



REGIONAL MUNICIPALITY OF NIAGARA
POLICE SERVICES BOARD
PUBLIC MINUTES

Thursday, November 26, 2020
Meeting Held By Electronic Participation Only
ZOOM VIRTUAL MEETING

PSB MEMBERS:

- B. Steele, Acting Chair
- H. D'Angela, Board Member
- D. Eke, Board Member
- B. Gale, Board Member
- K. Gibson, Board Member
- J. Lawson, Board Member
- D. Reid, Executive Director

NRPS MEMBERS:

- Chief of Police B. MacCulloch
- Deputy Chief B. Flynn, Operational Support
- A/Deputy Chief D. Meade, Executive Services
- W. Shreve, General Counsel
- Superintendent R. Fryane, Operations Support
- A/Superintendent S. Dowd, District Operations
- A/Superintendent L. Greco, Executive Services
- A. Askoul, Director of Information Technology
- L. Rullo, Finance Manager
- G. Holden, Manager, Central Records
- M. Asher, Executive Assistant, Chief of Police

1. CALL TO ORDER

The Public Meeting of the Niagara Police Services Board commenced at 9:01 am.

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 October 22, 2020.

Moved by: H. D'Angela
Seconded by: D. Eke

That the Minutes of the Public Board Meeting held October 22, 2020 be adopted as circulated.

Carried.

3.2 Minutes of the Public Finance Committee Meeting held November 5, 2020.

Moved by: B. Gale

Seconded by: K. Gibson

That the Minutes of the Public Finance Committee Meeting held October 22, 2020 be adopted as circulated.

Carried.

4. REPORT FROM BOARD CHAIR

Acting Board Chair Steele welcomed all participants to the meeting noting that during the COVID-19 pandemic, it is critically important that the Board continues with its governance and oversight work. Since April, the Board has held its monthly meetings virtually. Today, members are joining by Zoom and this practice will continue until the Board can safely resume in-person meetings. Acting Chair Steele thanked Chief MacCulloch, the Chief's Executive Leadership Team along with the Uniform and Civilian Members of the Niagara Regional Police Service, who have been working diligently, and at times under difficult circumstances. He also extended thanks to Niagara Region residents, members of the media, and Niagara Regional Police staff who were watching online - for their support and staying connected.

Tribute to Indigenous Lands - The Board acknowledged that the land on which these meetings are held, is the traditional territory of First Nations peoples. In particular, the Board thanked and recognized the Haudenosaunee and Anishinaabe peoples for their stewardship of these lands over the millennia. Also recognized were the contribution of Metis, Inuit and other Indigenous people, both in shaping and strengthening this Region our Province and our Country as a whole.

Welcome to New Board Member – Jen Lawson - Acting Chair Steele welcomed Jen Lawson to the Police Services Board. Ms. Lawson was appointed to the Board by the Provincial Government for a three-year term. She fills the position previously held by Ken Gansel whose term expired on August 31, 2020. Jen is a Chartered Professional Accountant with a MBA and she brings over 20 years of accounting experience from a diverse background in the public and private sectors covering manufacturing, family entertainment, hospital, university, regional and provincial governments. She was sworn in on November 24, and is now able to participate in all Board business.

NRPS Annual Awards Ceremony - On November 24, the Niagara Regional Police Service, the Niagara Police Services Board and the Niagara Region Police Association held its 2020 Awards Ceremony at Police Headquarters. While award presenters were unable to physically gather with all award recipients and their families due to the COVID-19 pandemic restrictions, they did connect individually with sworn and civilian members and citizen award recipients to recognize their outstanding efforts. Acting Chair Steele publicly thanked all the recipients for their contributions.

1 District Facility Project - On November 24, Member Eke participated in the virtual Joint Region and Police Facilities Accommodations Steering Committee meeting. Specific to the new 1 District (St. Catharines) police facility, the build's completion remains on track with an anticipated move-in date for the end of December 2020. There is a full report providing a status update on that project, listed as Item 7.4 on this agenda.

