



LONDON POLICE SERVICES BOARD

Public Agenda

LPSB Public Agenda

Meeting: Thursday December 16, 2021

Web-Ex Virtual Meeting – 1 p.m.

- | | |
|---|-----------------------|
| 1. Call Meeting to Order | Chair |
| 2. Disclosure of Interest | Chair |
| 3. Introduction of New Business | Chair |
| 4. Minutes of the November 18, 2021 Public LPSB meeting | Chair |
| 5. Investigations Conducted by the Special Investigations Unit | Deputy Chief McIntyre |
| 6. Public Correspondence | Chair |
| 7. Anti-Racism Advisory Panel Monthly Update (verbal) | Vice Chair |
| 8. Mental Health and Addictions Advisory Panel Monthly Update (verbal) | Chair |
| 9. New Business | Chair |
| 10. Next LPSB Public Meeting – Thursday January 20, 2022 | Chair |
| 11. Adjournment | Chair |



LONDON POLICE SERVICES BOARD

MINUTES OF THE PUBLIC MEETING

Thursday November 18, 2021

Commencing at 2:02 p.m.

Virtual Meeting, Webex

PRESENT: S. Toth, Chair; J. Helmer, Vice Chair (2:04 – 2:46 pm); and, J. Sukhera, J. Lang, M. Cassidy (2:02 – 2:46 pm) and C. Wellenreiter (2:57 – 3:10 pm); S. Williams, Chief of Police; T. McIntyre, Deputy Chief of Police, Operations; S. Betts, Deputy Chief of Police, Administration; P. Malone, Senior Director, Legal Services; L. Ferrier, Senior Director, Human Resources; Detective Superintendent P. Waight; Superintendent B. Merrylees; Inspectors D. Pratt, B. Berg, C. Churney, B. Harvey, P. Reynolds, D. Price and R. Scrivens; J. Noel, Staff Sergeant; J. Atchison, LPS Researcher/ Planner/ Analyst; K. Leblanc, Corporate Communications Manager; S. Mandich, Media Relations Officer; S. Santos, Executive Assistant to the Chief; J. Mockler, LPS Chaplain; D. Tilley, Ministry of Community, Safety and Correctional Services Zone 6 Advisor; J. Foster, Board Administrator; and members of the media and community.

REGRETS: Member E. Holder.

Chair Toth provided the following updates:

- This meeting will be posted to YouTube by tomorrow.
- The Board continues to assess the COVID-19 situation and public health recommendations before making a decision about the return to in-person meetings.

1. Meeting called to order.

2. Disclosures of Interest – None

3. Introduction of New Business

- **Addendum: LPS Workload – Officer and Community Impact Update** (memo)
- **New funding partnership with Atlohsa** (verbal)

MOVED BY: M. Cassidy

Seconded by: J. Sukhera

“That the Board receives the Chief’s memo titled LPS Workload – Officer and Community Impact Update during agenda item #6 and a verbal update

related to a new funding partnership with Atlohsa Family Healing Services during agenda item #11.”

CARRIED

Vice Chair Helmer arrived to the meeting at 2:04 pm.

4. Minutes of the October 21, 2021 Public LPSB meeting

MOVED BY: M. Cassidy

Seconded by: J. Sukhera

“That the minutes of the October 21, 2021 Public LPSB meeting be adopted as presented.”

CARRIED

5. Proposed Changes to the Police Record Checks Reform Act and Municipal Act

Deputy Chief Betts spoke in detail about this Ministry proposal, which will amend the *Police Record Checks Reform Act, 2015* (PRCRA) to eliminate fees for volunteer background screening undertaken by Municipal Police Services to reduce barriers for volunteers obtaining certain types of police record checks.

The position of the provincial government is that “the benefits of the proposed amendments are expected to outweigh any potential impacts to municipal police services” however, the downloading of this cost has operational impacts to LPS services. The unintended consequence of this proposal may, in fact require that other fees need to be raised in order to fund this free service, mandated by the province, thereby shifting the financial impact to others in the community or other areas of the police service.

Vice Chair Helmer suggested if the Ministry makes this change, they pay for it.

