

LAKEHEAD POLICE SERVICES BOARD
Administrative Report

Date: October 17, 2019 (For Meeting on October 21, 2019)

To: Members of Lakehead Police Services Board

Subject: Summary of Seminar Sessions at the Joint Conference of Zone 1 of the Ontario Association Police Service Boards and the Ontario Association of Chiefs of Police held in Thunder Bay October 8-10

Submitted by: Rosalie A. Evans, Board Secretary

RECOMMENDATION:

This report is prepared for the Board's information.

BACKGROUND:

Secretary Evans attended the OAPSB/OAPC joint conference on October 9th and 10th. She did not attend the social on the evening of October 8th.

This report summarizes the discussions at the various presentations.

DISCUSSION:

1. Current Guns and Gangs Update – Thunder Bay & Northwest Region:

This was a very enlightening presentation, containing many statistics. Suffice it to say that drug trafficking (the primary gang activity) is increasing exponentially in Thunder Bay and the Northwest Region. These criminals are preying on the weak in our community (i.e. those addicted).

Thunder Bay is a “hub” – the Trans Canada Highway runs through it; people come for the hospital; the airport; the university and college, as well as a variety of other services. Even though passenger train service does not come to Thunder Bay, gang members do use trains to get here. Trains are a preferred method of travel because no i.d. or passport is required and there are no security screenings. They get off in Armstrong or Schreiber and get picked up and driven to Thunder Bay.

Gang issues in Thunder Bay were first identified in 1996. At that time, gang members were “visible” by their tattoos and “colours”. A few gangs (i.e. Hell's Angels) still wear colours, but many now try to “blend in” with the community. They come to town dressed as LU students or construction workers. Back at that time, the gangs came from places like Winnipeg. Now they are almost always from Toronto. The more northern-based gangs have gone.

The latest mode of operation is to undertake a “house takeover”. The drug dealer can see 50-60 people in an hour – so there is a “good market”. They can purchase cocaine for \$15-\$20 per kilogram, and they sell it at \$20-\$50 per gram – so the profit margin is amazing. \$200,000 to \$300,000 can be made in a very short time.

House takeovers are a logistical nightmare for policing. They move around. It is time consuming to get a search warrant – and by the time it is issued, the gang has moved on. The gangs use their “street names” and their real names are not known by anyone local (for the most part). Police rely on informants and neighbour complaints to try to nail down the illegal activity.

The largest cash haul in the past year’s statistics was \$137,000 which came from a house in the Limbrick area. A 17-year-old from Toronto was arrested with \$37,000 in cash on his person.

Questions were asked about activities elsewhere in Northwestern Ontario. There were incidents in Mishkeegogamang with fake fentanyl which originated in Southern Ontario. In Dryden, \$3,000 cash and handguns were recently seized. They were also from Southern Ontario. Thunder Bay is the “hub”, but the dealers will go wherever they have a client base. Incidents have been handled in Nipigon and Lake Helen First Nation, to mention a few.

Questions were asked about the fact that many offenders are released on bail and simply re-offend and/or breach bail conditions. This is acknowledged as being true. Although there were disparaging remarks about the inability of the judicial system to recognize this as a problem – the fact is that there are insufficient incarceration facilities to keep all of the arrested persons in any event.

The presenting officers noted that large amounts of cash (and drugs) go through the Thunder Bay airport. Although the security guards there see the cash in the x-rays of the carry-on baggage, they have no policy or protocol to contact the police with this information. It is not illegal to carry large amounts of cash within Canada. It was suggested that lobbying efforts are needed to the Federal government to make that change.

In the time period October 1, 2018 to August 31, 2019, the Thunder Bay Police Service has seized \$898,843.74 in cash from drug dealers. This goes to the “proceeds of crime” fund which provides grants to agencies. Cocaine is the most prevalent drug here. Crack cocaine is the second most common.

2. The New Comprehensive Ontario Police Services Act (“COPS”):

(This presentation was made by legal counsel for the Thunder Bay Police Service. Most of her comments relate to Boards for Municipal Police Departments – and not to “Section 10” Boards for the OPP.)

The new legislation has been given Royal Assent but is not yet proclaimed in force, so we continue to operate under the Police Services Act from 1990 (as amended). Proclamation will not occur until the regulations are complete.