CAPG Annual Conference - Members of the Niagara Police Services Board participated in the Canadian Association of Police Governance 2020 Annual Conference held virtually from October 30 to November 2. This year's program theme was "Prioritizing Wellness Through Governance" and was focused on current and emerging issues in police governance. Police boards across Canada were provided with the opportunity to hear from industry experts and community leaders in policing and have dialogue with colleagues from across the nation.

OAPSB Labour Seminar - Members of the Niagara Police Services Board participated in the Ontario Association of Police Services Boards 2020 Annual Labour Seminar held virtually on November 12 and 13. The information sessions provided police boards with updates on the labour relations landscape across Ontario as well as matters relating to police executive contracts and employer challenges associated with WSIB.

CAPG Webinar Session – Body Worn Cameras - On December 10, at 12:00 pm, the Canadian Association of Police Governance will be hosting its monthly webinar as part of its educational strategy to keep police boards and police executives across Canada apprised of issues currently impacting the policing community. December's Webinar session is about Body Worn Cameras in Canada. The timing of this session conflicts with the Board's regular monthly Board meeting; however a recorded session with presentation materials will be made available to members following the webinar.

NRPS K9 Graduation Ceremony - On December 14 at 1:00 pm, the Service will be holding a Canine Graduation Ceremony at Police Headquarters to recognize Police Constable Wiley and Police Service Dog Rudy as the newest members of the NRPS Canine Unit. Due to the ongoing COVID-19 restrictions, this ceremony will not be open to the public however, prior to the ceremony a public link will be provided and the event can be watched online through a virtual platform.

Upcoming Police Services Board Meetings - In order to accommodate the holiday season, the Board will hold its next monthly meeting on Thursday, December 10 at 9:00 am. The meeting will be held by electronic participation through Zoom.

5. REPORTS FROM THE CHIEF OF POLICE

Continuing COVID-19 Situation - The Niagara Regional Police Service continues to manage and adapt to the ever-changing reality of the COVID-19 pandemic and the impact it is having on the Niagara community and police members. With the continued and increasing community spread of the virus, on November 3, the Government of Ontario introduced a new COVID-19 Response Framework which provides a modified colour coded system. This new Framework contains the following classifications; Green (Prevent – Standard Measures), Yellow (Protect – Strengthened Measures), Orange (Restrict - Intermediate Measures), Red (Control – Stringent Measures), and Lockdown (Maximum Measures).

At the onset of the new Response Framework, the Niagara Region was initially placed in the Green phase (Prevent – Standard Measures). However shortly thereafter, Niagara Region was elevated to the Yellow phase, and then on November 16, the Region was again elevated in the Response Framework to the Orange phase. Included with the Orange phase restrictions is the limiting of hours of operation for licensed establishments, bars, and restaurants to serve liquor and remain open to the public, the limitation of only four persons being allowed to sit together at such establishments, and the closure of strip clubs other than serving food and beverage under certain circumstances.

Further, the Province has again extended most of the Emergency Orders currently in place under the Reopening Ontario Act (ROA) until December 21. Also, the Niagara Region's Acting Medical Officer of Health issued a Section 22 Order under the Health Protection and Promotion Act effective November 14, which adds further rules and restrictions to food and drink premises within Niagara Region. These rules and restrictions include collecting contact information for people attending such establishments, and limiting patrons at a table to only household members and/or a maximum of two persons who are essential to maintaining physical and mental health.

