

**Minutes of a Meeting of the Kingston Police Services Board
Held on Thursday, May 21, 2020, at 12:00 Noon
Via Webinar Hosted at Kingston Police Headquarters**

IN ATTENDANCE VIA ELECTRONIC PARTICIPATION

Ms Andrea Risk, Chair [from 12:06 p.m.]
Councillor Jefferey McLaren, Vice-Chair
Mayor Bryan Paterson
Dr Christian Leuprecht
Mr Jarrod Stearns
Mrs Donna Harrington, Secretary

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

1. The Vice-Chair called the meeting to order at 12:03 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 Mr Stearns that the agenda be approved. Carried.

ADOPTION OF MINUTES

4. It was moved by Mayor Paterson and seconded by Dr Leuprecht that the minutes of Meeting 20-6 held on April 16, 2020, be adopted. Carried.

COMMUNICATIONS

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

6. The Vice-Chair noted the Ministry correspondence on extending, for the duration of the declaration of the provincial emergency, use of force and firearms training requirements from completion within the previous 12 months to completion within the previous 24 months.

7. The Vice-Chair noted the Ministry correspondence regarding the emergency order to temporarily enable private licensed cannabis retail stores in Ontario to provide delivery and curbside pick-up services. The Chair joined the meeting at 12:06 p.m., and the Vice-Chair turned the meeting over to the Chair. Chief McNeely noted that officials from the Alcohol and Gaming Commission were still looking after standards and enforcement under the *Cannabis Licence Act*.

8. With respect to the Ministry memorandum on collection of enforcement data related to emergency orders under the *Emergency Management and Civil Protection Act* (EMCPA), Chief McNeely relayed that Staff Sergeant Armstrong had been assigned to provide the weekly

reports. She noted that, as of May 18, 2020, there had been 285 calls for service regarding COVID-19, with 48 percent being complaints about social gatherings and 27 percent being about workplaces and how they were operating. Chief McNeely relayed that warnings had been given in 24 percent of the cases, 42 percent were unfounded, and no charges had been laid. She added that there had been proactive communication with members of the community and the general consensus is that people were abiding by the rules and regulations. The Chair pointed out that Dr Moore, the local Medical Officer of Health, had provided good leadership along with Mayor Paterson so that the whole community could understand what needed to be done and why it was necessary.

9. With respect to the Ministry correspondence on the launch of the First Responders COVID-19 Risk Look-up Web Portal, Chief McNeely pointed out that this portal was only accessible by Communications staff, with authorization under the EMCPA only for the purpose of front-line police in making informed decisions as to whether to take additional precautions with personal protective equipment (PPE). She noted that information related only to those who had tested positive for COVID-19 and the portal, while not used often, was an additional tool. Chief McNeely added that officers still had to use best judgment, ask questions, and wear PPE if circumstances dictated. Chief McNeely noted that everyone was very mindful of privacy issues and therefore only verbal confirmation was made via encrypted radio and nothing was kept on the computer-aided dispatch or records management system.

10. The Chair noted the Ministry memorandum on the emergency temporary regulation to extend accessible parking permit validity dates.

11. With respect to the Ministry update on COVID-19 preparations and actions to manage disease spread, the Chair noted that symptomatic front-line health care workers and first responders, including police, would have priority for testing within 24 hours. Chief McNeely noted that test results came back quickly, which provided peace of mind for first responders and their families.

12. The Chair noted the Ministry's clarification of the closure of outdoor recreational amenities, including at beaches, and that certain areas had been fenced off in local parks and playgrounds.

13. The Chair noted the Ministry correspondence regarding 90-day extensions to individual security guards, private investigators, agencies, and registered employers whose licences or registrations expired within a certain time-frame, although other licensing parameters still applied, including the requirement for a clean criminal record.

