorded accordingly:

1. Code the e-scooter as a bicycle in the *Vehicle Type* field:
In the printed MVCR form, a bicycle corresponds to code 36 in the *Vehicle Type* field.
2. Enter "ESC" in the *Body Style* field:
To identify that the bicycle was specifically an e-scooter, the investigating officer should write the abbreviation "ESC" under the *Body Style* field, which can be found in the vehicle description section.

Incidents involving e-scooters that do not meet the criteria of a reportable collision should be documented using your jurisdictions incident reporting procedures.

Importance of recording complete information on the location of e-scooter collisions

Information on collision location recorded by the reporting officer is vital for collision data systems and to evaluate the pilot program. At a minimum, municipality/regional municipality should be identified. When completing an MVCR, please strictly follow the guidelines for reporting location that are published in the MVCR Manual (attached for reference).

I would ask that you please bring this memorandum to the attention of the appropriate members of your service. If members of the law enforcement community would like to discuss these changes, they may contact Sara Volo at 416-992-3491 or sara.volo@ontario.ca.

Thank you for your assistance in communicating this change.



Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division

Attachment: MVCR Manual Section 02 (Form) Subject – Location (0208)

MVCR MANUAL

Section 02 (Form)

Subject – Location (0208)

Published August 2015

Ontario Ministry of Transportation

SUMMARY The location is vital for municipal and rural accident data systems. The legal implications are more obvious, but for engineering purposes it is important that location data is accurate.

ROAD 1/ROAD 2 The lines shown as R1 and R2 refer to Road 1 and Road 2.

Non-Intersection

Road 1 is designated as the road where the initial impact occurred even if the accident concludes on another roadway.

Intersection Same Road Authority

At the intersection of two or more roadways, Road 1 is assigned in the following order of priority:

- Freeways, i.e., QEW or 400 series
QEW first and remaining freeways in numerical order, lowest first.
- through highway
- larger roadway by number of lanes
- heaviest volume
- alphabetical order
- numerical order, lowest first.

Intersection Different Road Authorities

If the intersection is under the jurisdiction of more than one road authority, Road 1 is the roadway under the jurisdiction of the more senior authority. Jurisdiction is assigned the following order of seniority:

- federal
- provincial
- regional/district municipality
- municipality
- county or district
- township.

Note: Where two or more roadways are under the jurisdiction of the senior road authority, Road 1 is determined as in Intersection Same Road Authority.

Point Of Reference

Record the distance and direction from the point of reference to the collision site.

Suitable points of reference are other roadways, bridges, houses or buildings or other permanent, identifiable objects. Trees, fences, rock faces, and light/hydro poles are *not* suitable.

Parking Lots

If the collision occurred off-highway in a parking lot, enter the property name, e.g., On Purple Plaza Lot on line R1. Enter the street address on R2.

MUNICIPALITY	Enter the name of the municipality.
COUNTY, DISTRICT OR REG. MUNICIPALITY	Enter the name of County, District, or Regional Municipality. Leave the selected category visible and strike-out the unused categories.
MTO DISTRICT (OPP ONLY)	If the keypoint system is used, enter the appropriate MTO district. This information may be obtained from the Linear Highway Referencing System text.
GEOCODE (OPP ONLY)	You may use a location geocoding system to complement the alpha-numeric descriptors.
KEYPOINT (OPP ONLY)	For MTO highways, enter the keypoint number. The keypoint number is a five-digit code Linear Highway Referencing System (LHRS) number and is used to complement the alpha-numeric descriptor. A keypoint number is assigned for each major segment of a highway. A text containing LHRS information is provided to police authorities responsible for patrolling MTO highways.
OFFSET (OPP ONLY)	If using the keypoint system, enter the appropriate offset. The LHRS offset can be found in the LHRS text.
RAMP NO. (OPP ONLY)	For locations where the collision is on a ramp, enter the ramp number. The ramp numbers can be found in the ramp diagrams supplied by MTO to police agencies who patrol MTO highways.
	<p>Note: For the OPP and MTO staff, the LHRS is available at the following web site: http://intra.mto.gov.on.ca/ (MTO's Intra Site)</p> <ol style="list-style-type: none"> 1. Select the Divisions & Locations button. 2. Select the Linear Highway Referencing System (LHRS) http://intra.mto.gov.on.ca/lhrs/
MTO USE ONLY	MTO Head Office enters the highway number, distance, units, and direction.

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de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **New Process for Ordering Appearance Notice (Form 9)**

DATE OF ISSUE:	May 27, 2020
CLASSIFICATION:	For Action
RETENTION:	Indefinite
INDEX NO.:	20-0080
PRIORITY:	Normal

Further to All Chiefs Memo 20-0063, please find attached a communication from the Ministry of the Attorney General regarding Appearance Notice (Form 9) orders.

Please review the attached memo from Assistant Deputy Attorney General Sheila Bristo, including supporting documentation, which provides details on the new process to order the Appearance Notice (Form 9) from Ontario Shared Services.

If you require further information, please contact Mike Rottman, Forms Specialist, at mike.rottman@ontario.ca.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments

Ministry of the Attorney General

Court Services Division
Office of the Assistant Deputy
Attorney General

McMurtry-Scott Building
720 Bay Street, 2nd Floor
Toronto ON M7A 2S9
Tel.: 416 326-2611
Fax.: 416 326-2652

Ministère du Procureur général

Division des services aux tribunaux
Bureau de la Sous-procureure générale
adjointe

Édifice McMurtry-Scott
720, rue Bay, 2^e étage
Toronto ON M7A 2S9
Tél. : 416 326-2611
Téléc. : 416 326-2652

Our Reference #: A-2020-113

MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

DATE: May 26, 2020

SUBJECT: **New Process for Ordering Appearance Notice (Form 9)**

The Memorandum is to provide all police services with new instructions on how to place orders for the Appearance Notice (Form 9) from the new print vendor.

Effective immediately, police services may place orders for the Appearance Notice (Form 9) (adult and youth versions) from the Ontario Shared Services (OSS). OSS is the *new print vendor* for the Court Services Division. Forms are no longer being ordered from Data CM.

Please find attached the instructions for ordering the Appearance Notice (Form 9) from OSS and the documents that are required to place an order. When making an order, services should consider placing bulk orders rather than many smaller orders throughout the year. The Court Services Division will be paying for the order and delivery of the Appearance Notice (Form 9).

For any questions about this process, please contact Mike Rottman, Forms Specialist (Court Services Division, Program Management Branch) (mike.rottman@ontario.ca).

- 2 -

Thank you for your attention to this matter.

Sincerely,

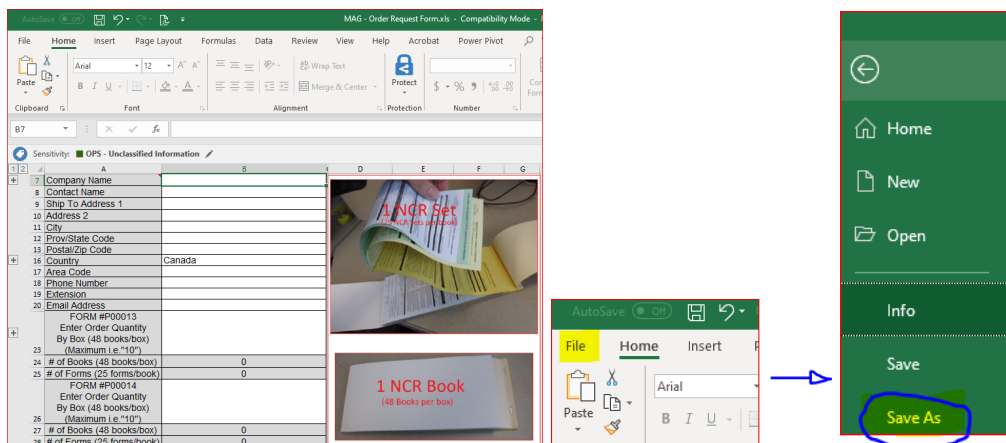
A handwritten signature in blue ink, reading "Sheila Bristo". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Sheila Bristo
Assistant Deputy Attorney General
Court Services Division

attachments

Process for Ordering Form 9 Books (For Non-OPS Clients)

Step 1: Complete the Excel order Form, save it to your desktop, and close the form/Excel file.




Note the following:

- You only need to enter information into the white fields (grey fields are locked). All white fields must be completed or your order will not be fulfilled
- For “Company Name” use your Organization Name (i.e. Police Service)
- For “Contact Name” use the name of the person the package should be addressed to
- Books are ordered by box which means the minimum order is 48 books (there are 48 books per box)
- The maximum number of boxes you can order is 7.

Step 2: Complete the Central Intake Form

A) Open the [Central Intake Form](#) and select “Distribution” followed by “order stock”. Under “Describe your requirements”, indicate “see attached” (this is a mandatory field)

Ontario  **Document Solutions and Logistics
Service Request Intake**

[Expand Instructions](#)

Complete this form to initiate a request for Print, Mass Mailing, Digital Conversion, Distribution, Publications Ontario, Surplus Assets Management, Forms Management, or if you are unsure of what service you require and/or just need a consultation. Once you have finished, select the “Submit” button to send your request.

Fields marked with an asterisk (*) are mandatory.

1. Service Type

Select the service type you are requesting *. For definition of services, select the Expand Instructions button.

☐ Print ☐ Mass Mailing ☐ Digital Conversion ☒ **Distribution** ☐ Publications Ontario

☐ Surplus Asset Management ☐ Forms Management ☐ Unsure/Requests consultation with Specialist

Distribution

Select the service you are looking for (select one) *

☐ Distribution Services ☒ **Order Stock**

Describe your requirements *

See attached

- B) Under section 2, complete all mandatory fields, select “yes” for Agency, enter your agency name, click “Add file”, attach the Excel order form and click “Submit”.

2. Client Information

Are you an Agency? *

☒ Yes
 ☐ No

Agency Name *

Toronto Police Service

IFIS Code (Mandatory for OPS Ministries Only)

For assistance with IFIS code, visit the [Chart of Accounts Explained web page](#). Please note that no charges will be applied unless approval has been granted by the requester.

Balancing Unit

Program

Business Unit

Cost Centre

Account Number

Contact

Last Name *

John

First Name *

Doe

Telephone Number *

123-456-7890

Extension

123

Email Address *

HelpDesk@TorontoPolice.ca

Additional Notes/Comments

Note: If you have any supporting documents that would assist in this request (eg. drafts, business requirements, artwork, distribution lists) attach below.

Description	File Name
1 Order Form	<div>Add File</div> <div>Delete File</div> <div>MAG - Order Request Form.xls</div>

Add Item (+)

Save Form

Print Form

Submit

ON00007E (2020/03)

© Queen's Printer for Ontario, 2020

Page 1 of 2

- C) After clicking “Submit”, a message will ask if you are sure, click “Yes”. This will be followed by another message, click “Continue”

Warning: JavaScript Window - Submit

You want to submit the form?

To continue with this action, select 'Yes'. To cancel this action, select 'No'.

Yes

No

Send Email

Send Using

☒ Default email application (Microsoft Outlook)
 ☐ Use Webmail

Select

☐ Remember my choice

Continue

Cancel

- D) The Central Intake (PDF) will be attached to a blank email with “OSS Services Intake” in the “TO” line. Click “send”.

File Message Insert Options Format Text

Sensitivity: OPS - Unclassified Information

To...

OSS Service Intake (MGCS)

CC...

BCC...

