



Ottawa Police Services Board

MINUTES 16

Monday, 21 March 2016, 5:00 p.m.

Champlain Room, 110 Laurier Avenue West, Ottawa

Present: Councillor E. El-Chantiry (Chair), Councillor J. Harder, C. Nicholson, L.A. Smallwood, Councillor T. Tierney

Regrets: J. Durrell (Vice Chair), S. Valiquet

CEREMONIAL ACTIVITIES / ANNOUNCEMENTS

a) Welcome to Council Colleagues

Chair El-Chantiry recognized Councillors J. Mitic, S. Qadri and J. Cloutier who were in attendance.

b) Leave the Phone Alone Pledge

Chief Bordeleau explained the Leave the Phone Alone campaign reminds everyone that texting and driving is dangerous and illegal. In the City of Ottawa alone, 40% of collisions involved distracted driving, resulting in 6,400 injuries and 18 deaths on our city roads in the last five years. The Chief commended the efforts of Sgt. D. Hull, Ms. C. Macpherson, Media Relations Specialist, and the rest of the team, as well as Mr. R. Wilkinson, Coordinator, Safer Roads Ottawa Program, in delivering this program to the community and contributing to the safety of our roadways.

As a member of East District Traffic, Sgt. D. Hull was pleased to have been chosen to lead this very important community initiative. The Leave the Phone Alone Campaign focuses on identifying the consequences of distracted driving and to have drivers simply focus on their core responsibility which is to drive their vehicle.

Another focus has been on engaging children, youth and their parents to make a commitment as a family to not text and drive. It is a unifying campaign as all agree that distracted driving is the most significant road safety issue our community faces. Sgt. Hull invited all Board members to come forward and take the pledge, which they did.

CONFIRMATION OF AGENDA

(New business items will require waiving of the Rules of Procedure)

That the Ottawa Police Services Board confirm the Agenda of the 21 March 2016 meeting.

CARRIED

CONFIRMATION OF MINUTES

That the Ottawa Police Services Board confirm the Minutes of the 25 January 2016 meeting.

CARRIED

DECLARATIONS OF INTEREST

PUBLIC DELEGATIONS

- a. Crime Prevention Ottawa – Presentation on Ottawa Gang Strategy Update: Time For Change

Chair El-Chantiry introduced Councillor S. Qadri, Chair, Crime Prevention Ottawa (CPO) and Executive Director Ms. Nancy Worsfold, who led the presentation. Ms. Worsfold introduced program partners: Ms. C. MacIntosh, Director, John Howard Society of Ottawa; Ms. I. Jama, MLO Program Manager, Ottawa Community Immigrant Services Organization (CISO); and OPS Staff Sergeant I. MacDonnell, Guns and Gangs Unit, who assisted with the presentation. *(A copy of the presentation will be kept on file with the Board's Executive Director.)*

Crime Prevention Board Chair, Councillor S. Qadri, indicated these partnerships are key to the success of the program and the ultimate goal is to make the community safer. The partnership is working proactively to solve some of the

concerns raised in the community. He thanked the OPS for being a very strong partner along with the John Howard Society and CISO.

Following the presentation a discussion ensued and the following points of clarification were made:

- \$300,000 was added to the CPO's base budget and it is an ongoing service for the term of Council. An additional \$100,000 was provided to Ottawa Social Services, for employment opportunities.
- The target within the contract is to assist 30 clients per year.
- There are roughly 400 individuals involved in gangs in Ottawa. Participants and their families are individuals who either were involved in a high profile incident or were a perpetrator now looking for a better choice.
- For families and young people who are not fully entrenched in this life, there has been provincial money earmarked for gang prevention and intervention. They will be building off a pilot project "Siblings at Risk" to specifically work with younger siblings of gang members.
- CISO's prevention programs are designed to connect with newcomers who are low income and in a marginalized community, and provide after school programs.
- The Memorandum of Understanding (MOU) between the John Howard Society and the Ottawa Police is currently with the legal department. It is a complex arrangement and numerous privacy issues are involved. This delay has not stopped the work from taking place. Chief Bordeleau reassured Board members that the work continues and he will follow-up to verify the status of the MOU and report back to the Board.