14. With respect to the Ministry memorandum on Police Week 2020 (May 10–16), Chief McNeely relayed that short video clips had been disseminated via social media featuring sworn and civilian members, communications operators, special constables, and volunteers. [The Kingston Police overview provided by Chief McNeely was presented to the Board.] The Chair suggested that the clips be put on the Kingston Police website.

15. With respect to the Ministry memorandum detailing the emergency order on price gouging and referrals to police services, Chief McNeely relayed that complaints could be filed

through the Province's online portal, which would then be referred to police services as appropriate for investigation. She noted that evidence was needed and a measured approach should be taken.

16. The Chair noted the Ministry correspondence on measures taken by the U.S. government to grant a waiver regarding driver's licence expiry until June 30, 2020, for commercial vehicle drivers, as well as a provincial temporary lifting of reduced load period restrictions for truck drivers in defined areas of Ontario. Chief McNeely explained that this was to enable the supply chain to continue as the country went through the pandemic and that lifting load restrictions for essential goods would help to ensure receipt of medical equipment and safety products.

17. With regard to the Ministry memorandum on temporary enhancements to the Victim Quick Response Program+, the Chair noted that these enhancements had been necessitated by the pandemic and included increased allowances for victims for temporary accommodation and meals. She relayed that the Ministry memorandum also pointed out that these services were still in place, albeit delivered through different methods. Chief McNeely noted that these changes were to ensure that victims of crime had access to safe living arrangements, including the necessity for physical distancing.

18. With respect to the Ministry memorandum enclosing Ontario Police Health and Safety Committee Guidance Note 18, Role of the Safety Officer in the Incident Management System, Chief McNeely explained that this guidance note replaced a previous advisory on the topic and it related to the need to appoint a safety officer to look after workers on the ground at an incident. She noted that a safety officer (a member with required knowledge and skills, such as a member on the Joint Health and Safety Committee) would bring issues to the attention of the Incident Commander, such as the need for PPE. Chief McNeely added that the service also had designated communicable disease coordinators.

19. With regard to the Ministry correspondence on annual reporting under section 25.3 of the *Criminal Code* in relation to Protection of Persons Administering and Enforcing the Law, Chief McNeely explained that this applied to situations in which criminal activity would be allowed under certain circumstances to further a police investigation. She pointed out that this was a tightly controlled process that required the approval of a designated senior official and the filing of a report. She noted that, while available to every police agency, this did not happen often. Chief McNeely confirmed that a report had to be filed with the Ministry every year, including such as in the most recent reporting period when there had not been any use of this section of the *Criminal Code* by the Kingston Police.

20. With respect to the Ministry memorandum on crime gun submissions to the Firearms Tracing and Enforcement Program, Chief McNeely explained that, for the purpose of intelligence gathering by Criminal Intelligence Service Ontario in determining firearm origins and tracing, information was to be forwarded on firearms used in a criminal offence; firearms obtained, possessed, or intended to be used to facilitate criminal activity; firearms with serial numbers removed; or any weapon adapted for use as a firearm. She noted that this reporting was in addition to annual reporting to the Ministry of the Solicitor General.

