

**From:** London Police Services Board <lpsb@londonpolice.ca>  
**Sent:** February-28-18 10:16 AM  
**To:** Bacarro, Susanne; Anita Longo (Durham); Bill Clancy (Durham); Dawn Cichocki (Niagara); Deb Reid (Niagara); Jaclyn Kogan (York); Joanne Campbell (Toronto); Joy Hulton (York); Krista Ferraro (Ottawa); Morin, Lois; Lorena Perkins; Mafalda Avellino (York); Robert Serpe (Peel); Sharon Baiden; Jill Eggleton - Waterloo Regional Police Services Board (JILL.EGGLETON@wrps.on.ca); lisa.wedmann@oakville.ca; Fred Kaustinen  
**Subject:** LPSB Correspondence to MCSCS  
**Attachments:** LPSB Letter to MCSCS - Court Security Costs Feb 23 2018.pdf; LPSB Letter to MCSCS re SIU Position - Administration of Naloxone Feb 27 2018.pdf

Hello, Colleagues:

For your information, please see attached the following communications sent from LPSB to the Ministry on issues concerning us:

- Letter to MCSCS related to funding for Court Security Costs (Feb 23/18)
- Letter to MCSCS related to SIU's Position on Administration of Naloxone by Officers (Feb 27/18)

I hope you are all enjoying a glorious snippet of spring-like weather this week before the next winter blast!

*Jennifer Foster*

Administrator ~ London Police Services Board

601 Dundas Street, P.O. Box #3415, London, Ontario N6A 4K9

**Note new email address:** [lpsb@londonpolice.ca](mailto:lpsb@londonpolice.ca) ~ Telephone: (519) 661-5646 ~ Mobile: (226) 448-1651



## LONDON POLICE SERVICES BOARD

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February 23, 2018

The Honourable Marie-France Lalonde, Minister of Community Safety and Correctional Services  
Ministry of Community Safety and Correctional Services  
25 Grosvenor Street, 18th Floor  
Toronto, ON M7A 1Y6

Dear Minister Lalonde,

I write to you on behalf of the London Police Services Board (LPSB) to share our concern related to the current funding formula for the payment of Court Security Costs to police services. The province's current funding formula for Court Security costs is inadequate in relation to the costs actually incurred by the London Police Service (LPS).

LPS's expenses for Court Security include Court Prisoner staff salaries, benefits, outfitting and recruiting, operating costs and vehicle costs. These expenses continue to rise as labour costs rise, operating costs such as fuel rise, new courts are opened as well as increasing courthouse service charges laid by other police services. These additional and increasing expenses fall to municipalities, despite the fact that activities within the courthouse fall under the mandate of the Ministry of Community Safety and Correctional Services (MCSCS). Such financial shortfalls are especially problematic in times of increasingly stringent municipal budgets, growing costs in so many areas of the operation of a police service and the many competing and costly priorities in policing today.

Specifically, recent variances in LPS's Ministry allocation versus total net annual costs for the LPS's Court Security program were:

|       |   |
|-------|---|
| 2015: | - \$1,920,285.50                                |
| 2016: | - \$1,602,324.67                                |
| 2017: | - \$1,313,238.15 (unaudited at time of writing) |

MCSCS funding covered only one half of LPS's actual Court Security costs in 2015, two-thirds of LPS's actual Court Security costs in 2016 and 60% of LPS's actual Court Security costs in 2017 (with 2017 being unaudited as of this date).

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We strongly encourage your Ministry to review what we consider a deficient funding formula and we encourage MCSCS to begin to appropriately fund the Court Security cost envelope for communities in Ontario. We look forward to hearing back from you at your earliest opportunity in relation to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mo Salih". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mohamed Mo Salih, Chair  
London Police Services Board  
lpsb@police.london.ca  
601 Dundas Street, P.O. Box #3415  
London, Ontario N6A 4K9  
Telephone: (519) 661-5646



## LONDON POLICE SERVICES BOARD

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February 27, 2018

The Honourable Marie-France Lalonde, Minister of Community Safety and Correctional Services  
Ministry of Community Safety and Correctional Services  
25 Grosvenor Street, 18th Floor  
Toronto, ON M7A 1Y6

Dear Minister Lalonde,

I write to you on behalf of the London Police Services Board (LPSB) to share our concern related to the Special investigations Unit's (SIU) position on the administration of Naloxone by police officers.

