



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD
PUBLIC MINUTES

Thursday, June 24, 2021
Meeting Held By Electronic Participation Only
ZOOM VIRTUAL MEETING

PSB MEMBERS:

B. Steele, Chair
D. Eke, Vice-Chair
H. D'Angela, Board Member
B. Gale, Board Member
K. Gibson, Board Member
J. Lawson, Board Member
T. McKendrick, Board Member

D. Reid, Executive Director
D. Cichocki, Executive Assistant

NRPS MEMBERS:

Chief of Police B. MacCulloch
Deputy Chief B. Flynn, Operational Services
Deputy Chief B. Fordy, Support Services
W. Shreve, General Counsel
Superintendent B. Ash, Emergency Investigative Services
Superintendent R. Frayne, Operations Support
Superintendent M. Giannico, District Operations
Superintendent J. Mackay, Operational Support
Superintendent D. Meade, Executive Services
Inspector D. Masotti, Executive Officer to the Chief
A. Askoul, Director of Information Technology
D/Sergeant D. Biggar, Executive Officer to Deputy Chief
G. Holden, Records Manager
L. Rullo, Finance Manager
S. Sabourin, Corporate Communications Manager
M. Asher, Executive Assistant to the Chief

1. CALL TO ORDER

The Public Meeting of the Niagara Police Services Board commenced at 9:00 am.

Chair Steele welcomed attendees to the virtual meeting of the Board, which was broadcasted on Zoom and live-streamed on You Tube.

The Board began its meeting by acknowledging the land on which the meeting took place as the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the lands protected by the “Dish with One Spoon” Wampum Agreement and is home to many First Nations, Metis, and Inuit peoples. Acknowledging such reminds us that the great standard of living that we enjoy in Niagara is directly related to the resources and friendships of the Indigenous people who make up our community.

For members of our Indigenous community, it's been a time of reopening wounds and revisiting past atrocities. While we cannot change the past, we look forward to establishing an inclusive future with our Indigenous community. One that acknowledges the truths and sets us on a path of reconciliation to build strong relationships with our Indigenous community on the principles of mutual trust, respect, equity and inclusion.

The Board also extended their sincerest condolences and support to the Muslim community, both in London as well as here in Niagara, as many grieve the tragic deaths of an innocent family. This act of terrorism and Islamophobia is horrific and there is no place for any hate motivated crime in our community.

2. DECLARATIONS OF CONFLICT/PECUNIARY INTEREST

There were no declarations of conflict or pecuniary interest.

3. ADOPTION OF MINUTES

3.1 Minutes of the Public Board Meeting held Thursday, May 20, 2021

Moved by: H. D'Angela

Seconded by: D. Eke

That the Minutes of the Public Board Meeting held Thursday, May 20, 2021 be adopted as circulated.

Carried

4. REPORTS FROM BOARD CHAIR

1 District Facility Project - In lieu of the Joint Steering Committee meeting that was scheduled for June 22, an email update was provided to the Committee members. The Joint Committee is scheduled to meet on July 27 to continue its review of the overall project progress and completion of deficiency work. The next monthly report to the Board is anticipated to be issued in August 2021, which will be the final report closing out the project.

Vice Chair Eke provided a status update to advise that the project is tracking on budget and that the completion date remains anticipated for the end of August. Work on deficient items continue to be conducted on a weekend basis to minimize any disruptions in the operations at 1 District. Deficiencies deemed 'immediate in nature' are addressed by Merit contractors and are usually completed within a few hours or by the following day. The most outstanding deficient item is the dead sod on the site location. Stevensville Landscaping has been requested to replace the sod during the month of September in order to ensure there are no other areas affected during the summer months.

Canadian Association of Police Governance (CPAG) - Webinar Session & Governance Summit

The CAPG hosts monthly webinars as part of its educational strategy to keep police boards and police executives across Canada apprised of issues currently impacting the policing community. There is a webinar scheduled for June 24 at 12 noon on the Manitoba Police Act review and recommendations.

The CAPG will hold its second Governance Summit on June 30 from 11 am – 3 pm. The Summit is entitled “Policy Development in Police Governance”. The session will discuss the development of the Toronto Police Services Board’s most significant policies: the Race-Based Data Collection, Analysis, and Public Reporting Policy; and the Body-Worn Camera Policy. All Board members have been pre-registered to participate.