21. The Chair noted the Ministry correspondence on the extension to the deadline for adopting a community safety and well-being plan and advising that the Ministry was consulting with the Association of Municipalities of Ontario to determine a reasonable new deadline. Chief McNeely relayed that the deadline had been January 1, 2021, and headway had been made locally. She noted that discussions would likely continue via virtual meetings.
22. Regarding the Ministry memorandum on prosecution of charges laid for violations of emergency orders under the EMCPA, Chief McNeely noted that the correspondence explained the division of jurisdiction for prosecution of charges under Part I and Part III of the *Provincial Offences Act* between municipalities and the Ministry of the Attorney General.
23. With respect to the Ministry correspondence on the Government of Canada ban on assault-style firearms, Chief McNeely noted that there was a two-year amnesty order until April 30, 2022, and that particulars regarding a buy-back program and other aspects of the ban were still being ironed out.
24. The Chair noted the Ministry memorandum providing updated COVID-19 screening guidance for communications and dispatch personnel as of May 2, 2020. Chief McNeely noted that more symptoms had been added and the screening questions were quite lengthy.
25. With respect to the Ministry correspondence providing the Chief Coroner Communique on managing natural deaths in the community during the COVID-19 outbreak, Chief McNeely confirmed that the Investigative Services Division Inspector had been working closely with local coroners on protocols to protect first responders when responding to sudden deaths during this time.
26. The Chair noted the Ministry memorandum clarifying that both the old white and the new blue Ontario licence plates were valid.
27. The Chair noted the CAPG notifications on deadline extensions for nominations and resolutions as well as the amended Call for Nominations for the 2020–2022 Board of Directors. She invited members to bring forward any proposed nominations or resolutions for consideration.
28. The Chair noted the e-mail from the OAPSB Zone 2 Chair regarding the appointment of the Zone 2 Executive.
29. The Chair encouraged members to attend the virtual Annual General Meeting of the Ontario Association of Police Services Boards being held on May 29, 2020.
30. The Chair noted the e-mails from the OAPSB Zone 2 Chair providing information on implementation dates for community safety and well-being plans and the *Community Safety and Policing Act* and the suggested schedule for Zone 2 meetings, including that the remainder of the 2020 meetings had been cancelled and only two were scheduled for 2021. She noted that this was to strike an appropriate balance between information exchange and keeping everyone safe.

DELEGATIONS

31. Nil.

REPORTS

Quarterly Budget Report

32. Director of Finance John Howes was invited to present the budget report for the first quarter of 2020, which recorded a deficit of \$143,528 as at March 31, 2020. He explained that revenues recorded for the first three months were \$473,000 (a shortfall of \$638,000), since no grant funding had been received. He relayed that, since that time, the final payment under the 2019/20 Community Safety and Policing Grant had been received but not any instalments under the Court Security and Prisoner Transportation Grant. Mr Howes pointed out that grant revenues had been forecasted based on grant revenues in previous years but prior to grant approvals being issued, with the end result being a 25% reduction in grants compared to previous years. He noted that the funding formerly received under the Policing Effectiveness and Modernization Grant had been reduced by \$238,000 under the new provincial grant scheme. For other revenue items, Mr Howes noted that alarm licensing was \$10,000 favourable; paid duty was \$23,000 unfavourable due to less activity; and revenues for background checks and auction proceeds were down due to the impact of the pandemic.

33. In terms of operating expenditures, he noted that expenditures for the first quarter of \$10,547,490 as compared to a budget of \$11,042,219 resulted in a favourable variance of \$494,729, including a favourable variance of \$229,773 in salaries and wages due to:

- a. an unfavourable variance of \$2,000 in overtime (which was then \$18,000 favourable at the end of April);
- b. a favourable variance of \$335,000 in base wages due to staff vacancies;
- c. an unfavourable variance of \$24,000 in part-time wages due to backfilling of positions;
- d. an unfavourable variance of \$87,000 in fringe benefits due to statutory benefit costs being taken in the first part of the year; and
- e. a favourable variance of \$8,000 in paid duty due to fewer demands.

34. Mr Howes explained that the favourable variance of \$264,956 in supplies and materials reflected the timing of expenses, lower fuel costs, the cancellation of training courses due to the pandemic, and no projects requiring additional investigative services.

35. Mr Howes relayed that City Finance had requested an estimated forecast for the remainder of the year due to the impact of the pandemic, and he noted the forecasted deficit of \$353,500. He explained that hiring fourth-class recruits to replace retiring members helped to lessen costs but the shortfall in provincial grants had an impact. Mr Howes noted that the Mounted Unit had not been included in the budget due to anticipated fundraising but the

pandemic had limited fundraising proceeds (\$5,000 had been raised). He added that filling of some civilian vacancies had been deferred. Mr Howes pointed out that \$87,755 had been spent on PPE supplies because of the pandemic but savings of \$143,750 were estimated for fuel and travel expenses. He explained that he estimated lost revenues of 38 percent in background check fees and that a couple of officers had been called back from secondment activities, with the resulting estimated loss in revenues of \$303,931. Mr Howes relayed that, as the year unfolded, there would be a better idea as to the possibility of making up any of these lost revenues.

