



**REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD**

PUBLIC MINUTES

Thursday, September 24, 2009

**Niagara Police Services Board
Multipurpose Room 1st Floor, 110 James Street, St. Catharines**

CALL TO ORDER

The Public Meeting of the Niagara Police Services Board commenced at 8:37 a.m.

ROLL CALL

MEMBERS PRESENT:

Mr. L. Iggulden, Chair
Mr. D. Martin, Vice Chair
Mr. B. Bentley
Mr. T. Shoalts
Mr. M. Woodhouse

Mr. W.B. McKaig, Solicitor (arrived at 9:31 a.m.)
Ms. D. Morton, Executive Director
Ms. S. Taylor, Executive Assistant

OTHERS PRESENT:

Chief of Police W.E. Southall
Deputy Chief of Police J. Matthews
CAO G. Fuentes
Superintendent S. Kenney, 2 District
A/Superintendent D. Jastrubecki, Central Region
Superintendent C. Scott, 1 District
Superintendent B. Symonds, Executive Services
A/Superintendent R. Coulis, Emergency & Investigative Support
Inspector J. McCaffery, Executive Officer to the Chief
D/Sergeant G. Bench, Executive Officer to the Deputy Chief
D/Sergeant P. McCauley, Executive Officer to the CAO
P.C. J. Forgeron, Media Officer
Ms. M. George, Director of Business Services
Mr. A. Askoul, Director Information & Communication Technology
Ms. L. DiDonato-DeChellis, Manager Finance
Dr. P. Divers, Corporate Analyst
Ms. A. Hepplewhite, Manager Corporate Records & Information Mgmt.
Mr. J. Saunders, Manager Audio Video

DECLARATIONS OF CONFLICT/PECUNIARY INTEREST

Member Woodhouse declared a conflict of interest with addendum Item #180 s.16, as an employee of Niagara College, and therefore did not participate in the voting on this matter.

MINUTES OF PREVIOUS MEETINGS

166. Minutes of the Public Board Meeting held Thursday, August 27, 2009.

Moved by: D. Martin
Seconded by: B. Bentley

That the Minutes of the Public Board Meeting held Thursday, August 27, 2009 be adopted as circulated.

Carried.

REPORTS FROM THE BOARD CHAIRPERSON

Chair Iggulden reported the following:

Welcome Home to Chief Southall

On behalf of the Board, Chair Iggulden welcomed Chief Southall home from her two week Hawaiian vacation. He thanked her for the time and effort she spent on police facilities issues while on vacation which was interrupted on numerous occasions with transcontinental telephone conversations and a teleconferenced segment with Regional Council.

NRPA Family Day Picnic

On September 12 Chair Iggulden and his granddaughter attended the Niagara Region Police Association Annual Family Day Picnic held at the Association grounds. The event was a huge success and the group of NRPA's team organizers did a great job making a day full of fun for members and their families.

OAPSB Zone 4 Meeting

On October 1 the Ontario Association of Police Services Boards and the Ontario Association of Chiefs of Police will be holding their quarterly Zone meeting hosted by the Niagara Regional Police. Prior to the meeting the NRPS will be holding a special seminar on mental health issues in the workplace for all Zone members and Police management. The seminar will begin at 9:00 a.m. followed by the regular Zone meeting. The event will be held at Club Italia in Niagara Falls. Board Member Bill Smeaton and the Board's Executive Director will be attending. Any other Board members interested in attending are asked to confirm their attendance with Board staff.

Niagara Region Safety Village – Emergency Services Gala

The Board has received an invitation to attend the Niagara Region Safety Village Emergency Services Gala on Friday, October 16 at 5:30 p.m. at Club Italia, Niagara Falls. The event is a fundraiser in support of the ongoing programming at the Children's Safety Village. Interested Board members are reminded to confirm their attendance with Board staff.

OAPSB Big 12 Chairs & Staff Meeting

The Ontario Association of Police Services Boards will be holding its next Big 12 Chairs and Staff meeting on October 21 at 2:00 p.m. in Richmond Hill.

OAPSB Fall Seminar – Crime Prevention & Board Governance

The Ontario Association of Police Services Boards is holding a Fall Seminar for police services board members on October 22 and 23 at the Richmond Hill Sheraton Parkway. The theme of the seminar is 'Exploring Crime Prevention and Board Governance Training' and will highlight crime prevention, restorative justice and Board governance sessions. Board members who are interested in attending are asked to contact Board staff.