Subject

Intake - Service Type - Distribution

Attached

ON00007.pdf

2 MB

Send

After you have submitted the Central Intake, Service Management/OSS will provide a reference number/Unique Identifier (UI) to you via email. If you want to follow up with an order request you submitted, just email OSSServiceIntake@Ontario.ca and reference this UI number in your email.

Troubleshooting

Issue	Resolution
I'm trying to attach the Excel order form to the Central intake but it's not attaching	Ensure the form is closed. If you attempt to attach the Excel file while it is open, the file will not attach.
The Excel order form is not allowing me to enter my quantity.	The Excel order form will not allow orders greater than 7 boxes for either form (keep in mind the number represents boxes, not books – there are 48 books per box)
The Central intake is not allowing me to submit.	Ensure all mandatory fields (ie fields marked with an Asterix) are filled in.
I'm having other issues with the Central intake	Ensure you are using Adobe 11. Adobe Reader 11 is free to download from the Adobe website.

Company Name	
Contact Name	
Ship To Address 1	
Address 2	
City	
Prov/State Code	
Postal/Zip Code	
Country	Canada
Area Code	
Phone Number	
Extension	
Email Address	
FORM #P00013 (Youth Appearance Notice) Enter Order Quantity By Box (48 books/box) (Maximum 7)	
# of Books (48 books/box)	0
# of Forms (25 forms/book)	0
FORM #P00014 (Adult Appearance Notice) Enter Order Quantity By Box (48 books/box) (Maximum 7)	
# of Books (48 books/box)	0
# of Forms (25 forms/book)	0





Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Distracted Driving Exemptions: Amendments to
Highway Traffic Act Ontario Regulation 366/09 (Display
Screens and Hand-Held Devices)**

DATE OF ISSUE:	May 28, 2020
DATE OF RE-ISSUE:	May 29, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0081 (Re-issue)
PRIORITY:	Normal

At the request of the Ministry of Transportation, Road User Safety Division, I am sharing a communication regarding two amendments to O. Reg 366/09 (Display Screens and Hand-held Devices) under the *Highway Traffic Act*. These amendments are in relation to exemptions for commercial drivers and Canadian Security Intelligence Service (CSIS) officers.

Please review the attached memo from A/Assistant Deputy Minister Nosa Ero-Brown, which provides details on these amendments. If you require further information, please contact Jerome Brideau at 416-843-3093.

Sincerely,

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachment

Ministry of Transportation

Road User Safety Division

87 Sir William Hearst Avenue
Room 191
Toronto ON M3M 0B4
Tel.: 416-235-4453

Ministère des Transports

Division de Sécurité Routière

87, avenue Sir William Hearst
bureau 191
Toronto ON M3M 0B4
Tél. : 416-235-4453



MEMORANDUM TO: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division
Ministry of the Solicitor General

FROM: Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division
Ministry of Transportation

SUBJECT: **Distracted Driving Exemptions - Amendments to Highway Traffic Act - Ontario Regulation 366/09 (Display Screens and Hand-Held Devices)**

This memorandum is to advise the policing community about two recent amendments to Regulation 366/09 (Display Screens and hand-held Devices), made under the *Highway Traffic Act* (HTA),), effective February 14, 2020.

1. Commercial Drivers - Hand-held two-way radios exemption:

The current exemption from the prohibition on the use of a hand-held two-way radio by commercial, public transit and public function drivers, and licensed amateur radio operators was set to expire on January 1, 2021. That expiry date has been removed from the regulation, in sections 11 to 13. The result is that this exemption is now permanent.

Note that this exemption only applies with respect to hand-held two-way radios and no other hand-held electronic communication devices.

2. Canadian Security Intelligence Service (CSIS) Officers - Hand-held communications device and display screen exemptions:

Sections 2 and 9 of the regulation have been amended to exempt CSIS officers from the prohibitions on the use of a hand-held wireless communications device and a display screen.

If members of the law enforcement community would like to discuss these exemptions in more detail, they may contact Jerome Brideau at (416) 843-3093.

Thank you for your assistance in communicating these changes.



Nosa Ero-Brown
A/Assistant Deputy Minister
Road User Safety Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Serious Fraud Office**

DATE OF ISSUE:	May 29, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0082
PRIORITY:	Normal

In September 2018 the Ministry of the Attorney General and the Ministry of the Solicitor General collaborated on the creation of the Serious Fraud Office (SFO). The SFO is an integrated and coordinated model where police and prosecutorial services work collaboratively in their approach to investigating and prosecuting large scale, complex frauds in Ontario. The SFO is a joint forces operation led by the Ontario Provincial Police (OPP).

The mandate of the SFO is to:

- (a) Protect the citizens of Ontario;
- (b) Limit losses suffered by victims of serious fraud; and
- (c) Recover fraudulently stolen assets.

For the purposes of the SFO, a “serious fraud” is defined as a fraud that has significant impact on society or significant financial loss in total. However, the totality of the loss is not the sole determining factor for acceptance of investigative carriage. Mechanisms for committing fraud can incorporate corruption, collusion, money-laundering, multiple jurisdictions and/or elements of organized crime. Consequences of fraud have serious impacts on victims and erode public confidence in democratic processes, government integrity and financial stability. While all fraud is potentially devastating, the SFO’s focus is primarily on particularly complex and/or egregious offences.

-2-

SFO Structure

The teamwork principle is the backbone of the SFO, providing an integrated and coordinated approach to serious fraud investigations, prosecutions, crime prevention, training and education, and victim support.

The SFO has incorporated many specialized skill-sets to effectively and efficiently investigate cases involving serious fraud. This specialized expertise is also an important resource to train others in the law enforcement community to better identify and combat fraud. It is equally vital to engage relevant stakeholders who are also combatting fraud, including regulators, banks, auto insurers, and all government agencies. The SFO brings awareness to those at greater risk of being victimized by fraud and plays a leadership role in both fraud prevention and fraud detection.

The SFO has the capacity to locate, seize and forfeit the proceeds of fraud in Ontario. It has an asset recovery capacity that can be engaged early, in tandem with serious fraud investigations, preventing the potential disappearance of the proceeds from criminal activity.

The SFO's victim support strategy includes a tiered police, prosecution, and community based response to mass victimization.

SFO Intake Submission Requirements

Policing agencies in Ontario can make requests for service from the SFO

To access the SFO, policing agencies must request an SFO Request for Service Form (LE355) via e-mail to the SFO Intake Inbox (SFO.intake@ontariosfo.ca). The SFO Intake Inbox is equipped with encryption capabilities for the submission of the Request for Service form as well as any other supporting documents, to ensure secure transfer of information. All submissions will require authorization from the referring agency's Chief of Police (or designate) prior to submission.

The referring policing agency must include all information requested on the RFS Form LE355 in the submission which includes a summary of the case, details of the subject(s) of interest, victim(s), and details of the allegations.

Submissions are screened and assessed in the SFO's intake process. It is imperative that the information provided on the LE355 form be as comprehensive as possible in order to accurately reflect the magnitude of the fraud presented to the SFO.

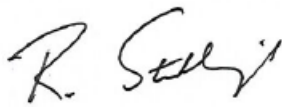
All submissions are assessed by the Intake Coordinator/Analyst and evaluated.

-3-

If a case is selected for investigation, the Serious Fraud Office will contact the referring agency to advise and make arrangements for transferring of files. If the case has not been selected for investigation, the agency will receive a response in writing outlining the reasons why their case was not accepted. The SFO may offer alternate assistance and/or support. Policing agencies are welcome to re-submit their case as new and compelling information becomes known to police.

For further information, please contact Inspector Heidi Stewart at Heidi.Stewart@ontariosfo.ca or Staff Sergeant Peter Shouldice at Peter.Shouldice@ontariosfo.ca.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings". The signature is written in a cursive, flowing style.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
Division de la formation en matière
de sécurité publique25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Funeral Services during the COVID-19 Pandemic**

DATE OF ISSUE:	May 30, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0083
PRIORITY:	High

At the request of the Chief Medical Officer of Health, I am sharing an interpretive bulletin from the Ministry of Health, which provides guidance and clarification on funeral services under [O. Reg 52/20](#) of the *Emergency Management and Civil Protection Act* (EMCPA).

For further information, please review the attached memo from Dr. David Williams, Chief Medical Officers of Health, and the accompanying bulletin. If you have any questions, please direct them to Chris Harold at chris.harold@ontario.ca or 437-993-2376, or Colleen Kiel at colleen.kiel@ontario.ca.

I hope this information is of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Attachments



Ministry of Health

Office of Chief Medical Officer of
Health, Public Health
393 University Avenue, 21st Floor
Toronto ON M5G 2M2

Tel.: 416 212-3831

Fax: 416 325-8412

Ministère de la Santé

Bureau du médecin hygiéniste
en chef, santé publique
393 avenue University, 21^e
étage
Toronto ON M5G 2M2

Tél. : 416 212-3831

Télec. : 416 325-8412

May 27, 2020

MEMORANDUM

TO: Richard Stubbings, Assistant Deputy Minister, Public Safety Division, Ministry of the Solicitor General

RE: Interpretive Bulletin on Funeral Services during the COVID-19 Pandemic

An Interpretive Bulletin has been issued to provide guidance on gathering for a funeral service during the COVID-19 pandemic. Currently gathering for the purpose of a funeral service is restricted to no more than 10 people.

The Interpretive Bulletin clarifies that “a gathering for the purpose of a funeral service that is attended by not more than 10 persons” in s. 1(3) of Schedule 1 to Ontario Regulation 52/20 includes services, rites, or ceremonies related to burial traditions. This includes services, rites and ceremonies associated with a funeral, performed at any time, in connection with religious observances (e.g. unveilings of monuments).

Please contact Chris Harold, A/Manager, Integrated Strategy and Policy Coordination, at chris.harold@ontario.ca or 437.993.2376, or Colleen Kiel, Director, Strategy and Planning Branch at colleen.kiel@ontario.ca if you have any questions.

Sincerely,

David C. Williams, MD, MHSc, FRCPC
Chief Medical Officer of Health

**INTERPRETIVE BULLETIN
ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS
ONTARIO REGULATION 52/20**

**BULLETIN # 1
GUIDANCE ON GATHERING FOR THE PURPOSE OF A FUNERAL
SERVICE DURING THE COVID-19 PANDEMIC**

Current as of: May 26, 2020
O. Reg. 52/20 as last amended to May 16, 2020

SCOPE

The following guidance is suggested for individuals, organizations, or businesses planning or attending funeral services or other services, rites, or ceremonies related to burial traditions, and for those responsible for enforcing emergency orders.

APPLICATION

“A gathering for the purpose of a funeral service that is attended by not more than 10 persons” in s. 1(3)2 of Schedule 1 to Ontario Regulation 52/20 includes services, rites, or ceremonies related to burial traditions. This includes services, rites and ceremonies associated with a funeral, performed at any time, in connection with religious observances (e.g., unveilings of monuments).

RELEVANT SECTION(S) OF ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS REGULATION

Schedule 1, Section 1(3) 2.

DISCLAIMER

The aim and purpose of this Bulletin is to assist individuals and businesses with questions related to the Ontario Government’s emergency order on organized events, certain gatherings. While we aim to provide relevant and timely information, no guarantee can be given as to the accuracy or completeness of any information provided. Bulletins may be updated from time to time, readers should ensure they have the most recent version of this Bulletin. This Bulletin is for informational purposes only and not determinative of the law as only the courts can authoritatively interpret the law. This Bulletin is not intended to nor does it provide legal advice and should not be relied upon or treated as legal advice. Users seeking legal advice should consult with a qualified legal professional. The Government of Ontario cannot prevent litigation of issues arising from the Order, including civil litigation and prosecutions, from taking place before the courts. The Government of Ontario and the people working on its behalf shall not be responsible for any loss or damage of any kind arising directly or indirectly from the use of this Bulletin including, without limitation, reliance on the completeness or accuracy of the information provided.

