

**Minutes of a Meeting of the Kingston Police Services Board
Held on Thursday, February 14, 2019, at 12:00 Noon
Kingston Police Headquarters Boardroom**

IN ATTENDANCE

Ms Andrea Risk, Chair
Mayor Bryan Paterson, Vice-Chair
Councillor Jefferey McLaren
Mrs Donna Harrington, Secretary

Chief Antje McNeely
Deputy Chief Christopher Scott
Members of staff and media

Regrets: Mr William Hackett

1. The Chair called the meeting to order at 12:01 p.m.

DISCLOSURE OF CONFLICT OF INTEREST

2. The members confirmed that there were no conflicts of interest to report.

APPROVAL OF AGENDA

3. It was moved by Mayor Paterson and seconded by Councillor McLaren that the agenda be approved. Carried.

ADOPTION OF MINUTES

4. It was moved by Councillor McLaren and seconded by Mayor Paterson that the minutes of Meeting 19-1, held on January 17, 2019, be adopted. Carried.

COMMUNICATIONS

5. It was moved by Mayor Paterson and seconded by Councillor McLaren that the communications be received. Carried.

6. With respect to the Ministry communication on support for community safety and well-being planning and specifically more webinars to help stakeholders to understand the legislative requirements, the Chair pointed out that this was a very collaborative process covering four main planning areas: social development, prevention, risk intervention, and incident response. She noted that this was an all-encompassing, holistic approach and encouraged anyone involved with this process to participate in one of the webinars. Chief McNeely relayed that Ministry representatives had provided a preliminary presentation in December at Kingston Police headquarters.

7. With respect to further information from the Ministry on the Constable Selection System, which program was under review, the Chair noted that the report provided some early results of the analysis. Chief McNeely pointed out that some of the trends indicated in the report were that diversity in applicants was slowly increasing and more applicants had post-secondary degrees and diplomas, which was also apparent in those applying to the Kingston Police. She also noted

that women who were not successful on their first attempt were less likely to retake a test while men were more likely to retake a test and that, with a 98% pass rate, the relevancy of the Behavioural Personnel Assessment Device was being examined. With respect to testing fees, Chief McNeely relayed that this area was also being examined to determine whether this was a barrier to applicants. Chief McNeely added that the Director of Human Resources had provided input to the survey referenced in the Ministry correspondence.

8. With respect to the Ministry correspondence on ministerial designations under the federal *Cannabis Act* for general exemptions and specific exemptions, Chief McNeely explained that these exemptions allowed officers to commit what would technically be drug offences while doing undercover operations and that the updated designations were required as a result of cannabis now coming under the federal *Cannabis Act* instead of the *Controlled Drugs and Substances Act*.

9. With respect to the Ministry correspondence on the requirement under the *Police Services Act* to file by the end of January an annual report on firearms coming into the possession of a police service, Chief McNeely confirmed that the Kingston Police had already filed the required report.

10. With respect to the Ministry correspondence on the Missing and Murdered Indigenous Women and Girls Inquiry, the Chair noted that the Inquiry's authority to compel documents had concluded on December 31, 2018, and that its report was due on April 30, 2019.

11. With respect to the Ministry correspondence on the 2019 Crimes Against Women Conference: "Sexual Violence, Human Trafficking, and Ending Violence Against Indigenous Women," Chief McNeely confirmed that two officers from Criminal Investigations and two officers from Street Crime would be attending.

12. With respect to the Ministry correspondence on the combined annual report for the Violent Crime Linkage Analysis System and Major Case Management, Chief McNeely confirmed that the report would be filed by the Criminal Investigations Unit by the required deadline.

13. With respect to the Ministry correspondence on annual reporting requirements under sections 25.1 to 25.4 of the *Criminal Code*, Chief McNeely explained that designated senior officials (for the Kingston Police this was Inspector D. Mastin) were required to take a course on law enforcement justification provisions of the *Criminal Code* and could authorize a designated public officer to commit a crime to further an investigation. She noted that about 16 officers had been designated as public officers but this provision was very rarely used. She pointed out that any such action could not endanger life. With respect to designations for other jurisdictions, Chief McNeely explained that this was a separate process. She noted that Kingston Police officers were peace officers in Ontario but some had received authority from the Ministry of Public Security in Quebec to exercise certain police duties in that province.

