



LONDON POLICE SERVICES BOARD

MINUTES OF THE PUBLIC MEETING

Thursday May 21, 2020
Commencing at 11:36 a.m.
Virtual Meeting, Webex

PRESENT:

J. Sukhera, Chair; S. Toth, Vice Chair; Board Members J. Helmer, J. Lang, E. Holder and M. Cassidy; P. Strickland, Board Counsel; S. Williams, Chief of Police; T. McIntyre, Deputy Chief of Police, Operations; S. Betts, Deputy Chief of Police, Administration; P. Malone, Director of Legal Services; D. Tilley, Ministry of Community Safety and Correctional Services (MCSCS) Zone Advisor; J. Foster, Board Administrator; F. Ojo, Board Administrative Assistant; and members of the community and media.

1. Meeting called to order.

Mayor Holder advised he must leave at noon for a meeting of big city mayors and is respectful of quorum. Chair Sukhera said that Mr. Lang has joined the meeting therefore quorum will be maintained if the Mayor leaves the meeting at noon.

- This meeting will be recorded and the link to the recording will be shared following the meeting.
- All meeting attendees please ensure their microphones are muted.
- The Board hopes to maximize public engagement in the midst of Covid-19 limitations.
- We have had to continue our virtual meeting format this month, the second month in a row. A distanced meeting for June 18th might be possible and we will keep the community informed as the date gets closer.
- We appreciate all the hard work that is happening now in the community – LPS Administration and members and Administration that supports the LPSB.
- There have been many different phases of the pandemic and March feels like decades ago. We are grateful for the support of the public.
- I send gratitude to the community for all of the donations of necessities, personal protective equipment and food to LPS.
- As a front line worker, I thank everyone who has been supporting us in health care.

2. Disclosure of Interest – None

3. **Introduction of Addendum Items and New Business – None**

4. **Minutes of the April 16, 2020 Public LPSB meeting**

MOVED BY: J. Lang
Seconded by: J. Helmer

“That the minutes of the April 16, 2020 Public Board meeting be adopted as presented.”

CARRIED

5. **Hate/Bias Motivated Crime Adequacy Standards Report**

Deputy Chief McIntyre said this report is received per Board policy and adequacy standards and has been revamped from previous years' reports, including targeted groups being broken down. It speaks to how LPS tracks and handles hate and bias-motivated crime. She noted that the report was not authored by Chief Williams as it indicates, but rather comes from LPS's Organized Crime Section. Deputy Chief McIntyre highlighted the extensive training that LPS members receive and said that reported incidents of hate and bias-motivated crimes are low. LPS is focused on how they are engaging the community and how they can induce trust so people feel welcomed to come to us with these situations.

Deputy Chief McIntyre ended with this important distinction: Hate crime is a criminal offence. The hate incident speaks to the behaviour of the interaction.

Vice Chair Toth thanked the team for the comprehensive, detailed report, noting it is a horrible thing to track. Understanding we don't yet have data for 2020, she said she is hearing of incidents towards Asians or those viewed as Asian, in this Covid-19 era and asked Deputy Chief McIntyre if LPS is seeing that in London. Deputy Chief McIntyre said such incidents have been heavily reported in Vancouver and on social media however LPS has seen none of this in London, though they continue to monitor.

MOVED BY: E. Holder
Seconded by: J. Helmer

“That the Board receives for informational purposes the Adequacy Standards Report titled: Hate/Bias Motivated Crime.”

CARRIED

6. Award and Execution of Patio Roof Replacement Agreement

MOVED BY: J. Lang
Seconded by: S. Toth

“That the Board receives for informational purposes the Award and Execution of Patio Roof Replacement Agreement in accordance with LPSB Policy #103 Procurement and Disposal of Surplus Property.”

CARRIED

7. Missing Persons Act Statistics Report

Deputy Chief McIntyre advised that the Missing Persons Act came into effect July 2019 requiring tracking of what are termed “urgent demands” in the search and location of missing persons. This is the first report of its kind since the new regulation. Exigent and time sensitive circumstances of missing persons require that all available resources are utilized, such as reports of cell phone, financial, banking and credit card usage, to mitigate risk and ensure welfare of, and best recovery chance for, the missing person.

This report was received in camera April, 2020 and will be provided to the Ministry of Community, Safety and Correctional Services following this meeting.

MOVED BY: E. Holder
Seconded by: S. Toth

“That the Board presents publically the 2019 Missing Persons Act Statistics Report.”