**BULLETIN D'INTERPRÉTATION
ÉVÉNEMENTS PUBLICS ORGANISÉS ET CERTAINS RASSEMBLEMENTS
RÈGLEMENT DE L'ONTARIO 52/20**

**BULLETIN N^o 1
ORIENTATION SUR UN RASSEMBLEMENT AUX FINS D'UN SERVICE
FUNÉRAIRE DURANT LA PANDÉMIE DE COVID-19**

À jour en date du 26 mai 2020
Règl. de l'Ont. 52/20 modifié en dernier lieu au 16 mai 2020

PORTÉE

L'orientation qui suit est suggérée pour les particuliers, organismes ou entreprises qui planifient des services funéraires ou autres services, rites ou cérémonies en lien avec les traditions funéraires ou y assistent, et pour les personnes chargées de faire appliquer les décrets d'urgence.

APPLICATION

« Un rassemblement aux fins d'un service funéraire auquel assistent au maximum 10 personnes » au paragraphe 1(3)2 de l'Annexe 1 au Règlement de l'Ontario 52/20 comprend les services, rites ou cérémonies en lien avec les traditions funéraires. Ceci comprend les services, rites et cérémonies associés à un service funéraire, réalisé en tout temps, en lien avec des pratiques religieuses (p. ex., inaugurations de monuments).

Article ou articles PERTINENTS DU RÈGLEMENT SUR LES ÉVÉNEMENTS PUBLICS ORGANISÉS ET CERTAINS RASSEMBLEMENTS

Annexe 1, paragraphe 1(3) 2.

AVERTISSEMENT

Le but et l'objet du présent bulletin consistent à aider les particuliers et les entreprises avec des questions se rapportant au décret d'urgence du gouvernement de l'Ontario concernant les événements organisés et certains rassemblements. Bien que notre objectif soit de fournir des renseignements pertinents et opportuns, nous ne pouvons garantir l'exactitude ou l'intégralité de tout renseignement fourni. Les bulletins peuvent faire l'objet d'une mise à jour de temps à autre, et les lecteurs doivent s'assurer qu'ils consultent la version la plus récente de ce bulletin. Ce bulletin est à titre informatif seulement et n'a pas valeur de loi, puisque seuls les tribunaux ont le pouvoir d'interpréter la loi. Ce bulletin ne vise pas à fournir ni ne fournit d'avis juridique et ne doit pas être interprété ou traité comme étant un avis juridique. Les utilisateurs qui sollicitent un avis juridique doivent consulter un professionnel du droit qualifié. Le gouvernement de l'Ontario ne peut empêcher le contentieux d'enjeux découlant du décret, y compris des contentieux civils et des poursuites judiciaires de se dérouler devant les tribunaux. Le gouvernement de l'Ontario et les personnes qui travaillent en

**BULLETIN D'INTERPRÉTATION
ÉVÉNEMENTS PUBLICS ORGANISÉS ET CERTAINS RASSEMBLEMENTS
RÈGLEMENT DE L'ONTARIO 52/20**

son nom ne seront pas tenus responsables de pertes ou de dommages de toute sorte découlant directement ou indirectement de l'utilisation de ce bulletin, incluant, sans limitations, la confiance placée en l'intégralité ou l'exactitude des renseignements fournis.

Ministry of the Solicitor General

Public Safety Division
Public Safety Training Division

25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3

Telephone: (416) 314-3377
Facsimile: (416) 314-4037

Ministère du Solliciteur général

Division de la sécurité publique
Division de la formation en matière
de sécurité publique

25 rue Grosvenor
12^e étage
Toronto ON M7A 2H3

Téléphone: (416) 314-3377
Télécopieur: (416) 314-4037



MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Recent Changes to Emergency Orders**

DATE OF ISSUE:	May 31, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0084
PRIORITY:	High

Further to All Chiefs Memos 20-0074 and 20-0075 on emergency orders O. Reg. 82/20 (Closure of Places of Non-Essential Businesses) and O. Reg. 52/20 (Organized Public Events, Certain Gatherings) under the *Emergency Management and Civil Protection Act* (EMCPA), I am writing to inform you of recent amendments that impact enforcement of these orders.

Amendments to O. Reg. 82/20 and O. Reg. 51/20: Operation of Drive-In Cinemas and Batting Cages

O. Reg. 82/20 and O. Reg. 51/20 have been amended to authorize drive-in cinemas that were in existence as of May 29, 2020 to operate, in compliance with certain requirements. These amendments are effective as of **12:01 a.m. on Sunday, May 31, 2020.**

The amendments provide that every person responsible for a drive-in cinema must ensure the following:

- Each person in attendance at the drive-in cinema, other than persons working at the drive-in cinema, must remain within a motor vehicle designed to be closed to the elements except:
 - Where necessary to purchase admission to the drive-in cinema;
 - Where necessary to use a washroom; or,
 - As may otherwise be required for the purposes of health and safety.

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- A person must not be in a motor vehicle at the drive-in cinema that contains members of more than one household.
- The driver of a motor vehicle at the drive-in cinema must ensure that it is positioned at least two metres away from other motor vehicles.
- Every person working at the drive-in cinema must remain at least two metres apart from motor vehicles and from other persons, except for the purposes of facilitating the purchase of admission to the drive-in cinema.
- Any washrooms that are open for use at the drive-in cinema must be cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.
- No food or beverages may be sold or provided to persons attending the drive-in cinema.
- No materials may be exchanged between persons at the drive-in cinema, except:
 - Materials exchanged between members of the same household;
 - Materials exchanged between persons who are working at the drive-in cinema; and,
 - Such materials as are necessary to facilitate the purchase of admission to the drive-in cinema.

Additional information can be found by consulting [O. Reg 82/20](#).

Amendments have also been made to O. Reg. 82/20 on the matter of operating batting cages. Starting May 31, 2020, outdoor batting cages following public health and safety measures will be permitted to reopen. Requirements can be found by consulting the [regulation](#).

Amendments to O. Reg. 52/20: Drive-In Religious Gatherings and Organized Public Events

O. Reg. 52/20 prohibits organized public events, social gatherings and gatherings for the purposes of conducting religious services, rites or ceremonies of more than five people.

The prohibitions do not apply to:

- A gathering of members of a single household; or,
- A gathering for the purposes of a funeral service that is attended by not more than 10 persons.

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On May 16, 2020, the government amended O. Reg. 52/20 to permit drive-in religious services, rites and ceremonies to take place in Ontario providing certain precautions are followed, including that each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements.

Effective immediately, amendments have been made to O. Reg. 52/20 to permit persons attending a drive-in religious service, rite or ceremony to leave their vehicles and/or enter a building located at the gathering where necessary to use a washroom or as may otherwise be required for the purposes of health and safety.

The persons conducting the service, rite or ceremony must ensure that any washrooms that have been made available to persons attending the gathering are cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.

Details on these changes can be found by consulting [O. Reg. 52/20](#).

Clarification Regarding the Application of Prohibitions on Organized Public Events of More Than Five Persons to Essential Businesses

Amendments have also been made to O. Reg. 52/20 to clarify that prohibitions on attending organized public events of more than five persons do not apply to attendance at a place of business that is not required to close under O. Reg. 82/20 (e.g., an essential business), for a purpose related to providing or receiving the goods or services provided by the business. For example, purchasing tickets and attending at a drive-in cinema for the screening of a film, as authorized by O. Reg. 82/20, is not prohibited by requirements in O. Reg. 52/20 related to organized public events.

O. Reg. 142/20 - Recreational Camping on Crown Land

The previous [extension](#) to June 9, 2020 of [O. Reg. 142/20](#), which prohibits recreational camping on Crown land, has been shortened and the emergency order is revoked effective June 1, 2020.

As of June 1, backcountry camping will also be available at Ontario Parks, including access points, paddle and portage routes and hiking trails. Ontario Parks will also be expanding day-use activities to include picnicking and off-leash pet areas.

General Enforcement Considerations

Policing personnel should continue to use their discretion to determine whether a congregation of people is an organized public event, social gathering or religious gathering.

-4-

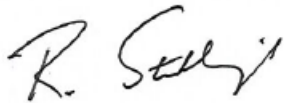
Policing personnel are free to ask questions and obtain voluntary answers, as well as rely on other objective observations, in order to form reasonable and probable grounds. Policing personnel should NOT make any assumptions about who is a member of the same household based on race, gender or any other protected grounds. Policing personnel should continue to use their discretion and consider objective information that may be available to form grounds that an organized public event, social or religious gathering of more than five people includes members of more than one household, or that a vehicle at a religious gathering includes members of more than one household.

In addition to the provincial emergency orders, there may be other municipal or First Nation by-laws that apply to various types of events and gatherings. Policing personnel should work with local by-law enforcement personnel on these issues, where they arise.

To support enforcement needs, you may call the **COVID-19 Enforcement Support Line at 1-866-389-7638**. The line is only available to chiefs of police, policing personnel, and other enforcement personnel for specific questions related to the enforcement of the emergency orders under the EMCPA. **Assistance is available Monday to Sunday, from 8:00 a.m. EST – 9:00 p.m. EST.**

I trust that this is of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

Ministry of the Solicitor GeneralPublic Safety Division
Public Safety Training Division25 Grosvenor St.
12th Floor
Toronto ON M7A 2H3Telephone: (416) 314-3377
Facsimile: (416) 314-4037**Ministère du Solliciteur général**Division de la sécurité publique
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de sécurité publique25 rue Grosvenor
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MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division

SUBJECT: **Basic Constable Training (BCT) Program**

DATE OF ISSUE:	June 1, 2020
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	20-0085
PRIORITY:	High

Further to All Chiefs Memo 20-0042, the ministry is pleased to confirm that the next intake of the Basic Constable Training (BCT) program will commence at the Ontario Police College (OPC) on June 24, 2020 for municipal and First Nation police services and the Ontario Provincial Police.

All police services have been granted their full request for seats on the BCT program and allocations will be communicated to training bureaus. Training bureaus will also be asked to update the request for seats (as required) and commence with submitting applications for recruits starting immediately.

As you know, the ministry has been closely monitoring the COVID-19 outbreak as it continues to evolve. To ensure that OPC can conduct a BCT intake in a safe and efficient manner, a mitigation strategy has been developed to mitigate the risk of a COVID-19 outbreak at OPC including:

- Moving to a six (6) day per week training program from a five (5) day per week program to reduce the intake length from 12 weeks to 10 weeks;
- Recruits will be asked to engage in a two-week isolation prior to attending the program and will be screened upon arrival at the College by health centre staff;
- Temperature checks will be performed twice daily with touchless thermometers to ensure the health of recruits and staff;

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- Recruits will be required to follow physical distancing protocols and wear personal protective equipment (PPE) when physical distancing is not possible (e.g., in Defensive Tactics and Police Vehicle Operations training);
- Staff not directly involved with the delivery of the BCT program will limit all interaction with recruits and instructional staff;
- All non-essential lessons (e.g., guest speakers) and events (e.g., March Past Ceremony and Banquet) will be cancelled;
- Recruits will be required to eat all three meals with their class at their designated table and time; and
- Significantly increased cleaning protocols have been implemented using a Health Canada-approved COVID-19 disinfectant for touch points including doorknobs, railings, and handles, common area couches and seating areas, bathrooms, and food services areas.