Upcoming Meetings – 1st Floor Boardroom, 110 James Street, St. Catharines

- Licencing Committee Meeting – Thursday, October 15 at 8:30 a.m.;
- Human Resources Committee Meeting – Thursday, October 15 at 9:30 a.m.;
- Next Board Meeting – Thursday, October 29 at 8:30 a.m.

REPORTS FROM THE CHIEF OF POLICE

Chief of Police Southall reported the following:

Operational Statistics

Marihuana Grow Operations

For the period January 1 through September 24, 2009:

Total street value seized \$10,266,000 compared to \$19,326,000 for 2008;

Total equipment seized \$497,000 compared to \$596,900 for 2008.

Homicides

For the period January 1 through September 24, 2009:

2 compared to 5, same period 2008.

Robberies

For the period August 26 through September 24, 2009:

24 with 10 cleared, a 42% clearance rate this period.

Traffic Fatality Statistics

For the period January 1 through September 24, 2009:

22 collisions (24 deceased), compared to

18 collisions (19 deceased), same period 2008.

Life-Threatening Injury Collisions

For the period January 1 through September 24, 2009:

25 compared to 23, same period 2008,

Niagara Regional Police Response To Traffic Statistics

Fatal and serious injury motor vehicle collisions continue to be a significant concern for the Niagara Region. The leading causes of death and serious injury in motor vehicle collisions have been identified as driver error, speed and alcohol impairment.

Given the recent increase of serious injury collisions and fatal collisions of recent weeks, it was clear that messaging to the community was timely, and the Service therefore took an active move forward in its approach through the media by securing radio, television and print media opportunities.

Members of the Service including the Community Services Unit, the Public Affairs Unit, the Traffic Reconstruction Unit and the Deputy Chief have provided consistent messages over the past two weeks. The Service has participated in four local radio interviews, three print media opportunities, and one local television interview.

All of the messaging was comprised with the similar statement to the public in eliciting their help in reducing the fatal and life threatening collisions by asking that they slow down, pay attention, avoid drinking and driving and obey the rules of the road. The Service is asking Niagara's communities to take ownership of their driving habits.

'ALL HANDS ON DECK' Traffic Safety and Awareness Day

On Tuesday, September 8 the Service conducted its ninth annual Traffic Safety and Awareness Day, throughout the entire Niagara Region, between the hours of 7:30 a.m. and 4:30 p.m. This project coincided with the return to school for most of the Region's school children after the summer vacation. Every on-duty police officer was assigned to traffic enforcement duties in the vicinity of schools in each of Niagara's 12 municipalities. An additional 88 officers, from the Chief to Divisional Detectives were reassigned from their normal duties to participate in this operation.

During the '*Traffic Initiative, Safety and Awareness*' operation, officers stopped a total of 513 vehicles, of which 341 drivers were issued Provincial Offence Notices for aggressive driving violations (including speeding), 20 drivers were issued with Provincial Offence Notices for seatbelt/child safety restraint violations, 27 received warnings for traffic violations. Five (5) drivers were arrested for driving offences and two males were arrested for drug possession.

Chief Southall also informed the Board that enforcement has been increased in relation to the detection of alcohol impairment. This year has seen a total of 502 Breathalyzer tests for driver impairment as opposed to 340 tests during the same time period for 2008.

The Service will continue its campaign of increased enforcement throughout the Region for the entire year with a number of traffic safety programs, as well as media messaging, which will target aggressive drivers and those impaired by alcohol.

Traffic Initiatives

The Board questioned police participation in the public planning process for bicycle lanes on Regional roads. Chief Southall replied that the Service has completed a Traffic Management Plan as well as conducted the July project *Operation Lifesaver II* with significant region-wide enforcement, and making July 2009 as the first July with no fatalities. The *National Traffic Safety Awareness Day* will occur in October along with a number of significant target dates with specific initiatives.

