

**MINUTES OF THE HAMILTON
POLICE SERVICES BOARD**

4.

Monday, September 20, 2004
4:04pm
Board Room
Hamilton Central Station

The Police Services Board met.

There were present: Bernie Morelli, Chairman
Mark Nimigan, Vice-Chairman
Karen Cimba
Larry Di Ianni
Murray Ferguson
Sheila Jaggard

Absent: Jane Mulkewich

Also Present: Chief Brian Mullan
Deputy Chief Tom Marlor
Deputy Chief Ken Leendertse
Superintendent Ken Bond
Inspector Debbie Clark
Inspector Vince De Mascio
Inspector Warren Korol
Marco Visentini, Legal Counsel
Rosemarie Auld, Manager Human Resources
David Logan, Director, Labour Relations, City of Hamilton
Sergeant Carol Pacey, Media Relations
Lois Morin, Administrative Assistant

Chairman Morelli called the meeting to order.

Election – 2004

Chairman Morelli called for nominations for the position of Vice-Chairman of the Police Services Board for the remainder of 2004. It was moved by Member Cimba and seconded by Member Jaggard that Member Nimigan be nominated for Vice-Chairman of the Police Services Board for 2004. Member Nimigan indicated that he would stand for election.

The Chairman called for further nominations and as none were received, it was moved by Member Ferguson and seconded by Member Jaggard that nominations be closed.

Member Nimigan was proclaimed Vice-Chairman for 2004.

(Item 2)

Chairman Morelli welcomed Dr. Sheila Jaggard, the new appointee to the Board.

Presentations

a) *Member of the Month – July 2004*

Chairman Morelli and Chief Mullan presented the Member of the Month Award for July 2004 to Constable Hall and P.S.D. Pilot. Constable Hall's actions support our Service's value of the "prevention, detection and suppression of crime and the relentless pursuit of offenders". They were

commended for their actions in an arrest.

b) *Member of the Month – August 2004*

Chairman Morelli and Chief Mullan presented the Member of the Month Award for August 2004 to Crime Analyst Nancy Kaneva. Her work ethics exemplify our Service’s Mission to believe in the “prevention, detection and the suppression of crimes, and the relentless pursuit of offenders”.

(Item 3)

Declarations of Interest

None declared.

(Item 4)

Adoption of Minutes –July 26, 2004

Moved by: Member Di Ianni
Seconded by: Member Ferguson

The minutes of the meeting held Monday, July 26, 2004 were adopted as printed.

Carried.

(Item 5)

Second Quarter – Crime Statistics Report

Deputy Chief Leendertse provided the Board with a presentation outlining the significant decreases in crime for the second quarter of 2004.

Chief Mullan explained that Hamilton is reaping the awards of proactive enforcement and that the crime statistics for the remainder of 2004 are continuing to decline.

PSB 04-092

After discussion the Board approved the following recommendation:

Moved by: Member Jaggard
Seconded by: Member Ferguson

The Board received the report as circulated.

Carried.

(Item 6)

Amendment to the December 18, 2000 Public Minutes of the Police Services Board

As recommended by Lois Morin, Administrative Assistant in Report PSB 04-096 dated September 9, 2004, the Board approved the following:

Moved by: Vice Chairman Nimigan
Seconded by: Member Cimba

PSB 04-096

That the Hamilton Police Services Board approved the attached December 18, 2000 Public Minutes as amended.

Carried.

(See also CS-00031; Cs-00031 (a); PSB 01-120 and PSB

(Item 7)

02-030)**Amendments to
the Policies of
the Hamilton
Police Services
Board****PSB 04-081****(See also CS-
00031; Cs-
00031 (a); PSB
01-120 and PSB
02-030)**

As recommended by Lois Morin, Administrative Assistant in Report PSB 04-081 dated September 10, 2004, the Board approved the following:

Moved by: Member Ferguson
Seconded by: Member Jaggard

- a) That the Hamilton Police Services Board amend the Regional Municipality of Hamilton Wentworth Police Services Board Policies which are in Compliance with the Adequacy Standards Regulation, to
 - (i) reflect the new name of the Board, and
 - (ii) establish a system that states clearly the date on which policies are approved and further, include the date(s) on the individual policy documents.
- b) That Policy #LE-002 – Communications and Dispatch be amended to ensure consistency with the provision of communication and dispatch services through the members and facilities of the Police Service.
- c) That Policy #LE-020 – Collection, Preservation and Control of Evidence and Property be revised to direct the Chief of Police to establish procedures, consistent with the advice from the Centre of Forensic Sciences and its current version of the *Laboratory Guide for the Investigator*, for the safe and secure collection, preservation, control, handling and packaging of evidence.