CARRIED

8. London Police Service Bicycle Registry – 529 Garage Update

Deputy Chief Betts said it gives him great pleasure to bring this program to LPS following Ms. Carr’s (who is attending today’s virtual meeting) deputation and advocacy to the Board September, 2019. He had committed to a spring, 2020 start of the program and wanted a more public launch however Covid-19 necessitated today’s soft launch for now. 529 Garage is now operational in London in time for the fall return of students. Deputy Chief Betts registered his own bike and said the app is user friendly. Users upload a description and photos of their bicycle to the database. If their bicycle is stolen, the user can push an alert out, similar to an “amber alert”, with information about their bike. 529 Garage was created by J Allard (former Microsoft, X-Box fame) in 2014 and was piloted in 2015 in Vancouver. The Board provided the funding for this initiative

Chair Sukhera thanked and congratulated the team for bringing this to fruition and expressed his disappointment that we can't celebrate it more publically today.

Vice Chair Toth highlighted that a community member, Ms. Shelley Carr, brought this idea forward and is silently watching this meeting. She said great leadership took Ms. Carr's idea to this end result. She told the community they are always welcome to bring ideas to the Board as you never know what will happen.

MOVED BY: S. Toth
Seconded by: J. Helmer

“That the Board receives for informational purposes the report related to the start of the London Police Service Bicycle Registry – 529 Garage.”

CARRIED

9. COVID-19 Disclosure Policy

Chair Sukhera said this policy comes under the Emergency Management and Civil Protections Act and the province recommended the Board create a policy governing use of the Covid-19 status sharing portal. The Board engaged in robust discussion about this policy which must be sensitive to the privacy of health data, and the safety and health of first responders and the community. The Board heard concerns about potential disproportionate impact to marginalized community members who feel more heavily impacted by collection of this information - homeless, black and racialized. The Board listened, is aware of their concerns and will balance their concerns with the needs and safety of the police service, policy and community.

Vice Chair Toth said this is a challenging policy and we must be cognizant of the safety and health of our first responders on the front line. However, it is a balancing act with the intrusion into a person's privacy. This won't be a long term implementation and LPS Administration has been proactive with, for example, that the information is limited and the destruction of information will occur in a timely manner. This item came down from the provincial government and the issue is moving quickly, and the Board continues its work on the policy. Vice Chair Toth recommends the Board send a letter to the Ministry of Community Safety and Correctional Services to express the Board's concerns and to advocate for changes as follows to the portal:

- An audit function available to Boards; and
- Inclusion of positive test dates.

Chair Sukhera said he echoes Vice Chair Toth's comments and LPS Administration is also sensitive to these concerns and has been working proactively with the Board on this policy.

Chief Williams reminded us that LPS has a procedure in place which is consistent with the Board policy, and that the Board's due diligence to the community's and officers' safety and needs is appreciated.

MOVED BY: S. Toth
Seconded by: J. Helmer

“That the Board send a letter to the Ministry of Community Safety and Correctional Services regarding issues of concern to the Board respecting the Covid-19 Disclosure Policy.”

CARRIED

10. Use of Facial Recognition Technology

Chair Sukhera reminded that this matter was prominent in the media late February, 2020 at which time the Board had regular communication on this topic with Chief Williams. The Board appreciates that the Chief made it very clear at that time that any use of this technology by LPS members was to stop immediately.

Chief Williams advised that his review of use of this technology within LPS has been completed. He advised that some LPS members were made aware of facial recognition technology in an external training course, unbeknownst to LPS Administration at the time. The Clearview AI Technology was marketed to officers as a trial. After the training, seven LPS members tested the technology after learning about it, either using their own photo or one of a celebrity, out of curiosity for how it worked. One officer used it for an actual, local voyeur case of an adult spying on young person in a department store. The officer's attempt was unsuccessful due to the poor quality of the video. The officer was well intentioned in this case though Administration hit pause as soon as it was brought to their attention. A new procedure regarding privacy impact assessments has now been embedded within LPS's suite of operational procedures. Chief Williams advised that all artificial intelligence (AI) technology will require a privacy assessment before it is used by an LPS member. He said AI is here, that cannot be changed however LPS has measures in place for its appropriate use.

Vice Chair Toth said it has been a few months since this news story broke. She thanked Chief Williams for following process and creating a new procedure, demonstrating that privacy is important. She is not impressed with this company rolling out their new technology in this way. She agrees there was no malice in use by LPS officers and we should all feel safer now. She referenced the continuous balancing act we must engage in as a Board.