MOVED BY: J. Helmer

Seconded by: J. Sukhera

“That while the Board appreciates and supports the plan to reduce barriers for volunteers who require certain types of police record checks, it will request that the Ministry fund the cost of this initiative rather than downloading the cost to police services already dealing with tightened budgets and increased workload.”

CARRIED

Ms. Foster will coordinate this response in consultation with Deputy Chief Betts and Chair Toth.

6. LPS Workload – Officer and Community Impact Update

Chief Williams presented his memo to the Board related to service demands placed on police and LPS's staffing situation, which he has raised a number of times prior, last at the public LPSB meeting October 21st. His memo outlines some of the metrics used and decisions made in relation to staffing changes to address service issues.

Members have been transferred from key positions back to patrol. These were difficult decisions as these members do valuable work and impacts will be felt in other LPS service areas. He feels these changes are necessary to ensure adequate and effective delivery of services, the ability for LPS to fulfil their public safety mandate and public expectations as well as to ensure the safety of the front-line officers doing the work. There is no question response times have been suffering; holding calls in the queue for days is not acceptable. He said the trajectory we are on, in relation to service demands, could affect our ability to respond to emergency calls which have increased significantly over the past year. This trend also impacts officer safety – the ability for officers to provide backup to one another when faced with dangerous, often unpredictable, situations. There is heightened volatility and firearms being seized at a rate not before seen in our city. These are time consuming investigations which drive response times up. Many of these calls involve multiple officers over an extended period. Also the cumulative effective these calls have on members over an extended period of time, going from call to call to call, is not healthy and not sustainable. Like everyone else, officers need time to process and recover from stressful incidents. Chief Williams said it's not unusual for an officer to attend an emergency overdose call, followed by a weapons call, followed by a domestic dispute, with no down time in between and frequently fielding complaints about their response time. At the next call following a series of traumatic incidents, they are expected to be composed and control their emotions, which is often difficult. Officer burnout is real and Chief Williams said he sees it, hears it and feels it. In an effort to mitigate risk to Code 1 response times and the safety of the city and LPS officers, he made the decisions outlined in his memo.

He said he is often asked how many officers are off work on Post Traumatic Stress Disorder (PTSD). While this is one important metric, he feels we shouldn't be waiting for people to be off duty to address the issue of workload and operational stress. There are members suffering from stress in the organization who may not manifest as such right now. Chief Williams said he hopes these changes will be temporary, as they are a step back for our community. The proactive and preventative work the COR unit does, as an example, the ability to be nimble, is what we should be doing in policing in 2021, not just responding to calls for service.

He said this discussion should not come as a surprise. Historically Administration has spoken about police to population ratios and cost per capita statistics, however these are not necessarily things to brag about. When presenting the multi-year budget development in 2019, he spoke about staffing gaps, impact to service delivery, and the risk of officer burnout. In an effort to move forward with the budget, recognizing and working with the Board, and taking into consideration other municipal pressures, Administration removed some sworn positions from the original budget submission. They flagged the risk of doing so at that time and the Chief now believes that risk is playing out before us. A class of LPS Recruits is attending Ontario Police College in January, 2022. LPS is seeking positions through Assessment Growth Funding and other opportunities to keep up with the growth of the city, and Administration is having a hard look at the LPS budget going forward. Chief Williams said they are also actively looking at calls for service in relation to whether or not they need to attend certain calls, or divert them to other organizations or simply not answer certain calls. He said we need to turn off the tap, police cannot fix all societal problems but they do want to be a part of the solution.

Vice Chair Helmer thanked the Chief for the memo and overview and said Administration is doing great work to respond to what's going on in the community. He said he supports this redeployment and asked Administration to keep an eye on it. He asked what type of work the COR unit does and the day to day difference people can expect to see with the unit disbanded. Chief Williams said COR is a team of officers who track chronic community problems proactively, not just in the core, but across the city, hoping to get ahead of the curve before issues of crime get worse. They utilize analytical support which helps them establish trends, and they deploy in a flexible, nimble manner and put much effort and work into relationship building with City Councillors, neighbourhoods, businesses and their associations. COR is considered very progressive. Chief Williams said we will now be more reactive and less nimble without COR Unit response.

