

**Minutes of a Meeting of the Kingston Police Services Board  
Held on Wednesday, August 7, 2019, at 12:00 Noon  
Kingston Police Headquarters Boardroom**

**IN ATTENDANCE**

Ms Andrea Risk, Chair  
Mayor Bryan Paterson, Vice-Chair  
Councillor Jefferey McLaren  
Dr Christian Leuprecht  
Mr Jarrod Stearns  
Mrs Donna Harrington, Secretary

Chief Antje McNeely  
Deputy Chief Christopher Scott  
Members of staff, media, and the public

1. The Chair called the meeting to order at 12:02 p.m. and officially welcomed Dr Leuprecht, who had been participating by teleconference since his appointment in March.

**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 as amended by the addendum. Carried.

**ADOPTION OF MINUTES**

4. It was moved by Mr Stearns and seconded by Councillor McLaren that the minutes of Meeting 19-6, held on June 20, 2019, be adopted. Carried.

**COMMUNICATIONS**

5. It was moved by Mr Stearns and seconded by Dr Leuprecht that the communications be received. Carried.

6. The Chair noted the Ministry correspondence on the retirement of the Assistant Deputy Minister, Public Safety Division and Public Safety Training Division.

7. With respect to the Ministry memo on an animal welfare interim strategy, the Chair noted that the Solicitor General had appointed a Chief Inspector, who in turn had appointed temporary inspectors from local humane societies. Chief McNeely relayed that there would soon be a public announcement in this respect and that the Kingston Police were working with the Kingston Humane Society on some investigations. She pointed out that the police service would still be handling any criminal offence aspects.

8. Regarding the Ministry memo on changes to some *Highway Traffic Act* regulations and the elimination of the enhanced driver's licence program, Chief McNeely relayed that members had been notified about the changes and explained that the enhanced driver's licence program was being eliminated due to insufficient demand.

9. The Chair noted the Ministry correspondence on the Extreme Event Communication Protocol, which required police services of jurisdiction to notify and update the Ontario Provincial Police during any extreme event. Chief McNeely noted that an "extreme event" was defined as an event where there was potential for mass casualties or where mass casualties or serious injuries were occurring in an unconventional violent event, including those with a nexus to national security. She explained that, during such events, police agencies of jurisdiction were to keep the Ontario Provincial Police informed, in consideration of a depletion of resources. She noted that this protocol was somewhat similar to requirements under counter-terrorism legislation.

10. With respect to the Ministry memo requesting the completion of a survey on firearms, munitions, and less lethal weapons, Chief McNeely relayed that the Training Sergeant had submitted the survey. She noted that this information was being sought to review current use across the province and for policy development in this area.

11. Regarding Royal Assent of Bill C-75, An Act to amend the *Criminal Code* and the *Youth Criminal Justice Act* and to other Acts and to make consequential amendments to other Acts, it was noted that amendments would be coming into effect in stages and that the changes addressed current aspects of legislation deemed unconstitutional and particularly impacting vulnerable and Indigenous populations.

12. The Chair noted the Ministry memo on the implications of *R. v. Myers*, particularly the requirement for an automatic review of the detention of accused persons in custody every 90 days (indictable offences) or 30 days (summary offences), which could require more frequent transportation of prisoners. Chief McNeely relayed that this would not likely impact the force, since there was daily transportation of prisoners from the Regional Detention Centre to court and since tracking would be the responsibility of the court system.

13. With respect to the Ministry correspondence on Bill C-71, An Act to amend certain Acts and Regulations in relation to firearms, the Chair pointed out that there would be mandatory consideration of eligibility criteria that may span a person's lifetime, rather than within the previous five years, including a history of domestic violence and making online threats. Chief McNeely noted that the effective date of these changes had not yet been declared.

14. The Chair noted the Ministry memo on Bill C-59, An Act respecting national security measures, which was a significant piece of legislation creating new acts and amending others. Chief McNeely noted that various parts would come into effect on dates still to be announced.

15. The Chair noted the Ministry correspondence reminding all boards to ensure that their policies on board meeting proceedings reflected section 35 of the *Police Services Act*, which required all meetings of boards to be open to the public except in certain circumstances outlined in the act. The Chair noted that the Secretary ensured that these parameters were followed.