A letter was written by SIU Director Tony Loparco on February 15, 2018 and shared with police service and board organizations and your Ministry, in response to a letter from the Ontario Association of Chiefs of Police (copies of which are included here for your reference). The Director's letter reiterates SIU's policy to investigate serious or fatal cases involving officers administering Naloxone, including cases in which no other police interaction caused or contributed to the serious injury or death.

The London Police Services Board remains concerned about the lack of practicality of this course of action by the SIU, and feels it has the potential to discourage officers from acting as expeditiously as possible to save the lives of some of the most vulnerable in our community. Police across Canada continue to encounter deaths believed to have been caused directly or indirectly by the fentanyl crisis. Saving lives of individuals experiencing an overdose and protecting our officers whether that is by Naloxone or another permitted emergency medical-based response are of paramount importance. It is in the public interest to promote lifesaving measures, especially the use of Naloxone in the midst of the opioid crisis.

British Columbia's oversight body, the Independent Investigations Office, whose mandate is similar to Ontario SIU's, has decided that overdose deaths where Naloxone is administered will not be investigated by them. Our Board would like to see similar practice by Ontario's oversight body.

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We have a strong interest in this time sensitive and critical matter as it relates to the work of our police service and the interests of our community, and we look forward to hearing back from you at your earliest opportunity.

Sincerely,



Mohamed Mo Salih, Chair  
London Police Services Board  
lpsb@police.london.ca  
601 Dundas Street, P.O. Box #3415  
London, Ontario N6A 4K9  
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Cc:

John Pare, Chief, London Police Service  
Deb Matthews, Member of Provincial Parliament  
Peggy Sattler, Member of Provincial Parliament  
Teresa Armstrong, Member of Provincial Parliament  
Jeff Yurek, Member of Provincial Parliament  
Tom Gervais, MCSCS Zone 6 Advisor



*Independent Investigations – Community Confidence • Enquêtes indépendantes – Collectivités rassurées*

February 15, 2018

Bryan Larkin  
 Chief of Police, Waterloo Regional Police Service  
 President, Ontario Association of Chiefs of Police  
 40 College Street, Suite 605  
 Toronto, Ontario  
 M5G 2J3

Dear Chief Larkin:

**Re: Administration of Naloxone by Police Officers and SIU Mandate**

I write in response to your letter of January 11, 2018 (received by this office on January 29, 2018), a copy of which is attached for reference.

The SIU wishes to be very clear regarding the legal jurisdiction of this office vis-à-vis incidents involving the administration of naloxone by police officers, and the attendant legal obligations on chiefs of police to notify the SIU immediately of incidents within its mandate. The SIU is established under section 113 of the *Police Services Act* to investigate police officers in cases of serious injury or death. Incidents involving the administration, attempted administration or non-administration of naloxone by police officers in the course of interactions with persons who sustain serious injury or death could reasonably be captured by the SIU's investigative jurisdiction. Section 3 of O. Reg. 267/10 therefore requires that chiefs of police immediately notify the SIU of these incidents. In this regard, we would do well to recall the words of The Honourable George W. Adams in his 2003 review report on the SIU.<sup>1</sup> At p. 37 of the report, he wrote:

*In my original report, I noted there was broad agreement that the SIU should be notified immediately whenever its jurisdiction is reasonably suspected to have been engaged. I also noted that it was not practical for a police service to attempt to determine the SIU's jurisdiction in a strict legal sense before*

<sup>1</sup> Ontario, Review report on the Special Investigations Unit reforms prepared for the Attorney General of Ontario by the Honourable George W. Adams, Q.C. (Toronto: Ministry of the Attorney General, 2003).