Councillor Cassidy asked what is different now from last year. Chief Williams said the volume and complexity of calls have been building over a number of years. There has been a significant increase in weapons calls and violent crime, not just in London but also in other jurisdictions, and these calls take a long time to investigate due to their complexity. Mental health calls are an undercurrent to the calls LPS deals with, often driven by factors other than criminality. Many times people are in crisis for a reason. These are time consuming calls with significant risk management issues and the need to support victims. Councillor Cassidy asked if the increase is pandemic-related. Chief Williams said he is unqualified to comment on that, however Covid-19 has likely aggravated the issues being seen on our streets, particularly for those with mental health, addiction and homelessness issues. Nevertheless, it is clear that the situation has markedly changed for policing. Councillor Cassidy said she supports the redeployment though hopes we can return soon to the more proactive policing that our community has been accustomed to.

Mr. Lang said he is approaching the end of his term and this issue comes as no surprise to him as we've been hearing about it for years. He does not support reallocation as he feels it's a band-aid solution and our community and staff deserve better than that. Assessment growth only holds us to where we are, and doesn't solve the problem. We are facing new policing challenges but holding old attitudes regarding how we address them. This is clearly a human resource / deployment issue. When we start to measure response times in days and weeks as opposed to hours, that's an unacceptable service level for our citizenry. He said he is disappointed as a Board that we support this reallocation of resources. We need to understand that we are frequently not meeting minimum service requirements. When 3 officers call in sick, it doesn't mean the work doesn't get done, it just means it gets done by fewer people. This is taking a toll and we can't be proud that we spend less on policing than any other community our size because we are getting what we pay for right now, and it's time to get caught. Councillors get complaints from citizens and know we receive direct benefit from programs such as the COR Unit. He said this is going to cost money and because we're at a critical point, he is very engaged in this discussion. He suggested we need Municipal Councillors on this Board to talk to their Council counterparts to advise that policing is different today.

Dr. Sukhera said it is his last LPSB meeting. Our community has endured unimaginable trauma over the past year and a half. It takes a toll on everyone - citizens, police and health workers. This is a different time and we need to prioritize everyone's wellbeing and safety. He hopes his Board colleagues will, after his departure, be proactive to intervene early to partner with Administration to address this issue. He feels it's going to get worse before it gets better and he said the signs aren't looking good unless we do something different now.

Councillor Cassidy said this is an interim solution, however we need to find a long term solution. Administration's knowledge around modern policing makes this a progressive organization and LPS leads by an example. She said that Council responds to the budgets presented to them and therefore it is incumbent on the Board to work together to make their budget submissions such that they are able to provide the kind of policing the Board wants for London.

Chair Toth asked Chief Williams if there is anything the Board can do now to advocate. Chief Williams said he has heard all who have spoken, and his final comment is that he hopes this measure is interim and disbanded units can be restored again with additions to staffing. He reiterated that LPS officers are going to the Ontario Police College in January, 2022. Administration will be seeking Assessment Growth Funds, also to cover attrition of retiring officers. Administration will continue to seek efficiencies. He said, the City of London will get the police service that they pay for, like any municipal service, and if we want a full service police department which does proactive, progressive work, which has a decent response time and employs healthy officers, we must pay for it. He expects that one year from now we will be speaking about amendments to the fourth year of LPS's

operating budget (2023) if not sooner, however that doesn't negate all of the other work that is underway to mitigate these issues. He concluded, and said his memo speaks for itself and he anticipates further discussion about this matter in future.

Vice Chair Helmer said for those who are only on the police board and don't have responsibility for the overall city budget, it's easy to say go and get more money. Municipal Council members of the LPSB have to decide between community housing, homelessness prevention, Ontario Works, and many other services under extreme stress in the city. It is not so easy to increase taxes. The LPS budget has gone from \$43 million in 2002 to \$121 million now – a 177% increase. The police budget is always difficult to discuss at Council. He is not convinced that adding more money to the same model is the answer. At the city level we have to consider why these problems are happening in the first place. Chief has said he needs to turn the tap off – stop the intensity and severity of calls from coming in. These problems are affected by all things that are not police-related, so how do we change the overall response and handle the problems in a more upstream manner.