36. With respect to the law enforcement value of the Mounted Unit in a municipality the size of Kingston, Chief McNeely explained that the horse had not been included in the budget but had been intended to be covered by fundraising. She noted that the pandemic had limited fundraising for everyone and the emphasis was on looking after vulnerable people. She agreed that there would need to be discussions on its feasibility. Dr Leuprecht commented that the taxpayer had not assumed this cost and perhaps it was time for Kingston to dispense of certain types of units that other cities of similar size did not have. Chief McNeely relayed that discussions had already begun with the owners of the horse and with the Mounted Unit officer. She noted that this was a first estimate on the budget impact of the pandemic and it was very fluid. Dr Leuprecht suggested that the running expenses incurred to the taxpayer could be included as an additional item at the next meeting.

37. Mr Stearns asked if a deficit like this had ever been experienced in Mr Howes' time with the police service and if there were any strategies to improve that number. Mr Howes relayed that in his 10 years with the service a deficit situation had never been faced. He noted that over the years there had been very small budget surpluses of \$5,000, \$10,000, or \$15,000, meaning that the budget process was very tight and there was never any "fluff" built into it. He explained that, when grant revenue was reduced by 25 percent subsequent to budget approval, it was thought that the shortfall could be covered by deferring civilian positions and hiring fourth-class constables but the pandemic then also resulted in a reduction in background check revenues. He relayed that other items under consideration included deferring some building maintenance but pointed out that a major event could also have an impact before the end of the year. Mr Howes pointed out that even the lower fuel costs could increase and the future of courses scheduled later in the year was still not known. He noted that this was an estimate at this time but savings were continually being pursued.

38. With respect to a deficit situation at year-end, Mr Howes explained that Council would have to be approached and noted that several areas of the city were experiencing similar challenges. Chief McNeely noted that other areas to examine included not replacing retirements right away. She relayed that some programs (e.g., Youth in Policing Initiative) were not taking place and some duties were being shifted (e.g., special constables assisting with EMCPA enforcement). She explained that full-time positions were being shifted as necessary to duties regarding the pandemic. Chief McNeely noted that there were different types of calls coming in, such as more disturbance, medical assist, and check welfare calls, in addition to all the regular types of calls. She relayed that mental health calls had become even more protracted than in the past. Chief McNeely pointed out that crime didn't stop and the service didn't stop looking after the community, so the service was mindful of the delicate balance of staffing levels.

39. Mr Howes relayed that a recent increase in the U.S. dollar exchange rate would impact certain items, since anything purchased from a multinational corporation was based on U.S. dollars. Mayor Paterson noted the uncertainty and inability to project to the end of the year and asked if it was possible to have a phased approach, such as the City had done to the end of August, with a further examination in the fall. Chief McNeely concurred and relayed that the capital budget for information technology was being reviewed for any potential deferral to next year, e.g., NG9-1-1. She noted that the healthy reserve deployment was being kept until the end of June or even July, to see what a second wave may or may not look like. She noted that prisoner transportation was being done in a different way, with special constables deployed to transport accused persons to the station instead of in cruisers to reduce contamination and with part-time hours being reduced to allow full-time employees to continue.

40. With respect to the number of months of PPE supplies represented by the expenditure on the budget report, Chief McNeely confirmed that a supply of three months was kept.

