



## Ottawa Police Services Board

### MINUTES 20

Monday, 27 June 2016, 5:00 p.m.

Champlain Room, 110 Laurier Avenue West, Ottawa

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

**Regrets:** J. Durrell (Vice Chair)

#### CONFIRMATION OF AGENDA

**That the Ottawa Police Services Board confirm the Agenda of the 27 June 2016 meeting.**

CARRIED

#### CONFIRMATION OF MINUTES

**That the Ottawa Police Services Board confirm the Minutes of the 30 May and 20 June 2016 meetings.**

CARRIED

#### DECLARATIONS OF INTEREST

There were no declarations of interest.

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ITEM OF BUSINESS OF WHICH NOTICE WAS PREVIOUSLY GIVEN

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

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**That the Ottawa Police Services Board approve By-law No. 2 of 2016, being a By-law to amend Ottawa Police Services Board Procedure By-law No. 3 of 2014 as amended by By-law No. 1 of 2016.**

CARRIED

ITEMS OF BUSINESS

1. CHIEF'S VERBAL REPORT

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Chief Bordeleau reported on the following items (*a copy of the Chief's verbal report will be kept on file with the Board's Executive Director and is available online at ottawapoliceboard.ca*):

- Response to call in Overbrook
- NALS & Canada Day
- Service Initiative Update.

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

RECEIVED

2. BOARD COMMITTEES: REVIEW  
Policy and Governance Committee's report

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Member Nicholson introduced this report as Chair of the Policy and Governance (P&G) Committee. By way of background, he noted that at its meeting on 25 April 2016, the Board tasked staff with conducting a review of the committee procedures and practices of other large boards in the country and reporting them to the Committee. The Committee was tasked with reviewing the findings and making recommendations to the Board.

The P&G Committee considered the comparator data, pertinent legislation, and comments from the Board Solicitor at meetings on June 3 and June 20. The Committee members agreed it is very important that the public see that civilian oversight is happening. In the interests of openness and transparency, the Committee submitted the recommendations contained in its report, which included

advertising the meetings so that the public can attend them, and including minutes and reports from committee chairs on Board meeting agendas.

Member Harder proposed disbanding the committees as they are essentially working groups, and having all matters come to board meetings. A discussion of the pros and cons of this suggestion followed.

The Board then heard from a public delegation. Mr. K. O'Donnell, asked for confirmation, which was provided, that the committee agendas would be posted on the City's website along with the regular agendas. Referring to the report, Mr. O'Donnell noted that section 35 of the *Police Services Act* reads meetings "may become a closed meeting"; he wanted to clarify that there is no provincial law that says meetings must be closed at anytime. He wanted to ensure that the transition from open to closed meetings would make part of the public record. This was confirmed. He inquired if he would be permitted to offer his comments at committee meetings.

Mr. D. White, Board Solicitor, explained that the way the Board conducts meetings is somewhat different from the way Council and its committees conduct theirs. The committees of Council have a separate mandate, some of them have decision making authorities. From a procedural standpoint, he was of the opinion that public delegations with respect to items not on the agenda would come to the board, which could then assign it to a committee if it wanted consideration at a working group or committee.

The Board then considered the following motion put forward by Member Harder:

Moved by J. Harder

**That the working groups be disbanded and all work come before the Ottawa Police Services Board regular meetings.**

LOST

YEAS: J. Harder, T. Tierney .... 2

NAYS: E. El-Chantiry, C. Nicholson, L.A. Smallwood, S. Valiquet ..... 4

Board members then considered the following recommendations:

**That the Ottawa Police Services Board approve:**

- 1. That the date, time and location of committee meetings be advertised on the Board's website, and the items that are public be listed.**

2. That a list of topics (attached as Document 3) exempt from being discussed in open committee be made publicly available to provide transparency on what can be discussed in closed session versus public.
3. That Committee Chairs provide an update on committee meetings at regular board meetings and minutes of committee meetings be included on the Board's agendas (public or confidential agenda depending on subject matter).
4. That the content of minutes consist of the essence of the subject, the outcome, and a summary of the rationale for the outcome.

CARRIED

J. Harder dissented

3. IMPLEMENTATION OF ONTARIO REGULATION 58/16: "COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES – PROHIBITION AND DUTIES" (STREET CHECKS)  
Chief's report  
Presentation

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Acting Chief Skinner introduced Inspector M. Patterson and Ms. L. Fenton, Project Manager, who provided information to the Board on Ontario Regulation 58/16 and what it means for the police service. *(A copy of the presentation will be kept on file with the Board's Executive Director.)*

The following points of clarification were made after the presentation:

- The regulations are strict but manageable, and only apply to arbitrary stops, which the Ottawa Police Service was not engaged in.
- This regulation will prevent officers from engaging in random stops, whether based on an individual's race or other considerations, to collect identifying information. The Regulation will be addressed through a training component for the officers and an education component for the community.
- When conducting a face to face Regulated Interaction as described in the Regulation, the officer must provide their name and the reason for the stop. The individual being stopped is not required to provide the information.
- If officers have a good description of a person or vehicle involved in a crime, they will still stop that person, but the officer must have a reason to stop them; it cannot be random.