Mr. Lang said the fact that he only sits on the police services board discounts a lot of his experience and expertise, and he has great appreciation for what City Councillors have to do in managing their budget. He said he knows these decisions are not easy and you have to be able to say no. However this is a problem that is going to cost money whether the City likes it or not. If Council thinks that the level of service we're providing our city and the level of stress our officers are under is acceptable, or can be resolved without additional funding, he would like to hear what the solution is. He said we need to work together and look at this differently than we have in the past. This is a police resourcing discussion, not a discussion about all of the city's woes or the city budget.

MOVED BY: J. Sukhera
Seconded by: M. Cassidy

“That the Board receive Chief Williams’ memo titled: LPS Workload – Officer and Community Impact Update.”

CARRIED

Councillor Cassidy left the meeting at 2:46 pm.

7. Anti-Racism Advisory Panel Monthly Update (verbal)

Chair Toth advised that the last Board's Anti-Racism Advisory Panel meeting was October 26th and the one gap that was noticed in lived experience around the Panel table was an Indigenous member, and she believes that gap will soon be filled.

8. Mental Health and Addictions Advisory Panel Monthly Update (verbal)

Dr. Sukhera advised that the last Mental Health and Addictions Advisory Panel was November 12th, his last MHAAP meeting. The group is still identifying priorities in the work ahead. New community Co Chair Christine Garinger is expected and Board member, Christine Wellenreiter will be stepping into Dr. Sukhera's role in his absence. He said he is feeling hopeful about the group's work.

9. Public Correspondence

Chair Toth advised there is much work being done behind the scenes with our Big 12 colleagues to advocate for necessary changes to police legislation and funding, to better support and fund the work we are doing and to more effectively co-ordinate our efforts with our police governance peers.

MOVED BY: J. Sukhera
Seconded by: C. Wellenreiter

“That the Board receives:

- **Big 12 Boards Letter to OAPSB (Provincial Grant Funding, Community Safety and Policing Act and Mental Health Service Calls), October 19, 2021; and**
- **OAPSB Correspondence to Minister Tibollo (Mental Health Service Calls), October 21, 2021; and**
- **OAPSB Correspondence to Solicitor General Jones (Provincial Grant Funding and Community Safety and Policing Act), October 22, 2021: and**
- **LPSB Email to the Inspectorate of Policing, October 29, 2021**

for informational purposes as public correspondence.”

CARRIED

10. Towing Contract

Deputy Chief Betts provided a verbal update related to the recent awarding of the LPS Towing Contract to Ross Towing for 3 years with option for an additional year, per the Service's Request for Proposal policy which was posted on Bids and Tenders and open for more than one month. This contract is for purposes of impounding vehicles for police investigation. The Request for Proposal process received only one respondent, Ross Towing, whose submission was evaluated in August and awarded in October. The contract begins January 1, 2022. He advised that citizens are required to call the City for up to date lists of licensed tow operators and impound providers and other useful information for consumers, along with the

applicable QR codes. This will provide a measure of consumer and public safety for everyone who needs to engage towing services.

MOVED BY: J. Sukhera

Seconded by: J. Lang

“That the Board receives for informational purposes Deputy Chief Betts’ verbal update related to the recent awarding of the LPS Towing Contract to Ross Towing.”

CARRIED

11. New Business – Memorandum of Understanding regarding Victim Support Funding – Partnership with Atlohsa Healing Services

Chair Toth called this an extraordinary program. Deputy Chief McIntyre thanked Inspector Chris Churney and his team, noting this agreement funds training initiatives driving cultural competency. She said we owe our Indigenous neighbours opportunities to continue to teach us to do better and she is excited to see the results and learn from this initiative. Chair said she is pleased we are not asking these survivors for free labour.

12. Next LPSB and Finance Committee Public Meetings are Thursday December 16, 2021, the last meetings for 2021

Chair noted Dr. Javeed Sukhera’s final LPSB meeting today as his 3 year provincial term ends December 11th, days before the December meeting. She advised Dr. Sukhera that a gift basket from the Board was on its way to him now.