41. With respect to the Mounted Unit, the Chair commented that the horse had always been looked upon as an ambassador and public relations asset and asked if it actually represented a safer way of policing downtown during the pandemic, since the officer would be riding above everyone else. She suggested that this aspect be studied before a decision was made on the Mounted Unit, since everyone was being required to deliver services in a different way. Chief McNeely noted that it was unfortunate that the pandemic had impacted fundraising for everyone. She relayed that there might also be some savings in the training aspect.

42. With respect to the change in grant funds, Mr Howes explained that, for many years, many police services had received grant funding under the Community Policing Partnerships, 1,000 Officers Partnership, and Provincial Anti-Violence Intervention Strategy programs (including the Kingston Police at \$950,581.34) but some police services had not. He relayed that, under the new grant program, such agencies (except Toronto and Ottawa) were reduced by 25 percent, with that 25 percent used to fund grant applications by all police agencies. He added that the Court Security and Prisoner Transportation Grant funds had increased in the past but, for 2020, Kingston's allocation had decreased by \$130,000. He noted that the \$150 million allocated across the province for the latter grant had not changed for a number of years and that grant revenue had been identified as a potential risk for the 2020 budget.

43. With respect to any assistance from the provincial or federal government for pandemic costs, Chief McNeely advised that nothing had been relayed about funding for PPE costs but some initial PPE equipment had been distributed across the province. Chief McNeely advised that no word had yet been received on provincial approvals for this year's application process under the Community Safety and Policing Grant under the provincial stream funding for 2020/21 to 2021/22, for which the Kingston Police had partnered with the Barrie Police Service for an eligible project. Mr Howes confirmed that the 75 percent of former funding was guaranteed for three years (from 2019/20).

44. Chief McNeely pointed out that the pandemic would provide some lessons learned and perhaps create efficiencies and change procedures for the future as things move forward, e.g., video remands.

45. **Kingston Police Community Volunteers.** Deputy Chief Scott relayed that it was good to highlight the work of the volunteers, with the group generally maintaining approximately fifty members. He noted that the volunteer program was conducted in accordance with a Ministry Guideline on the use of volunteers and Board policy in this respect, including training and approved activities. Deputy Chief Scott pointed out that main activities included being “eyes and ears” in a non-confrontational role; picking up abandoned bicycles; and helping to locate stolen vehicles. He noted from page 2 of the report that volunteers had participated in activities and events totalling 1,914.5 hours, with individual person hours totalling 6,000 hours. With respect to the financial report, Deputy Chief Scott noted that 2019 expenses had come to \$20,779.49, in addition to some bicycle auction proceeds, for a total of approximately \$28,000. He noted their value as enhanced community presence and ambassadors for the police service and pointed out the numerous activities listed on page 2 of the report, including deliveries for Meals on Wheels. Deputy Chief Scott relayed the value of their support and noted that most of the costs related to their uniforms, to ensure that they represented the police service and community well. He relayed that the volunteers had been stood down during the pandemic but were looking forward to resuming activities when safe to do so. The Chair noted that this was a dedicated group that gave a lot back to the police service and the community.

MOTIONS

46. It was moved by Mayor Paterson and seconded by Dr Leuprecht that the Board reappoint Mark Larry Badger and Julie Ann Tolles 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.

(20-20)

47. Chief McNeely advised that the agreement with the Collision Reporting Centre was up for renewal for another five-year term until September 30, 2025, and noted that the agreement provided for CPI increases to the annual fee. Dr Leuprecht asked how arrangements worked in that it appeared that the collision reporting centre (CRC) was provided through insurance companies but seemed to pay no rent other than some recovery for utilities. Chief McNeely noted that the Kingston Police were able to benefit from analysis conducted by the CRC based on recording all reported collisions in its software, whether reported to the CRC or with police attendance. She relayed that the Kingston Police had worked with the CRC for electronic submission of collision reports and that there was a symbiotic relationship with the CRC, with costs to the Kingston Police being greatly reduced by not having officers attend all collisions. Chief McNeely pointed out that the CRC covered half of all reported collisions and provided invaluable analytics on all reported collisions. The Chair noted that the Board had entered into this arrangement in the interest of reducing sworn officer time tied to doing collision paperwork. She relayed that the main purpose was to offload this responsibility so that officers could be deployed elsewhere, with the secondary reason being the ability to use the data generated by the CRC. Dr Leuprecht relayed that there were municipalities in which the CRC was in a commercial building and therefore paying rent and asked whether this was a common

