

**MINUTES OF THE HAMILTON
POLICE SERVICES BOARD**

Thursday, November 16, 2017
2:00pm
Hamilton City Hall
Council Chambers

The Police Services Board met.

There were present: Lloyd Ferguson, Chair
 Madeleine Levy, Vice Chair
 Fred Eisenberger
 Walt Juchniewicz
 Don MacVicar
 Stanley Tick
 Terry Whitehead

Absent with regrets: None

Also Present: Chief Eric Girt
 Deputy Chief Dan Kinsella
 Acting Deputy Chief Jamie Anderson
 Superintendent Ryan Diodati
 Superintendent Greg Huss
 Superintendent Nancy Goodes-Ritchie
 Superintendent Mike Worster
 Acting Superintendent Marty Schulenberg
 Inspector Greg Hamilton
 Inspector Dave Hennick
 Inspector Treena MacSween
 Inspector Scott Rastin
 Acting Inspector Phil Fleming
 Sergeant Scott Moore
 Marco Visentini, Legal Counsel
 Rosemarie Auld, Manager, Human Resources
 Dan Bowman, Manager, Fleet and Facilities
 Ted Mason, Assistant Manager, Finance
 Jackie Penman, Corporate Communicator
 John Randazzo, Manager, Finance
 Duanne Sprague, Zone Advisor, MCSCS
 Lois Morin, Administrator

Chair Ferguson called the meeting to order.

1.1 Additions/Changes to Agenda

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 - CONSENT ITEM: 4.3(h): Correspondence from Chair Lloyd Ferguson to the Ontario Civilian Police Commission with respect to their correspondence of October 12, 2017, regarding the complaints into the conduct of Vice Chair Levy and Member Juchniewicz.
 - CONSENT ITEM 4.3(i): Correspondence from Chair Lloyd Ferguson to the Honourable Yasir Naqvi, the Honourable Marie-France Lalonde and the Honourable Kathleen Wynne with respect to Hamilton Police Service Board, Allegations of Misconduct, Investigation by the Ontario Civilian Police Commission

- **CONSENT ITEM 4.3(j):** Correspondence from Benson Cowan, Counsel to the Ontario Civilian Police Commission with respect to our correspondence of November 9, 2017, expressing disappointment with the Commission's handling of the request for an investigation and an invitation for a representative of the Commission to attend.

After discussion, the Board approved the following:

Moved by: Member MacVicar
Seconded by: Member Tick

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

Carried.

Presentations

2.1 Member of the Month

Chair Ferguson and Chief Girt presented the Member of the Month Award for July 2017 to Constable Zayna Rahwan. Constable Rahwan was commended for his dedication to duty and commitment to the prevention, detection and suppression of crime and his relentless pursuit of offenders even while off duty.

2.2 IT Capital Projects (PSB 17-128) Consent Agenda Item 4.3(c)

Chief Girt provided comments with respect to the digital technology update. Acting Deputy Chief Jamie Anderson provided a presentation to the Board with respect to IT Capital Projects.

Moved by: Member MacVicar
Seconded by: Member Juchniewicz

That the presentation provided on IT Capital Projects be received, as provided.

Carried.

2.3 Body Worn Camera (PSB 17-124; see also PSB 16-127 and PSB 14-141) Discussion Agenda Item 5.3

Superintendent Michael Worster and Sergeant Scott Moore provided a presentation to the Board with respect to the Body Worn Camera.

Moved by: Member MacVicar
Seconded by: Vice Chair Levy

That the presentation provided on Body Worn Cameras be received, as provided.

Carried.

General**3.1 Declarations of Interest**

None

**Consent
Agenda****4.1 Approval of Consent Items**

Moved by: Member Eisenberger
Seconded by: Member MacVicar

That the Board approve and receive the consent items as distributed.

Carried

4.2 Adoption of Minutes – October 19, 2017

The minutes of the meeting held Thursday, October 19, 2017, be adopted as printed.

4.3 For the Information of the Board:

- a) Auction Account Expenditures – For Board Approval: October 2017 (PSB 17-117)
- b) Budget Variance Report as at September 30, 2017 (PSB 17-123)
- c) IT Capital Projects (PSB 17-128)
- d) Correspondence from Art Domenicucci, Associate Dean, Social Services & Justice Studies, Mohawk College thanking the Hamilton Police Service for the partnership with the Advanced Police Studies students at Mohawk College.
- e) Correspondence from the Honourable Michael Coteau, Minister Responsible for Anti-Racism inviting Chair Ferguson to attend Moving Forward: Challenging power and privilege through anti-racism leadership.
- f) Safety, Licensing Appeals and Standards Tribunals Ontario Memorandum with respect to Ontario Civilian Police Commission – Office Relocation.
- g) Outstanding Issues as of November 16, 2017
- h) Correspondence from Chair Lloyd Ferguson to the Ontario Civilian Police Commission with respect to their correspondence of October 12, 2017, regarding the complaints into the conduct of Vice Chair Levy and Member Juchniewicz.