Councillor Cassidy thanked LPS Administration for doing the responsible thing.

MOVED BY: J. Helmer
Seconded by: J. Lang

“That the Board receives Chief Williams update related to facial recognition technology.”

CARRIED

11. Sharing of LPSB Policies Publically / Online

Chair Sukhera said there have been many discussions by the Board related to their policies. For accessibility and interest of the community and the media, all 105 London Police Services Board policies are now posted to the LPSB page of the LPS website. Chair Sukhera thanked Ms. Foster, LPS staff and Mr. Strickland for their roles in this process.

MOVED BY: E. Holder

Seconded by: J. Helmer

“That the Board receive Chair Sukhera’s report related to London Police Services Board policies.”

CARRIED

12. Towing – Service Delivery Model Review

Chair Sukhera provided background related to the towing review matter. He thanked community members who have shared correspondence with the Board, some of which intersects with LPSB scope and some with City scope. There has been a large amount of public input into this matter.

Mayor Holder asked what extent there has been LPS dialogue with other London towing operators. Chief Williams explained that the LPS Executive met with other towing operators and there has been written communication received. Mayor Holder asked what competitors can expect in the process. Deputy Chief McIntyre said that Administration heard independent tow operators speak. Also, the City of London hosted public consultation meetings. There are many inconsistencies in service from London tow operators, and rules and regulations are not embedded in policy which creates a disservice to the citizens of London. Her recommendation is that the City continues their work on related by-laws in conjunction with the Board. She said the LPS report clearly explains LPS’s towing requirements and the decision is the Board’s. Currently, 49% of tows are completed by independent operators.

Vice Chair Toth thanked Deputy Chief McIntyre and Chief Williams. She said her thoughts have changed over time and she is concerned for small businesses trying to be successful. She said she holds an emotional bias for small business. She asked, if

the customer doesn't have a preference and Ross is recommended, what is the value? Ross already has an advantage.

Deputy Chief McIntyre said she is not sure why this was in the Board policy. However, at the side of the road when citizens are in a moment of crisis, a list of tow operators is only good if all facets are intact, if they are all professionals like we need them to be for the sake of the community. She said that LPS is an extension of that as they advise the public.

Chair Sukhera passed the chair role to Vice Chair Toth so he could comment. He feels challenged by the concerns raised by the community regarding less than professional activities - price gouging, holding vehicles and some community members using these services are elderly and/or vulnerable and therefore disproportionately impacted. He feels we need to continue this conversation. He takes this matter seriously as a community member and would like to continue the current contract for another year to allow the Board to gather an additional year of data. Chair role was then returned to Chair Sukhera.

Councillor Cassidy also supports this recommendation and suggested the Board use this time to examine the policy to see if changes are warranted. She sees critical pieces as the 20 minutes to respond to an accident scene and the need to discourage chasing practices. She said LPS's requirements are well laid out in the current contract, in the interest of officer safety and the protection of community members.

Mr. Lang said it is incumbent on us as a Board to support staff. He agrees there are two sides to this issue however he strongly supports Administration's recommendation.

Vice Chair Toth said she sympathizes with everyone's comments though she is unprepared to make the decision today. She is increasingly uncomfortable with this section of the policy and asked if we have time to delay a decision. She asked: can this piece of the contract be changed now, rather than extending for another year? She said she cannot support the recommendation unless we are required to make the decision today.

Chief Williams said anything is doable. Many people do not know one tow operator from another and they defer to LPS. It is the same scenario as someone coming into police custody who is asked to call a lawyer. How does a lawyer get on that list, what is the criteria? Some tow operators cannot meet LPS's criteria. Can they ensure no price gouging? Do they have a compound? There are many criteria. He said that LPS feels a certain responsibility whether it's right or not and it's a very complex issue.

Mayor Holder said the issue is criteria or standards. If you can meet the criteria, then you are on the list. If not, you are not on the list. He said it's a simple fact of free enterprise. He expects there will be two or three operators who fit the criteria. Others willing to can work up to it. He said it should not be what's easier, but rather, what's right. Mayor Holder asked if operators have a code of conduct. Chief Williams said the

difference is that lawyers are regulated and have a code of conduct, whereas tow operators in the city of London are not regulated nor have a code of conduct.

Deputy Chief McIntyre said she agrees in part with the Mayor's comments and the current contract outlines existing criteria. She feels however that utilizing such a list would likely require the operators to form an association. When police are at the roadside they need to know the citizen is safe, will not be excessively charged, etc. She said she thought there was an eagerness among providers to form an association for the best interests of their businesses. Have they, will they? They need to show that they meet the criteria to be considered for this contract.