At the meeting last month, Chief MacCulloch reported that the Niagara Regional Police Service at the time had its first two members test positive for COVID-19. At this time that number remains steady and there have been no new cases of members testing positive. The Niagara Regional Police Service implemented an active screening protocol on November 3 for all members entering police facilities. Members are now required to complete the Member Self-Screening before or immediately upon entering any Service facility for any reason. This screening process occurs on an IPAD or cell phone that has the screening APP downloaded. If after completing the screening process a member receives a message that they are not to enter any NRPS facility, the member must self-isolate at home. The member will then be put in contact with our Human Resources Unit for further direction. This new self-screening policy has been put in place as an additional safeguard to protect our members and the workplace in accordance with best practices and Public Health guidance. To further support the efforts of Public Health Officials, the messaging from the government continues to emphasize a stronger enforcement approach rather than the educational approach that has been stressed in the past. Life within Niagara Region continues to be far from "normal" and the Provincial and Public Health authorities continue to stress physical distancing, frequent hand-washing, respiratory etiquette, the wearing of face coverings or masks when physical distancing cannot be achieved, and encouraging people to stay at home when ill. The Niagara Regional Police Service continues to encourage members to observe these same safety measures both in the workplace and as well as in their personal lives when off-duty.

The Pandemic Business Continuity Committee continues to meet regularly to adapt our methods as needed. The Service continues to be vigilant and methodical in its approach to ensure the safety of all members. Police staff will continue to be flexible and adaptable to changing circumstances based on a combination of government and public health direction and staff will continue to closely monitor what is taking place in Niagara. The Service continues to work closely with its Emergency Services Partners at Fire and EMS, the local area municipalities, the Region, Public Health, in participating in the Emergency Operations Centre (EOC) to help guide through these evolving times. Included within this mutual cooperation framework, police continue to assist municipal by-law officers in ensuring the compliance of Emergency Orders. Chief MacCulloch thanked all the local area municipalities, and in particular enforcement personnel as they continue to respond to the various issues and concerns identified within local communities while managing and dealing with the ever-changing government Orders. Currently, the NRPS has issued 16 Provincial Offence Notices for failing to comply with Orders and has received a total of 1,353 COVID-19 specific calls for service related to Emergency Management and Civil Protection Act (EMCPA) or Reopening Ontario Act (ROA) Orders.

Since the start of the pandemic back in March of this year the Service has been able to maintain adequate staffing levels and has not had to cancel any scheduled time off of members. Calls for service are trending at or near pre-pandemic levels which has been the case for a little over six months now. There has been no significant deviation of calls for service in respect to any geographic area within the Region or in relation to any particular vulnerable group nor has there been any serious breaches of the peace related to the pandemic.

In an effort to safeguard and ensure that police members have the most current and accurate information, Chief MacCulloch has issued 59 update mass email messages. Additionally, he continues to host virtual Town Hall meetings when necessary as another means to share information and provide an opportunity for members to ask questions related to COVID-19. As it pertains to personal protection equipment or PPE, the NRPS continues to maintain an adequate supply of N95 and surgical masks, gloves, hand sanitizer and wipes. The supply chains for PPE continues to be monitored and assessed to ensure the Service is well positioned for any future possibilities.

All members of the Service continue to do an outstanding job during this unprecedented challenge. Chief MacCulloch extended his gratitude to members for their ongoing dedication and professionalism as they continue to serve the Niagara community. With that being said, he reminded that we are seeing the current uptick of COVID-19 cases within the Niagara Region, as well as the Province, and that now is certainly not the time to become complacent. We must all do our part and continue to be vigilant in closely following the guidelines of Public Health Officials.

MCRRT Program Expansion in Niagara - The Mobile Crisis Rapid Response Teams (MCRRT) program is a collaboration between the Niagara Regional Police Service and the Canadian Mental Health Association in where an officer is paired up with a Mental Health worker who are prepared to respond to calls for service involving a mental health component. On November 16, the Service received notification from Ontario Health West (formerly the Hamilton Niagara Haldimand Brant Local Health Integration Network) that they will be funding the expansion of the MCRRT program by one team in Niagara.

The Service has seen considerable success with the program in the St. Catharines/Thorold area and is eagerly anticipating the expansion of the program. With the current focus on police response to mental health calls, this important partnership will allow the Niagara Regional Police Service to better serve those in the community experiencing a mental health crisis. The Service will continue to work with the Canadian Mental Health Association - Niagara Branch to operationalize the expansion of the program, likely in the first quarter of 2021.