arrangement or an anomaly. He suggested that queries be made as to whether space was provided rent-free in CRCs collocated with police services. The Chair noted that another issue would be if there were a charge to a police service for services rendered when the CRC was located elsewhere and paying rent. She noted that the current agreement provided for CPI increases and extensions up to September 30, 2025, and after that date a new agreement would have to be initiated. Dr Leuprecht commented that the Board was under no contractual obligation and therefore would essentially be providing the same thing for the next five years for research versus a business provided by a provider and benefits to it. The Chair pointed out that, if the current agreement lapsed, there would have to be a brand new agreement. Mr Stearns asked what the savings would be in relation to officer time. Chief McNeely relayed that, on an annual basis, half of the collisions were handled by the CRC and collisions requiring police attendance included damage to the extent that towing was required or situations where charges were mandated. Dr Leuprecht commented that the same circumstances would exist if the CRC were located off-site and paying rent and explained that his query related to the CRC being rent-free in a public building. Chief McNeely relayed that she could explore this further and report back. It was moved by Mayor Paterson and seconded by Mr Stearns that the discussion extending the agreement with Kingston Accident Support Services Ltd. regarding the Kingston Collision Reporting Centre for a further five-year term be deferred to the June meeting.

Carried.

(20-21)

The Chair pointed out that notice would have to be given by June 30, 2020, to extend the agreement.

UNFINISHED BUSINESS

48. Nil.

NEW BUSINESS

49. **Policy Revision on Conducted Energy Weapons.** The Chair noted that, when conducted energy weapons (CEWs) were being rolled out, the Board was cautious about the level of issue. She relayed that some boards at the time had authorized CEW issue to all officers but the Board had decided on a phased rollout, to better understand how they would be used, when they would be used, if there were any adverse health effects, and the cost of equipment and training. The Chair explained that, for these reasons, CEWs had been issued only to certain identified individuals in 2014 but the Board now had several years of experience on which to draw and was being requested to expand that authorization to have all trained officers authorized to use the CEW. Chief McNeely explained that CEWs would not be individually issued to all additional officers but rather would be drawn from a pool so as to reduce expense. She noted that the pool contained enough devices so that all front-line officers could draw one as needed. She reported that all officers had been trained and any new officers would receive 12 hours of training and recertified as needed. Chief McNeely relayed that incidents had been tracked as to when CEWs had been used and when a device could have been used if available and the service was now at the point when all front-line officers should have one available. She noted that usage had been tracked as to displaying, pointing, and deploying the CEW and found appropriate. She confirmed that good processes were in place and, when a CEW was deployed, the person was

taken to the hospital and checked by medical staff before being taken to the police station. It was moved by Mayor Paterson and seconded by Dr Leuprecht that the Board's policy be amended in section 4.7.12, Use of Force, to reflect as follows: (c) [T]he Chief of Police will . . . (3) be authorized to issue a conducted energy weapon to police officers who: i. are front-line supervisors; ii. are members of tactical / hostage rescue teams; iii. are members of preliminary perimeter control and containment teams; iv. are former members of the Emergency Response Unit; v. are designated Carbine Operators; or vi. have been recommended for conducted energy weapon issue by the Chief of Police. . . .

Carried.

(20-22)

MOVE TO IN-CAMERA SESSION

50. It was moved by Mayor Paterson and seconded by Dr Leuprecht that the Board move in camera at 1:25 p.m. Carried.

Chair

Secretary