Chief Southall continued, noting that enforcement and education are the prime means to deal with these issues. As an example of the education aspect, the Service is partnered with the Regional Road Safety Committee. In the enforcement area, to date, the Service is up 30% with traffic enforcement; however, these initiatives will take time. Furthermore, the 2009 budget increase for the Special Enforcement Unit to champion traffic initiatives as well as a huge effort by the Superintendents on traffic safety directed to the frontline officers emphasizes that all have to make huge efforts in enforcement. Chief Southall will review and provide further comment on the enforcement of designated 'bike lanes' on regional roads.

In response to the Board's question about Service enforcement initiatives to address the new law on the use of hand-held devices while operating a motor vehicle, Chief Southall said that the new law will be coming into force later this Fall, and the Service be enforcing the new Ontario legislation restrictions for drivers using cell phones and blackberry devices as soon as it becomes law.

Respecting the mandatory use of helmets by bicycle riders under the age of 18 years, Chief Southall replied that the statistics at this point are unknown. In 2008 very successful programs were begun at the Niagara Children's Safety Village, as well as in Welland and Fort Erie. Community Policing Committees in Grimsby and others run bike rodeos, and share information and programs. Deputy Chief Matthews noted that bike helmet use is a deliberate strategy of School Safety Day, however, parents and children have to accept responsibility in this situation.

183. **Niagara Regional Police Service Completes Promotional Process**

Chief Southall announced to the Board the completion of the Service's recent promotion process, and added that a promotional ceremony will be hosted shortly when the nine Staff Sergeants and 13 Sergeants will be introduced to the Board.

The Chief took the opportunity to first thank all the members who competed in the most recent promotional process, recognizing the tremendous amount of focus, time and effort that is required. To the successful candidates Chief Southall extended her personal congratulations, stating that she looks forward to the opportunity to work together to meet the needs of the community, the membership and to the residents and visitors to the Niagara Region.

On behalf of the Board, Chair Iggulden offered congratulations to the newly promoted officers and the Niagara Regional Police Service for the leadership role it continues to play in the safety and well-being of the community.

The successful Staff Sergeants are:

Sergeant #4242 Deborah Beaulieu;
Sergeant #1298 Shawn Clarkson;
Sergeant #9295 Brett Flynn;
Sergeant #9582 Patrick McCauley;
Sergeant #8014 Timothy Welychka.

Sergeant #9057 George Bench;
Sergeant #9236 Shawn Dowd;
Sergeant #9396 Murray Haday;
Sergeant #7046 Paul Rogers, and

The successful Sergeants are:

Constable #9077 Paul Blakely;
Constable #9693 Jacqueline Forgeron;
Constable #9411 Christopher Healey;
Constable #9576 Kevin Luciano;
Constable #9523 Jacqueline Moore;
Constable #9953 David Weeks;
Constable #9970 Vincent Wong.

Constable #2962 Scott Elliott;
Constable #9360 David Gomez;
Constable #9434 Cameron Hollingshead;
Constable #9142 David Masotti;
Constable #7156 Sean Polly;
Constable #9967 James Williams, and

Moved by:
Seconded by:

B. Bentley
D. Martin

That the information be received.

Carried.

PRESENTATIONS

DEPUTATIONS

UNFINISHED BUSINESS

159. **KPMG Audit Report – 2008 Special Operating & General Operating Accounts (Special Fund)**
At the Public Meeting of the Niagara Police Services Board held on Thursday, August 27, 2009, the Board considered a letter dated July 30, 2009 from KPMG LLP providing the Board with Financial Statements of the Niagara Regional Police Service Board for the year ending December 31, 2008.

At the Board's request, the matter was deferred until the September meeting pending further clarification from the Service of the \$20,000 transfer between accounts as noted on the Statement of Receipts, Disbursements and Bank Balance.

The following Motion was duly passed:

'That the item be deferred. Carried.'

Finance Manager Ms. L. DiDonato-DeChellis reported that two years ago the source of the funding of the Informant Fund was changed through the operating budget as an investigative expense.

Moved by: D. Martin
Seconded by: T. Shoalts

That the information be received.

Carried.