SIU Case Closure - On June 21 just after 4:00 am in the morning, Niagara Regional Police Service personnel in 3 District responded to a residence on Summit Avenue in Welland regarding a domestic incident in where a female was assaulted by her estranged male partner. The male also caused damage to property of the victim and was in possession of a hammer. Upon police arrival, the 51 year old male partner fled on foot. Officers quickly set up a perimeter as they had grounds to arrest the suspect for criminal offences committed. The suspect managed to elude police for two and half hours however, the suspect was eventually located by police in a nearby home under construction. An officer attempted an arrest and the suspect resisted and a struggle ensued. With the assistance of additional officers the male was eventually taken into custody. After the arrest, the male was transported to a local hospital where he was diagnosed with three fractured ribs and a fracture along the bone by his nose. The SIU was notified and invoked their mandate to investigate. Two Constables were designated as Subject Officers by the SIU and four Constables were designated as Witness Officers by the SIU. On October 29, the Service received notification from SIU Director Joseph Martino. In his closure letter he advised that the SIU has concluded their investigation and that there were no grounds for criminal charges against any officer.

Operational Statistics:

Attempted Homicides

- 0 for this reporting period with a total of 3 for 2020 to-date

Homicides

- 1 for this reporting period with a total of 5 for 2020 to-date compared to year-end totals of 7 in 2019, 2 in 2018, 3 in 2017 and 1 in 2016.

Homicide Incident of November 1, 2020 - Shortly after midnight, 8 District uniform officers responded to the area of Fracchioni Drive and Cachet Court in the Town of Lincoln for a suspicious person complaint. Once on scene, officers learned that the sounds of gunshots were heard in the area and a subsequent search resulted in police locating a deceased male in a residence. The male was identified as a 20 year old from Toronto. Due to the circumstances, the Homicide Unit has taken carriage of this matter and the investigation continues.

Fatal Motor Vehicle Collisions (MVC)

- 1 for this reporting period with a total of 16 for 2020 to date compared to year-end totals of 13 in 2019, 13 in 2018, 16 in 2017, 16 in 2016 and 15 in 2015.

Life threatening Motor Vehicle Collision (MVC)

- 0 for this reporting period.

Fatal MVC Incident of October 26, 2020 - Police responded to a report of a serious motor vehicle collision on Webber Road near Murdock Road in the City of Welland. Investigation determined that a 30 year old male was operating a Cadillac motor vehicle westbound on Webber Road. The Cadillac subsequently attempted to pass several vehicles but struck a westbound Grand Prix causing the driver to lose control and the vehicle to leave the roadway. The Grand Prix came to rest in a drainage ditch located on the north side of the roadway, on its roof. The 39 year old male driver Grand Prix was trapped inside the vehicle which had become engulfed in flames. He was subsequently pronounced deceased at the scene. The driver of the Cadillac was not seriously injured. This collision remains under investigation by detectives of the Collision Reconstruction Unit.

Enforcement Initiatives

NRPS Investigating Shooting in Niagara Falls - On October 31 at approximately 11:56 pm, 2 District uniform officers attended the area of Centre Street and Ellen Avenue in the City of Niagara Falls for a report of a disturbance. Initial information received was that gun shots were fired in the area. Multiple victims were located suffering from gunshot wounds. All of the victims suffered serious but non-life threatening injuries and were transported to a hospital. This appears to be a targeted incident. The Niagara Regional Police Service is asking anyone with information who may have been in the area or witnessed the incident to contact police. Anyone who may have been in the area with dash cams or residents/businesses with video surveillance is asked to review their video footage and contact the Niagara Regional Police Service or Crimestoppers if they observe anything suspicious.