Recruits will be provided with detailed joining instructions outlining the specific mitigation strategies and the responsibilities of recruits prior to and while attending the BCT program via Training Bureaus.

OPC has consulted with the Southwestern Public Health Unit, the Office of the Chief Medical Officer of Ontario, and the Ministry of Labour, Training and Skills Development to ensure that the mitigation strategy includes their recommendations and all relevant and current guidance available.

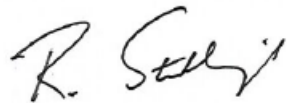
In addition to the BCT program being delivered onsite at the OPC Aylmer campus, OPC will also be delivering a satellite BCT program using facilities at the Toronto Police College for 60 Toronto Police Service recruits. This training will be delivered by OPC as a pilot project due to the current COVID-19 outbreak and will be overseen and evaluated by OPC to ensure the requirements of the BCT program are satisfied and to determine feasibility of satellite delivery of the BCT program moving forward. The Toronto Police College has developed a COVID-19 mitigation strategy based on consultations with public health officials and internal occupational health and safety staff.

Should you have any questions related to the next BCT intake, please contact Paul Hebert, Director, by e-mail at Paul.Hebert@ontario.ca or by phone at (519) 773-4200. Should you have questions related to registration, please contact the OPC Registration Office at OPCRegistrar@ontario.ca.

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We would like to thank the Executive Education and Training Advisory Group (EETAG) for their ongoing support and collaboration on developing options and ensuring the delivery of the next BCT intake. We would also like to thank you for your patience and understanding during this rapidly evolving situation.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Stubbings'.

Richard Stubbings
Assistant Deputy Minister
Public Safety Division and Public Safety Training Division



HAMILTON POLICE SERVICES BOARD

OUTSTANDING ISSUES as of June 11, 2020

ITEM	ORIGINAL DATE	ACTION REQUIRED	STATUS	EXPECTED COMPLETION DATE
1. Other Business	May 26, 2016	That Chair Eisenberger work with the Board Administrator to implement the use of Electronic devices for monthly agendas.	PSB 16-001 – Ongoing	2 nd Quarter of 2019
2. Sex Assault Review - PSB 18-103	November 22, 2018	That the a report be brought back to the Board on the progress of the recommendations presented within the Sexual Assault Review Report (PSB 18-103)		3 rd Quarter of 2020
3. Email from Alicia Davenport, Legislative Coordinator, City of Hamilton, Office of the City Clerk with respect to Enforcement of One-Meter Law for Cyclist Safety (City Wide)	October 10, 2019	A report to be provided following the review and assessment of the technology as well as the data collected in other jurisdictions.		4 th Quarter 2020
4. Body-Worn Camera Report	November 14, 2019	That an Annual report be provided to the Board with respect to Body Worn Cameras. The report is to include the following: data and status of Body Worn Cameras in other Canadian Jurisdictions; the costs associated with a Pilot Project for Body Worn Cameras; and the costs associated for the full implementation of Body Worn Cameras.		4 th Quarter of 2020



HAMILTON POLICE SERVICES BOARD

OUTSTANDING ISSUES as of June 11, 2020

ITEM	ORIGINAL DATE	ACTION REQUIRED	STATUS	EXPECTED COMPLETION DATE
5. Independent Review of the Events leading up to and including the PRIDE Celebration of June 15, 2019	November 14, 2019	<p>That the Board approve the recommendation of the Independent Review Subcommittee to retain Mr. Scott Bergman of Cooper, Sandler, Shime & Bergman, LLP and his team, to complete an Independent Review of the events leading up to and including the PRIDE Celebration of June 15, 2019.</p> <p>That the Independent Review be completed by April 30, 2020.</p> <p>That the review be at a cost of no more than \$500,000 plus H.S.T.</p>		By June 1, 2020 at the earliest
6. 2020 Hamilton Police Services Board Operating & Capital Budgets	January 20, 2020	That the position of Detective Constable in the Sexual Assault Unit be deferred to the budget year of 2021.		December 31, 2020
7. Deputation: Jennifer Vermeer of SVN	March 12, 2020	That the Board receive the deputation as provided, and requested that Chief Girt provide a report to the Board on the School Liaison Officer Program at Hamilton Schools which will include the costs and the upside(s) and downside(s) of the Program.		3 rd Quarter of 2020

CONFIDENTIAL - NOT FOR RELEASE**HAMILTON POLICE SERVICES BOARD****- RECOMMENDATION -**

**THE HAMILTON POLICE
SERVICES BOARD HAS
AGREED THAT THIS REPORT
AND APPENDIX 'A'
BE MADE PUBLIC**

DATE: February 14, 2020
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Extension Application Pursuant to Section 83(17) of the Police
Services Act – OIPRD Complaint Investigation – Constable Paul
Manning Badge #835
PSB 20-015*

RECOMMENDATION:

That the Hamilton Police Services Board receive for processing the Application for Extension of the six-month time period for the service of a Notice of Hearing against Constable Paul Manning regarding allegations of misconduct under Part V of the *Police Services Act*, as amended.



Eric Girt
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – n/a

STAFFING – n/a

LEGAL – The purpose of this report is to comply with the Office of the Independent Police Review Director (OIPRD) direction as set out in its December 20, 2019 correspondence. The Investigation Report into the actions of Constable Manning has substantiated misconduct necessitating an application before the Board for approval of an extension of time to serve a Notice of Hearing on the officer. The initial public complaint was received by the OIPRD on June 19, 2019.

Constable Paul Manning is currently absent from the workplace on [REDACTED] The police service is unable to contact

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Constable Manning for employment purposes [REDACTED]
[REDACTED]

The OIPRD referred the public complaint of Councilor Merulla to the Hamilton Police Professional Standards Branch for investigation on July 12, 2019. The Professional Standards Branch took all required steps to proceed, including notifying Constable Manning of the public complaint and subsequently reaching out to Constable Manning to facilitate an interview through an Order to Attend. The Professional Standards Branch Investigator was subsequently advised that Constable Manning has a [REDACTED] the Officer. In November of 2019, the OIPRD was advised of the [REDACTED] in relation to contacting the officer for employment purposes. The OIPRD was advised that Hamilton Police Professional Standards would be placing the investigation on hold pending the officer's ability to participate.

On December 30, 2019, Hamilton Police Professional Standards received correspondence from the OIPRD Director Sylvana Capogreco dated December 20, 2019 ("Letter of Direction"). This correspondence is attached as **Appendix A** to this Report. The OIPRD directed the Police Service to ensure that the officer was provided with formal notice of the complaint and sufficient opportunity to participate in the process. Further, the Service was to continue with the investigation even if Constable Manning refused to participate. The OIPRD did not address the [REDACTED] ability of the officer to participate. Constable Manning's [REDACTED] remained in effect and Constable Manning did not participate in the investigation.

The OIPRD Letter of Direction further stated that if, at the end of the investigation, there was sufficient evidence to believe on reasonable grounds that misconduct occurred, the Service was required to attempt to service Constable Manning or his counsel with a copy of the Investigation Report and the Notice of Hearing. The Letter of Direction went on to clarify that if Constable Manning or his counsel refused to accept service, the process may be suspended. In light of the timing of the OIPRD Letter of Direction, the Service is required to bring an Extension Application prior to attempting to serve the officer with a Notice of Hearing.

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A copy of the Investigation Report is attached as **Appendix B**. A draft Notice of Hearing and Statement of Particulars is attached as **Appendix C and D**.

Board Authority under section 83(17)

In accordance with section 83(17) of the Act, the Board must determine whether it is reasonable, under the circumstances, to delay serving the notice of hearing on the officer:

If six months have elapsed since the day described in subsection (18), no notice of hearing shall be served unless the board, in the case of a municipal police officer, or the Commissioner, in the case of a member of the Ontario Provincial Police, is of the opinion that it was reasonable, under the circumstances, to delay serving the notice of hearing.

The Board must review the delay as a whole and from an objective standpoint. It is fair for the Board to consider the chronology to determine whether an expeditious investigative process was undertaken as required by the legislation.

BACKGROUND:

Between April 15, 2019 and September 9, 2019, Constable Paul Manning posted profane, abusive and insulting material on the internet about the Complainant. Included in these posts is material that is presented as apparent confidential police information. The contents of the posts violate Hamilton Police Service policies and procedures. On April 28, 2019, Constable Paul Manning was served a copy of the OIPRD complaint by registered mail. He posted the Hamilton Police Service cover page on the Internet with the caption "You can all go f*** yourselves!". On September 9, 2019, Constable Manning posted an Order to Attend and disclosed personal information relating to the address of an officer on the Internet.

Investigative Timeline

The investigation was assigned to the Hamilton Police Service on July 12, 2019.

The complainant was interviewed on August 22, 2019.

An Order to Attend for Interview was provided to Constable Manning on September 9, 2019. There was no response.

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The Investigation Report was completed on November 12, 2019. It was reviewed and approved by Superintendent Goodes-Ritchie on November 15, 2019. The complainant and the OIPRD were advised of the status of the investigation by way of correspondence dated November 22, 2019. The OIPRD correspondence in response was received on December 30, 2019.

The initial six month time frame to serve the Notice of Hearing was **January 12, 2020**.

The late receipt of the OIPRD correspondence has necessitated this Extension Application.

Request for Extension

This Extension Application is submitted for the approval of the Board for the service of a Notice of Hearing against Constable Manning. The Investigation Report has substantiated eight allegations of misconduct against Constable Manning in relation to his use of social media.

The draft Notice of Hearing and Statement of Particulars are attached as Appendix C and D to this Extension Application.

Process

Extension Applications have historically been heard in an *in camera* session of the Board. This has been a standard practice across the Province. The decision of the Ontario Court of Appeal in *Canadian Broadcasting Corporation v. Ferrier* released on December 27, 2019 ("Ferrier Decision") must now be addressed by the Board prior to confirming its process under section 83(17) of the Act.

The Ferrier Decision involved a challenge to the Thunder Bay Board's decision to hold an Extension Application process *in camera*. The Court of Appeal held that a decision maker or Board must consider each application in light of its authority to hold a closed meeting/hearing under section 35(4) of the Act. Section 35 states that police services board meetings are presumptively open and this is consistent with section 2(b) of the *Charter of Rights and Freedoms*. Section 35(4) permits closed meetings/hearings to protect intimate financial or personal matters. The Board must balance the right to an open meeting (section 2(b)) with the statutory objectives to protect intimate financial or personal matters and consider the following contextual factors:

- Whether the issue before the Board involves a systemic issue or more individualized complaint;
- Whether the issue has generated keen public interest;

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- Whether the media has become involved;
- Whether information sought to be protected has already been publicized;
- Whether there is a need for transparency in a highly contentious issue;
- The nature of the information sought to be protected;
- The sensitivity of the information sought to be protected;
- Where individuals are involved, the desirability of protecting a complainant/witness/informant;
- The type of harm likely to be caused by the publication of the information;
- Whether the prohibiting of the publication of parts of the information would provide protection.

While it may be desirable to protect the reputational interests of the Complainant, it is likely that the Extension Application will be made public by the officer rendering a closed meeting moot. This is a process to be determined by the Board.