New “themes” include representative police service boards and equitable policing for first nations. Boards must have strategic plans and these are more extensive than previously required. This is set out in Section 39 of the new act.

A question was asked about how a Board’s strategic plan relates to the OPP strategic plan. The presenter was unable to answer. Graham Wight was in the audience as well, and he advised that the OPP has a corporate strategic plan from which it creates 3-year local action plans. The action plans are prescribed by the act to be developed in consultation with the Section 10 board, where relevant. The new Act will require that the Board undertake public consultation – but it does not prescribe how to do it – that will be up to the board. There isn’t a fundamental change in relationship between the Section 10 Boards and the OPP.

Some members of the audience were confused between strategic plans and community safety and well being plans. Clarification was provided. The former are for Boards (although Section 10 Boards are not mandated to have one) and the latter are for municipalities, and have a scope much broader than policing (although policing is a part of it).

Some new terminologies have been introduced. There is a definition of “adequate and effective policing”, and it is clearly spelled out that it does NOT include court security.

Hiring non-police assistance (i.e. a security firm) for certain functions (not core police service) is still permitted, but no longer requires the approval of the Minister.

Subsection 37(2) is new for Police Service Board duties and powers. Standards can be imposed. It is more clearly stated that Boards cannot interfere with policing, although this has been the case all along.

The presenter reviewed changes in how complaints against police will be reviewed and the changes in who will investigate; timelines; etc. Whenever a disciplinary hearing is considered for an officer, the force will have to out-source the investigation to an independent police service. This will be more difficult to do in Northern Ontario than in Southern Ontario.

At present, Police Associations (which function as unions) cannot file public complaints. This is being changed – with the new Act, they will be able to do that.

3. Community Safety and Well-being Plans for Communities

A panel of folks from the Ministry of the Solicitor-General used a power point presentation to review Community Safety and Well-Being Plans (“CSWBP”). Following that presentation, Ms. Lee-Ann Chevrette, the co-ordinator of the Thunder Bay Crime Prevention Council (“TBCPC”) spoke on Thunder Bay’s efforts to date.

A CSWBP is a method of “prevention” of crime rather than response to it. These are now mandatory for all municipalities. First Nation band councils are encouraged to prepare CSWBPs, but it is not mandatory for them at this point.

The legislative requirement took effect January 1, 2019, and municipalities have 2 years to prepare and adopt a plan. They must establish a multi-sectoral advisory committee and conduct consultations with them, as well as with members of the public and members of racialized groups and entities that represent them.

The plan must identify priority risk factors, identify strategies to reduce them, and set measurable outcomes.

Regulations will be passed in future requiring monitoring, evaluating, reporting and reviewing the CSWBP.

The Ministry has been working on the CSWBP project since 2010. It has published 4 guides (2012, 2014, 2017 and 2019) on the subject matter. These guides are available on the website.

CSWBPs were undertaken by 9 Ontario “pilot” communities. This showed the importance of municipal leadership.

The CSWBP planning framework is illustrated with 4 concentric circles.

The innermost circle is for both critical and non-critical “incident response” requiring first responders (police, fire, EMS). Police are often the primary response, even when a person in crisis is not involved in criminal behaviour. This uses up significant resources which could be better dedicated to reducing the number of incidents. Incident response tends to be focused on output measures (such as # of calls for service).

The next circle is for “risk intervention”. This involves the reduction of harm before incident response is triggered. Multi-sector responses are used to address multiple risk factors. Collaboration occurs (i.e. between mental health and addictions workers and transitional housing providers). Outcomes are focused on mitigating harm (i.e. reduction in emergency room visits).

The next circle is for “prevention”. This involves proactively identifying and addressing local risk factors before they escalate. Data is used to inform programs and policies. Outcomes are focused on the result of prevention efforts (i.e. increased feeling of safety in community).

The outermost circle is for “social development”. This involves long-term investment to improve the social determinants of health and well-being. Complex social issues are addressed using an integrated, multi-sectoral approach. Outcomes are quality of life indicators such as health status or education rates.

The presenters identified seven critical success factors:
The plan must be:

1. Strength-based (holistic leveraging of resources);
2. Risk-focused (on what is most prevalent);
3. Understood by the community (awareness – promote benefits);
4. Committed to at the highest level (buy-in from persons of influence and political leaders);
5. Based on effective partnerships (multiple sector involvement);
6. Based on evidence and evaluation (using data and research to inform all aspects of the plan); and
7. Responsive to the needs of diverse groups of people within the community – not considering “one size fits all” for all individuals.