Chief Williams thanked Dr. Sukhera for his leadership and support, and said he has witnessed the way he has done business with the Board in his thoughtful, listening style. He brings his professional life and experience into decisions, and Chief Williams has learned from him. He wished him good luck and congratulations on his new opportunity.

Mr. Lang said when Dr. Sukhera took on this responsibility he wasn’t expecting to deal with the huge issues he faced. He has been a consummate professional and always compassionate and eloquent. Mr. Lang said he has appreciated Dr. Sukhera’s perspective on this Board and his seat will be difficult to fill.

Ms. Wellenreiter said Dr. Sukhera was the first voice of contact when she joined the Board in 2020. His professionalism has served as a role model and has set the bar for her. She appreciated his “bring people together, listen first approach”.

Vice Chair Helmer said he will miss Dr. Sukhera and has learned a lot from him on how to approach governance generally, and particularly during such a difficult time, he

brought a needed perspective to issues we're dealing with. He said Dr. Sukhera has done an exemplary job as chair.

Ms. Foster said it has been a challenging couple of years to be chair of this Board. No-one told him to buckle up, it's going to be a bumpy ride, as no-one knew. She said Dr. Sukhera navigated the turbulence with calm and grace, and despite his very busy professional and family life, he always made time for what the Board and the community needed. She wished him all the best and many great things ahead.

Chair Toth said she wished she had asked to be chair before Dr. Sukhera as he will be a hard act to follow. She said she doesn't think people know how much work he puts in behind the scenes, how much he cares and prioritizes community and officer wellbeing. She is also aware of how much hate he has tolerated during his time on the Board, yet he holds his head high. She has valued the calls they have had over grief, rage, and tragedies and he has become a very good friend. She thanked him for his gentleness and for walking the walk, and will feel his loss.

Dr. Sukhera said it has been an honour to get to know Chief Williams who exemplifies the leadership that policing needs now, someone not afraid of difficult conversations and is staunchly committed to service, community and the well-being of LPS members. He told Chair Toth that none of what he accomplished was possible without her, and she is an inspiration to him – a colleague, an ally, a co-conspirator and a role model for all. He said the entire experience has been a gift, there is no greater honour than being able to serve one's community, and he has rediscovered the power of his own voice, learned to stand tall in that power and bring his whole self to anything he does. He challenged anyone seeking change to the complex problems around us, "the easiest and most useless thing you can do is to whine about it." That is not activism and that will not make things better. Change requires hard work and an admission that we are all flawed and striving to be better, and we aren't meant to do it alone.

Ms. Wellenreiter arrived to the meeting at 2:57 pm.

13. Adjournment

MOVED BY: J. Sukhera
Seconded by: C. Wellenreiter

"That the Board adjourn the Public meeting."

CARRIED

Time Noted: 3:10 pm

Susan Toth, Chair
London Police Services Board
Approved and signed December 16, 2021



LONDON POLICE SERVICES BOARD

"Deeds Not Words"

Report #: 21-123

To: Chair and Members of the London Police Services Board

Date: December 8, 2021

Subject: Investigation Conducted by the Special Investigations Unit (SIU)

Board Action:

- ☒ Update / Information Purposes Only
- ☐ Seeking Input
- ☐ Seeking Decision
- ☐ Evaluation

Synopsis:

The attached relates to two (2) investigations conducted by the Special Investigations Unit (SIU).


The reports are submitted in accordance with Part VIII of the *Police Services Act*, O.Reg. 268/10, Section 34. The Board has the option to make this report available to the public pursuant to the *Police Services Act* O.Reg. 268/10 s.34(1).

Recommendation:

That the Board receives this report as required by the *Police Services Act*.

SUBMITTED BY: Trish McIntyre, Deputy Chief – Operations

Attachment(s): Professional Standards Branch Memorandums

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|  | Memorandum Professional Standards Branch | | No: 21-240 |
| | Report in accordance with Part VIII of the Police Services Act, O.Reg.268/10, Section 34 | | |
| | To: Deputy Chief Trish McIntyre | From: Inspector David Pratt | |
| | Date Issued: December 6, 2021 | Date Effective: December 6, 2021 | PAGE 1 of 2 |

This briefing report is submitted in accordance with Part VIII of the Police Services Act, O.Reg.268/10, Section 34.