Carried.

(Item 8)

**New Police
Services Board
Policies****PSB 04-088**

As recommended by Lois Morin, Administrative Assistant in Report PSB 04-088 dated September 16, 2004, the Board approved the following:

Moved by: Member Ferguson
Seconded by: Member Cimba

- a) That the Board approve the attached *draft* Police Services Board Policy AI-012, Use of Force attached hereto as Appendix "A"
- b) That the Board approve the attached *draft* Police Services Board Policy AI-013, Speed Detection Devices, attached hereto as Appendix "B".
- c) That the Board approve the attached *draft* Police Services Board Policy AI-014, Secure Holster, attached hereto as Appendix "C".
- d) That the Board approve the attached *draft* Police Services Board Policy LE-047, Police Response to High Risk Individuals, attached hereto as Appendix "D".

Carried.

(Item 9)

Application of Fees for Police Screening Requests for Volunteers**PSB 04-063**

As recommended by Chief Brian J. Mullan in Report PSB 04-063 dated September 7, 2004, the Board approved the following:

Moved by: Member Ferguson
Seconded by: Vice Chairman Nimigan

- a) That the Board approve the application of a \$15 fee for volunteer screening requests (previously done for no charge) effective January 1, 2005.
- b) That the Board approve the application of a \$22.50 fee if the application is requested to be returned by mail.
- c) That all related revenues be deposited in the 45575-376905 account.

Carried.

(Item 10)

2004 – 2005 R.I.D.E. Grant – Ministry of the Solicitor General**PSB 96-073f**

As recommended by Chief Brian J. Mullan in Report PSB 96-073f dated August 29, 2004, the Board approved the following:

Moved by: Vice Chairman Nimigan
Seconded by: Member Jaggard

- a) That the Hamilton Police Services Board enter into an Agreement with Her Majesty the Queen in Right of Ontario as represented by the Ministry of Community Safety and Correctional Services (the "Ministry") whereby the Ministry provides to the Hamilton Police Service a grant in the amount of \$23,700.00 to be used exclusively for sworn officer overtime or paid duty costs associated with year 2004-2005 R.I.D.E. enforcement programs; and
- b) That the Chair and Secretary of the Board be authorized and directed to execute such an Agreement, in a form satisfactory to Legal Counsel to the Police Service.

Carried.

(Item 11)

Explosive Disposal Unit Alliance**PSB 97-075d**

As recommended by Chief Brian J. Mullan in Report PSB 97-075d dated September 2, 2004, the Board approved the following:

Moved by: Member Ferguson
Seconded by: Member Di Ianni

- a) That the Hamilton Police Services Board enter into an Agreement to renew, with minor variations, the existing Explosive Disposal Unit Agreement between the Regional Municipality of Niagara Police Services Board and the Hamilton Police Services Board.
- b) That the Chair and Secretary of the Hamilton Police Services Board be authorized and directed to execute such an Agreement, in a form

satisfactory to Legal Counsel to the Police Service.

Carried.

(Item 12)

Lease Agreement: 471 King Street East, Hamilton Landsdale / Stinson Community Policing Centre

As recommended by Chief Brian J. Mullan in Report PSB 04-077 dated June 25, 2004, the Board approved the following:

Moved by: Member Di Ianni
Seconded by: Member Jaggard

PSB 98-098a

a) That the Board approve the proposal that a Lease Agreement be entered into between the City of Hamilton (Tenant) and Dachlauer Investment Ltd. (Landlord) for the purposes of providing the continued location for the Hamilton Police Service to operate a Community Policing Centre, located at 471 King Street East (first floor and basement), in the City of Hamilton;

b) That the Board request that the Mayor and a City Clerk of the City of Hamilton seek authorization and direction from City Council to execute a Lease Agreement between the City of Hamilton (Tenant) and Dachlauer Investment Ltd. (Landlord) in a form satisfactory to the City of Hamilton Legal Services, for the premises located at 471 King Street East, Hamilton, Ontario;

c) That the Lease Agreement for 471 King Street East, Hamilton, Ontario, contain the following terms and conditions:

Area: Approximately 800 square feet on the first floor and 600 square feet in the basement;

Term: A period of five (5) years, commencing on January 1, 2004 and ending December 31, 2008;

Rental Rate: \$520 per month for the year 2004, \$540 per month for the year 2005, \$561 per month for the year 2006, \$583 for the year 2007, and \$606 for the year 2008, all rates exclusive of G.S.T.;

- Such rental costs to include the utilities of heat, water and sewers, as well as the real property taxes. Tenants to pay hydro costs.

Renovation Clause: Renovation costs to provide access for persons with disabilities will be the responsibility of the tenant; and

Renewal: No renewal provisions specified.

Carried.

(Item 13)

Vehicle Arson

Deputy Chief Marlcor updated the Board with respect to Vehicle Arson in Hamilton.

PSB 04-090

After discussion the Board approved the following recommendation:

Moved by: Member Cimba
Seconded by: Vice Chairman Nimigan

That the Board receive the report as circulated.

Carried.

(Item 14)

Employee Assistance Program – Renewal

PSB 03-023a

As recommended by Chief Brian J. Mullan in Report PSB 03-023a dated September 2, 2004, the Board **considered** the following:

- a) That the Hamilton Police Services Board enter into a Renewal Agreement with Family Guidance Group Inc. operating as FGI, for the purposes of delivery of the Employee Assistance Program (EAP) to the Hamilton Police Service, for a succeeding one-year term, commencing May 1, 2004 and ending April 30, 2004; and
- b) That the Chair and Administrative Assistant of the Board be authorized and directed to execute the Renewal Agreement, in a form satisfactory to Legal Counsel to the Police Service.

As recommended by Chief Brian J. Mullan in Report PSB 03-023a dated September 2, 2004, the Board approved the following as **amended**:

Moved by: Vice Chairman Nimigan
Seconded by: Member Ferguson

- a) That the Hamilton Police Services Board enter into a Renewal Agreement with Family Guidance Group Inc. operating as FGI, for the purposes of delivery of the Employee Assistance Program (EAP) to the Hamilton Police Service, for a succeeding one-year term, commencing May 1, 2004 and ending April 30, ~~2004~~ **2005**; and
- b) That the Chair and Administrative Assistant of the Board be authorized and directed to execute the Renewal Agreement, in a form satisfactory to Legal Counsel to the Police Service.

Carried.

(Item 15)

Law Enforcement and Records (Managers) Network – [LEARN] Conference – 2005

PSB 04-101

As recommended by Chief Brian J. Mullan in Report PSB 04-101 dated September 9, 2004, the Board approved the following:

Moved by: Member Jaggard
Seconded by: Member Ferguson

- a) That the Hamilton Police Service be permitted to host the *Law Enforcement And Records (Managers) Network [LEARN]* Annual Conference in 2005.
- b) That the Hamilton Police Services Board approve allocating \$1,000 from the Auction Account to assist with preparation costs for the host committee.

Carried.

(Item 16)

**Task Force –
High Risk
Offenders***Task Force – High Risk Offenders*

At the Police Services Board meeting held March 22, 2004, Member Di Ianni advised the Board that a task force to look at the impact of High Risk Offenders in Hamilton would be established. The role of the committee would be to increase community safety and to specifically shut down the High Risk Offender Facility on York Boulevard. He then updated the Board on the progress of this committee outlining that they will identify the next steps for the local level.

Member Di Ianni thanked Chairman Morelli and Chief Mullan for taking the lead on this initiative.

Chairman Morelli confirmed the Boards support for the committee and it's initiatives, and it's strong commitment to community safety.

**Information
Items**

The Board approved the following recommendation:

Moved by: Vice Chairman Nimigan

Seconded by: Member Ferguson

The Board receive the reports / correspondence as circulated.