Upcoming PSB Meetings - There will be a Bargaining Committee Meeting held in closed session on Thursday, July 8 at 9:00 am. The next regular monthly Board Meeting will be held Thursday, July 22 at 9:00 am. These meetings will be held by electronic participation through Zoom.

5. REPORTS FROM THE CHIEF OF POLICE

Operational Statistics

Homicides

- 2 for this reporting period with a total of 5 for 2021 to-date, compared to year-end totals of 5 in 2020, 7 in 2019, 2 in 2018 and 3 in 2017.

Attempted Homicides

- 0 for this reporting period with a total of 0 for 2021 to-date, compared to year-end totals of 3 in 2020, 2 in 2019, 8 in 2018 and 3 in 2017.

Homicide Incident of May 5, 2021 - Just prior to midnight, uniform officers responded to a report of a disturbance on King Street in Welland. Upon arrival, officers located a 54-year-old male suffering from critical injuries. The male was transported to an out of town hospital for treatment. Investigation determined that the male had been physically assaulted where he was located.

In the days following this incident, a 32-year-old male and a 40-year-old male were arrested and charged with Aggravated Assault. On June 4, the victim succumbed to his injuries and, as a result, the charges against the two accused were upgraded to Second Degree Murder. The Homicide Unit has carriage of this investigation and the matter is now before the courts.

Homicide Incident of June 9, 2021 - At approximately 11:00 pm, uniform officers were called to a residence on Mathewson Avenue in Fort Erie. Upon arrival, officers located a 54-year-old male without vital signs. The male was subsequently pronounced deceased at the scene. The death was quickly determined to be a homicide and an investigation was commenced accordingly. In the days following this incident, two 29-year-old males from Fort Erie were arrested and each charged with Second Degree Murder. The Homicide Unit has carriage of this investigation and the matter is now before the courts.

Fatal Motor Vehicle Collisions (MVC)

- 5 for this reporting period with a total of 9 for 2021 to-date, compared to year-end totals of 16 in 2020, 13 in 2019, 13 in 2018, 16 in 2017, 16 in 2016.

Life Threatening Motor Vehicle Collision (MVC)

- 1 for this reporting period.

Fatal MVC – Incident of May 1, 2021 - Officers responded to a report of a collision involving a 71-year-old female pedestrian and a motor vehicle on Main Street East in Grimsby. Investigation determined that the pedestrian had been struck by a vehicle turning onto Main Street East from a private parking lot. The pedestrian was transported to hospital where she was subsequently pronounced deceased. The investigation into this matter continues by the Collision Reconstruction Unit.

Fatal MVC – Incident of May 11, 2021 - Officers responded to a report of a single motor vehicle collision on Dorchester Road near Chippawa Parkway in Niagara Falls. Investigation determined that a motor vehicle had left the roadway, collided with a tree and caught fire. The 32-year-old female driver was pronounced deceased at the scene. A 59-year-old male passenger was transported to hospital for treatment of non-life-threatening injuries. The investigation into this matter continues by the Collision Reconstruction Unit.

Fatal MVC – Incident of May 17, 2021 - Officers responded to a report of an ATV collision at a private property located on Regional Road 55 in West Lincoln. Initial investigation determined that an All Terrain Vehicle was being operated by a 20-year-old female who resided on the property. The ATV struck a tree and the female sustained critical injuries. She was transported to an out of town hospital where she was pronounced deceased. The investigation into this matter continues by the Collision Reconstruction Unit.

Fatal MVC – Incident of May 25, 2021 - A patrol officer was travelling on Welland Avenue in St. Catharines when he observed a mini motorcycle with no licence plate being operated by a male without a helmet. The officer made a U-turn to follow the motorcycle which turned north onto York Street. A short time later, the motorcycle turned left onto Taylor Street and struck a pole. The male was transported to hospital where he was pronounced deceased. As a result of the interaction between the officer and the deceased male, the SIU was notified and invoked their mandate to investigate. Detectives from the Collision Reconstruction Unit are conducting a parallel investigation into this matter as it pertains to the fatal collision.