- The OPS has been recognized for their work and leadership on this file by other police services, the Province and the Human Rights Commission.
- Each officer must undergo 8 hours of training by January 2017. New recruits will be trained at the Police College. The cost associated with the training is not yet known.

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

RECEIVED

4. BOARD POLICY CR-18: COLLECTION OF IDENTIFYING INFORMATION IN CERTAIN CIRCUMSTANCES – PROHIBITION AND DUTIES  
Policy and Governance Committee's report
- 

**That the Ottawa Police Services Board approve the Collection of Identifying Information in Certain Circumstances Policy attached as Document 1.**

CARRIED

5. OTTAWA POLICE SERVICE ANNUAL REPORT: 2015  
Chief's report  
2015 Annual Report
- 

Acting Chief J. Skinner responded to questions from Board members about the possible reasons for an increase in the severity of violent crimes despite a decrease in violent crime; and the location of increased crime across the City.

**That the Ottawa Police Services Board receive this report and online version for information.**

RECEIVED

6. COMPLIANCE WITH MINISTRY STANDARDS: 2015 ANNUAL REPORT  
Chief's report
- 

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

RECEIVED

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7. OUTSTANDING BOARD INQUIRIES & MOTIONS: JUNE 2016  
Executive Director's report
- 

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

RECEIVED

8. LETTERS OF COMMENDATION  
Chief's report
- 

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

RECEIVED

#### COMMUNICATIONS

1. ONTARIO ASSOCIATION OF POLICE SERVICES BOARDS (OAPSB) –  
LETTERS OF CONGRATULATIONS
- a) Letter dated 14 June 2016 from E. El-Chantiry, President, OAPSB to the Honourable D. Oraziotti, on his recent appointment as Minister of Community Safety & Correctional Services
  - b) Letter dated 14 June 2016 from E. El-Chantiry, President, OAPSB to the Honourable Y. Naqvi, on his recent appointment as Attorney General and Government House Leader
2. PROPOSED CHANGES TO THE *HIGHWAY TRAFFIC ACT* – COLOUR  
COATING OBSCURE INTERIOR DRIVER WINDOW
- a) Letter dated 8 June 2016 from The Honourable S. Del Duca, Minister of Transportation, in response to the Board's letter dated 22 March 2016
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**That the Ottawa Police Services Board receive these communications for information.**

RECEIVED

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CONSIDERATION OF MOTION TO MOVE IN CAMERA

At 6:00 p.m. Chair El-Chantiry announced that this portion of the public meeting was adjourned but that the Board would re-convene in public following the In Camera portion of its meeting to report on the Board's review of the Complaint under Section 69 of the *Police Services Act* referred to it by the Office of the Independent Police Review Director (OIPRD).

Moved by T. Tierney

**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 6:23 p.m. the Board re-convened into public session and considered the following motion.

Moved by S. Valiquet

**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 an Ontario Independent Police Review Director (OIPRD) complaint under Section 69 of the *Police Services Act*.**

CARRIED

9. OIPRD COMPLAINT UNDER SECTION 69 OF THE *POLICE SERVICES ACT*

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Chair El-Chantiry made the following comments:

"Earlier this evening, the Police Services Board met to review a complaint forwarded to it by the Office of the Independent Police Review Director. The

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complaint alleges that the Chief of the Ottawa Police made intentionally misleading representations at the Board's July 15, 2015 public meeting on the issue of contracting for court security at the Elgin Street Courthouse.

"Under the *Police Services Act*, the Board is required to review every complaint about the Chief of Police that is referred to it by the Independent Police Review Director. It is important to note that the purpose of the Board's review is only to determine whether the conduct complained of is of a type that falls within the *Act's* complaints process. The Board is not deciding whether the allegations are true, or whether there is any merit in the complaint. That is the job of the OIPRD.

"I should also note that the Board was asked to recuse itself from conducting this review. However, the *Police Services Act* requires the Board to conduct this review and there is nothing in the *Act* that allows the Board to ask someone else to do its job. Following the directions given by the OIPRD, the Board did not receive submissions from the complainant, the Chief or any other party in conducting its review.

"Having looked at the type of conduct that is alleged, namely that the Chief either intentionally or negligently made inaccurate or misleading statements as part of his official duties, the Police Services Board has determined that the conduct, if it is shown to be true, is of a type that falls within the *Police Services Act* Code of Conduct for police officers. It is important to reiterate that the Board has not done an investigation and is not saying that the allegations are true or that there was misconduct by the Chief.

"The Board will advise the OIPRD of its decision as soon as possible. In accordance with the *Police Services Act*, the OIPRD will now conduct an investigation into the complaint and report its findings back to the Board."

#### ADJOURNMENT

The meeting adjourned at 6:40 p.m.

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W. Fedec  
Executive Director

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E. El-Chantiry  
Chair