The following procedural steps will have to be addressed or taken by the Board:

- Confirm whether the Extension Application will be dealt with in the public or closed session of the Board meeting.
- The Board is to only receive the Application at this meeting.
- The Respondent Officer must be provided with a full copy of this Extension Application including all appendices. He must be provided with an opportunity to file written submissions in response to the Extension Application.
- The Complainant must also be provided with the complete Extension Application and be granted an opportunity to file written submissions.
- In addition to receiving a copy of this Extension Application, the OIPRD is to be provided with copies of any written submission received from the Respondent Officer and Complainant and be provided with a further opportunity to reply if necessary.

EG/L. Bordeleau

*Attachments: Appendix A – OIPRD Response Letter
Appendix B – Investigative Report
Appendix C – Notice of Hearing
Appendix D – Statement of Particulars*

cc: Eric Girt, Chief of Police
Nancy Goodes-Ritchie, Superintendent – Professional Development Division
Marco Visentini, Legal Counsel



655 Bay Street 10th Floor Toronto, ON M7A 2T4

December 20, 2019

Via Email: lstack@hamiltonpolice.on.ca

Chief Eric Girt
Attn: Lysha Stack
Hamilton Police Service
Box 1060, LCD 1
155 King William Street
Hamilton ON L8N 4C1

Dear Chief Girt:

RE: OIPRD File No.: 190012190
Public Complainant: Salvatore Merulla

On June 19, 2019, the Office of the Independent Police Review Director received the above-noted complaint against Constable Paul Manning. The complaint was referred to your service for investigation on July 12, 2019. Further to your recent correspondence received November 25, 2019, it is my understanding that the investigation has been stood down as a result of Constable Manning's inability to participate in the investigation process.

While I understand your concern over procedural fairness and appreciate your efforts to provide the officer with adequate opportunity to participate in the investigation, the *Police Services Act* does not sanction any interruption in an investigation due to the officer's [REDACTED]. While the six-month timeframe for conducting the investigations stipulated in the Act is not a statutory limitation, it is clear from the language of subsection 83(17) and the case law that investigations need to be completed expeditiously. I note that there are no exceptions under the Act that would allow undue delay in the process.

Accordingly, once you are satisfied that the officer has been provided with formal notice of the complaint and sufficient opportunity to participate in the process, please continue with the investigation, even if Constable Manning refuses to participate. At the conclusion of your investigation, should you find sufficient evidence to believe on reasonable grounds that misconduct has occurred, please attempt to serve





www.oiprd.on.ca

Constable Manning or his counsel with a copy of your investigative report and the notice of hearing.

If neither Constable Manning or his counsel will accept service, the process may then be suspended. In my view, these steps are all necessary in order to satisfy your obligations under subsection 83(17) of the *Police Services Act* to serve a notice of hearing within a reasonable time.

Should you have any questions or concerns, please do not hesitate to contact my office.

Yours truly,

A handwritten signature in black ink, appearing to read "Sylvana", followed by a long, horizontal, slightly wavy line that extends to the right.

Sylvana Capogreco
Independent Police Review Director

5.1 b)

Morin, Lois

From: Merulla, Sam
Sent: March-04-20 11:41 AM
To: Morin, Lois
Cc: Doug Burns
Subject: Re: Correspondence

Ms. Morin;

I'm in strong support of the extension.

Thank you,

Sam,

Councillor Sam Merulla,
 Ward 4, East Hamilton,
71 Main St., W., 2nd., Floor,
 Hamilton, ON., Canada,
 City Hall; 905.546.4512

On Mar 4, 2020, at 11:37 AM, Morin, Lois <Lois.Morin@hamilton.ca> wrote:

Good morning.

Attached please find correspondence with respect to the Application for Extension Pursuant to Section 83(17) of the Police Services Act.

If you have any questions, please do not hesitate to contact me.

Thank you.

Lois
 Lois Morin
 Administrator
 Hamilton Police Services Board
 155 King William Street
 Hamilton, ON L8N 4C1
 Phone: 905-546-2727
 Fax: 905-546-4720
 E-mail: lois.morin@hamilton.ca<<mailto:lois.morin@hamilton.ca>>
[/www.hamiltonpolice.on.ca](http://www.hamiltonpolice.on.ca)<<http://www.hamiltonpolice.on.ca>>

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<M-Extension Application Notification.pdf>

<20-015 Extension Application Purusant to Section 83(17) of PSA - Cst Paul Manning.pdf>

5.1 c)

Morin, Lois

From: Belchior Arruda <barruda@hpa.on.ca>
Sent: March-04-20 4:12 PM
To: Morin, Lois
Subject: RE: Correspondence

Hi Lois,

I just wanted to confirm that I have sent the correspondence to Mr. Manning and he has confirmed receipt. On a side note Mr. Manning believes that there is a conflict of interest with the below noted members of the Hamilton Police Services Board due to there relationship with the complainant Mr. Merulla. As a result Mr. Manning is requesting that they recuse themselves from this process due to the conflict of interest.

Mr. Tom Jackson
 Mr. Chad Collins
 Chair Fred Eisenberger

Regards

Belchior Arruda
 Chief Administrative Officer
 Hamilton Police Association
 T: 905-574-6044 Ext 103
 C: 905-745-9995
 F: 905-574-3223

From: Morin, Lois <Lois.Morin@hamilton.ca>
Sent: Wednesday, March 4, 2020 11:37 AM
To: Belchior Arruda <barruda@hpa.on.ca>
Subject: Correspondence

Good morning.

Attached please find correspondence to Mr. Paul Manning with respect to the Application for Extension Pursuant to Section 83(17) of the *Police Services Act*.

If you have any questions, please do not hesitate to contact me.

Thank you.
 Lois

Lois Morin

Administrator
 Hamilton Police Services Board

155 King William Street
Hamilton, ON L8N 4C1
Phone: 905-546-2727
Fax: 905-546-4720
E-mail: lois.morin@hamilton.ca / www.hamiltonpolice.on.ca

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5.1 d)

Morin, Lois

From: Merulla, Sam
Sent: April-08-20 3:29 PM
To: Morin, Lois
Subject: Re: Correspondence
Attachments: M-Extension Application Notification.pdf; ATT00001.htm

I'm in strong support of the extension.

Thank you,

Sam,

Councillor Sam Merulla,
Ward 4, East Hamilton,
71 Main St., W., 2nd., Floor,
Hamilton, ON., Canada,
City Hall; 905.546.4512

On Apr 8, 2020, at 3:03 PM, Morin, Lois <Lois.Morin@hamilton.ca> wrote:

Good afternoon.

This email is to advise you that the Police Services Board meeting scheduled for April 16, 2020, has been cancelled for public safety reasons and as such the Extension Application will be dealt with at the Board meeting scheduled to take place on May 14, 2020.

Thank you.
Lois Morin

Lois Morin

Administrator
Hamilton Police Services Board
155 King William Street
Hamilton, ON L8N 4C1
Phone: 905-546-2727
Fax: 905-546-4720
E-mail: lois.morin@hamilton.ca / www.hamiltonpolice.on.ca

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From: Morin, Lois
Sent: March-04-20 11:37 AM
To: Merulla, Sam
Subject: Correspondence

Good morning.

Attached please find correspondence with respect to the Application for Extension Pursuant to Section 83(17) of the *Police Services Act*.

If you have any questions, please do not hesitate to contact me.

Thank you.

Lois

Lois Morin

Administrator
Hamilton Police Services Board
155 King William Street
Hamilton, ON L8N 4C1
Phone: 905-546-2727
Fax: 905-546-4720
E-mail: lois.morin@hamilton.ca / www.hamiltonpolice.on.ca

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HAMILTON POLICE SERVICE

155 King William Street, Hamilton, Ontario Canada L8R 1A7 | **P** 905.546.4925 | **F** 905.546.3892

March 24, 2020

Mayor Fred Eisenberger
Chair – Hamilton Police Services Board
City of Hamilton
71 Main Street West
Hamilton, ON

Mayor Eisenberger:

In response to Council's follow-up Notice dated February 18, 2020 (attached), and the request from the Board on March 12, 2020 for a response, I provide the following for the Board's consideration, which could then be forwarded to Council.

Relative to Item 5 of the Public Works Committee Report 20-002 which reads as follows: *City of Hamilton Vision Zero Action Plan 2019 -2025 Update (PW19015(a)) (City Wide) (Item 10.1)*

(a) That the Hamilton Police Services Board be requested to review the feasibility of implementing a dedicated City-wide Traffic Enforcement Unit;

The Board approved the addition of eight (8) front-line officers dedicated to City-wide traffic safety enforcement. The Board also requested that metrics be provided to determine the efficacy of this unit. The primary duties of these officers include enforcement of all Highway Traffic Act (HTA) Offences, particularly focused on speeding, distracted driving, moving violations, equipment violations and any other priorities related to traffic safety. Also included in this enforcement of traffic safety are measures to reduce or intervene with regard to Impaired Driving by both alcohol and drug consumption. In addition, they will investigate personal injury traffic accidents. Once the metrics are gathered and analyzed, further recommendations will be provided. This could include the potential to expand this unit, keeping in mind the Vision Zero Action Plan which recommends enforcement as one of the key strategies, in addition to the other two strategies of education and prevention as part of the entire strategy for traffic safety.

(b) That the Hamilton Police Services Board, Hamilton-Wentworth District School Board and Hamilton-Wentworth Catholic District School Board be requested to review the feasibility of implementing school bus enforcement cameras.

-2-

While the Hamilton Police Service is not in a position to implement such changes directly, the Hamilton Police Service supports the installation of school bus enforcement cameras to assist in the prosecution of persons who commit HTA offences relative to school buses. The Service also supports legislative changes that allow for violations to be processed similar to the legislation governing red-light camera enforcement.

I would ask that the Hamilton Police Services Board endorse this correspondence and forward it to the City Clerk for distribution to City Council.

Sincerely,



Eric Girt
Chief of Police

HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: June 11, 2020

REPORT TO: Chairman and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *Hamilton Accident Support Services Ltd. – Collision Reporting Centre:
Five (5) Year Agreement
PSB 03-015f*

RECOMMENDATIONS:

- a) That the Hamilton Police Services Board enter into an Agreement with Hamilton Accident Support Services Ltd. (HASSL), by which HASSL will provide collision reporting services to the Hamilton Police Service (HPS) as defined in the said Agreement, for a five (5) year period, commencing on July 1, 2020 and ending June 30, 2025.
- b) That the Chair and Administrator of the Board be authorized and directed to enter into said Agreement in a form satisfactory to Legal Counsel.



Eric Girt
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – HASSL shall be responsible for all costs associated with the furnishing of each Collision Reporting Centre (CRC) with respect to computers, telephones, faxes and other equipment necessary to effectively provide their services, and training of their staff as defined in the Agreement.

STAFFING – n/a

LEGAL – n/a

BACKGROUND:

In 2003 the HPS and HASSL entered into a six-month Pilot Project for the provision of a CRC, which ran from June 30, 2003 to December 30, 2003. Initial concerns relative to compliance with the *Personal Information Protection and Electronic Documents Act* were satisfactorily addressed by HASSL, and the pilot project was deemed a success. In 2005 a new agreement was entered into. This agreement was for a five-year term and included two five-year extension provisions that expire on June 30, 2020.