Fatal MVC – Incident of May 31, 2021 – Officers responded to a report of a single motor vehicle collision on Concession Road 5 in West Lincoln. Investigation determined that a motor vehicle was travelling at a high rate of speed when it left the roadway entering a drainage ditch which caused the vehicle to roll. The 23-year-old driver and sole occupant of the motor vehicle was transported to a local hospital where he was pronounced deceased. The investigation into this matter continues by the Collision Reconstruction Unit.

Life Threatening MVC – Incident of May 30, 2021 – Officers responded to a report of a life-threatening single motor vehicle collision on Regional Road 27 in West Lincoln. Initial investigation revealed that a 63-year-old male was operating his motor vehicle at a high rate of speed when it left the roadway, entered a ditch, and rolled. The male was transported to an out of town hospital with life-threatening injuries where he currently remains. The investigation into this matter continues by the Collision Reconstruction Unit.

Enforcement Initiatives

Female Arrested in Relation to Stabbing in St. Catharines – On May 30, uniform officers attended a residence in the area of Niagara Street and North Street in St. Catharines in response to a stabbing. Investigation revealed that a 36-year-old woman was in a dispute with a 59-year-old woman. As a result, the 36-year-old woman hit the 59-year-old woman with a stick multiple times, then proceeded to stab her twice. The victim was transported to an out of region hospital with life threatening injuries, however since, has made a recovery and is now in stable condition. The 36-year-old female was arrested and charged with Assault with a Weapon and Aggravated Assault.

NRPS Explosives Disposal Unit detonates World War 2 era Munitions Shell in Niagara-on-the-Lake - On June 1, uniform officers responded to Niagara-on-the-Lake for a possible found explosive. Officers arrived on scene in the area of Lakeshore Road and Old Lakeshore Road and met with a member of the public. Officers learned that the member of the public who was a retired police officer had been using an underwater scope in the shallows of Lake Ontario. Approximately 50 feet into the water, what was believed to be a World War 2 era artillery shell was discovered.

The Service's Explosive Disposal Unit (EDU) responded to the scene and the shell was moved to the beach to be investigated further. The shell had deteriorated significantly over time. At approximately 9:00 pm, out of an abundance of caution, EDU officers used explosives to destroy the shell. The area west of the Niagara-on-the-Lake Range historically was also used for World War 2 era training. With the rich military history in parts of Niagara, members of the public who discover possible explosives or ammunitions should avoid handling any found objects and contact the police immediately.

Several charges laid following Guns and Gangs Investigation - Since the beginning of 2021, Detectives with the Niagara Regional Police Service Guns, Gangs and Grows Unit have been conducting an investigation into drug trafficking in the Niagara Region. On June 8, with the assistance of the Emergency Task Unit, a search warrant was executed at a residence in the area of Kenmir Avenue and Tanbark Road in Niagara-on-the-Lake. While entering the home, one of the suspects allegedly discharged a firearm in the direction of officers. A search of the home resulted in the seizure of over 200 grams of fentanyl, with a street value of over \$61,000 along with a firearm.

The investigation led detectives to a second residence in St. Catharines. A third male was arrested at the residence while a Canada Wide warrant was issued for the arrest of another male. At that residence, over 44 grams of fentanyl was seized with a street value of over \$13,000. In all, over \$84,000 in currency was seized. Three individuals were arrested and charged with multiple drug and firearm offences, including Reckless Discharge of a Firearm. Detectives continue to search for a 27-year-old male who is wanted in connection for this incident.

6. PRESENTATIONS

There were no presentations.

7. CONSENT AGENDA

7.1 Monthly Report - Niagara Regional Police Service - Ongoing COVID-19 Pandemic - June 2021

Service report dated June 23, 2021 providing the Board with a detailed update regarding the impact of the COVID-19 pandemic on the Niagara Regional Police Service and the actions taken to the mitigate risks.

7.2 Quarterly Report - Administration of the Public Complaints System - January 1 to March 31, 2021

Service report dated May 18, 2021 submitted in accordance to the quarterly reporting requirements set out in Board By-law 301-2010.

7.3 Annual Report - Canine Unit - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 316-2012.

7.4 Annual Report - Collection, Preservation and Control of Evidence and Property - January 1 to December 31, 2020

Service report dated May 26, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 212-2000.

7.5 Annual Report - Criminal Harassment - January 1 to December 31, 2020

Service report dated May 31, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 220-2000.