On the morning of June 23, 2021, London Police Service (LPS) Emergency Response Unit (ERU) officers gathered to take part in a field craft/hostage rescue training exercise which would use live role-players. The Complainant (an ERU Sergeant) was in charge of running the scenario. He also assumed the role of one of the hostage-takers. The tactical officers and role players were all equipped with firearms, converted to use training/marketing rounds, loaded with Simunition brand rounds. Prior to the commencement of the scenario, a safety check was conducted for all participating personnel.

The exercise culminated in a tactical engagement at a decommissioned fire hall located on Westminster Drive. The complainant and the other role-players confronted the ERU officers as they made entry into the garage bays of the fire hall. An ERU officer made his way into the kitchen area where, noticing the silhouette of one of the role-players standing in a doorway holding a pistol, he fired his C8 rifle. This role-player was the Complainant who then retreated into the room and closed the door behind him. He had been struck by one of the officer's marking rounds in the right eye. Unfortunately, just prior to this injury, the Complainant briefly tipped his helmet onto his forehead for better vision due to fogging. The Complainant called out "Red" which is a safety word to immediately end the exercise. He was then rushed to hospital by other officers on scene and treated surgically for his eye injury.

As a result, the Special Investigations Unit (SIU) was notified and they invoked their mandate. Two officers were designated by the SIU as Subject Officials.

At the conclusion of the SIU's investigation the Director of the Special Investigations Unit, Joseph Martino, stated:

"The officers were involved in a legitimate, bone fide training exercise at the time of the events in question. The simulation was not unusual in any material respect. Given the scenario at hand - an armed-hostage taking - an exchange of "gunfire" involving non-lethal Simunition rounds was part-and-parcel of the exercise. The members of the tactical team who raided the fire hall were also expected to shoot for the head or upper-body of the "assailants" so as to maximize the immediacy of their incapacitation and minimize their potential to inflict harm. The objective was to replicate as realistically as possible a real-

world scenario so as to build muscle memory among the trainees. Accordingly, I am unable to fault either subject official for aiming and firing at the Complainant's head.

It is highly unfortunate that the Complainant suffered an eye injury during the training exercise, but it was not the result of any carelessness or want of care on the part of the subject officials. Organizers of the event, I am satisfied, had put in place reasonable safety precautions. Careful attention was dedicated to ensuring that the officers' firearms were all clear of lethal rounds and, instead, replaced by Simunition rounds. The officers were also provided adequate protective equipment, including neck and head coverings, complete with eye protection, rated to withstand Simunition strikes. Regrettably, the Complainant is himself largely responsible for his injury. He had decided to momentarily lift his helmet over his eyes as his goggles were fogging. It was in that moment that the Complainant's eye was struck."


Director Martino concluded that:

"For the foregoing reasons, there are no reasonable grounds to believe that either subject official transgressed the limits of care prescribed by the criminal law in the course of their participation in the training exercise ending in the Complainant's injury. Accordingly, there is no basis for proceeding with criminal charges in this case."

A review of relevant LPS policies and services along with the conduct of the Subject Officials relating to this matter has been completed. All members involved with this SIU investigation have adhered to LPS Procedures and that of Part VIII of the Police Services Act, O.Reg.268/10, Section 33, by cooperating fully with the investigation. It has further been determined that no misconduct was committed pursuant to the Police Services Act Code of Conduct or LPS Procedure.

Respectfully submitted,

Inspector David Pratt
Professional Standards Branch
London Police Service

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|  | Memorandum Professional Standards Branch | | No: 21-241 |
| | Report in accordance with Part VIII of the Police Services Act, O.Reg.268/10, Section 34 | | |
| | To: Deputy Chief Trish McIntyre | From: Inspector David Pratt | |
| | Date Issued: December 6, 2021 | Date Effective: December 6, 2021 | PAGE 1 of 2 |

This briefing report is submitted in accordance with Part VIII of the Police Services Act, O.Reg.268/10, Section 34.

