

**Minutes of a Meeting of the Kingston Police Services Board
Held on Thursday, September 17, 2020, at 12:00 Noon
Boardroom at Kingston Police Headquarters**

IN ATTENDANCE

Ms Andrea Risk, Chair
Councillor Jefferey McLaren, Vice-Chair
Mayor Bryan Paterson [from 12:03 p.m.]
Dr Christian Leuprecht
Mr Jarrod Stearns
Mrs Donna Harrington, Secretary

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

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 Mr Stearns and seconded by Councillor McLaren that the agenda be approved. Carried.

ADOPTION OF MINUTES

4. It was moved by Councillor McLaren and seconded by Mr Stearns that the minutes of Meeting 20-10 held on August 20, 2020, be adopted. Carried.

COMMUNICATIONS

5. It was moved by Councillor McLaren and seconded by Mr Stearns that the communications be received. Carried.
6. The Chair noted the Ministry memorandum providing a further update as of mid-August on Stage 3 of Reopening Ontario, including regional reopenings and changes impacting health clubs, arenas, etc.
7. With respect to the Ministry memorandum on federal calls for proposals on initiatives to combat human trafficking, Chief McNeely relayed that the service had not applied for grant funding under this program but was partnering with Victim Services and Sexual Assault Centre Kingston on initiatives related to combatting human trafficking.
8. The Chair noted the Ministry correspondence on the extension of orders under the *Reopening Ontario Act, 2020*, as of late August 2020.

9. The Chair noted the Ministry memorandum related to the revocation of temporary MTO enforcement officer and maintenance staff powers under COVID-19 measures as of the 23rd of July.

10. Regarding the Ministry correspondence on the Risk-Driven Tracking Database 2019 Annual Report, the Chair noted that this report was received each year and covered data results stemming from situation tables. She pointed out that mental health continued to top the risk factors in each region. Chief McNeely noted that, provincially, the highest risk categories were mental health, criminal involvement, and drugs, with mitigating factors being housing, family supports, and financial security and employment. She relayed that, while regionally the top vulnerable group was in the age bracket of 40 to 59 years, locally most cases related to youth aged 12 to 17 years. She pointed out that the data would be used in community safety and well-being planning.

11. The Chair noted the Ministry memorandum relaying that truck drivers could now utilize either paper or electronic cab cards. Chief McNeely explained that this was in keeping with the International Registration Plan and relayed that a designated Kingston Police officer often did joint commercial vehicle safety projects with the Ministry of Transportation, Belleville Police Service, and the Ontario Provincial Police.

12. With respect to the passage of the *Security from Trespass and Protecting Food Safety Act, 2020*, it was noted that this legislation was meant to address recent obstructions of livestock transportation and included fines of up to \$15,000 for a first offence and up to \$25,000 for subsequent offences.

13. With respect to the Ministry correspondence on 2020/21 eligible expenses and submission processes for Drug-Impaired Driving Detection Training Chief McNeely relayed that the service already had five drug screening devices but could apply for funding for replacement swabs. She noted that the service had two certified drug recognition experts (DREs) and 46 officers trained in standardized field sobriety testing and could also utilize DREs from neighbouring police services. She explained that new training had been restricted due to the pandemic but that officers were able to recertify through virtual platforms, with all DRE training conducted through the International Association of Chiefs of Police.

14. The Chair noted the Ministry memorandum regarding updates to the *Highway Traffic Act* on permitted off-road vehicles and three-wheeled motorcycle licensing. Chief McNeely relayed that the legislation also allowed municipalities to create by-laws in relation to roads under municipal jurisdiction.

15. The Chair noted the Ministry call for applications under the Community Safety and Policing Grant, 2020/21–2021/22 Provincial Priorities Funding Stream, which was to focus on gun and gang violence, sexual violence and harassment, and/or human trafficking. Chief McNeely relayed that applications submitted last year under this funding stream, including a joint submission with the Barrie Police Service, had not been successful and that outreach was under way with community partners as to a potential project in relation to human trafficking. She confirmed that feedback from the Ministry could be requested when applications were unsuccessful.

16. The Chair noted the updated package for the CAPG 30th Annual General Meeting and the registration for the 31st Annual Conference and First Nations Conference (one fee for up to 15 registrants). It was agreed that the Secretary would register for the Board and follow up prior to the conference with individual members wishing to take part.