Chief Bordeleau expressed his excitement about the partnerships that have been formed and thanked them for their continued work in keeping the community safe. He also thanked the members of the OPS who are intricately involved with this program.

On behalf of the Board, Chair El-Chantiry thanked the speakers for their presentation and their continued work.

INQUIRIES

There were no inquiries.

ITEM OF BUSINESS OF WHICH NOTICE WAS PREVIOUSLY GIVEN

1. AMENDMENT TO PROCEDURE BY-LAW No.3 OF 2014
-

That the Ottawa Police Services Board approve Procedure By-law No. 1 of 2016, being a by-law of the City of Ottawa Police Services Board to amend By-law No. 3 of 2014.

CARRIED

ITEMS OF BUSINESS

2. CHIEF'S VERBAL REPORT
-

In lieu of his usual report on the excellent work of OPS members, Chief Bordeleau focused his remarks on morale within the police service in light of recent media coverage. A copy of his comments will be kept on file with the Board's Executive Director and is available [online](#) at ottawapoliceboard.ca.

Following the Chief's report, Chair El-Chantiry added the following statement:
"Thank you for those comments Chief. This is an issue that every member of this Board cares about. I have supported the Members of the OPS since I started on this Board. That's why the emotions that were caused by a comment attributed to me in the media last week saddened me. I know there are pressures and frustrations we need to deal with to ensure the members are supported. As a Board, we acknowledge that morale needs to be addressed and we fully support the Chief in the steps he is taking to do that following last year's Members' Survey. We have made decisions to invest in staffing and Wellness. We have asked for reviews of Tenure. The Chief outlined other initiatives underway to address members' concerns. I will close my remarks by reiterating that the Chief and the members of this fine police service have the Board's full support and confidence, and together we will address the concerns about morale. As the Chief stated, we need to work on this together."

That the Ottawa Police Services Board receive this report for information.

RECEIVED

3. BIAS-NEUTRAL POLICING UPDATE
Chief's Report

Chair El-Chantiry expressed his appreciation to staff who organized the Bias-Neutral Policing session recently held at the Hellenic Community Centre.

That the Ottawa Police Services Board receive this report for information.

RECEIVED

4. TRAFFIC STOP RACE DATA COLLECTION PROJECT UPDATE
Chief's report

That the Ottawa Police Services Board receive this report for information.

RECEIVED

5. AUCTION PROCEEDS
Finance & Audit Committee's report

That the Ottawa Police Services Board approve that funds raised through the public auction of found or seized property in accordance with Section 132 of the *Police Services Act* be directed to the Police Services Board budget.

CARRIED

6. PROPOSED CHANGES TO THE *HIGHWAY TRAFFIC ACT* - COLOUR
COATING OBSCURE INTERIOR DRIVER WINDOW
Chief's report

Referencing Quebec's experience with this type of law, Member Smallwood asked what other experiences exist in Canada. He felt this was an excellent idea particularly for pedestrians and cyclists, as they need to make eye contact with drivers. Sgt. M. Gatien, Traffic Unit, explained that Quebec is the only province in Canada to have the 70% rule with the tint meter. Newfoundland, Prince Edward Island, Nova Scotia, Saskatchewan, Alberta and British Columbia do not allow any aftermarket tint to the drivers' compartment windows.

Member Tierney wanted to highlight Sgt. Gatien's work on this cause as well as his work relating to the texting issue; the province adopted fines as well as lost demerit points when it comes to texting while driving. The Chair also congratulated Sgt. Gatien on his efforts in the work that he does.