On July 27, 2021 members of the Uniformed Division responded Code 1 (lights and sirens) to a domestic disturbance at an address on Dufferin Avenue. The Complainant (the civilian injured by police) had locked his girlfriend and her daughter out of the house after having a fight. He had knives in his hands, said there would be a blood bath tonight and that he would slit his wrists. Three officers arrived on scene and coordinated their response, including less lethal use of force options. The Complainant was on the roadway/driveway with two large knives, one in each hand, and two females were observed approximately 30 feet from the Complainant crying.

One officer took the lead in speaking to the Complainant to deescalate the situation. The Complainant responded by asking the officers if they wanted to get stabbed. Despite repeated directions from the officers that he drop the knives in his possession and stop his advance, the Complainant continued toward the officers.

Another officer then deployed his CEW (Conducted Energy Weapon / Taser) toward the Complainant's torso however, the Complainant remained on his feet and continued to close the distance. Moments later, the officer that was speaking discharged his CEW at the Complainant and two prongs were observed in the Complainant's shirt indicating a successful deployment. Again, the Complainant was unaffected and continued to advance on the officers.

Shortly after the second CEW discharge, a third officer fired his semi-automatic pistol twice. The Complainant, who was by this time at the end of the driveway near the road, fell to the ground on his back with his arms outstretched to his sides. The officers approached the Complainant and pinned his arms to the roadway with their feet as they cut the knives, which had been fastened to his hands with black electrical tape, free from the Complainant. The Complainant then stated, "Why didn't you guys kill me?" The officers tended to the Complainant's injuries, including the application of tourniquets to his right leg and left arm. Paramedics arrived at the scene and transported the Complainant to hospital due to gunshot wounds to the right upper thigh and left hand.

The Complainant was subsequently charged criminally with three counts of assault peace officer with a weapon and one count of possession of a weapon dangerous to the public peace.

As a result, the Special Investigations Unit (SIU) was notified and they invoked their mandate. One officer was designated by the SIU as a Subject Official.

At the conclusion of the SIU's investigation the Director of the Special Investigations Unit, Joseph Martino, stated:

"I am further satisfied that the SO's gunfire was a reasonable use of force. To reiterate, efforts at verbal de-escalation and lesser force, namely, the CEWs, had proven unsuccessful, and the Complainant was on the precipice of reaching the officers. In the circumstances, it would appear there was very little else the SO could have done other than discharge his firearm at the Complainant if he was going to prevent a potentially lethal attack on his or WO #1's person. Though the officers, including the SO, had retreated backwards a distance in an effort to maintain some distance between them and the Complainant, withdrawal was not a realistic option given the presence of CW #1 and her daughter in the vicinity, and legitimate concerns for their health and safety."

Director Martino concluded that:

"In the result, there are no reasonable grounds to believe that the SO comported himself unlawfully throughout his engagement with the Complainant. Accordingly, there is no basis for proceeding with criminal charges against the officer, and the file is closed."

A review of relevant LPS policies and services along with the conduct of the Subject Official relating to this matter has been completed. All members involved with this SIU investigation have adhered to LPS Procedures and that of Part VIII of the Police Services Act, O.Reg.268/10, Section 33, by cooperating fully with the investigation. It has further been determined that no misconduct was committed pursuant to the Police Services Act Code of Conduct or LPS Procedure.

Respectfully submitted,

Inspector David Pratt
Professional Standards Branch
London Police Service



MEMORANDUM – 21-64

London Police Services Board

December, 2021 – Public Correspondence

TO: Chair and Members, London Police Services Board

FROM: J. Foster, Administrator

DATE ISSUED: December 9, 2021

DATE EFFECTIVE: December 9, 2021

The following item of public correspondence is provided for your information:

- Letter to Solicitor General Sylvia Jones regarding proposed changes to the Police Record Checks Reform Act and Municipal Act, November 19, 2021



LONDON POLICE SERVICES BOARD

BOARD MEMBERS

S. TOTH, CHAIR
COUNCILLOR J. HELMER, VICE CHAIR
COUNCILLOR M. CASSIDY, MEMBER
MAYOR E. HOLDER, MEMBER
J. LANG, MEMBER
DR. J. SUKHERA, MEMBER
C. WELLENREITER, MEMBER