Provincial representatives state that \$1 spent on prevention saves \$7 in response costs.

Municipalities with plans to date are: Halton Region, Kenora, Prince Edward County, Thunder Bay and Bancroft. Their plans are available on their websites.

One of the Provincial representatives addressed the province’s “risk driven tracking data base” known as “RTD”. 59 communities are contributing data to this data base – 54 are in Ontario and 5 are in Saskatchewan. There are 105 risk factors in the data base, divided into 27 categories. Definitions are in the booklet.

There were a lot of questions from audience members – mainly due to the enormity of the task with no provision of resources.

Lee Ann Cheverette spoke about the Crime Prevention Council in Thunder Bay. It was established in 2010 as an advisory committee to the council. There are 45 members in 18 different sectors. The plan that they created some time ago now doesn’t meet the new legislative requirements in some ways, so it is in the process of being revised. The Crime Prevention Council has been appointed as the Advisory Committee for the new CSWBP that is required.

Ms. Cheverette indicated she would be happy to assist any community struggling with their plan. Her contact information was provided.

4. Update from the Ministry of the Solicitor-General

Mr. Graham Wight advised that, to the best of his knowledge today, detachment-based boards will be the norm for Ontario, with only a few exceptions.

He confirmed there are no plans for the Province to fund the creation of CSWBPs. The end result of implementing these plans is a reduction in expenditures of first responder costs. It is acknowledged that the savings will not be seen for years (even decades), but that the costs will be incurred now.

A significant fee increase has been implemented for basic constable training. (The recruits have to pay this themselves.) Beginning January 1 2020, the cost increases from \$11,000 to \$14,555.

Mr. Wight does not believe that the COPS Act will be in force for at least 2 years yet. There are over 60 regulations to write before it can be proclaimed. Except for the amendment to the existing legislation mandating the CSWBPs, everything currently running will stay the course.

A bigger training regime for board members is being created. It will be more comprehensive. There will be both on-line and in-person courses – all tracked. Members will not be allowed to vote at a board table until they have completed the mandatory training.

In response to a complaint from the audience about the length of time it takes for the Province to make board appointments, Mr. Wight stated that the process is being reviewed, and improvements made.

Animal welfare legislation enforcement is now (with the temporary exception of 12 sites in Ontario) a police responsibility. A more comprehensive solution is being developed – but it is unknown when it will be ready.

Board members may run in municipal, provincial or federal elections as candidates – but if they are elected to office, they must resign their Board seat.

The grants have been revised – they are now outcome based and require application. There are only 2, which replaced several previous ones.

There was a recent all-chiefs memo sent out with a new approach to constable selection. The current system will not be supported after December 31, 2019.

There is a grant called the “Safer and Vital Communities Grant”. It is not available to municipalities or police service boards, but is available to non-government organizations working with police. This might be leveraged to assist with costs associated with creation of the CSWBP.

5. Update from the Ontario Association of Chiefs of Police

Mr. Jeff McGuire introduced himself and provided some of his background experience and training. He has been the Executive Director of the OACP for about 18 months now. There are 47 municipal police forces in Ontario. Membership in OACP is available to officers from Inspectors and up. There are 6 zones. They are reviewing that to see whether change is needed.

They are working as part of the technical tables for the new COPAS Act regulations. So far, they are working on the “Code of Conduct for Police Service Boards” and the definition for “effective policing”. They will also sit at the “Policing Table” and the “Social Services Table”. There are meetings every 2 weeks. They cover 2-3 topics per meeting. Some are more controversial than others (i.e. police discipline). There is a goal to have the highest priority regulations in place by January of 2021.

With respect to the constable selection system, it was originally intended to assist smaller services in recruiting. It was developed years ago, and it appears that

some of the tests (especially the physical tests) result in discrimination against female recruits. Female recruits who fail the test are also less likely to undertake it a second (or third, etc.) time, whereas male recruits will re-do the testing until they manage to pass. OAPC has engaged a consultant to build something proper and legal – addressing bona fide occupational requirements without discriminating.

6. Body-Worn Cameras: Thunder Bay Pilot Project

The presenters indicated that the past decade or so has seen a “trust reversal” between community residents and police. Where police used to be trusted simply because of their office, it is now turned. Police are not trusted anymore. Complaints are on the rise. This is particularly true in the U.S., but it is also happening in Canada.