14. The Chair noted the OAPSB reminder about available training for board members. She noted that Fred Kaustinen had been the OAPSB Executive Director for some time and had

compiled information for both new and experienced board members. She noted that information was also provided through OAPSB conferences.

15. The Chair noted the notice for the OAPSB 2019 Annual General Meeting and the update received from the OAPSB Zone 2 Chair.

16. The Chair noted the receipt of the hard copy publication of the Independent Street Checks Review conducted by the Honourable Justice Tulloch. She pointed out that this was a very thorough review conducted by a very knowledgeable member of the justice system and that everyone could learn from this review.

17. The January 2019 edition of *Blue Line* was noted.

DELEGATIONS

18. Nil.

REPORTS

19. **Public Sector Salary Disclosure Act and Funding Requirements.** The Chair noted that the Board had met the funding threshold for reporting under the *Public Sector Salary Disclosure Act* and therefore would be reporting.

20. **Secondary Activities.** The Chair explained that members were required to report on activities undertaken outside policing to the Chief of Police [if potentially restricted under section 49 of the *Police Services Act*] and the Chief could decide to approve or not. She noted that one application had been made and approved in 2018.

21. **Vehicle Purchases.** The Chair explained that the Board had been part of the Police Cooperative Purchasing Group for several years and this allowed the Board to obtain better prices for vehicles. Director of Finance John Howes explained that every year the Police Cooperative Purchasing Group met with major automobile companies to negotiate pricing for police services. He noted that this was very beneficial to the Kingston Police, since these tendered prices were better than what the police service could obtain on its own.

Budget Report

22. Mr Howes reviewed the 2018 Year-End Budget Report and noted that a surplus of \$3,305 had been realized, based on a budget of \$37,324,576 and a net cost of \$37,321,271. He explained that his most recent budget presentation had indicated a slightly higher surplus but since then more 2018 invoices had been processed.

23. Mr Howes relayed that the revenue line was \$400,000 favourable, due to government grants being \$37,000 favourable (although delayed, instalments under the Policing Effectiveness and Modernization and Court Security and Prisoner Transportation grants had been approved); alarm licensing revenue being \$59,000 favourable; paid duty being \$29,000 unfavourable due to reduced activity (with a corresponding cost saving in operating expenditures); background check revenue being favourable by \$25,000; auction proceeds being \$47,000 favourable (auction

proceeds support capital reserve used to purchase vehicles); and expense recovery being \$261,000 favourable, reflecting a \$205,000 one-time Proceeds of Crime Grant and \$70,000 of insurance recoveries, which had not been budgeted (with corresponding expenses under operating expenditures).

24. With respect to operating expenditures, Mr Howes relayed that operating costs of \$41,678,306 based on a budget of \$41,281,530, had resulted in an unfavourable variance of \$396,776. He explained that the largest impact was an unfavourable variance of \$840,928 in salaries and wages, due in part to:

- a. an unfavourable variance of \$525,000 in overtime stemming from:
 - (1) a cost of \$56,000 for St. Patrick's Day weekend;
 - (2) a cost of \$51,000 in September related to the University District;
 - (3) \$372,000 incurred to support Patrol during staff shortages from WSIB claims and sick leave; and
 - (4) \$9,000 incurred in early December due to threats involving schools;
- b. an unfavourable variance of \$198,000 in part-time wages to cover absences in Communications and Court Services;
- c. an unfavourable variance of \$382,000 in WSIB payments, reflecting higher usage; and
- d. a favourable variance of \$243,000 in fringe benefits (additional had been budgeted for 2018 in anticipation of higher costs, which did not materialize).

