



Ottawa Police Services Board

MINUTES 10

Monday, 28 September 2015, 5:00 p.m.

Champlain Room, 110 Laurier Avenue West, Ottawa

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

CEREMONIAL ACTIVITIES / ANNOUNCEMENTS

a) Moment of Reflection

Chair El-Chantiry asked everyone in attendance to rise for a moment of silence in remembrance of the one year anniversary of Staff Sergeant Kal Ghadban's passing, and in honour of the four officers who died in the line of duty this year who were honoured at the annual Canadian Police and Peace Officers' Memorial on the weekend.

CONFIRMATION OF AGENDA

That the Ottawa Police Services Board confirm the Agenda of the 28 September 2015 meeting.

CONFIRMED

CONFIRMATION OF MINUTES

That the Ottawa Police Services Board confirm the Minutes of the 27 July 2015 meeting.

CONFIRMED

INQUIRIES

1) Re-Hiring of Retired Members

Member Smallwood inquired about the appointment of a retired OPS officer as a consultant and wondered if this has happened in the past and if it could happen again in the future. He noted there is currently no policy that deals with this type of situation.

Chair El-Chantiry informed the Board that he has instructed the Executive Director to draft a policy dealing with this matter and it will be presented to the Board later this year.

Chief Bordeleau explained that as there is currently no Board policy, he referred to the City of Ottawa's policy and worked with their procurement officers to ensure no policies were breached.

ITEMS OF BUSINESS

1. CHIEF'S VERBAL REPORT

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)*:

- Wilno homicides
- Stabbing Death on Jasmine Crescent
- Incident in the ByWard Market
- Successful Investigations
 - Man Charged in Relation to 7 Robberies
 - Man Charged in Series of Thefts
 - Joint Organized Auto Theft Investigation
 - Human Trafficking Charges
 - Guilty Verdict in Parental Abduction
- Taxi Strike

- Guns & Gangs Update
- City-Wide School Zone Enforcement
- Award of Order of Merit of the Police Forces to OPS Members
- Canadian Police & Peace Officers' Memorial Service.

Stabbing Death on Jasmine Crescent

Member Tierney commended the Service for their response time to this tragic event. He noted that residents are getting together with the OPS, Crime Stoppers and other community organizations to speak to the residents and give them some level of comfort and to keep youth engaged in the opportunities that exist within the community.

Taxi Strike

Member Tierney stated that most people are thankful for the injunction prohibiting taxi drivers from blocking the Airport Parkway, however, he wanted to know why the strikers had been allowed to block roadways.

Chief Bordeleau explained that managing labour disruptions is very complex and it falls on the OPS to maintain public safety for everyone involved and to remain impartial and neutral. He noted that anyone blocking a roadway would be arrested, however, there is an added dynamic to this situation. This is an organized labour dispute that must be monitored and managed. The officers managing this fluid situation have done tremendous work building relationships with all parties involved and mitigating serious disruptions that could have happened at other sites. One lesson learned in policing is that every action has a reaction. When officers move in forcefully and disrupt illegal activity that may resolve the current situation, however, other things could take place escalating the situation. The situation is constantly monitored and the incident commanders are constantly making decisions that have the Chief's and Executive Command's support.

The Chief said it is illegal to block a roadway and the police have the authority to arrest an individual, however, they also have discretion in affecting the arrest and with labour disruptions or major demonstrations, officers employ critical discretion to ensure everyone stays safe. He re-iterated that the priority has always been to ensure public safety and road access while balancing the right to demonstrate. Where warranted, officers have launched investigations and laid charges for unlawful activities, including vandalism and mischief. They continue to monitor the situation and intervene as required.

Vice Chair Durrell stated that the community's confidence in the Service is its greatest strength. It is his personal opinion that the decision to allow drivers to block the roadway created a crisis of confidence. He is proud of this Service and

has defended it many times, however, he was offended that this incident was allowed to happen.

Chief Bordeleau noted that it is not for the OPS to judge the value or the merits of a labour disruption. As an example he spoke about the OC Transpo strike and the multiple ways traffic was blocked, and he did not recall officers being criticized for their actions at that time. Officers have been respecting the drivers' right to demonstrate without escalating the dispute. He continues to support and stand by their work.

Member Harder noted that as the Nation's Capital there are always protests of one sort or another happening, but not to the extent of this protest. She opined that the OPS were not treating the drivers the same way they would treat other protesters due to the fact that this protest has the potential to be more volatile than others. She said the community is incensed that this has been allowed to go on resulting in little to no public acceptance of the situation.

Responding to Member Harder's question regarding the policies of other nation's capitals, Chief Bordeleau explained that Canada has the Charter of Rights and Freedoms and cannot be compared to the United States or any other country.

Responding to Member Harder, Chief Bordeleau stated that given the same facts he would support the decisions made by the commanders on the ground. The OPS manages over 600 demonstrations in the Nation's Capital every year and other services across Canada look to the OPS to see how they are managed successfully. The Chief is proud of the approach used to manage these demonstrations. From a public policy perspective it would be wrong to treat demonstrators differently because of who they are or where they are demonstrating. Police officers are sworn to uphold the Constitution of Canada and the Charter of Rights and must do so in an impartial way.

Chair El-Chantiry believed officers have done a good job managing the situation and noted those who broke the law were charged. It was a frustrating time and the officers on the ground made the best decisions based on the immediate situation. He noted if the police had been heavy-handed, there would have been other complaints. He thought it was good to have this open dialogue so that members of the community better understand what happened and how it was handled.