That the Ottawa Police Services Board direct the Board Chair to:

- 1. Write to the Minister of Transportation to request an amendment to the Highway Traffic Act (HTA) to allow for the use of Photometric Meters by police and that drivers who record a tint reading of 70 percent or less of light being translated through the vehicle window be subject to a fine under the HTA, with an exemption for emergency service and police vehicles.**
- 2. Forward this recommendation to the Ontario Association of Police Services Boards for consideration at its Annual General Meeting on May 13.**

CARRIED

7. ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS' ANNUAL CONFERENCE
Executive Director's report

That the Ottawa Police Services Board:

- 1) Approve the attendance of E. El-Chantiry and W. Fedec at the Annual Conference of the Ontario Association of Police Services Boards, to be held May 11–14, 2016 in Niagara Falls, Ontario.**
- 2) Endorse Chair Eli El-Chantiry in standing for nomination for re-appointment to the Board of Directors of the Ontario Association of Police Services Boards, as a representative of the "Big 12" group of police services boards.**

CARRIED

8. APPOINTMENT OF SPECIAL CONSTABLES: OTTAWA POLICE SERVICE
Executive Director's report
-

That the Ottawa Police Services Board approve the appointments of Sebastien Castonguay and Carlos Olivera as Special Constables pursuant to Section 53 of the *Police Services Act*, in accordance with the terms and conditions set forth in the attached Approval of Appointment form.

CARRIED

9. ACCESSIBILITY PLAN REPORT: 2015
Chief's report
-

A member of the public expressed interest in speaking to this item, however, left before having the opportunity. Chief Bordeleau indicated that staff had the individual's contact information and would reach out to discuss his inquiry regarding hearing impaired individuals and texting to 911. The Chief agreed to report back to the Board upon conclusion of this matter.

That the Ottawa Police Services Board receive this report for information.

RECEIVED

10. WORKFORCE MANAGEMENT REPORT: FOURTH QUARTER 2015
Chief's report
-

That the Ottawa Police Services Board:

- 1. Approve the appointment of the sworn officers identified in Annex B.**

CARRIED

- 2. Receive this report for information.**

RECEIVED

11. FINANCIAL ANNUAL REPORT: 2015
Chief's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

12. POSITIVE WORKPLACE: 2015 ANNUAL REPORT
Chief's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

13. SWORN PROMOTIONAL PROCESS: 2015 ANNUAL REPORT
Chief's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

14. WORKPLACE INJURIES, ILLNESSES & INCIDENTS: 2015 ANNUAL REPORT
Chief's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

15. OUTSTANDING BOARD INQUIRIES & MOTIONS: MARCH 2016
Executive Director's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

16. LETTERS OF COMMENDATION
Chief's report
-

That the Ottawa Police Services Board receive this report for information.

RECEIVED

COMMUNICATIONS

a) OTTAWA POLICE CHORUS

-
- Annual Report 2015 received 20 January 2016

b) PROVINCIAL CONSULTATION ON AMENDMENTS TO *POLICE SERVICES ACT*

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- Letter dated 24 February 2016 from Durham Regional Police Services Board Chair, R. Anderson to The Honourable Y. Naqvi, Minister of Community Safety & Correctional Services

Moved by Member Smallwood

That the Ottawa Police Services Board:

- 1. Endorse the letter from the Durham Regional Police Services Board Chair to Minister Naqvi dated 25 February 2016 regarding proposed amendments to the *Police Services Act*.**
- 2. Direct the Board Chair to write to the Minister expressing the Board's support for Durham's submission.**

CARRIED

c) PROVINCIAL CONSULTATION ON AMENDMENTS TO *POLICE SERVICES ACT*

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- Letter dated 14 March 2016 from the Ontario Association of Police Services Boards to The Honourable Y. Naqvi, Minister of Community Safety & Correctional Services

That the Ottawa Police Services Board receive these communications for information.

RECEIVED

CONSIDERATION OF MOTION TO MOVE IN CAMERA

At 6:00 p.m. the Board moved In Camera.

Moved by L.A. Smallwood

That the Ottawa Police Services Board adjourn the public portion of its meeting to move In Camera to discuss confidential items pertaining to legal and personnel matters, in accordance with Section 35(4)(b) of the *Police Services Act*.

CARRIED

RE-OPENING OF PUBLIC PORTION OF MEETING

OTHER BUSINESS

At 6:55 p.m. the Board re-convened into public session and considered the following motion.