Initial research in 2003 demonstrated that employing the use of an alternative collision reporting procedure resulted in the annual savings of approximately 4,500 front line patrol officer hours. Since that time the diversion of collision investigations that previously would have required a mobile police response continues to effectively enhance HPS response to other public safety priorities. Since 2015 an average of 7,519 investigations has been diverted to the HASSL CRCs at three HPS locations. By comparison for the same five-year period, the HPS continues to provide a mobile respond to an average of 2,929 personal injury and property damage collisions annually. These collisions require on-scene investigations due to injury and/or severity of the collision, rendering the vehicles inoperable.

The HASSL will continue to report all collisions to the Ministry of Transportation within the timelines set out in the *Highway Traffic Act*. This workflow also contributes to time savings for the HPS. The updated agreement features two changes to the benefit of the HPS.

- The first change will address the traffic congestion and space needs challenges of Division 10 by reducing the total CRC locations from three to two. The Central location at 155 King William Street will be closed with a future consideration for an alternate site located on the western side of the city. The remaining two sites at Division 20 and 30 will have adequate HASSL staffing and parking to accommodate this transition.
- HASSL will provide the HPS an upgraded Collision Occurrence Management System (CROMS) package that will facilitate electronic collision reports and analytics. This will minimize data entry errors and enhance customer service by enabling the electronic transmission of collision reports to involved road users.

The HASSL continues to offer a valuable service to the HPS and the City of Hamilton

Attachment: Agreement – HPSB and HASSL

cc: Ryan Diodati, Deputy Chief – Support
 Marty Schulenberg, Superintendent – Support Services Division
 Paul Evans, Inspector – Support Services Division
 Marco Visentini, Legal Counsel

AGREEMENT

THIS AGREEMENT made in quadruplicate this 1st day of July, 2020

BETWEEN:

HAMILTON POLICE SERVICES BOARD

(hereinafter called "the Board")

- and -

HAMILTON ACCIDENT SUPPORT SERVICES LTD.

(hereinafter called "the Operator")

WHEREAS the Board approved entering into an agreement with the Operator for the provision of services to the Hamilton Police Service (the "Service") at the Hamilton Collision Reporting Centre (the "Centre") at no cost to the Board or the Service, for the purpose of the Service participation in the Centre;

AND WHEREAS the Board is the owner of the buildings and property located at 2825 King Street East and 400 Rymal Road East in Hamilton, Ontario (the "Property") and the Board is prepared to authorize the Operator to use a portion of the buildings and property for the purpose of the Centre and for the purposes of this Agreement;

NOW THEREFORE, in consideration of the mutual covenants herein, the parties hereby agree as follows:

A. PARTICIPATION IN THE CENTRE

- (a) The Operator shall occupy the space within the property (the "Space"), for the purpose of providing insurance services for the operation of the Centre as a reporting centre for a five (5) year term, commencing July 1, 2020, up to and including June 30, 2025 (the "Initial Term"). The occupancy of the Space as provided for herein

shall be by way of a licence only and specifically shall not amount to a lease or any other manner of right.

- (b) Upon the completion of the Initial Term, the Board, in its sole discretion, may extend this Agreement for a further five (5) year term, commencing on July 1, 2025 , up to and including June 30, 2030 (the "Renewal Term"), on giving 90 days written notice to the Operator prior to the end of the Initial Term.
- (c) Upon completion of the Renewal Term, the Board may, in its sole discretion, extend the term of this Agreement for a further five (5) year term, commencing July 1, 2030, up to and including June 30, 2035, on giving 90 days written notice to the Operator prior to the end of the Renewal Term.
- (d) The Board and the Service agree to provide exclusively to the Operator, in printed form (or in any other form that the City, the Service and the Operator all agree to), all information relating to accident related occurrences occurring within the jurisdiction of the Board and the Service. The provision of such information shall not in any way restrict the provision of information to any other government department for their use, or as required by law.

B. GENERAL OBLIGATION OF THE OPERATOR REGARDING THE CENTRE

- 1. During the term of the Agreement, the Operator shall:
 - (a) provide all the equipment and staff necessary to provide insurance services and to obtain information as required pursuant to the *Highway Traffic Act* from customers at no cost to the Board and the Service;
 - (b) pay all taxes, including any Goods and Services Tax and/or Commercial Concentration Tax if applicable, rates, duties, levies, assessments and impositions whatsoever, whether municipal, parliamentary or otherwise levied, charged or assessed upon the Centre;

- (c) pay to the Board all applicable business taxes, if any, in respect of the business carried on by the Operator at the Centre;
- (d) comply with all federal, provincial and municipal laws, by-laws, rules and regulations affecting the Centre;
- (e) ensure that the Centres are fully functional within the dates and times set out in Schedule "A", and that the determination of dates and times of operation be at the discretion of the Service;
- (f) ensure that employees of the Operator do not enter the Service's area without the express permission of a member of the Service;
- (g) ensure that employees of the Operator, while on duty at the Centre, wear a uniform of a style to be approved by the Service, and an identification tag that indicates the name of the employee and the name of the Operator;
- (h) ensure that employees of the Operator act in a courteous and professional manner and maintain a neat and tidy appearance when providing services at the Centre;
- (i) ensure that all interior and exterior signage installed or in use at the Centre is approved by the Service prior to installation or use, and
- (j) pay to the Service the amount of \$2,026.22 annually (for the centre located at 2825 King Street East) and the amount of \$1951.59 annually (for the centre located at 400 Rymal Road East), with an annual increase for each centre based on the C.P.I. (Consumer Price Index) as the Operators' share of costs of general maintenance and utilities.

C. OBLIGATION OF OPERATOR REGARDING COLLISION REPORTING SERVICES

1. During the term of this Agreement, the Operator shall:

- (a) provide only those services at the Centre for which it contracts with an insurance company and information processing services, and shall not allow any other services to be provided on the premises of the Centre;
- (b) only offer or make available to a customer of the Centre, the names of companies, groups or individuals that are recommended by the insurance company of the customer, provided that the Operator is not prohibited from contacting, on behalf of the customer, companies, groups or individuals that are recommended by such insurance company;
- (c) respect the right of the customers of the Centre to choose to avail or not avail themselves of any or all of the services of the Operator provided on behalf of an insurance company and shall not, at any time, use unlawful or misleading information or tactics or pressure a customer, in order to convince the customer to use any of the offered services;
- (d) post signage, the content and location which shall be approved by the Service, advising customers of the Centre of their right of choice regarding services offered by the Operator on behalf of an insurance company and the independence of the services provided from that of the Service;
- (e) be permitted to offer advice and assistance to a customer of the Centre respecting matters arising from the incident being reported, but shall provide such advice and assistance only in accordance with the policy requirements of the insurance company of the customer and any other legal restrictions or requirements. The Operator shall not provide legal advice or legal assistance to a customer at any time;
- (f) not permit the display of advertising for any commercial vendors at the Centre, which shall not be construed to restrict the availability of materials provided by the Government or the insurance industry or the advertising of

the services provided by the Operator on behalf of insurance companies;

- (g) not permit commercial vendors to operate at the Centre, which shall not be construed to restrict the representation of an insurance company at the Centre or the provision of services which an insurance company has purchased, and nothing in this Agreement shall be construed to prevent an insurance company from recommending the use of specific vendors which have been approved by the insurance company;
- (h) ensure that the operating name of the Operator shall not be a name that is likely to lead a person to reasonably believe the Operator is an agency of the Board, the Service or the City of Hamilton;
- (i) report quarterly, in writing, to the Service on the activity of the Centre during the preceding months, which report shall include, but not to be limited to, information respecting the number of persons which have used the services of the Centre, the range and type of services offered by the Centre, the number and type of complaints received about service at the Centre and any action taken in response to such complaints;
- (j) notify the Service, in writing, of any oral or written complaints received from members of the public and customers of the Centre, about the operation or services of the Centre within seventy-two (72) hours of receipt of the complaint, each such notice to be accompanied by a copy of any materials submitted by the complainant;
- (k) attempt, in good faith, to resolve the matter giving rise to the complaint in accordance with any procedure for complaint resolution established by the Service or the Board; and resolve the matter giving rise to the complaint to the satisfaction of the Service;

- (l) use any information, reports or data supplied by the Service or the Board only in accordance with any restrictions imposed by either or both of them on such use, and in accordance with any applicable legislation;
- (m) make available, for the Service's use, the Collision Occurrence Management System (CROMS), which will include Police Portal, Analytics and Mobile Program, at no cost to the Service; and
- (n) validate and upload all collision reports in the City of Hamilton to the Ministry of Transportation on behalf of the Hamilton Police Service, at no cost to the Service.

D. CONFLICT OF INTEREST OBLIGATIONS OF OPERATOR

1. During the term of this Agreement, the Operator shall not:
 - (a) operate or have any direct or indirect interest in or control over any automobile body repair shop, or automobile rental facility or insurance company and shall ensure that no director, officer or employee of the Operator or any of its affiliated companies operates or has any direct or indirect interest in or control over any automobile body repair shop or automobile rental facility or insurance company. For the purpose of this subsection, ownership of shares in a publicly traded insurance Company shall not constitute a direct or indirect interest;
 - (b) employ, or be wholly or partly owned by, an officer or employee of a police service, the Board, or any other municipal or provincial officer or employee, an officer or employee of an insurance company or an officer or employee of an automobile body repair shop or automobile rental facility;
 - (c) replace any officers or directors of the Operator, or add any additional officers or directors, without the prior written permission of the Service.

E. INDEMNIFICATION

1. The Operator shall at all times and does hereby indemnify and save harmless the Board, the Service and all their officers, employees, agents and representatives of and from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on either or both of them in respect to any loss, damages, or injury (including fatal injury) to any person or property directly or indirectly arising out of, resulting from or sustained as a result of the Operator's provision of services, including advice and assistance provided under this Agreement and its occupation or use of or any operation in connection with, the Centre or any fixtures or chattels thereon.

2. The Board shall at all times and does hereby indemnify and save harmless the Operator and all its officers, employees, agents and representatives of and from any and all manner of claims, demands, losses, costs, charges, actions and other proceedings whatsoever, made or brought against, suffered by or imposed on it in respect of any loss, damage or injury (including fatal injury) imposed on it in respect of any loss, damage or injury (including fatal injury) to any person or property directly or indirectly arising out of, resulting from or sustained as a result of the Service's occupation or use in the Centre.
3. The right of indemnification granted to the parties under subsection 1 and 2 shall extend to any amount paid by that party in the settlement of any claim against it, and in entering into any such settlement, that party may exercise its reasonable discretion as to the amount to be paid, but that party shall serve prior notice of any intended settlement on the other party, at least 5 Business Days prior to agreeing to any such settlement.
4. The rights to indemnity provided for in this section shall be deemed to be in addition to any rights with respect to insurance in favour of each party provided under this Agreement.
5. The rights to indemnity provided for in this section shall survive the expiration or any termination of this Agreement.

F. INSURANCE

1. The Operator and the Board shall and each separately, and only with respect to its occupancy, use and operations of the Centre, effect and maintain during the term of this Agreement or any extension or renewal thereof, the following insurance coverage.

Commercial General Liability Insurance, written on IBC Form 2100 or its equivalent, including but not limited to bodily and personal injury liability, property damage, products liability, completed operations liability, owners & contractors protective liability, blanket contractual liability, premises liability, and contingent employers liability

coverage, having an inclusive limit of not less than \$3,000,000.00 per occurrence;

2. The Board reserves the right to request such higher limits of insurance or otherwise alter the types of coverage as the Board may reasonably require from time to time.
3. Any insurance coverage acquired under this Agreement shall in no manner discharge, restrict or limit the liabilities assumed by the Operator.
4. The Operator shall pay all premiums on the policies as they become due.