In response to Member Lawson's question, the Chief provided a further explanation for the number of incidents "not cleared" as detailed on page 3 of the report. He advised that "not cleared" means that there was insufficient evidence to proceed with charges, or that the victim/complainant declines to proceed with charges, or that the investigation was not brought to an acceptable resolution resulting in charges being laid. The Chief will ensure that this information is further detailed in future reports.

7.6 Annual Report - Emergency Planning - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 248-2000.

7.7 Annual Report - Hostage Rescue - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 243-2000.

7.8 Annual Report - Internal Task Forces - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 202-2000.

7.9 Annual Report - Ontario Sex Offender Registry - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board-By-law 318-2012.

7.10 Annual Report - Police Response to Emotionally Disturbed, Mental Illness or Developmental Disability - January 1 to December 31, 2020

Service report dated April 14, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 205-2000.

7.11 Annual Report - Police Response to High Risk Individuals - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 340-2013.

7.12 Annual Report - Problem Oriented Policing and Community Patrol - January 1 to December 31, 2020

Service report dated May 26, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 191-2000.

7.13 Annual Report - Search and Seizure - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 203/204-2000.

7.14 Annual Report - Sexual Assault Investigations - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 313-2011.

Member McKendrick referenced the newly created "Niagara Region Sexual Violence Advocate Case Review Program" and the team's review that commenced on May 17. She questioned if there is an update on the results of the review.

Superintendent Ash advised that at this time, there are no updates on the findings of the review. The Service anticipates having results in the next month or two and the information will be reported to the Board when made available.

7.15 Annual Report - Solicitation/Acceptance of Public Donations, Sponsorships and Private Sector Funding Arrangements - January 1 to December 31, 2020

Service report dated May 20, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 328-2012.

7.16 Annual Report - Victims' Assistance - January 1 to December 31, 2020

Service report dated May 18, 2021 submitted in accordance to the annual reporting requirements set out in Board By-law 322-2012.

7.17 NRPS Crime Reports/Mapping Tool - Disclosure of Information

Service report dated June 1, 2021 providing the Board with additional information relating to the proper disclosure of information in relation to the NRPS Crime Reports/Mapping Tool, as requested at the April 22, 2021 Board meeting.

In regard to the Niagara Regional Police Service's 98.8% compliance rate by sexual assault offenders in Niagara Region, Member McKendrick questioned if the Service is aware of any compliance rate comparisons among other police services in Ontario.

Deputy Chief Flynn spoke to the matter advising that the Service does not have comparison information from other police services at this time. Service staff will undertake to obtain the information to determine standards across the province and report back to the Board.

7.18 Ministry of the Solicitor General - Proposed Regulations under the Community Safety and Policing Act, 2019

Memorandum dated June 14, 2021 from Richard Stubbings, Assistant Deputy Minister, Public Safety Division, Ministry of the Solicitor General, to all Chiefs of Police and Board Chairs, requesting public and stakeholder input on proposed regulations made under the *Community Safety and Policing Act, 2019* (CSPA) as outlined in the communication, which can be submitted by July 26, 2021.

Moved by: B. Gale

Seconded by: K. Gibson

That the information be received.

Carried

8. NEW BUSINESS

8.1 Budget Planning - 2022 Operating and Capital Budgets

Service report dated June 15, 2021 providing the Board with a report to initiate the 2022 budget process, approve the 2022 budget timetable as per Region By-law 2017-63 Budget Control, and approve the recommendations that form the guiding principles for the development of the 2022 budget.

Moved by: J. Lawson

Seconded by: T. McKendrick

That the Board approve the budget timetable in accordance with Niagara Region By-law 2017-63, Budget Control, as outlined in Appendix 1 and 2 of the report;

And further, that the Board approve the recommendations set forth by Service staff that are documented in this report which will form the guiding principles for the development of the 2022 budget.

Carried

8.2 Records Classification and Retention Schedule

Service report dated June 16, 2021 providing the Board with a fully completed Classification and Retention Schedule in compliance with Adequacy Standard AI-007, which brings the Service in line with current records management standards by adopting a functional based classification system and ensures consistency with the 2019 Retention Toolkit produced by the Law Enforcement and Records {Managers} Network (LEARN) on behalf of the Ontario Association for Chiefs of Police (OACP).