- (a) Mediation Pilot Project – Community Dispute Resolution Services (PSB 04-059a)
- (b) Police Vehicle Servicing Schedule (PSB 04-084)
- (c) Meeting with the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness Canada (PSB 04-095)
- (d) Correspondence from the Honourable Patrick J. LeSage, Q.C. with respect the review of the system for complaints by the public regarding police.
- (e) Correspondence from Pam Skinner, Ministry of Community Safety and Correctional Services with respect to interest to be charged on overdue accounts receivable.
- (f) Correspondence from Chief Brian J. Mullan to Mr. Damien Dommer, General Manager / Owner, The Werx Inc. with respect to the GLBT Task Force Meeting – August 12, 2004.
- (g) Correspondence from Peter J. Ahearn, Special Agent in Charge, U.S. Department of Justice, Federal Bureau of Investigation with respect to Inspector Debbie Clark, Candidate, 219th session, FBI National Academy, September 26 – December 10, 2004.
- (h) Correspondence from the Chairman of the Canadian International Tattoo Association Inc. thanking Chief Mullan for his support and that of Sergeant Scott Balinson, ERU, K-9 and the Explosives Disposal Unit.
- (i) Correspondence from the Hamilton Police Service Retirees' Association, Golf Tournament Co-ordinator thanking Chief Mullan for his generous assistance, support and donation to the 12th Annual Police Retirees'

Tournament which took place on June 21, 2004.

- (j) Correspondence from Doug and Sandra Conley of the Kindness Outreach Committee of Paramount Drive Alliance Church, thanking Sgt. Duncan McCulloch, "D" Squad Members and the East End Station for the donation of two (2) Easter Hampers.
- (k) *Good News E-mail* – from a very grateful family whose daughter went missing, thanking PC Douglas Sephton, PC Geoffrey Burbidge, PC Tammi Ewart, Sgt. Mike Campbell, Det. David Brady, Insp. Debbie Clark and PC Peter Foulds.
- (l) Thank you card from Kathy King, Co-ordinator, Strengthening Hamilton's Community Initiative (SHCI) thanking Chief Mullan for supporting the Police Advisory Committee Selection Process.
- (m) *Good News E-mail* – with respect to letter of thanks regarding The Hamilton Spectator Celebrity Dunk Tank fundraiser held at the Festival of Friends.
- (n) *Good News E-mail* – with respect to letter from the Hamilton Port Authority thanking HPS for support and assistance during the First Annual Hamilton Port Days celebration.
- (o) Correspondence from the President, of the Hamilton Mardigras Carnival thanking Chief Mullan and the Hamilton Police Service for support of the 3rd Annual Event.
- (p) Correspondence from the Executive Director of the Shabab Islamic Centre thanking Chief Mullan for attending the Third Anniversary Dinner held on Thursday, July 22nd, 2004.
- (q) Correspondence from the Honourable Harinder S. Takhar, Minister of Transportation regarding completion of two-year red light camera pilot project and analysis.
- (r) *Good News E-mail* – with respect to a letter of gratitude from the Canadian Council of the Blind regarding surveillance cameras and increased police foot patrols in the downtown core.
- (s) E-mail from Dorothy McDonald, Secretary – Treasurer, Zone 4 announcing the next OAPSB Zone 4 meeting scheduled for Wednesday, September 22, 2004.
- (t) E-mail from Professional Standards, Toronto Police Service with respect to the 4th Annual Professional Standards Conference scheduled for October 26 – 28, 2004.
- (u) Media Release from the London Police Services Board with respect to the ratification of the Police and Civilian Working Agreements.
- (v) E-mail from Wendy Fedec, Executive Director, Canadian Association of Police Boards regarding the CAPB Bulletin: Preliminary Conference Report & Resolutions.

Carried.

(Item 17)

Other Business

a) *Review of Public Complaint System*

Chairman Morelli outlined that the Public Complaint System against police is being reviewed by the Honourable Justice LeSage and that he and Chief Mullan were invited to meet with Justice LeSage to provide any concern about specific elements of the current system, as well as areas that we believe are working well.

b) *Senior Officers Conference*

On behalf of the Board Chairman Morelli applauded the Senior Officers' Association and specifically Superintendent Glyn Wide for the success of the Conference hosted in Hamilton and thanked the Association for the opportunity to attend.

(Item 18)

Adjournment

Moved by: Member Ferguson
Seconded by: Member Jaggard

There being no further business, the public portion of the meeting then adjourned at 4:48pm.

Carried.

(Item 19)

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

Taken as read and approved

Lois Morin
Administrative Assistant

Bernie Morelli, Chair
Police Services Board

September 20, 2004
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