16. The Chair noted the correspondence from the CAPG Executive Director regarding the Board's contribution to the 30th Annual Conference, as well as the Notice of Meeting and Agenda for the 30th Annual General Meeting.

## **DELEGATIONS**

17. Nil.

## **REPORTS**

### **Quarterly Budget Report**

18. The Chair invited Mr Howes to review the budget report to June 30, 2019. He noted that there had been a small surplus of \$353,455 or 1.85 percent at the end of the second quarter, which was similar to the surplus recorded for the second quarter of 2018. For revenues, Mr Howes explained that, while there was a favourable variance of \$8,000, government grants were unfavourable due to changes in the provincial grant program and the fact that there was yet no word on 2019/20 funding (with provincial grants running from April to March of the following year). He noted the increased revenue from alarm licensing and the unfavourable variance for paid duty due to most activity occurring during the summer months. In addition, expense recoveries received this year from the 2018 Internet Child Exploitation and Reduce Impaired Driving Everywhere initiatives, as well as the unbudgeted recovery of cannabis-related expenses (training costs), had contributed to the favourable variance in expense recovery.

19. With respect to operating expenditures, Mr Howes noted that the salaries and wages line had a favourable variance of \$89,000 but overtime was unfavourable by \$93,000. He relayed that overtime was tracked, including when officers had to be called in to backfill, and pointed out that normally overtime had a favourable variance instead of an unfavourable variance at the end of the second quarter because more overtime was needed later in the year due to operational requirements. He explained that some of the favourable variance related to base wages could be attributable to the timing of the budget allocation by month and due to vacancies. Mr Howes noted that there was an unfavourable variance in the WSIB line due to unanticipated costs, as well as an unfavourable variance in part-time wages due to offset staff vacancies. With respect to the unfavourable variance in benefit costs, Mr Howes explained that this was due to the timing of statutory costs. He noted that the supplies and materials line was favourable as in other years because many maintenance projects were scheduled for later in the year and that fuel costs had been lower than anticipated for the first half of the year but would likely reverse in the second half. With respect to the unfavourable variance in the education and training line, Mr Howes explained that, while cost recovery was made over time from recruits for the Basic Constable Training tuition, it had been paid up front for eight recruits so far this year. He pointed out that utilities costs were down due to favourable weather and efforts by the Facility/Fleet Supervisor to improve air flow in the building. Mr Howes explained that the favourable variance in the investigative services line reflected that no new projects had been undertaken in the second quarter.

## Quarterly Statistical Report

20. Chief McNeely noted that, compared to the first half of 2018, there were some increases in the Crimes Against Persons category, mostly driven by an increase in reported assaults (312 in 2019 compared with 272 in 2018). She pointed out that property crimes had decreased in the same period, with reported break-ins decreasing from 337 in 2018 to 247 in 2019. With respect to the reduction in reported sex offences between 2018 and 2019, Chief McNeely noted that the generation of awareness with the Me Too movement had likely encouraged more reporting in 2018. Chief McNeely pointed out that reported frauds had increased, with this crime constantly on the increase, whether in Internet scams or in distraction frauds, when offenders watch for PINs being entered and then steal cards to empty bank accounts. She noted that the number of calls for service was similar to 2018, with the statistical report being a snapshot in time.

21. With respect to the quarterly report on use of force, for the new Board members Chief McNeely explained that Regulation 926 under the *Police Services Act* governed the filing of a use of force report, e.g., whenever an officer drew a handgun in the presence of a member of the public, pointed a firearm at a person, or discharged a firearm (except in training scenarios). She noted that these reports were submitted through the chain of command to the Training Unit, to ensure compliance with policy and procedures and to ensure regular review. She noted that, for the period from April 1 to June 30, 2019, reports had been filed in relation to 17 incidents, including two team reports (e.g., normally one report was filed on behalf of Emergency Response Unit [ERU] officers). Chief McNeely noted that conducted energy weapons (CEWs) had been displayed twice, the first for a male suspect last seen armed with a sword who was eventually called out of his apartment (and during which time another officer had a handgun drawn) and the second in relation to a call involving a person in mental health crisis threatening self-harm. With respect to the two deployments of a CEW, Chief McNeely relayed that one incident involved a woman armed with a knife, who was subsequently taken to hospital for probe removal and health checks. She noted that in one incident eight members of the ERU had executed a search warrant for a person with unknown weapons and in another incident all twelve ERU members had firearms pointed for the execution of a search warrant under the *Controlled Drugs and Substances Act*, where seven suspects with knives were located inside the residence. With respect to firearms pointed by Patrol officers, Chief McNeely relayed that one involved the arrest of a break-in suspect armed with a bat and another involved the arrest of a female passenger in a vehicle, during which time the driver had driven the vehicle onto the sidewalk. Chief McNeely noted that the five incidents with firearms discharged related to the dispatch of injured animals. With respect to the CEW deployment to subdue a dog, Chief McNeely relayed that this dog had been biting people at random, including the owner and By-law officers, and a CEW was deployed to allow By-law officers to get the animal under control.