NRPS Crime Prevention Week. Serving Ontario, Protecting Communities - The Niagara Regional Police Service recognized Ontario's annual Crime Prevention Week from November 1 to 7. This week-long promotion of crime prevention is supported by the Ontario Association of Chiefs of Police (OACP), the Ministry of the Solicitor General, and police services across Ontario. During difficult times such as the current COVID-19 pandemic so many people feel anxious and it's especially important during these times to come together to prevent crimes before they start. Many crimes are preventable and Crime Prevention Week is a great opportunity for Ontarians to think about what can be done to keep their families, neighborhoods, schools and workplaces safe from criminal activities. Highlighted throughout the week were several crime prevention initiatives including traffic enforcement, lock it or lose it campaigns and increased foot patrols to engage residents and business owners across Niagara.

Detectives Investigating Shooting in St. Catharines - On November 14 at approximately 1:40 am, 1 District uniform officers attended the area of Niagara Street and North Street in the City of St. Catharines in regards to a shooting. Investigation revealed that the incident took place at a multi-unit complex in the area of Niagara Street and North Street. Three victims suffered minor injuries as a result of fleeing the scene. All three victims were transported to a local hospital. None of the victims were struck by gunfire. This appears to be a targeted incident and remains under investigation by officers with the 1 District detective office.

6. PRESENTATIONS

There were no presentations.

7. CONSENT AGENDA

7.1 Niagara Region - Referral of Motion - Decriminalization of Personal Possession of Illicit Drugs

Correspondence dated November 11, 2020 from Ann-Marie Norio, Regional Clerk, Niagara Region, advising of the motion passed on October 22, 2020 by Regional Council, following the recommendation of its Public Health and Social Services Committee, as it pertains to the decriminalization of personal possession of illicit drugs throughout Canada.

7.2 Town of Fort Erie Municipal Council - Medical Cannabis Grow Operations – Public Safety Concerns

Letter dated November 17, 2020 from Carol Schofield, Manager, Legislative Services/Clerk, Town of Fort Erie, addressed to the Federal Minister of Health to advise that at its meeting held November 16, 2020 the Municipal Council of the Town of Fort Erie supported correspondence from the Niagara Police Services Board urging the Federal Government to expand the legislative framework to provide greater oversight to address public safety concerns with the personal and designated medical growers who are operating outside the boundaries of their medical designations.

7.3 Halton Police Board - Resolution - International Holocaust Remembrance Alliance Definition of Antisemitism

Correspondence dated October 30, 2020 from Rob Burton, Chair, Halton Police Board, advising of a resolution adopted by the Halton Police Board at its October 29, 2020 Board meeting as it pertains to the Government of Canada's adoption of the definition of "Anti-Semitism" as part of *Building a Foundation for Change: Canada's Anti-Racism Strategy 2019-2022*.

7.4 NRPS 1 District (St. Catharines) Project Status Report - October 2020

Memo dated November 9, 2020 from Nicole Menard, Senior Project Manager, Facilities, Niagara Region, providing the Board with a Project Status Update on the NRPS 1 District facility for October 2020.

7.5 Quarterly Report - Overtime Activities Incurred by the NRPS - April 1 to June 30, 2020

Service report dated November 9, 2020 providing a five-year uniform and civilian trend analysis by quarter and year-to-date, as well as insight into the factors that impact the Service's requirement for overtime.

7.6 Quarterly Report - NRPS Financial Variance Overview - Period Ending September 30, 2020

Service report dated November 10, 2020 providing an analysis of the 2020 third quarter financial operating results for the Service and Board, as well as the year-end forecast based on current indicators.

7.7 Quarterly Report - Special Fund Administration - July 1 to September 30, 2020

Service report dated November 9, 2020 submitted in accordance to the reporting requirements set out in Board By-law 376-2018.

7.8 Special Funds Specified Auditing Procedures Report Deloitte LLP - Final Audit - NRPS Special Operating and General Operating Accounts

Service report dated November 10, 2020 providing the results of the specified auditing procedures conducted by Deloitte LLP for the year ended December 31, 2019 as per By-law 376-2018, Administration, Limitations and Guidelines of the Special Fund.