25. Mr Howes reported that the supplies and services line was favourable by \$508,000, with a favourable balance of \$137,000 in supplies and services (fewer projects were undertaken in light of anticipated overtime costs, and there were no major infrastructure issues); the investigative services line was \$111,000 favourable because no major projects had been undertaken; and the professional services line was favourable by \$279,000 because a number of legal proceedings had been successfully concluded.

26. Mr Howes noted that a question had been posed during the budget presentation to Council regarding the management of overtime costs in 2018, and he reiterated that careful monitoring of other expenses resulted in a small surplus for 2018.

Annual Use of Force Report

27. Chief McNeely explained that officers were required to submit a use of force report whenever the methods indicated on the Use of Force Model were deployed. She explained that a new way of tabulating the reports had commenced in 2018, which could account for the apparent increase over the 2017 report (based on whether or not a team response counted individual team members).

28. Chief McNeely reviewed the report, noting that numbers would be higher than the number of incidents if more than one officer was involved and if multiple methods were used. She relayed that the one use of OC spray related to a combative male trying to break into an apartment.

29. With respect to the display or pointing of a conducted energy weapon, Chief McNeely relayed that this method was used to arrest suspects in 10 incidents involving reported or existing weapons; dissuade one individual from harming others; effect the arrest of three violent suspects; and protect officers from dogs inside a house being cleared. She noted that the conducted energy weapon had been deployed four times: to dissuade an individual suffering from mental illness from self-harm; during the arrest of a combative suspect armed with knives who was holding an elderly victim hostage; to gain control of a combative male at hospital in a state of psychosis; and during the arrest of a man wanted for parole violation and armed with a knife. Chief McNeely confirmed that, whenever a conducted energy weapon was deployed, subjects were taken to the hospital for medical assessment before being brought to the station.

30. Chief McNeely noted that 45 reports had been filed for displaying (11) or pointing (34) firearms, and in these incidents firearms had been displayed or pointed because the suspects either were extremely violent and/or known or suspected to be armed with firearms or other weapons. She added that 6 of these incidents related to planned execution of warrants and the remaining 22 incidents related to patrol operations, with many of these incidents involving multiple officers, as reflected in the statistics.

31. With respect to the discharge of firearms, Chief McNeely explained that most related to relieving the suffering of injured animals. She relayed that there had been one unintentional discharge during a standard unloading procedure and that, while no one was injured, the incident had been investigated through Professional Standards, with appropriate measures taken.

32. The Chair noted that typically the statistics were lower than one would think but officers were trained to start at the lowest possible level of the Use of Force Model and only if necessary elevate to the next step.

33. **Statistical Report.** Chief McNeely pointed out that the apparent increase in calls for service in 2018 stemmed from the review of operations in the Communications Unit, which resulted in a better method of capturing calls, e.g., dropped 911 calls, which took resources to contact the number and confirm that these were not emergency calls. With respect to the increase in reported sex offences, Chief McNeely pointed out that coding changes had impacted the recording of these crimes, e.g., in the past, when a victim chose not to pursue an investigation an information report would be filed; now a sexual assault report was captured, whether fully investigated or not. In terms of an increase in break-and-enter incidents, Chief McNeely relayed that now persons arrested were often not held in custody but instead released on conditions, which often resulted in these persons committing more crimes. She noted that these crimes were particularly prevalent in Zones 1 and 4, which included the University District, and, as a result, much work was being done with students and Queen's Security on safeguarding property, e.g., keeping doors locked and keeping valuables close at hand, not unattended. Chief McNeely noted that frauds continued to increase due to cybercrimes. With respect to criminal harassment and harassing phone calls, Chief McNeely explained that these incidents were continually reviewed

for accuracy in coding, since an element of real fear had to be present to meet the threshold for criminal harassment.

MOTIONS

34. Nil.

UNFINISHED BUSINESS

35. Nil.

NEW BUSINESS

36. Nil.

MOVE TO IN CAMERA

37. It was moved by Councillor McLaren and seconded by Mayor Paterson that the Board move in camera at 12:32 p.m. Carried.

Chair

Secretary