|                  |  |  |                   |                     |
|------------------|--|--|-------------------|---------------------|
| RETURN DATE: / / | <input checked="" type="checkbox"/> FOR YOUR INFORMATION | <input type="checkbox"/> DRAFT COPY FOR MY SIGNATURE | NO. 10            | CHIEF CORR. # 48-18 |
|                  | <input type="checkbox"/> NOTE AND SEE ME                 | <input type="checkbox"/> INVESTIGATE AND REPORT      | DATE RECD: FEB 15 |                     |
|                  | <input type="checkbox"/> TAKE APPROPRIATE ACTION         |  |                   |                     |

via mail and email

cc Ms. Dany H. MOUÉ  
 London Police Services  
 Bethno

*notification is effected because of the inherent uncertainty (and subjectivity) of many incidents. In continuing to approach the issue as one of strict jurisdiction, any police service runs the serious risk of having its actions perceived as a rejection of civilian oversight and a violation of the duty to cooperate as expressed in the Regulation. The community will have more confidence in the SIU deciding not to get involved than if that decision is made for it by the very police service involved or associated with an event.*

*The SIU's mandate is investigatorial and, surely like an administrative tribunal, it has the jurisdiction to initially decide if its jurisdiction has been or should be activated. It can only exercise that jurisdiction if chiefs of police take a deferential gate-keeper approach and immediately notify the SIU when there is a reasonable basis or "air of reality" for doing so.*

Accordingly, this office fully expects chiefs of police to abide by their legal obligations and immediately notify this office of these types of incidents whereupon, you may rest assured, this office will discharge its legal obligations in the pursuit of its mandate. Some notifications will result in the investigation being discontinued at an early stage, some may entail full investigations, and others may result in no file being opened at all. The point is, as Mr. Adams made clear, those determinations must be made by the oversight agency. To do otherwise, quite frankly, would be to abdicate our mutual responsibilities.

You equate the administration of naloxone with the provision of other types of emergency medical treatment by police officers, such as CPR. We agree. We part company, however, with the suggestion that incidents involving these other types of medical interventions by police officers have historically not been reported to the SIU. In point of fact, the SIU is regularly notified of serious injuries and deaths where the extent of police involvement is initially reported to have been limited to emergency medical treatment. I see no reason to carve out an exception in naloxone cases. Nor do we agree with your assertion that these types of cases were not intended to be captured by the SIU's legislation. Representatives of various community groups in contact with this office would disagree with your interpretation. They fully expect the police to report these types of cases to the SIU under the terms of the governing legislation.

I wish to address one further issue raised by your letter. It concerns the suggestion that to allow the SIU to investigate serious injury and death cases involving the administration of naloxone may discourage officers from "acting quickly to save lives". The SIU rejects the contention that the vast majority of police officers might do anything

less than act swiftly in the discharge of their foremost duty, namely, the preservation of life, for fear that their conduct will be subject to a fair and independent investigation.<sup>2</sup> Conversely, a fair and independent investigation is precisely the answer for the small minority of officers who may have fallen short in their duty, a position with which the OACP presumably agrees.

In closing, I encourage police leadership throughout the province to refrain from unilaterally adopting positions that purport to restrict the jurisdiction of their civilian overseer against the plain meaning of its statutory mandate. Doing so risks not merely placing their membership in contravention of the law, but undermines the confidence that the public should have in its policing services. The OACP's past efforts to promulgate their own, narrower definition of "serious injury", which came in for criticism in Mr. Adams' SIU review report of 2003 (pp. 31-39),<sup>3</sup> should serve as a lesson in this regard.

Sincerely,



Tony Loparco  
Director

TL/kw

Attachment

cc: The Honourable Kathleen Wynne, Premier  
The Honourable Yasir Naqvi, Attorney General  
The Honourable Marie-France Lalonde, Minister of Community Safety and  
Correctional Services  
Bruce Chapman, President, Police Association of Ontario  
Mike McCormack, President, Toronto Police Association  
Rob Jamieson, President, Ontario Provincial Police Association  
Eli El-Chantry, President, Ontario Association of Police Services Boards  
Dorijan Najdovski, Press Secretary and Issues Manager, Minister's Office,  
Ministry of Community Safety and Correctional Services

<sup>2</sup> It would be similar to suggesting that an officer might choose not to get involved in a hostage situation, for example, because his or her actions might draw SIU scrutiny. To take this position to its logical conclusion would be to imply that some police officers would refuse to get involved in potentially difficult situations because of a fear that the SIU might scrutinize their actions. The suggestion in relation to any professional, self-respecting officer cannot be condoned.

<sup>3</sup> *Supra*, fn 1.