17. The Chair noted the joint letter from Aboriginal Legal Services, the Black Legal Action Centre, the Canadian Civil Liberties Association, and the HIV & AIDS Legal Clinic Ontario regarding access to and use of COVID-19 personal health data that had been made available through the Province's First Responders COVID-19 Risk Look-up Tool Web Portal. She relayed that there had been a legal challenge lodged by these organizations when the portal was set up and, although the portal had been closed in July, they were following up on any personal health information that had been accessed. Chief McNeely advised that the portal had been open from April 16 to July 20, 2020, and the Kingston Police had accessed it 126 times during that time. She explained that this portal was not a primary tool in assessing risk and, instead, dispatchers would ask questions about travel, etc., to help determine the required level of personal protective equipment. Chief McNeely pointed out that the portal had not been accessed that many times and was restricted to communications operators and sergeant supervisors in the Communications Unit. She relayed that, in response to the request by the organizations, an audit had been conducted and any reference to COVID in the local database had then been redacted, including as a result of prescreening questions and not just as a result of information from the portal. In relation to the questions posed by the organizations, Chief McNeely confirmed that the personal health information collected from the portal had been deleted; there was no longer any local storage on the computer-aided dispatch; the information had not been accessed locally since the revocation of the provincial regulation (other than for redaction purposes); and the method of deleting any downloaded information was by the Records and Systems Manager conducting a manual review and redaction. The Chair asked that a response be prepared to advise Aboriginal Legal Services, the Black Legal Action Centre, the Canadian Civil Liberties Association, and the HIV & AIDS Legal Clinic Ontario of the action taken.

DELEGATIONS

18. Nil.

REPORTS

Quarterly Budget Report

19. Director of Finance John Howes was invited to present the budget report to June 30, 2020. He explained that there had been a 2.26% deficit at the end of the second quarter due to an unfavourable variance in grant revenue, particularly since no instalments had been received under the Court Security and Prisoner Transportation Grant. He relayed that two instalments had since been received but the annual amount of the grant had been reduced for 2020. Mr Howes advised that revenues generated by auction proceeds and background checks were \$129,000 unfavourable due to the difficulty in holding an indoor auction and a reduced demand for background checks during the pandemic.

20. With respect to operating expenditures, Mr Howes relayed that there was a favourable variance even with the added costs this year for personal protective equipment because of offsets in the fuel and travel lines. He noted that overtime was favourable at the end of the second quarter by \$90,000, and that this had increased to \$153,000 by the end of August, with an unknown further pandemic impact on overtime budgeted for the Homecoming weekend. Mr Howes relayed that there was a favourable variance in base wages due to staff vacancies, which was offset by the unfavourable variance in part-time wages. He noted that there were ongoing impacts from the pandemic, including favourable variances in the health and dental benefits line due to office closures and in the education and training and travel lines due to course cancellations and travel restrictions.

21. Mr Howes noted that a deficit of \$353,500 was being forecast for year-end due to reduced grants and the impact of the pandemic but Senior Management was working hard to remedy that deficit. He pointed out that 85 percent of costs related to wages and benefits and it was known that a reduction in grant revenue had to be covered, as well as pandemic impacts. Chief McNeely relayed that overtime in relation to the Homecoming deployment would be minimized as much as possible by using shift changes. She acknowledged that Homecoming would be a virtual event but noted that safety still had to be ensured. Mr Howes pointed out that a major event could also change the budget status very quickly. With regard to staff vacancies, Mr Howes explained that a new IT position had been budgeted for six months and there was one vacancy in the Human Resources Unit. He relayed that, with the most recent recruit hiring, the officer complement was at full staff. With respect to the Communications Unit, Chief McNeely confirmed that vacancies due to departures had been filled.

Quarterly Statistical Report

22. Chief McNeely pointed out that calls for service had returned to pre-COVID levels. She noted that assaults had increased, with domestic assaults being the main cause. Chief McNeely reported that robberies were up slightly, with some convenience store robberies and some money and debt collections that were drug-related. With respect to the increase in break-ins, Chief McNeely relayed that several had related to residential garages and sheds. She noted that a number of arrests had been made in this connection and that the Property Crime Unit had been very successful in solving multiple incidents. With respect to an increase in drug offences, Chief McNeely reported that recently members of the Drug Enforcement and Street Crime units had arrested two females for drug trafficking, with these females being in possession of cocaine, fentanyl, and hydromorphone of a street value of \$60,000, as well as \$10,000 in cash and a conducted energy weapon.

23. With respect to use of force, Chief McNeely reported that 17 reports had been submitted by Patrol officers from April 1 to June 30, 2020. She noted that one example of an incident involving a drawn firearm related to a report of a fight involving a suspect with a knife and a gun, where one officer drew a firearm and another drew a conducted energy weapon, with a replica handgun being located after the suspect's arrest. She relayed that another incident involving the display of a conducted energy weapon related to a man threatening self-harm who was eventually taken to the hospital for assessment. Chief McNeely reported that one deployment of a conducted energy weapon related to a man with a knife to his throat at the emergency department and with whom officers negotiated for several hours before deploying the

weapon and bringing the man under control. The Chair commented that the relatively low number of use of force options used and the fact that verbal communication was always used illustrated that officers were using the least amount of force required and then moving to other methods if required.

MOTIONS

24. It was moved by Councillor McLaren and seconded by Mayor Paterson that the Kingston Police Services Board ratify a motion passed by a poll of a quorum of Board members on September 9, 2020, pending the next regular meeting, to appoint Joseph Callery, Judith Closset, Corrado Paternostro, and Nicole Cordingley as officers of the Kingston Police effective September 8, 2020, creating a temporary overage in the sworn complement that will be reduced by attrition.

Vote: 4 in favour

1 abstention (Dr Leuprecht)

Carried.