- i) Correspondence from Chair Lloyd Ferguson to the Honourable Yasir Naqvi, the Honourable Marie-France Lalonde and the Honourable Kathleen Wynne with respect to Hamilton Police Service Board, Allegations of Misconduct, Investigation by the Ontario Civilian Police Commission
- j) Correspondence from Benson Cowan, Counsel to the Ontario Civilian Police Commission with respect to our correspondence of November 9, 2017, expressing disappointment with the Commission's handling of the request for an investigation and an invitation for a representative of the Commission to attend.

**Discussion
Agenda****5.1 Pre-Budget Approval 2018 Vehicles (PSB 17-120; see also PSB 02-052 & PSB 16-119)**

As recommended by Chief Girt in PSB 17-120 dated November 16, 2017, the Board approved the following:

Moved by: Member Juchniewicz

Seconded by: Member MacVicar

- a) That the Board pre-approve the expenditure of \$1,801,000.00 for the purchase of ten (10) 2018 sedan police cruisers, twenty (20) 4x4 utility police cruisers, four (4) specialty automobiles, twenty five (25) used plain door vehicles, and fourteen (14) bicycles.
- b) That the funds for the acquisition of the new vehicles be taken from two accounts; the Vehicle Replacement Account #53415 \$1,457,100.00 (annual replacement base) and \$343,900.00 (Police Vehicle Replacement Reserve Account # 110020).
- c) That the Board pre-approve the expenditure of \$800,000.00 for the purchase of a replacement fleet marine vessel.
- d) That the funds for the acquisition of the new marine vessel be taken from the Police Vehicle Replacement Reserve Account # 110020.
- e) That the Board pre-approve the expenditure of \$195,000.00 for the up-fitting of the above-referenced vehicles be taken from Fleet Upfitting Account #58102.
- f) That Fleet staff be authorized to participate in the provincial Police Co-Operative Purchasing Group for the above-mentioned police specific vehicles.
- g) That Fleet staff be authorized to purchase used plain door vehicles, as outlined in *PSB 02-052 - Used Vehicle Purchases*.

Carried.

5.2 HPS Projected Capital Expenditures: 2018 – 2027 (PSB 17-122; see also PSB 15-002; PSB 15-002a; PSB 15-002x; PSB 16-113)

As recommended by Chief Girt in PSB 17-122 dated November 16, 2017, the Board approved the following:

Moved by: Member MacVicar
Seconded by: Member Tick

1. That the Hamilton Police Service Board approve the list of 2018-2027 Projected Police Capital Expenditures.
2. That the Hamilton Police Service Board forward the approved plan to the City of Hamilton for inclusion in the 2018-2027 Capital Budget Plan.

Carried.

5.3 Body-Worn Camera Steering Committee Third Year Report (PSB 17-124; see also PSB 16-127 and PSB 14-141)

After discussion the Board considered the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

That PSB 17-124 Body-Worn Camera Steering Committee Third Year Report be tabled to provide an opportunity for Member Whitehead to discuss further with Hamilton Police Service staff.

Defeated.

As recommended by Chief Girt in PSB 17-124 dated November 16, 2017, the Board approved the following:

Moved by: Vice Chair Levy
Seconded by: Member Tick

That the Board approve that continued investigation occur prior to accepting, rejecting or engaging in a Body Worn Camera pilot deployment program.

Carried.

5.4 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

That the request from Mr. Robert Burgiss to provide a deputation to the Board to ask the Chief how it is not assault for someone to hit another person when the another person is not a imminent threat to them, be denied.

Carried.

5.5 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

That the request from Mr. Robert Burgiss to provide a deputation to the Board to ask the Chair why on September 14, 2017 the Chair stated that the Chief did respond to email(s), be denied.

Carried.

5.6 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

That the request from Mr. Robert Burgiss to provide a deputation to the Board to ask why the Chief does not respond to his emails and provide an explanation as to why there is not enough evidence for the charge of perjury, be denied.

Carried.

5.7 Request from Mr. Robert Burgiss, to Provide a Deputation to the Board

After discussion, the Board approved the following:

Moved by: Member Whitehead
Seconded by: Member Juchniewicz

That the request from Mr. Robert Burgiss to provide a deputation to the Board to ask if his complaint can be dealt with according to proper procedure, be denied.

Carried.

New Business**New Business**

Vice Chair Levy assumed the Chair while Chair Ferguson spoke on the following motion.