G. PROOF OF INSURANCE

1. (a) Prior to commencing the provision of service under this Agreement, the Operator shall provide evidence of the insurance required under the provisions of this Agreement by providing the Board with an original certificate of insurance originally signed by an authorized insurance representative or, at the Board's election, a certified copy of the insurance policy or policies required; and;
- (b) Should the Board require any new policy of insurance in accordance with the terms of this Agreement, the Operator shall provide evidence of the new insurance required within 30 days of such requirement, in accordance with the provisions of this Agreement by providing the Board with an original certificate of insurance originally signed by an authorized insurance representative or, at the Board's election, a certified copy of the insurance policy or policies required.
- (c) No later than 30 days prior to the renewal date of each applicable policy, the Operator shall provide evidence for the policy to be renewed by providing the Board with an original certificate of insurance originally signed by an authorized insurance representative or, at the Board's

election, a certified copy of the insurance policy or policies required.

2. The Operator shall not do or omit to do anything that would impair or invalidate the insurance policies.
3. Delivery to and examination or approval by the Board of any certificates of insurance or policies of insurance or other evidence of insurance shall not relieve the Operator of any of its indemnification or insurance obligations under this Agreement. The Board shall be under no duty either to ascertain the existence of or to examine such certificates of insurance or policies of insurance or to advise the Operator in the event such insurance coverage is not in compliance with the requirements set out in this Agreement.

H. NOTICE

1. Any notice pursuant to any of the provisions of this Agreement shall be deemed to have been properly given if delivered in person, or mailed by prepaid registered post addressed:

- (a) in the case of notice to the Board, to:

Chief of Police
Hamilton Police Service
155 King William Street
Hamilton, Ontario
L8N 4C1

- (b) in the case of notice to the Operator, to:

Mr. Steve Sanderson
Hamilton Accident Support Services Ltd.
111 Toryork Drive
Toronto, Ontario
M9L 1X9

or to such other address as either party may notify the other of, and in case of mailing as aforesaid such notice shall be deemed to have

been received by the addressee, in the absence of a major interruption in postal service affecting the handling / delivery thereof, on the seventh business day next following the date of mailing.

2. Where either party to this Agreement has notified the other in writing of a change of address for the purposes of subparagraphs above, the address set out in the latest such notice of change of address, shall replace and supersede any prior address of the notifying party for such purposes.

I. LEGAL COSTS

The Operator shall pay to the Board all the Board's legal costs, on a solicitor-and-client basis, of all actions or other proceedings in which the Board participates in connection with, or arising out of the failure of the Operator to comply with its obligations under this Agreement.

J. TERMINATION

1. The Board may terminate this Agreement on written notice to the Operator in the event that:
 - (a) legal requirements, in the Board's sole opinion, prohibit the Service from continuing its participation in the Centre, or;
 - (b) the Operator makes an assignment for the benefit of creditors, or becomes insolvent or commits an act of bankruptcy as defined by the *Bankruptcy and Insolvency Act*, or if the Operator is subject to voluntary or compulsory liquidation or winding-up, or if the Centre becomes abandoned.
2. The Board may terminate this Agreement following 30 days written notice to the Operator from the Board that the Operator has breached any of the provisions of this Agreement; provided however, that the Operator shall have the opportunity to correct the situation giving rise to the breach to the satisfaction of the Chief of Police within the 30 day notice period.

3. Either party may terminate this Agreement, without cause, on 6 months written notice to the other party, during which time the Operator shall continue to be permitted to occupy and utilize the Centre in accordance with the terms and conditions of this Agreement; provided however that the Board shall not terminate this Agreement under this subparagraph:
 - (a) for the sole purpose of entering into an arrangement or agreement with another person to operate a reporting centre; or
 - (b) for the sole purpose of entering into an arrangement or agreement with another person to sell information to third parties; or
 - (c) for the sole purpose of operating an information vending service; or
 - (d) for the sole purpose of operating a business which uses the information contained in the accident reporting computing records and produces reports which can be sold to third parties.

K. WAIVER AND REMEDIES

1. No condonation, excusing or overlooking by the Board of any default, breach or non-observance of any of the Operator's obligations under this Agreement at any time or times, shall affect the Board's remedies or rights with respect to any subsequent (even if by way of continuation) default, breach or non-observance.
2. No waiver shall be inferred from or implied by anything done or omitted to be done by the Board or the Service.
3. Any written waiver by the Board shall have effect only in accordance with its express terms.
4. All rights and remedies of the Board under this Agreement shall be cumulative and not alternative.

L. ENTIRE AGREEMENT AND SUCCESSORS

1. The Operator and the Board acknowledge that there are no covenants, representations, warranties, agreements or conditions express or implied, collateral or otherwise forming part of or in any way affecting or relating to this Agreement other than as set out in this Agreement which constitutes the entire Agreement between the parties.
2. The provisions of this Agreement shall be binding upon, and enure to the benefit of, the parties hereto and their respective successors and assigns.
3. Neither this Agreement nor any part thereof shall be assigned by the Operator without the prior consent in writing of the Board, which consent may be arbitrarily and unreasonably withheld. In the event that the Operator is a corporation, any transfer or encumbrance of 10% or more of the issued capital of the corporation or the issuance of capital stock which amounts to 10% of the issued capital shall be deemed to be an assignment which requires the consent of the Board.

M. WAIVER

No action or failure to act by the Board or the Service shall constitute a waiver of any right afforded to the Board or the Service under this Agreement, nor shall any such action or failure to act constitute an approval of or acquiescence in any breach thereunder, except as may be specifically agreed in writing.

N. SEVERABILITY

The invalidity or unenforceability of any provision or part of any provision of this Agreement or any covenant shall not affect the validity or enforceability of any other provision or part of any provision and any such invalid provision or part thereto, or covenant shall be deemed to be severable.

O. AMENDMENTS

This Agreement may be amended only by written agreement, signed by the authorized representatives of the Parties, which agreement is supplemental to this Agreement and thereafter forms part of this Agreement.

P. APPLICABLE LAW

This Agreement shall be interpreted in accordance with the laws of the Province of Ontario.

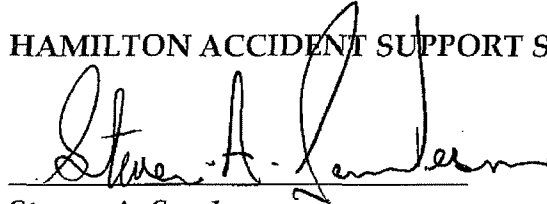
Q. OVERALL PERFORMANCE

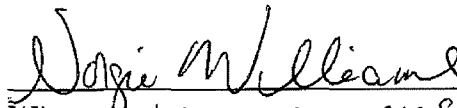
The Operator will supply to the Chief, on an annual review basis, statistical data and information regarding the Collision Reporting Centre.

R. SIGNATORIES

IN WITNESS THEREOF the parties hereto have executed this Agreement.

HAMILTON ACCIDENT SUPPORT SERVICES LTD.


Steven A. Sanderson
President


Witness NORGIE WILLIAMS

I have authority to bind the Corporation

May 15, 2020
Date

NORGIE WILLIAMS
Name of Witness (Please Print)

HAMILTON POLICE SERVICES BOARD

Fred Eisenberger, Chair

Witness

Date

Name of Witness (Please Print)

Administrator

Witness

Date

Name of Witness (Please Print)

SCHEDULE "A"

HOURS OF OPERATION

1. FOR THE 2825 KING STREET EAST LOCATION:

To be mutually determined.

2. FOR THE 400 RYMAL ROAD EAST LOCATION:

To be mutually determined.

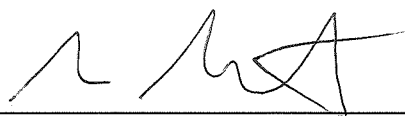
HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: June 11, 2020
REPORT TO: Chair and Members
 Hamilton Police Services Board
FROM: Eric Girt
 Chief of Police
SUBJECT: *2019 Year-End Surplus Allocation Plan*
PSB 20-049

RECOMMENDATION:

That the Hamilton Police Service Board (Board) approve the Allocation Plan for the 2019 Operating Budget favorable variance (surplus) of \$1,425,221.


 Eric Girt
 Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – See details in Appendix A

STAFFING – n/a

LEGAL – n/a

BACKGROUND:

The purpose of this report is to provide the Board with information and obtain approval for the re-allocation and transfer of the 2019 year-end operating surplus as detailed below.

In accordance with the “Operating Budget Surplus/Deficit Policy”, the City of Hamilton Finance Department closed the 2019 Hamilton Police Service’s (HPS) operating budget surplus of \$1,425,221 to the Police Tax Stabilization Reserve; a standard operating procedure at year-end.

Based on operational requirements, the following allocation plan is proposed:

2019 Operating Surplus: \$1,425,221**1. Independent Review – PRIDE - \$445,850**

In November 2019, the Board approved the independent review for the events leading up to and including the PRIDE Celebration of June 2019 and hired Cooper, Sandler, Shime & Bergman, LLP to complete the review. The review began in late November and all 2019 related billings were recorded in 2019. In other words, some of the funds were allocated to the total cost in 2019. Therefore, \$445,850 represents the remaining portion related to the work performed and completed in 2020.

2. Police Vehicle Reserve Replenishment - \$274,432

As previously approved and directed by the Board, the Police Vehicle Reserve is to be replenished from HPS 2019 surplus in the amount equivalent to the 4 fully equipped police vehicles. This will ensure sustainability of the reserve and assist in meeting future annual obligations.

3. Moving Costs – Investigative Services Headquarters (ISD Building) – \$140,820

With the opening of the new ISD headquarters now scheduled for August 2020, several items are required that were not included in the construction contract nor in the 2020 operating budget. Given the small contingency built into this project, 7 ½%, these items include moving costs (\$46,467), key box for ISD vehicles (\$19,410), autosquad (\$10,176), HCE generator (\$16,282), cyanoacrylate fuming chamber (\$7,276), 3 unloading weapon chambers (\$2,636) and miscellaneous items (\$10,176) such as garbage and recycling bins, whiteboards and first aid kits.

In addition, sworn members previously shared workstations, computers and office phone lines due to the space limitations at Division One. The new ISD building was designed with individual workstations and phones lines, and therefore, new PC's and desk phones (\$28,398) are needed to properly equip the individual workstations.

As such, the above noted items are needed in order to properly equip the new building and provide members with the tools to efficiently and effectively perform their regular duties.

4. Carbines - \$61,040

In 2018, HPS implemented, through the Board's approval (PSB 18-076), the Patrol Carbine Colt C-8 program for deployment to front line officers. The report

recognized that with an increase of incidents with active shooters in Canada, the need for equipment that can meet the increased threat level is necessary. The need to be able to effectively address the threat of a well-armed individual has been acknowledged. This view was also validated by Justice R. Leslie Jackson in his 2017 ruling against the Royal Canadian Mounted Police. Done as a pilot project, we recommend that the Carbine program be expanded and the current compliment of shotguns, and costs incurred, will be eliminated.

It is recommended that the HPS acquire an additional 18 carbines, with police vehicle mounts, for deployment to the front line patrol officers.

5. Survey - Canadian Centre for Diversity & Inclusion (CCDI) - \$46,810

The HPS would like to partner with CCDI to conduct a comprehensive survey on both diversity and inclusion for HPS members. CCDI has partnered with many public and private organizations (over 250) to collect and analyze data, build a strategic plan to respond to the data and provide training. There are currently eleven (11) Canadian police forces partnered with CCDI. This allows for analysis of HPS survey results compared with responses from the same industry. The survey information will provide benchmark data that will be used to build a multiyear diversity and inclusion strategy for the HPS.