A. CONSENT AGENDA

167. **Ontario Association of Police Services Boards – Bulletin Board**
The Board considered the OAPSB Bulletin Board dated September 2009 providing the Board with news of interest regarding police governance and highlighting both provincial and federal legislative initiatives.
168. **Regional Municipality of Niagara – CL 12-2009 September 10, 2009; CSC 119-2009 September 2, 2009**
The Board considered a letter dated September 11, 2009 from Kevin Bain, Regional Clerk, RMON, providing the Board with the September 10 approval by Regional Council of its Corporate Services Committee recommendations respecting receipt of Correspondence CSC 33-2009 and CSC 35-2009; approval of Confidential matter CSC 34-2009.
169. **Niagara Parks Police – Second Quarter 2009 Report on Special Constables**
The Board considered Report 215/2009 dated August 27, 2009 submitted by Mr. John Kernahan, General Manager, Niagara Parks Commission, providing the Board with the Niagara Parks Police Service's first quarter 2009 report containing information relating to public complaints, use of force, discipline and arrests made by the Special Constables employed through the Niagara Parks Police, period April 1 to June 30, 2009.
170. **Annual Report – Crime Analysis**
The Board considered Service report 218/2009 dated September 3, 2009 providing the Board with Service compliance with the Provincial Adequacy Standards Regulation LE-003 concerning Crime, Call and Public Disorder Analysis and NRPS General Orders 147.04; confirmation of Service compliance for the years 2005 through 2008; summarized trends, pursuant to Board By-law 195-2000.

171. **Annual Report – Response to Emotionally Disturbed Persons, Mental Illness or Developmental Disability**

The Board considered Service report 229/2009 dated July 15, 2009 providing the Board with a summary of the written procedures concerning Police response to persons who are emotionally disturbed or have a mental illness or developmental disability in compliance with Provincial Adequacy Standards Regulation LE-013; Service compliance including General Order 167.02 defining police responsibilities and the activities of the NRPS Senior Support/Vulnerable Adult Coordinator to effect the necessary component of the accountability process; a summary of the training afforded to Service members; 'wait times' incurred in 2008 to date experienced by officers at area hospitals and community response, pursuant to Board By-law 205-2000.

172. **Annual Report – Homicide Investigations**

The Board considered Service report 212/2009 dated August 1, 2009 providing the Board with a summary of the written procedures concerning Homicide Investigations including NRPS General Orders 026.04 *Major Crime Unit* and 095.06 *Major Incidents and Routine Criminal Investigations* in compliance with Provincial Adequacy Standard Regulation LE-039; Service compliance to the Ministry's designated Ontario Major Case Management Manual; membership in the Campbell Transition Steering Committee; basic investigative and extensive specialized training provincially and federally; summarized twelve-month listing of Niagara homicides and attempted homicide including the investigations of the Homicide Task Force, pursuant to Board By-law 231-2000.

173. **Annual Report - Management of Police Records**

The Board considered Service report 217/2009 dated September 8, 2009 providing the Board with a summary of the written procedures concerning the Management of Police Records including General Orders 006.04 and 031.03 with Service compliance regarding the Provincial Adequacy Standards Regulation AI-007; Service compliance with the retention periods as stipulated; the implementation in June 2009 of the off-site inactive records centre, pursuant to Board By-law 256-2003.

174. **Special Fund – July 1 - 31, 2009**

The Board considered Service report 216/2009 dated August 31, 2009 providing the Board with a summary of the transactions for the Niagara Regional Police Special Funds for the period July 1 through 31, 2009.

Moved by: T. Shoalts
Seconded by: B. Bentley

That the information be received.

Carried.

A. OTHER NEW BUSINESS

175. **NRPS 2008 Annual Report**

The Board considered Service report 232/2009 dated September 15, 2009 providing the Board with the 2008 Annual Report for the Niagara Regional Police Service which contains an overview of the Service's provision of community-based crime prevention initiatives, community patrol and criminal investigation services as well as information on crime analysis, calls for service, an overview of public complaints statistics and the cost of policing in Niagara in 2008. The 2008 Annual Report was distributed at the meeting.

Chief Southall recognized Dr. Paul Divers for his efforts in the production of the 2008 Annual Report and Chair Iggulden extended the Board's appreciation to Dr. Divers for a job well done.

Moved by: D. Martin
Seconded by: B. Bentley

That the information be received;

And further, that the 2008 Niagara Regional Police Service Annual Report be forwarded to Regional Council for information.

Carried.

176. **NRPS 'COPLogic' Online Reporting Application**

The Board considered Service report 234/2009 dated September 8, 2009 providing the Board with an update on the implementation of the COPLogic online reporting application which will provide a timely service enhancement and convenience to the public for the reporting of Lost Property, Theft under \$10,000, Mischief/Damage to Property and Mischief/Damage to Vehicle reports online without the necessity of an officer dispatch.