Moved by: D. Eke
Seconded by: B. Gale

That the Board accept and append the fully updated Records Classification and Retention Schedule, including Schedule "A" - Business Activities; Schedule "B" - Law Enforcement Activities - Offence & General Investigations; and Schedule "C" - Law Enforcement Activities - Areas and Services/Programs, to Board By-Law 291-2009.

Carried

8.3 Records Management System (RMS) - Annual Maintenance/Support Renewal - June 1, 2021 to May 31, 2022

Service report dated June 3, 2021 requesting approval of payment for continuation of the Records Management System annual maintenance and support services being provided to the Niagara Regional Police Service by Versaterm as indicated in the attached invoice and included in the 2021 Technology Services Operating Budget.

Moved by: K. Gibson
Seconded by: J. Lawson

That the Board approve payment of Invoice No. 2104-062 in the amount of \$192,078.11, including HST (net of rebates), to Versaterm for continuation of the maintenance/support services being provided for the Service's Records Management System (RMS).

Carried

8.4 Computer Aided Dispatch (CAD) - Annual Maintenance/Support Renewal - March 1, 2021 to February 28, 2022

Service report dated June 3, 2021 requesting approval of payment for continuation of the Computer Aided Dispatch annual maintenance and support services being provided to the Niagara Regional Police Service by Versaterm as indicated in the attached invoice and included in the 2021 Technology Services Operating Budget.

Moved by: T. McKendrick
Seconded by: H. D'Angela

That the Board approve payment of Invoice No. 2012-024 in the amount of \$274,589.18, including HST (net of rebates), to Versaterm for continuation of the maintenance/support services being provided for the Service's Computer Aided Dispatch (CAD) System.

Carried

8.5 Special Fund Request - Annual Niagara Golf Marathon

Service report dated June 4, 2021 requesting the Board approve a donation in support of the Niagara Golf Marathon being held August 17, 2021 at the Royal Niagara Golf Club for fundraising and the proceeds being donated to the Niagara Health Foundation, Community Care of St. Catharines and Thorold, Pathstone Mental Health and Wellspring Niagara.

After a general discussion, the Board decided to defer the matter for further review of the Board's Special Fund policy to make sure the funding requests meets the guiding principles of the Board's Special Fund By-law.

Moved by: D. Eke

Seconded by: B. Gale

That the report be deferred to the July 22, 2021 Board meeting for consideration.

Carried

9. OTHER NEW BUSINESS

There was no other new business raised or discussed at the meeting.

10. IN CAMERA REPORTS

(FOR PUBLIC RELEASE FROM THE APRIL 22, 2021 AND MAY 20, 2021 CONFIDENTIAL MEETINGS)

10.1 Contract Renewal for Audit Services - PSB Special Funds Account and NRPS Financial Operations

Service report dated April 9, 2021 advising the Board of the Region's proposal to extend the five-year contract for audit services awarded to Deloitte LLP (which expired on March 31, 2021), for a further two-year period and seeking approval to exclude the two Police Board/Service audits from the contract extension.

The Board approved the following motion at its April 22, 2021 Board Meeting:

1. *That Service staff seek a separate auditor from the Region appointed auditor to perform a specified procedures audit for the Board's Special Bank Accounts for the calendar years ending December 31, 2021 and 2022; and*
2. *That the Service continues to receive a report on the Region's consolidated audit findings and management points in place of a full financial statement audit of the Niagara Regional Police Service; and*
3. *That the Service revisit this item in two years when the Region is preparing to tender for external audit; and*
4. *That the item be reported back on the Public Agenda.*

10.2 Special Investigations Unit (SIU) - SIU Case Number 21-OCD-018 - Incident of January 13, 2021

Service report dated April 20, 2021 advising that the SIU concluded their investigation in this matter and found no grounds for criminal charges against any police officer, and also advising that in compliance with S.11 of Ontario Regulation 267/10 made under the Police Services Act, the Service completed its review and investigation into this matter and concluded that there are no identified policy/service/officer conduct issues.

Moved by: K. Gibson

Seconded by: J. Lawson

That, in accordance with Board direction, the above noted In Camera Reports be received for public information.

Carried

11. ADJOURNMENT

The Public Meeting adjourned at 10:10 am.

The Police Services Board adjourned the public portion of the meeting and reconvened in-camera for consideration of confidential matters pursuant to Section 35(4) of the Police Services Act.

William C. Steele, Chair

Deb Reid, Executive Director