In addition to the one-time survey cost, there is an annual membership fee of \$4,070 which will be included as part of the annual HPS budget request.

6. Uninterrupted Power Supply (UPS) Batteries - \$24,174

The UPS supports critical services during power outages such as HPS servers, communications network and emergency lights. When major interruptions in electrical power take place, these UPS batteries provide a back-up until the back-up generator starts. These batteries will provide approximately 30 minutes of additional power.

The "Conditions Assessment" report prepared by Permanent Waves, who provides maintenance on the UPS batteries, indicated the replacement of the UPS batteries as "critical" and necessary.

7. Remote Piloted Aircraft System (RPAS or Drone) - \$22,425

The HPS is seeking a Remotely Piloted Aircraft System (RPAS) to assist in response to a variety of police applications including search and rescue for missing persons, serious / fatal traffic collision investigations, crime scene investigations, major incident applications and emergency response.

Mohawk College has a robust Remote Piloted Aircraft System (RPAS) training and development program and is a willing community partner in the development of a program for HPS.

An MOU with Mohawk College will ensure the effectiveness of the HPS RPAS program in the areas of Research & Development, Training, and Maintenance. Mohawk College has been designated as an RPAS training Academy and has several training locations that have been approved by Transport Canada. The College has had tremendous success in implementing programs with other emergency services, Transport Canada, Department of National Defence, Ontario Power Generation and private industry. Mohawk College has a large inventory of RPAS systems, drone detection systems and ancillary equipment that will be shared for testing and training purposes. Access to this equipment will ensure that the equipment purchased by HPS will fulfill all the requirements of the service.

This community partnership will work to develop deployment strategies and create best practice for the HPS RPAS program relative to collision investigations, missing persons, and any other applicable emergency situations. The growth in drone technology has led to the need for anti-drone surveillance relative to the use of unsanctioned or hostile devices at major public events. This technology is costly and requires a high level of training to operate. Mohawk College has access to this equipment and has already demonstrated their capacity to provide expertise in this area during the Canadian Open in 2019. Working with Mohawk College will assist with the development of deployment plans including to but not limited to basic training, nighttime operations with unlit RPAS platforms and standardized monthly competency audits for HPS pilots. The value of this research, development and training for the one-year period in the MOU is difficult to assess but is between \$5,000 - \$10,000. Other organizations that contract with Mohawk for similar services are in the \$40,000 - \$50,000 range per MOU.

This community partnership will enhance our response to large scale events such as McMaster's Fake Homecoming, City Hall protests/demonstrations and Supercrawl. Other national / international events planned for the City of Hamilton are the CFL Grey Cup in 2021 and the Canadian Open in 2023. The partnership with a local post-secondary institution also assists building strong community relationships, engaging our youth and student populations while promoting professional development and innovation within the HPS. Mohawk staff have actively been pursuing a more formal relationship with HPS since 2018. Entering into an MOU will serve to solidify this relationship and brings with it the potential for future growth and development between our two organizations.

8. Police Tax Stabilization Reserve - \$409,670 (remaining balance)

The Police Tax Stabilization Reserve was established to ensure the ongoing financial stability and fiscal health of HPS. It accumulates Police surpluses that can be used to offset Police costs, annual budget increases, potentially mitigate increases due to budgetary fluctuations and alleviate any unforeseen operating expenditures during a fiscal year. This could include costs incurred for COVID-19 response that may not be funded by Provincial or Federal grants.

All HPS reserves are managed and analyzed continuously to ensure any future annual obligations are met. The HPS continues to undertake significant ongoing mitigating efforts in order to manage all costs within its control. Contributions to these reserves are made only through annual year-end surplus funds of the Service.

Thus, it is recommended that \$409,670 of the remaining 2019 year-end surplus be used to replenish the reserve in order to alleviate potential financial pressures in the current and future budget years.

The year-end operating surplus is funding that is not provided on an ongoing basis. Actual financial results vary from year-to-year based on various external and internal factors. Therefore, it is recommended that the allocation plan be approved to provide the HPS with the opportunity to strategically allocate funds to address current and future policing needs.

In addition, this allocation plan will streamline the budget process for the Board in being able to fund expenses with their own reserves rather than requesting these funds from City reserves and/or tax levy.

EG: J. Randazzo

Attachments: *Appendix A*

cc: Frank Bergen, Deputy Chief – Operations
 Ryan Diodati, Deputy Chief – Support
 Anna Filice, Chief Administrative Officer
 John Randazzo, Director – Finance

Appendix A

Hamilton Police Service

Budget Variance Report

Year Ended December 31, 2019

YTD Budget % : 100.00%

Approved				
	Budget	Actual	Variances	% Spent
Revenues				
Grants and subsidies	\$ 9,483,120	\$ 9,417,003	\$ (66,118)	99.30%
Fees and general revenues	2,707,210	3,141,973	434,763	116.06%
Reserves/Capital recoveries	610,380	310,378	(300,002)	50.85%
Total revenues	\$ 12,800,710	\$ 12,869,354	\$ 68,644	100.54%
Expenses				
Employee Related Costs	\$ 159,352,440	\$ 158,985,028	\$ 367,412	99.77%
Financial/Legal Charges	369,040	514,765	(145,725)	139.49%
Materials and supplies	6,536,670	5,889,039	647,631	90.09%
Vehicle expenses	2,075,000	1,890,919	184,081	91.13%
Buildings and grounds	2,287,600	2,008,270	279,330	87.79%
Consulting expenses	42,600	55,176	(12,576)	129.52%
Contractual expenses	775,950	748,504	27,446	96.46%
Agencies and support payments	42,300	37,300	5,000	88.18%
Reserves/Recoveries	4,211,370	4,207,392	3,978	99.91%
Cost allocation	1,087,680	1,087,682	(2)	100.00%
Capital Financing	1,116,130	1,116,128	2	100.00%
Total expenses	\$ 177,896,780	\$ 176,540,204	\$ 1,356,576	99.24%
Total Net Expenditure				
	\$ 165,096,070	\$ 163,670,849	\$ 1,425,221	99.14%

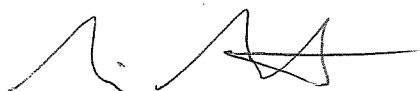
HAMILTON POLICE SERVICES BOARD

- RECOMMENDATION -

DATE: 2020 June 11
REPORT TO: Chair and Members
Hamilton Police Services Board
FROM: Eric Girt
Chief of Police
SUBJECT: *Police Station 40 – Waterdown*
PSB 20-052

RECOMMENDATION:

- a) That the Hamilton Police Service Board (HPSB) approve the construction of a new Police Station 40 in partnership with Hamilton Fire Department (HFD) for a combined Police and Fire facility.
- b) That the Board request the City of Hamilton (City) to confirm and include the construction of a new Police Station 40, as part of and in partnership with the HFD approved Waterdown Fire station, in the 2021 Capital Budget.
- c) That the funding of the Police portion of the proposed combined facility, estimated to be \$8M, be funded from the City's Police Development Charges (DC) reserve.
- d) That the Hamilton Police Service (HPS) review and analyze the annual operating budget impact for station 40 and report back to the Board for review and approval.



Eric Girt
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL – The HPS portion of construction of a joint Police and Fire facility is estimated at \$8M including construction contingency.

The Station 40 project has been included in the City's DC background study as it is 100% growth related capital. Therefore, total funding for the construction project will be from the City's Police DC reserve and will have zero (\$0) impact on HPS annual operating and capital budgets related to the construction of the new station.

HPS is to review and examine the future annual operating budget impacts and will report back to the Board.

STAFFING – n/a

LEGAL – n/a

BACKGROUND:

In 2014, the HPS identified the need for a new Police Station (Station 40) in the rural areas of the Hamilton Escarpment due to current and anticipated population growth in Binbrook, Hamilton Airport/Mount Hope, Ancaster, Dundas, Waterdown and Flamborough.

Station 30 (Mountain Station), which currently covers and patrols this area, has the largest geographic area in the City. It stretches from the borders of Halton Region, Wellington County, Brant County, Haldimand Region to Stoney Creek mountain. This wide geographical area makes the requests and demands for calls for service a tremendous challenge to meet acceptable response time and ensure quality of service.

A proposed Police Station 40 has been included in the City's DC background studies since 2014, as a separate stand-alone facility (\$25M estimate) planned for 2025. In addition, HPS has identified this project in its annual Ten (10) Year Capital Plan report to the Board (and the City) since 2015.

The HFD has identified a Waterdown Fire Station project since 2007 as part of the City's annual Capital Budget process and has received Council approval of \$5.7M for construction and land acquisition. An additional \$3.724M for fire equipment and an apparatus for the new Fire station has been identified for approval as part of the 2021 Capital Budget process, bringing the total project cost to \$9.424M.

The HFD has stated once the City's Real Estate department is able to confirm the land purchase (which is expected by mid-summer), they will be working to complete the design phase and initiate the construction phase of the project as soon as possible given the immediate and significant operational need that exists in Waterdown. .

In efforts to be efficient and cost effective, the HPS approached HFD for a potential partnership in a combined Police and Fire facility. Both Services identified operational needs in Waterdown that would result in efficiencies and cost savings to the City relative to a shared location and in partnership similar to what has been experienced with the Multi-Agency Training Academy (MATA).

As a result, a joint working committee was struck to examine the feasibility of a combined Police and Fire facility. HPS and HFD are engaged with the City's Energy, Fleet & Facilities Management team to examine facility requirements, operational needs and preliminary budgets. In addition, HPS has visited 2 detachments of the Niagara Regional Police Service, a stand-alone station and one combined facility with the Niagara Emergency Medical Services, to examine size and scope as well as the feasibility of co-location with another emergency service provider.

The City's Energy, Fleet and Facilities Management division has provided preliminary space programming, high level construction estimates and a preliminary block plan for the HPS portion of the construction project. The proposed square footage is 9,250 ^{ft}² with a construction estimate of \$8M including contingency. This is a very high level estimate and a consultant will need to be hired to complete the schematic design and feasibility for a class B estimate.

Since this construction project is growth related, future debt charges will be fully recovered from the City's Police DC reserve and a net zero (\$0) impact to the annual police operating budget. The City has confirmed from a DC financing perspective, the project is affordable with the current 10 year HPS capital plan, with the proposed \$8M cost and the anticipated completion in 2021/2022.

HPS has struck its own working committee within the Service to examine the feasibility of a much smaller scale and cost efficient station rather than the full stand-alone station as originally planned. HPS is examining and reviewing buildings, operational deliverables, size and needs, realigning of existing patrol/divisional boundaries, workload analysis for staffing requirement including redeployment of existing staff, calls for service, response times, population densities, growth rates, traffic patterns and all other operating impacts.

With the continuing efforts of meeting the demands for calls for service, for both the HPS and HFD, a combined facility will meet the needs of our community, and allow for

the efficient and effective delivery of both services. It would result in potential efficiencies and costs savings to the City, rather than going with a separate stand-alone police station as originally planned. The potential partnership with the HFD will ensure the best use of the budgetary resources.

EG: J. Randazzo

cc: Frank Bergen, Deputy Chief – Operations
Ryan Diodati, Deputy – Support
Anna Filice, Chief Administrative Officer