November 19, 2021

The Honourable Sylvia Jones, Solicitor General
Ministry of the Solicitor General
George Drew Building, 18th Floor
25 Grosvenor Street
Toronto, ON M7A 1Y6

Dear Solicitor General Jones,

Re: Ministry's Proposed Changes to the Police Record Checks Reform Act and Municipal Act and Financial Implications to Police Services

I write to you on behalf of the London Police Services Board to share our feedback related to the Ministry's proposed changes to the Police Record Checks Reform Act and Municipal Act.

On October 7, 2021, notice was posted on your web-site indicating that a proposal had been made to amend the *Police Record Checks Reform Act, 2015* (PRCRA) to eliminate fees for volunteer background screening undertaken by Municipal Police Services in the interest of reducing barriers for volunteers when obtaining certain types of police record checks.

This information was brought to our attention by another Police Services Board, and not the Ministry itself.

Conducting Criminal Record Checks (CRCs) and Criminal Record and Judicial Matters Checks (CRJMCs) for volunteers is not a core function of policing, and has been undertaken on a cost-recovery basis.

The London Police Service has a fee schedule that sets the fee for police record checks for those seeking to engage in volunteer activities, at \$15. These checks (among others) are performed by Intake Processing Attendants, who, pre-covid, collectively performed 1,000 – 1,200 checks per year, generating between \$15,000 - \$18,000 in gross revenue annually. LPS contract a vendor to facilitate online submissions and returns of completed volunteer screening checks at a cost of approximately \$5,800 - \$9,100 per year. This online submission and retrieval system is designed to eliminate barriers for those who require background checks, but it also comes at a cost of \$9.95 for every record uploaded to the Portal. This cost is included in the \$15 fee we have set.

The Ministry of the Solicitor General has identified that individuals may face financial and/or administrative barriers when required to obtain a police record check to apply for or maintain volunteer opportunities. To reduce barriers for volunteers when obtaining a police record check,

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the Ministry of the Solicitor General is proposing amendments to the *Police Record Checks Reform Act, 2015 (PRCRA)*. Through the proposed *PRCRA* amendments, police services will be required to conduct and provide the results of Criminal Record Checks (CRCs) and Criminal Record and Judicial Matters Checks (CRJMCs) for volunteers at no charge and provide up to five free copies of the results (if requested at the time of the initial request). In order for the London Police Service to maximize the reduction of barriers, we will, in fact, incur costs.

We recognize it is the position of the provincial government that “the benefits of the proposed amendments are expected to outweigh any potential impacts to municipal police services” (<https://www.ontariocanada.com/registry/view.do?postingId=39177&language=en>); however, the downloading of this cost has operational impacts to the services we can provide.

To ensure that municipalities and police boards do not continue to charge for police record checks, consequential amendments to O. Reg 584/06 under the *Municipal Act* and O. Reg 595/06 under the *City of Toronto Act* are proposed. These proposed amendments would remove municipal and local board powers to charge fees for the services that the proposed amendments to the *PRCRA* will make free of charge. The unintended consequence of this proposal may, in fact require that other fees need to be raised in order to fund this free service, mandated by the province, thereby shifting the financial impact to others in the community.

The Board discussed your proposed changes at our November 18th public meeting. At this Board meeting, we also discussed the current strain on our members as calls for service and complexity of calls continue to increase, while resources remain limited and programs to address issues “upstream” remain underfunded. We have already seen difficult decisions redeploying members away from proactive community positions to support our front line.

While we appreciate and support the plan to reduce barriers for volunteers who require certain types of police record checks, we request that the Ministry fund the cost of this initiative. A provincial incentive should be covered by the province and not downloaded to individual police services. Police services are already dealing with tightened budgets and increased workload and cannot afford to bear the cost of this plan, as laudable as it may be.

We would be happy to discuss our concerns with you as outlined in this letter, and we look forward to your reply at the earliest opportunity.

Sincerely,



Ms. Susan Toth, Chair

London Police Services Board

Cc: Steve Williams, Chief of Police, London Police Service