The objectives for wearing cameras are: transparency, accountability, de-escalation, collecting and transferring evidence and protecting officers from unfair accusations.

Originally, officers were resistant to wear cameras – there was a “big brother” perception. After the pilot project, however, it was difficult to get the officers to return the cameras! They are extremely beneficial.

The traffic division was chosen for the pilot project simply because they have the most interactions with people.

The presenters showed several videos from the United States to illustrate some points. The first video was one released to the public (very rare) from the force in Athens, Georgia to prevent negative media headlines. It did so very effectively – because the public (and media) could see first hand that the officers made every attempt to de-escalate the encounter (blood-stained man in mental health distress wandering the street waving a knife) before they had to shoot (the man assaulted one of the officers, threw him to the ground and was getting his gun). The media report included the line “you can hear the concern in the officers’ voices” – most unusual. Without the video, you can imagine how different the reports would have been.

Several other examples were provided.

One was used to show how an officer who is wearing a camera is more likely to abide by the rules (i.e. abort a high-speed pursuit) rather than go with the usual officer goal to “get the bad guy”).

One was used to show how a police officer had paid for groceries for an elderly lady whose purse was stolen while she was shopping. This is used by her force to advertise the good works done by police – to counter the media reporting on the very few incidents that go the other way.

A challenge with the pilot involves the evidence collection. The videos must be redacted (for example, to blur faces of persons not involved) before they can be

used as evidence in court. This takes many person-hours. Durham Region Police advise that, for every 80 cameras, you need an additional 5 administrative personnel. The pilot project (9 officers; 5 months) involved 3800 videos. Only 3.4% will be needed as evidence. As Thunder Bay Police Service moves forward, they will need 130 cameras. (The Police Services Board approved the recommendation to implement the program throughout the force.)

Not only is it time consuming to have people undertake the redacting work, there are also PTSD risks because many of the videos are very graphic.

During the pilot, there were only 2 complaints against officers. Based on the video evidence, both were seen to be unfounded.

Several local videos were shown from the pilot project. One clearly shows a driver texting while driving. One involved a foot pursuit (which will avoid the defence used successfully in the past that "I was only out for a jog, and didn't realize I was being chased".) A third showed someone not stopping at a stop sign.

One benefit of the pilot project involved savings in police officer court time. When videos were provided as disclosure to the persons being charged with traffic violations, they often changed their plea from "not guilty" to "guilty" after seeing the evidence.

100% of the videos used as evidence in the pilot resulted in convictions. There was a 93% drop in complaints against police.

7. Police UAV Operations

A "UAV" is an "unmanned aerial vehicle" (drone). A "UAS" is an unmanned aerial system.

The Thunder Bay Police have a large, industrial drone which is proving helpful in a variety of applications. Because of its size, there are extensive licencing requirements. 5 officers are trained/licenced to use the UAV. It is expensive and time-consuming training. Operating the UAV requires 2 individuals; a pilot and an observer.

Almost the entire City of Thunder Bay is restricted air space – which adds to the complexity of licencing and use requirements. The Police worked with the OPP to develop their policy and operations manual, and worked with the Nav Canada folks at the airport as well to make operations work for all involved. There is a good working relationship.

As of the date/time of the presentation, there had been 120 hours of use over 26 incidents. The following are examples of the types of uses for the UAV:

- Collision scenes (this may result in reduced highway closure times after significant incidents as the UAV captures information quickly that a ground crew would require hours to collect)

- Outdoor crime scenes
- Search for/locate missing people
- Monitor active shooter
- Hostage situations (camera is excellent – can look into building windows)
- Incident command situations (broadcast through Bluetooth linked to the Emergency Operations Center)

The presenter showed several video images demonstrating the use of the UAV. It has infra-red capabilities, so, especially in cold weather, a person “stands out” in a forest image, making search/rescue much more efficient (provided it is done promptly).

ATTACHMENTS:

None

AVAILABLE ON REQUEST:

Power Point from Ministry presenters on the Community Safety and Well Being Plans;
Report on the Thunder Bay Police Service Body Worn Camera Project

Note: As at the time the Agenda was prepared, the Secretary had not received the other power point presentations promised at the conference. If they are available prior to the meeting, she will bring them along.