Moved by: T. Shoalts
Seconded by: B. Bentley

That the information be received.

Carried.

177. **NRPS Variance Report – to August 31, 2009**

The Board considered Service report 223/2009 dated September 8, 2009 providing the Board with a financial overview and year-end forecast for both the Service and the Board for the period ending August 31, 2009.

CAO Fuentes reported that as of August 31, 2009, the Service forecasted that they would be unable to meet the 2009 budget as approved by the Region resulting in a \$1.5 million deficit. As part of the minutes of settlement of the OCCPS proceedings, the Region increased the 2009 current budget by \$750,000 and the Board is responsible for any spending beyond that limit, which the Board has indicated will come from the Police capital reserve.

The Service will be proposing that the request for transfer from the capital reserve be deferred and be included as part of the year end reporting. The Service has already recognized a \$540,662 debt charge and issuance expense surplus that is the result of lower than expected debenture issues by the Region on behalf of the Service. The Service would normally request that these savings be transferred to the capital reserve to offset future capital expenditures. However, considering the terms of the minutes of settlement, these funds could be used to directly offset the remaining deficit.

CAO Fuentes will provide an official report at the October Board meeting.

With respect to budget timelines and discussions with the Region on 2010 budget strategies, CAO Fuentes confirmed that he has formally corresponded with the Regional Commissioner of Corporate Services on September 4th to outline the police challenges in meeting the Region's financial targets. This information is for further discussion with the Region regarding potential assistance from the Region that would meet the criteria for one-time expenditure funding.

Moved by: T. Shoalts
Seconded by: D. Martin

That the information be received.

Carried.

178. **Police Services Board - Draft Current Budget – 2010**

The Board considered a memorandum dated September 16, 2009 from Deb Morton, Executive Director, providing the Board with the draft 2010 current budget for the Niagara Police Services Board.

Member Bentley suggested that the Board's Finance Committee be convened to conduct a more detailed review of the year-over-year actual expenditures, expected expenditures for 2010, the Board's needs for 2010 (i.e. legal and consulting services), and to set an appropriate funding level for the Board's contingency reserve.

Moved by: B. Bentley
Seconded by: D. Martin

That the information be received;

And further, that the matter be referred to the Board's Finance Committee.

Carried.

179. **Board – Repeal of By-law No. 261-2003 – Enactment of By-law 290-2009 Ontario Sex Offender Registry (LE-046)**

The Board considered Service report 225/2009 dated September 10, 2009 requesting the Board rescind By-law No. 261-2003 which has become redundant following the proclamation of Bill 16 in December 2008, *Christopher's Law (Sex Offender Registry) Amendment Act 2008* with subsequent revisions to the Provincial Adequacy Standards' Sex Offender Registry Guideline LE-046, and to approve the replacement By-Law 290-2009 *Ontario Sex Offender Registry*, pursuant to the federal *Sex Offender Information Registration Act* and the provincial Bill 16, *Christopher's Law (Sex Offender Registry) Amendment Act 2008*.

Moved by: T. Shoalts
Seconded by: B. Bentley

That the Board repeal By-law No. 261-2003 *Sex Offender Registry*, and replaced with By-law 290-2009 *Ontario Sex Offender Registry* as appended to this report;

And further, that the Board Chair be authorized to execute the required documentation.

Carried.

Member Woodhouse declared a conflict of interest with addendum Item #180 s.16, as an employee of Niagara College, and therefore did not participate in the voting on this matter.

180. **Minutes of Settlement between the Regional Municipality of Niagara and the Regional Municipality of Niagara Police Services Board**

The Board considered the Minutes of Settlement between the Regional Municipality of Niagara and the Regional Municipality of Niagara Police Services Board executed September 18, 2009 pertaining to the hearings scheduled before the Ontario Civilian Commission on Police Services respecting the Board's 2006, 2007, 2008 and 2009 Capital Budget and its 2009 Current Budget hearings.

Moved by: D. Martin
Seconded by: B. Bentley

That the Board ratify the Minutes of Settlement between the Regional Municipality of Niagara and the Regional Municipality of Niagara Police Services Board executed September 18, 2009.