6.1 Motion with respect to the Ontario Civilian Police Commission Investigation

Moved by: Chair Ferguson
Seconded by: Member Eisenberger

Whereas the Ontario Civilian Police Commission has made a decision not to investigate the two interrelated complaints about Police Services Board Vice Chair Levy and Member Juchniewicz; and

Whereas the Ontario Civilian Police Commission interviewed all Members of the Board; and

Whereas the Ontario Civilian Police Commission has reached their decision and determined that both parties in this matter have behaved in a manner that does not reflect what the public should expect from members of police services boards. Their actions were inappropriate, but ultimately, their conduct, while unfortunate, is not of the nature or character to trigger the Commission's investigative powers; and

Whereas the Board reaffirms their motion of October 19, 2017, that training be scheduled for all Board Members on cultural competency and the *Police Services Act* Code of Conduct; and

Whereas, the Ontario Civilian Commission confirmed in the correspondence dated October 12, 2017, that they will not be commencing an investigation; and

Whereas, the Ontario Civilian Commission stated "that serving on a police services board is not an easy task. But it is an important role and it comes with significant amount of public trust. This whole process has been a distraction from the central work of the HPSB. I would encourage the Board to put this behind and continue to direct its efforts to providing effective civilian oversight of policing in Hamilton."

Therefore, be it resolved that the Board accepts the decision of the Ontario Civilian Police Commission and since there is nothing further the board can do but consider the matter closed.

Carried

Chair Ferguson resumed the Chair.

Vice Chair Levy provided an apology to the Board and the Community.

After discussion, the Board approved the following:

Moved by: Member Eisenberger
Seconded by: Member Whitehead

That the motion with respect to the Ontario Civilian Police Commission Investigation be rescinded, and

That the vote on the motion be repeated.

Carried.

Motion with respect to the Ontario Civilian Police Commission Investigation.

Moved by: Chair Ferguson
Seconded by: Member Eisenberger

Whereas the Ontario Civilian Police Commission has made a decision not to investigate the two interrelated complaints about Police Services Board Vice Chair Levy and Member Juchniewicz; and

Whereas the Ontario Civilian Police Commission interviewed all Members of the Board; and

Whereas the Ontario Civilian Police Commission has reached their decision and determined that both parties in this matter have behaved in a manner that does not reflect what the public should expect from members of police services boards. Their actions were inappropriate, but ultimately, their conduct, while unfortunate, is not of the nature or character to trigger the Commission's investigative powers; and

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Therefore, be it resolved that the Board accepts the decision of the Ontario Civilian Police Commission and since there is nothing further the board can do but consider the matter closed.

Carried Unanimously

Chair Ferguson provided the following comments:

- On behalf of the Board I would like to recognize Vice Chair Levy on being a recipient of the 2016-17 Premiers' Awards for Accepting Schools as a Safe and Accepting Schools Team Member at Dundas Valley Secondary School. The Premier's Awards for Accepting Schools recognize those teams across the province that have done exceptional and innovative work in creating a safe, inclusive and accepting school environment. The award recognizes schools that have demonstrated initiative, creativity and leadership in promoting a safe, inclusive and accepting school climate. Congratulations Vice Chair Levy!
- On behalf of the Board I would like to congratulate and thank the Hamilton Police Service Crime Prevention Branch for a great Crime Prevention Week. Starting with "take your kids to work day", the Crime Prevention week Launch with the announcement of the winners of the Elementary School Poster Contest and the BBQ that followed, Citizens' Police College Graduation and the Remembrance Day Parade & Cenotaph Ceremony. I understand that the proceeds of the BBQ were donated to community partners Kiwanis East for "Skate the Dream", which provides opportunities for children throughout our city. Congratulations and well done!!
- On behalf of the Board I would like to congratulate the Hamilton Police Service Crisis Outreach and Support Team (COAST) on their 20th Anniversary. Twenty years ago COAST was created as a result of a tragedy in our community with the death of Zachary Antidormi. The program changed the way records were kept by police, officers were trained in the Mental Health Act and there was better community and collaboration between police and hospitals. Thank you and congratulations! Well done!!!

Next Meeting of the Board

Chair Ferguson announced that the next meeting of the Board is scheduled for Thursday, December 14, 2017, 2:00pm, at Hamilton City Hall, Room 264.

Adjournment

Moved by: Member Tick
Seconded by: Vice Chair Levy

There being no further business, the public portion of the meeting then adjourned at 4:50pm.

Carried.

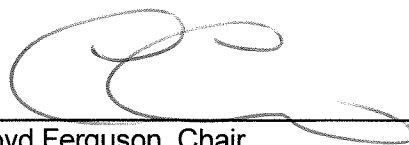
The Board then met in camera to discuss matters of a private and confidential nature.

Taken as read and approved



Lois Morin
Administrator

November 16, 2017
lem:



Lloyd Ferguson, Chair
Police Services Board