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

RECEIVED

2. PURCHASE OF NIGHT VISION DEVICES AND GOGGLES
Chief's report
-

That the Ottawa Police Services Board approve the purchase of 29 units of "NVD-BNVD P+" Night Vision Goggles from Millbrook Tactical of Stittsville, Ontario at a cost of \$407,045.00 (excluding taxes).

CARRIED

3. OTTAWA POLICE GALA - FUNDRAISER IN SUPPORT OF THE OTTAWA
FOOD BANK AND CARING AND SHARING EXCHANGE
Executive Director's report
-

That the Ottawa Police Services Board approve the purchase of a table at the Sixth Annual Ottawa Police Gala being held on November 7, 2015 at the Shaw Centre, at a cost of \$1,750.

CARRIED

4. BOYS AND GIRLS CLUB OF OTTAWA: 2015 AWESOME AUCTION
FUNDRAISER
Executive Director's report
-

That the Ottawa Police Services Board approve the purchase of a table at the Boys and Girls Club of Ottawa Awesome Auction being held on November 13, 2015 at the Shaw Centre, at a cost of \$1,000.

CARRIED

5. APPOINTMENT OF SPECIAL CONSTABLES - OTTAWA POLICE SERVICE
Chief's report
-

That the Ottawa Police Services Board approve the appointments listed in Annex A 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

6. APPOINTMENT OF SPECIAL CONSTABLES – OC TRANSPO
Chief's report
-

That the Ottawa Police Services Board approve the appointments of Owen David Andrews and Joshua Adam Gibeault 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

7. 2015 PUBLIC SURVEY RESULTS
Chief's report
Presentation
-

Chief Bordeleau explained that every three years the OPS surveys the public on perceptions of crime, feelings of safety, what people think of the OPS and the service being provided. He introduced Mr. R. Mar, Director, Planning, Performance & Analytics who presented the survey results along with Mr. S. Dallaire and Mr. S. Poitras from Leger, The Research Intelligence Group. *(A copy of the presentation will be kept on file with the Board's Executive Director.)*

Board members asked a number of questions which were responded to by staff. Member Harder noted in particular the increase across the City in feelings of insecurity in public transport and public areas. She suggested that this information be shared with OC Transpo or the Transit Commission.

Member Tierney referenced the results related to traditional media versus social media and asked if there was a benchmark. Mr. Mar responded a benchmark has been established, however, due to the volume of information it was not included in

this presentation. There has been an increase in the uptake from social media and other new media. Moving forward, it will be important to include previous survey results in order to monitor the various ways individuals are communicating.

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

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8. REPORT ON SPECIAL INVESTIGATION UNIT INVESTIGATION
Chief's report

Member Harder wanted to know: what experience do SIU investigators have; why would charges be laid when it was obvious that no reasonable prospect of conviction existed; how often does this happen; and if there is anything that could be done to help alleviate the costs and consequences that arise from apparently unfounded charges.

Chief Bordeleau explained that the SIU is a provincial body mandated to investigate potential criminal activity committed by police officers where death, serious injury, or sexual assault may have occurred. SIU investigators are usually former police officers who bring a skill set with respect to conducting investigations. In this particular case the SIU was notified of an incident and determined that they would invoke their mandate. An investigation was conducted and criminal charges were laid against the officers; the charges were later dropped by the Crown Attorney. As Chief he had concerns about there having been others in the room with the officers and needed to be satisfied there were no other criminal acts, so he retained the OPP to conduct an investigation. They deemed no criminal act had taken place. The officers conducted themselves in a professional manner and the withdrawal of the charges and the outcome of the PSS and OPP investigations confirmed that. Although the SIU has not had a high successful conviction rate with their charges, the Chief wanted to reiterate he strongly believes in oversight and the value the SIU brings to ensuring police officer accountability.

In response to further questions the Chief agreed that when the SIU invokes their mandate and conducts investigations with similar outcomes it does have a detrimental effect on officers' morale. The length of time it takes to complete an investigation is frustrating and stressful for the officers.

Vice Chair Durrell agreed with Member Harder's comments. He believed that this instance was an abuse of power. He said he would like to see the Chair write a

letter to the Attorney General and express the Board's concern, using this incident as an example.

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

RECEIVED

9. OUTSTANDING BOARD INQUIRIES & MOTIONS: SEPTEMBER 2015
Executive Director's report
-

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

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10. LETTERS OF COMMENDATION
Chief's report
-

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

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COMMUNICATIONS

- a) STRATEGY FOR A SAFER ONTARIO
- Letter dated 21 July 2015 from Minister Y. Naqvi, Community Safety and Correctional Services to Chair F. Scarpitti, York Regional Police Services Board
- b) RECOMMENDATION TO IMPROVE THE TIMELINESS OF INVESTIGATIONS CONDUCTED BY THE SPECIAL INVESTIGATIONS UNIT
- Letter dated 1 September 2015 from Chair, A. Pringle, Toronto Police Services Board to Minister M. Meilleur, Attorney General

c) **RECOMMENDATION TO ESTABLISH A 9-1-1 CELL PHONE USER FEES AND GRANT PROGRAM**

- Letter dated 1 September 2015 from the Toronto Police Services Board to Minister Y. Naqvi, Community Safety and Correctional Services

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

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CONSIDERATION OF MOTION TO MOVE IN CAMERA

Moved by J. Harder

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

ADJOURNMENT

The meeting adjourned at 6:20 p.m.

W. Fedec
Executive Director

E. El-Chantiry
Chair