(20-32)

UNFINISHED BUSINESS

25. Nil.

NEW BUSINESS

Body-Worn Cameras

26. The Chair noted that the topic of body-worn cameras had come up in the discussion surrounding systemic racism in policing and that this equipment could be as part of an overall review that the Board might undertake on how current institutional practices impacted Black or Indigenous peoples. She noted that such a review would best be done by a multifaceted approach and by seeking expert assistance from the community, City, or institutions to ensure that the Board and police service were doing everything possible. She acknowledged that the Kingston Police had taken steps under the leadership of Chief McNeely and previous chiefs of police and that the goal was to build on these initiatives and to bring the rest of the community into the discussion.

27. Chief McNeely advised that she had asked Deputy Chief Scott to take the lead in researching body-worn cameras. Deputy Chief Scott noted that steps taken in this area ranged from limited trials to full implementation and that the Information and Privacy Commissioner had voiced some concerns. He relayed that the front-end cost of the equipment was manageable but there were many hidden costs. Deputy Chief Scott reported that a police service currently utilizing body-worn cameras had found that approximately 3 percent of the video ended up being disclosed, meaning that downstream costs included vetting information. He noted that the equipment had advantages but was not a panacea. He pointed out that it could be a piece of overall oversight, governance, and effectiveness but much thought would need to be given to adopting body-worn cameras in light of the significant financial cost to Kingston taxpayers. He estimated that 120 units would be required, in addition to smartphones for each officer so that

recordings could be immediately marked for redaction. Deputy Chief Scott reported that some suppliers were willing to provide units at no cost for a limited time but beyond that there would be hardware costs that could be substantial for a long-term contract. He noted that policies and processes were being refined, such as capturing a recording for 60 seconds prior. Deputy Chief Scott relayed that it was important to survey members before moving forward and that some agencies were doing surveys before and after implementation to analyse perceptions of the community and perceptions of members of their day-to-day duties. He advised that one supplier could upgrade the equipment so that it automatically activated upon drawing a baton, firearm, or conducted energy weapon.

28. Chief McNeely reiterated that community consultation was key. With respect to the communication on the agenda from the Information and Privacy Commissioner, she pointed out that Toronto had been working with the Commission and would be developing a template that other agencies could incorporate. She noted that there was much work to be done if this option were to be pursued. It was noted that most of the Kingston Police budget related to staff costs and therefore such a project would be difficult to implement without government funding, which was not anticipated.

29. The Chair clarified that the topic of body-worn cameras was part of what needed to be reviewed in community outreach. She pointed out that there was a lot of information in the Ontario Human Rights Commission report on its inquiry in relation to the Toronto Police Service that could be used by the Board but the Board also needed to review what was currently in place and then make recommendations, one of which could be related to body-worn cameras and the associated cost. Mayor Paterson noted that municipalities had been waiting on direction at the provincial level but it seemed that many boards were starting to take action on their own. He expressed an interest in the findings of other agencies that had conducted pilots. Chief McNeely added that it was important to look to the Information and Privacy Commission for consistency.

30. The Chair, Councillor McLaren, Dr Leuprecht, and Mr Stearns relayed that they would be pleased to participate in the proposed committee. It was moved by Mayor Paterson and seconded by Councillor McLaren that the Board form a committee to work with the Chief of Police in reviewing measures currently in place to address systemic racism in the community, both anti-Black and anti-Indigenous, as well as to develop recommendations to build on the initiatives that already exist within the Kingston Police, and in so doing to receive input from the public and the police association, as well as from stakeholders and community partners, including on the question of body-worn cameras.

Carried.

(20-33)

31. With respect to the query from the Information and Privacy Commissioner as to current use of body-worn cameras or planned implementation prior to March 31, 2021, it was agreed that Chief McNeely would respond that, while the Kingston Police were not planning on any implementation within that time-frame, the Information and Privacy Commission and other key stakeholders would be consulted prior to the Board and the Kingston Police pursuing any future implementation.

32. **PAO Hero of the Year Award.** The Chair acknowledged the presence of Cam Gough, President of the Kingston City Police Association, at the meeting and noted that he had organized the public recognition of Constable Filip Wisniak at an outdoor event on August 31, 2020. She relayed that the Board was very proud of Constable Wisniak and asked that a congratulatory letter be prepared.

33. **Board Policy Update.** The Chair noted that, during the training session conducted by the Ministry Police Services Adviser in the fall of 2019, it had been recommended that the Board have a specific policy to address any complaints filed against a member of the Board. It was noted that the Secretary had drafted a policy based on similar policies passed by other boards for this purpose. It was moved by Mayor Paterson and seconded by Councillor McLaren that the proposed Board Policy on the Complaints Process for Board Member Conduct be adopted as drafted and that the Board Policy Manual be updated to incorporate this new policy in accordance with the memorandum dated September 11, 2020, from the Board Secretary.

Carried.

(20-34)

MOVE TO IN-CAMERA SESSION

34. It was moved by Councillor McLaren and seconded by Mr Stearns that the Board move in camera at 12:51 p.m. Carried.

Chair

Secretary