Carried.

181. **NRPS Software Licence Purchase – PO0810 Enterprise Content Management System**

The Board considered Service report 235/2009 dated September 22, 2009 requesting the Board approve the purchase of software licences for the PO0810 Enterprise Content Management System OpenText in order to take advantage of the vendor's accelerated offer of a 12% discount of the RFP costing amounting to \$208,242.34 for the required 200 software licences.

Moved by: D. Martin
Seconded by: T. Shoalts

That the Board approve:

1. **To purchase software licences from OpenText for PO0810;**
2. **And further, that the Board authorize the Chief of Police to execute the required documentation.**

Carried.

The public meeting adjourned at 9:37 a.m. and the Board reconvened the public portion of the meeting at 10:01 a.m. to deal with Item 182.2009.

182. **Capital Project PO05015 Central Accommodations – HQ/Admin – Project Initiation**

The Board considered Service report 236/2009 dated September 22, 2009, that the Board, in accordance with the funding approval in the Minutes of Settlement, approve the initiation of the Police Long Term Accommodation Phase 1 with a budget of up to \$69.7 million.

The above-noted report was formally withdrawn from the Public Agenda as the matter has been dealt with through the Minutes of Settlement, Item 180.2009.

Moved by: B. Bentley
Seconded by: D. Martin

That the Board correspond with the Region to request that a capital expenditure budget of up to \$69,700,000 be allocated to PO0515 from the Police Service Capital Expenditure Budget as outlined in the Minutes of Settlement between the Region of Niagara and the Police Services Board dated September 18, 2009.

Carried.

IN CAMERA REPORTS

C. **2008 Audited Financial Statement – KPMG LLP Revisions**

182. At the Confidential Meeting of the Niagara Police Services Board held on Thursday, August 27, 2009, Ms. Janet L. Allan, Associate Partner, KPMG, was in attendance and submitted revisions to the Audit Findings Report and draft Financial Statements of the Niagara Regional Police Service considered by the Board at its May 28, 2009 meeting. Included in the revised statements is the assets and adjustment of transfer to the Region.

The following Motion was duly passed:

'That the Financial Statements of the Niagara Regional Police Service for the year ended December 31, 2008 be approved and accepted as amended;

And further, that the 2008 Final Audit Management Letter from KPMG be received;

And further, that the information be forwarded to the Region's Audit Committee for its information;

And further, that the information be reported back on the Public Agenda. Carried.

Chair Iggulden noted that the only change was to add the operating actual to the approved budget.

Moved by: D. Martin
Seconded by: B. Bentley

That the information be received.

Carried.

C. **NRPS Response to 2008 Audited Financial Statements**

183. At the Confidential Meeting of the Niagara Police Services Board held on Thursday, August 27, 2009, the Board considered Service report C.207/2009 dated August 7, 2009, providing the Board with a reconciliation of the Net Revenue (Expenditures) as presented in the December 31, 2008 Financial Operating Results Report and the Annual Surplus (Deficit) as shown in the 2008 KPMG Audited Financial Statements (Appendix A).

The following Motion was duly passed:

'That the information be received;

And further, that the information be forwarded to the Region's Audit Committee for its information;

And further, that the information be reported back on the Public Agenda. Carried.

Moved by: D. Martin
Seconded by: T. Shoalts

That the information be received.

Carried.

C.
231

**Facilities – Project PO0407 District 8 Grimsby Police Facility
Tender 2009-T-128**

At the Confidential Meeting of the Niagara Police Services Board held on Thursday, August 27, 2009, the Board considered Service report C.210/2009 dated August 17, 2009 requesting the Board approve the selected bidders on the construction and site services with the proposed adjustments for the new District 8 Grimsby Police Facility.

The following Motion was duly passed:

'That the Board approve:

The award of Tender 2009-T-128 to Bromac Construction and Engineering Limited, Fenwick, at a cost of approximately \$2,304,718;

The award of extending external water and sewer services to Condotta Construction, Thorold, at a cost of \$128,937;

And further, that the Board's decision be reported on the Public Agenda. Carried.

Moved by:	M. Woodhouse
Seconded by:	B. Bentley

That the information be received.

Carried.

ADJOURNMENT

The meeting adjourned at 10:07 a.m.

Chairperson

Executive Director