22. **RFP 19-01, Towing Services for the Kingston Police.** Deputy Chief Scott relayed that the towing contract had concluded on June 30, 2019, and, although the annual cost fell below the \$50,000 requirement for a tender or request for proposal, a request for proposal process was undertaken due to the detailed requirements related to these services. He noted that three companies had submitted proposals, which were graded according to a very comprehensive scoring system as noted in his report, and Ward's Towing had achieved the highest score. Deputy Chief Scott explained that these services were specifically for investigative purposes for

the Kingston Police or for towing of fleet vehicles; i.e., members of the public involved in a collision were free to choose any towing company if vehicles were not being seized for investigative purposes.

### **Semi-Annual Report on O.Reg. 58/16**

23. For the newer Board members, The Chair noted that initially the Board had requested quarterly reporting on this legislation to ensure that there were no issues but had since decided that this frequency was not necessary. She relayed that there had been a learning curve at the implementation of the legislation but now the reporting was done semi-annually. Sergeant Melanie Jefferies was invited to present the report. She noted that the purpose of the report was to ensure compliance with Ontario Regulation 58/16, Collection of Identifying Information in Certain Circumstances—Prohibitions and Duties (CIICC), and that it covered the period from December 20, 2018, to July 2, 2019. She explained that the regulation imposed requirements on officers and chiefs of police and outlined duties and prohibitions on collecting identifying information from members of the public. She noted that regulated interactions included for the purpose of inquiring into offences that have been or might be committed or for intelligence gathering. Sergeant Jefferies relayed that she had been designated as a Regulated Interaction Verifier for the Kingston Police, meaning that she was to check any regulated interactions within a 30-day time-frame. She explained that those in compliance remained in the database for members to view while those that did not had access restricted.

24. Sergeant Jefferies pointed out that the 2017 audit had expanded beyond the scope of the legislated review and reporting because officers and the Board had needed a transition period after the terminology of “street checks” historically being used for more than intelligence gathering. She explained that, for the reporting period, only one interaction had triggered the legislation, and her review revealed that a receipt should have been offered pursuant to section 7; as such, the interaction was privatized in the records management system and access limited to the Chief of Police or designate. She noted that this interaction was a learning opportunity for the officer with the officer’s supervisor.

25. Sergeant Jefferies explained that it was not anticipated to have many interactions falling under this legislation since the size of our community allowed officers to be familiar with community members and because obtaining identifying information in the course of interactions related to offences did not trigger the legislation. She relayed that there were many officers very proficient at articulating their authority for interaction, which greatly reduced the number of “regulated” interactions. Sergeant Jefferies noted that officers were to receive training on the regulation within prescribed periods and thus this fall’s training would include refresher training on the CICC.

26. The Chair asked if there was any sense as to whether the legislation was having an adverse impact on acquiring information that should be collected. Sergeant Jefferies noted from her review that officers had lawful authority for interactions but they always had to articulate that authority and normally officers could refer to the *Highway Traffic Act* or City by-laws. It was noted that having officers distinctly articulate their actions provided a good position in criminal court. It was also noted that this legislation did not stop officers from talking with people and doing community policing.