Mr. Lang reminded members that all tow operators had the opportunity to submit a proposal for the last contract in 2017.

Mayor Holder said it is not so much about an association, but more about criteria needed by LPS, such as zero blood alcohol, size and availability of the fleet, background checks and more. If we have the criteria, which we do, let's use it. If they satisfy the criteria they should be on the list.

Councillor Cassidy reiterated the prudence to grant the extension which parallels the City's endeavours. She said the Board requires time to complete the process. There are two sides to the issue and decisions must be evidence-based. The protection of the community is paramount and the industry must participate and satisfy our concerns.

Deputy Mayor Helmer reminded members of the decision before the Board today. He said a request for proposal (RFP) takes considerable time and asked Administration's thoughts on the time sensitivity of the matter. Deputy Chief Betts said LPS would be hard pressed given the nature of this RFP to complete it prior to the end of the year, noting this should have been decided by the beginning of the year. There are also the additional challenges of Covid-19 which will impact the process. He said he is not saying it cannot be done, however it will be challenging. Deputy Mayor Helmer said given Deputy Chief Betts' comments and the fact that Ross Towing service meets our needs, he is comfortable extending the contract for the extra year to allow the time to prepare a thorough RFP, as regular RFPs are prudent practice. Regarding Vice Chair's specific recommendation, he said we can amend this piece if we want to in the next contract, and wondered if it could be amended now, though he suspects not likely. He feels there is no need to change it now as the City is still trying to create the towing by-law, and in a year we will know what the new ground looks like and will be better able to make a sound decision.

Vice Chair Toth said she knows we cannot simply change this provision in the current agreement and she doesn't disagree that the Board needs more time for their decision. She said it can wait one month for the Board to obtain legal advice and if Ross Towing is agreeable to this, we can change that provision.

MOVED BY: S. Toth
Seconded by: E. Holder

“That the Board defer the towing contract decision for one month pending legal advice related to the removal of clause 22.3 from the Board’s current contract with Ross Towing.”

CARRIED

In Favour: Vice Chair Toth, Mayor Holder and Deputy Mayor Helmer

Opposed: Mr. Lang and Councillor Cassidy

Deputy Mayor Helmer clarified that he supports the one month delay however doesn’t support changing clause 22.3 in the current contract.

CARRIED

13. New Business

MOVED BY: M. Cassidy
Seconded by: E. Holder

“That the Board receives for informational purposes as an item of new business, a Special Investigations Unit (SIU) Matter.”

CARRIED

Deputy Chief McIntyre said this was a troubling situation. A citizen doused himself with gasoline with a lighter in hand. The team attended, and utilized negotiation tools and tactics. An officer fired a blunt impact projectile. The male was extinguished however the incident resulted in a serious injury hence the SIU became involved. The SIU was satisfied that the officers acted lawfully and there was no basis to charge the officers, therefore the officers were cleared. LPS’s parallel investigation concluded that the officers complied with LPS procedures. Both reports are before the Board today.

Vice Chair Toth thanked Deputy Chief McIntyre for explaining the process for these reports. Chair Sukhera said community members should be aware that the Board is trying to move as much as possible to the public realm of LPSB meetings.

MOVED BY: M. Cassidy
Seconded by: S. Toth

“That the Board receives the SIU investigation and LPS PSB parallel investigation reports as required by s. 11(4), O. Reg. 267/10 – Police Services Act.”

CARRIED

14. Date of Next Meeting: Thursday June 18, 2020

The Board is working towards a distanced face to face meeting for June 18th if the conditions under Covid-19 are suitable and safe. Please watch for more information about the Board’s plans for subsequent meetings.

Chief Williams echoed Chair Sukhera’s earlier comments related to thanking members of the public, businesses and community partners for recognizing police when others in the community have much more need. He shared some of the many examples of donation of hand sanitizers, personal protective equipment, snacks, meals, emails and phone calls, and many forms of kindness. He expressed the London Police Service’s gratefulness for these acts of appreciation and kindness in these challenging times.

15. Adjournment

MOVED BY: J. Lang
Seconded by: S. Toth

“That the Board adjourn the Public meeting.”

CARRIED

Chair Sukhera told participants and listeners, don’t hesitate to reach out to the Board if needed.

Time Noted: 1:11 pm

Dr. Javeed Sukhera, Chair
London Police Services Board
Approved and signed June 18, 2020