7.9 Annual Report - Crime Analysis - January 1 to December 31, 2019

Service report dated November 10, 2020 submitted in accordance to the reporting requirements set out in Board By-law 195-2000.

The Board requested the Service provide additional information about the Crime Analyst positions, including their duties and responsibilities. This will allow the Board to better understand the crime analysis program, and technology used to collect and disseminate and analyze crime-related data functions within the Service.

7.10 Appointment to Police Services Board - Order in Council - Jennifer Lawson

Letter dated November 20, 2020 from Gita Ramburuth, Appointments Officer, Ministry of the Solicitor General, providing Order in Council No. 1529/2020 signed by Lieutenant Governor Elizabeth Dowdeswell, Province of Ontario, appointing Jennifer Lawson to the Niagara Police Services Board for a period of three years, effective November 20, 2020.

Moved by: D. Eke

Seconded by: H. D'Angela

That the information be received.

Carried.

8. NEW BUSINESS

8.1 Motion Passed by the Regional Municipality of Niagara and St. Catharines City Council - NRPS Diversity, Equity and Inclusion

Service report dated November 18, 2020 providing a comprehensive review with recommendations regarding diversity, equity and inclusion in response to the motions passed by Regional Council at its Special Meeting held August 13, 2020 and correspondence dated August 11, 2020 from St. Catharines City Council.

Moved by: K. Gibson
Seconded by: B. Gale

That the Police Services Board receive and accept the recommendations in the report from the Chief of Police, Niagara Regional Police Service, to address the Niagara Regional Council motion from its August 13, 2020 Special Meeting and correspondence from the City of St. Catharines Council dated August 11, 2020;

And further, that the report be circulated to Niagara Regional Council and the City of St. Catharines Council.

Carried.

8.2 Special Duty Billable Rate Schedule - Effective Date December 1, 2020

Service report dated November 10, 2020 requesting the Board approve a revision to the Special/Paid Duty Rates outlined in the proposed By-law 388-2020 to update the billing rate schedule for NRPS Constables and Sergeants that will come into effect on December 1, 2020 in accordance with the 2020 Arbitration Award.

Moved by: H. D'Angela
Seconded by: D. Eke

That subject to approval of Regional Council, the Board approve the revised Special Duty Rates for Constables and Sergeants;

And further, that the Board adopt By-law No. 388-2020 as appended to the report and authorize the Acting Chair to execute the required documentation;

And further, that By-law No. 388-2020 be forwarded to Regional Council for approval.

Carried.

8.3 Niagara Regional Police Services Board - Board By-law No. 346-2014 - Use of Force

Memo dated October 20, 2020 from Deb Reid, Executive Director, Niagara Police Services Board, advising that the Solicitor General has approved use of the TASER 7 conducted energy weapon (CEW) by police in Ontario, and providing the Board with the respective revised appendices to Board By-law 346-2014 as required for compliance with the Adequacy Standards Regulation and the Ministry of the Solicitor General Policing Standard Manual.

Moved by: B. Gale
Seconded by: K. Gibson

That the Board adopt the revised By-law No. 346-2014 as appended to the report and authorize the Acting Board Chair and Executive Director to execute the required documentation.

Carried.

9. OTHER NEW BUSINESS

There was no other new business.

10. IN CAMERA REPORTS

10.1 Special Investigations Unit (SIU) - Case Number 20-OCI-010

The following report was provided to the Board at its October 22, 2020 Confidential Board Meeting and was approved for public release:

- C.181 Special Investigations Unit (SIU) - Case Number 20-OCI-010

Moved by: D. Eke
Seconded by: H. D'Angela

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

Carried.

11. ADJOURNMENT

The Police Services Board adjourned the Public Meeting at 9:47 am and reconvened in camera for consideration of confidential matters pursuant to Section 35(4) of the Police Service Act.

William C. Steele, Acting Chair

Deb Reid, Executive Director