27. **Semi-Annual Report on the Administration of Public Complaints.** Deputy Chief Scott reviewed the report from Staff Sergeant Bambrick of Professional Standards on the administration of public complaints for the first six months of 2019, as required by Part V of the *Police Services Act*. He pointed out that the number (six) had significantly decreased from the same period in 2018 and noted that the Office of the Independent Police Review Director (OIPRD) reviewed all complaints and either screened them out or deemed that they be investigated. Deputy Chief Scott added that any complaints screened out by the OIPRD were still reviewed by Professional Standards. He noted that one complaint had been found unsubstantiated; two complaints had been screened out by the OIPRD; one had been withdrawn (the complainant decided not to pursue); and two were still under investigation. With respect to the three complaints carried over from 2018, Deputy Chief Scott noted that all three complainants had appealed the “unsubstantiated” finding of their complaint to the OIPRD, but ultimately the OIPRD supported the same conclusions. With respect to Local Inquiries, Deputy Chief Scott explained that these covered situations in which individuals wished to lodge a complaint but have it dealt with internally. He explained that the OIPRD was still notified and kept apprised of these complaints and that most of the time the complaints were resolved by explaining processes or providing clarification on what had transpired during an interaction.

## MOTIONS

28. It was moved by Mr Stearns and seconded by Mayor Paterson that the Board confirm its approval for the addition of providing crime scene security and assisting with traffic direction under the supervision of a police officer to the special constable appointment of David Andrew Ryttersgaard.

Carried. (19-30)

29. It was moved by Councillor McLaren and seconded by Mayor Paterson that, subject to the approval of the Ministry of the Solicitor General, the Board appoint Joseph Max Callery and Franco Domenico DiPietrantonio as special constables of the Kingston Police for the purpose of searching, guarding, and controlling of prisoners; providing security at premises or places occupied or utilized as courts; service of summonses, subpoenas, and other legal documents in the counties of Frontenac and Lennox & Addington; transporting prisoners and executing warrants of committal within the province of Ontario; providing crime scene security; and assisting with traffic direction under the supervision of a police officer.

Carried. (19-31)

30. It was moved by Mr Stearns and seconded by Dr Leuprecht that the Board authorize the Chair to execute the required Manulife Group Benefits Plan Administrator Internet and Billing Registration forms to designate the Director of Human Resources as Plan Administrator and provide for access by the new Human Resources Specialist—Health and Benefits, with respect to the Manulife group benefits plans.

Carried. (19-32)

## UNFINISHED BUSINESS

31. Nil.

## NEW BUSINESS

32. **2020 Budget.** The letter dated July 23, 2019, from the Chief Financial Officer and City Treasurer was noted. Mayor Paterson relayed that meetings would be held with all of the external partners the following week to discuss not only the 2020 budget but also the forecast budget for the remainder of Council's term, to get a sense of challenges for next year and the years ahead. It was noted that the Chair and Chief McNeely would be attending this meeting.

### Staffing Update

33. Deputy Chief Scott relayed that Constable Mark McCreary was concluding his employment on September 16, 2019. He provided the following summary of his career with the Kingston Police.

Mark graduated from Wilfrid Laurier University with a degree in Psychology. Following university, he worked for the Correctional Service of Canada at the Kingston Penitentiary and then joined the Ottawa–Carleton Police Service in 1998. After joining the Kingston Police in October 1999, he worked in Uniformed Patrol until his assignment to the Emergency Response Unit in 2002. Mark was again assigned to Uniformed Patrol from 2008 to 2013, during which time he was also trained as a negotiator. In January 2014 he commenced his current assignment as a canine officer with his police service dog, Titan. Mark has several positive notations on his employment record, including a letter from the Board thanking him for his conduct in dealing with a grieving family (October 2002); a letter of appreciation from the Chief regarding the location of a missing man after a lengthy ground search through dense bush (January 2005); a Chief's commendation regarding the apprehension of a man operating a stolen vehicle and driving in a dangerous manner (October 2007); and a unit commendation regarding his part in tracking a homicide suspect (July 2015). Besides locating people, as a canine handler he accumulated numerous letters of appreciation for his attendance at schools and community events.

Deputy Chief Scott relayed best wishes for Mark in his future endeavours and thanked him for his 20 years of service to the Kingston Police. The Chair asked that a letter be prepared for her signature to thank Constable McCreary for his service to the Kingston community.

## MOVE TO IN-CAMERA

34. It was moved by Mayor Paterson and seconded by Councillor McLaren that the Board move in camera at 12:45 p.m. Carried.

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Chair

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Secretary