Moved by T. Tierney

That the Ottawa Police Services Board waive the Rules of Procedure in accordance with Section 11(3) of Procedure By-law No. 3 of 2014 in order to add to the public agenda an additional Item dealing with a Request to the Ontario Civilian Police Commission.

CARRIED

17. REQUEST TO THE ONTARIO CIVILIAN POLICE COMMISSION

At the request of Chair El-Chantiry, Member Harder assumed the role of Acting Chair so that he could introduce a motion.

Member El-Chantiry stated that this is the first meeting of the Police Services Board since issues were raised in the media regarding the Chief's phone call to the Provincial Offences Office on January 25th to find out the name of the prosecutor assigned to a file involving a member of the Chief's family.

As was reported in the media, the President of the Police Association, Officer Matt Skof, asked the Office of the Independent Police Review Director (OIPRD) to investigate this matter. The OIPRD is responsible for handling all complaints made by members of the public about the conduct of police officers.

However, the *Police Services Act* in Ontario does not allow a police officer to make a complaint to the OIPRD about another police officer, nor does the *Act* allow the Board to make such a complaint.

Member El-Chantiry stated that the OIPRD has advised the Board in a letter that it is of the opinion that Officer Skof, as a member of the police service, is precluded from making a complaint about the Chief of Police. The Police Services Board accepts and concurs with the OIPRD's determination.

However, as there is a strong public interest in maintaining the integrity of the Ottawa Police Service, including its Chief, Member El-Chantiry believed that an independent investigation by an outside agency is an important step in order to address any public concerns with the actions of the Chief in this matter. For that reason, he proposed that the Board ask the Ontario Civilian Police Commission to investigate, inquire into and report back to the Board on the actions of the Chief on January 25, 2016, which is can do under section 25(1)(a) of the *Police Services Act*.

In putting this motion forward, Member El-Chantiry made it clear that he was not, nor will the Board be if it endorses the motion, making any kind of judgment about what the Chief did. The interests of openness and transparency however require that the Board take this step of asking for an independent investigation. As the Chief noted in his comments earlier in the meeting, he welcomes such a review.

The Board then voted on the following motion:

Moved by E. El-Chantiry

WHEREAS there have been a number of media reports about Ottawa Police Chief Charles Bordeleau having called the Provincial Offences Court office on January 25th, 2016, to find out the name of the prosecutor assigned to a matter in traffic court that day involving a family member; and

WHEREAS this is the Board's first meeting following the publication of these reports; and

WHEREAS the December 7, 2015 Statistics Canada's survey of public confidence in Canadian institutions showed that more than 80% of Ottawa residents have some or a great deal of confidence in the police; and

WHEREAS maintaining that very high level of public confidence is an important component of ensuring adequate and effective policing in the municipality;

THEREFORE BE IT RESOLVED THAT the Ottawa Police Services Board ask the Ontario Civilian Police Commission to investigate, inquire into and report back to the Board, in accordance with Subsection 25(1)(a) of the *Police Services Act*, on the Chief's actions in this matter.

CARRIED

Reclaiming his position as Chair, Chair El-Chantiry then took the opportunity to address a second complaint about Chief Bordeleau that has been discussed in the media, regarding a report submitted to the board last July. The report requested approval to hire individuals from a private security firm to operate new screening devices at the court house. The complaint alleged that the Chief misled the Board in the information he provided in the report.

Chair El-Chantiry stated that Board members had been briefed and were fully aware of what they were approving when they voted on that report, and there was no attempt by the Chief to mislead the Board.

He further noted that the complaint was filed by an employee of the Ottawa Police Association first with the Ontario Civilian Police Commission, and later with the OIPRD. Both provincial oversight bodies declined to deal with the complaint. The OIPRD informed this Board of its decision and advised the board that no further action was required on its part.

When the Ottawa Police Association employee submitted the same complaint to this Board, the Board declined to pursue the complaint based on the OIPRD's direction to the Board.

The Chair concluded by noting two provincial bodies did not believe there was merit in investigating this complaint. They and this Board consider the matter closed.

ADJOURNMENT

The meeting adjourned at 7:10 p.m.

W. Fedec
Executive Director

E. El-Chantiry
Chair

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