OACP Board of Directors  
All Ontario Chiefs of Police

SIU Director's Resource Committee Members:

Margaret Parsons, Executive Director, African Canadian Legal Clinic  
Matthew Boissonneault, African Canadian Legal Clinic  
Nigel Barriffe, Director, Urban Alliance on Race Relations  
Arthur Downes  
Avvy Go, Metro Toronto Chinese and South East Asian Legal Clinic  
Julian Falconer, Falconers LLP  
Asha James, Falconers LLP  
Emily Hill, Legal Advocacy Director, Aboriginal Legal Services of Toronto  
Caitlyn Casper, Aboriginal Legal Services of Toronto  
Hussein Hamdani  
Ganesan Sugumar

Vision: Building excellence in police leadership for safer communities

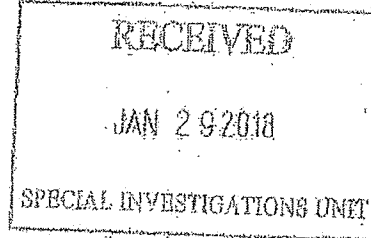


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January 11, 2018

Mr. Tony Loparco  
Director, Special Investigations Unit  
5090 Commerce Boulevard  
Mississauga, ON L4W 5M4



Dear Mr. Loparco:

Re: Administration of Naloxone by Police Officers

I am writing in my capacity as President of the Ontario Association of Chiefs of Police (OACP) regarding the apparent position of the Special Investigation Unit (SIU) and recent comments made by the Senior Advisor - Press Secretary to the Minister of Community Safety and Correctional Services, Yanni Dagonas, regarding the administration of the potential life-saving drug, Naloxone, by police officers.

The OACP is concerned by the reported position of your agency that police must advise the SIU whenever a death occurs during a police interaction and, in particular, when the administration of Naloxone was attempted or given. With respect, that is not how the legislation reads nor is it logical or practical. For years, police officers have arrived at the scene of an accident, medical call or drug overdose where the person is in critical condition, dying or dies while the police are interacting with them. In fact, those deaths will often occur during or after the administration of emergency first aid, Cardiopulmonary Resuscitation (CPR) or an Automated External Defibrillator (AED). Simply put, those are not SIU calls nor was the legislation drafted to capture those incidents.

We see no difference when a police officer attempts to revive a person who has died or is dying from a drug overdose, whether that is by Naloxone or another permitted (and expected) emergency-medical based response. The drug has saved the lives of Ontarians, with little to no known negative effects.

The OACP suggests that there be a clear position provided by the SIU that is similar to British Columbia's Independent Investigations Office (IIO) policy – that overdose deaths where Naloxone was administered or attempted to be administered by police officer, with no other police interaction causing or contributing to the person's death or medical crisis, are not SIU matters. We also believe it is vital to directly deal with the potential and unintended consequence of "investigating such cases may discourage officers from acting quickly to save lives during the B.C.'s fentanyl overdose public-health emergency" (per IIO). Why should that not equally apply to Ontario citizens and police officers?

Obviously and after a person is revived, if the police had to use force on the individual to restrain them or arrest them, then the SIU should properly be advised to see whether they will invoke their mandate on a case-by-case basis. However, and no different than any failed attempt to administer emergency medical treatment authorized by the service, we



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believe that the SIU need not be called and police services will not be calling them provided the absence of those other factors or considerations.

As always, I am willing to discuss this matter or any other SIU-related matter with you.

Sincerely,

Bryan Larkin  
Chief of Police, Waterloo Regional Police Service  
President, Ontario Association of Chiefs of Police

BL/jlc

C.  
The Honourable Kathleen Wynne, Premier of Ontario,  
The Honourable Yasir Naqvi, Attorney General for Ontario  
The Honourable Marie-France Lalonde, Minister of Community Safety and Correctional Services  
Mr. Bruce Chapman, President, Police Association of Ontario  
Mr. Mike McCormick, President, Toronto Police Association  
Mr. Rob Jameson President, Ontario Provincial Police Association  
Mr. Eli-El Chandiry, President, Ontario Association of Police Services Boards  
Mr. Yanni Dagonas, Senior Advisor - Press Secretary to the Minister of Community Safety and Correctional Services  
OACP Board of Directors  
All Ontario Chiefs of Police

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