

MINUTES OF THE HAMILTON POLICE SERVICES BOARD

Thursday, September 16, 2021
1:00 PM
Virtual Meeting

The Police Services Board met.

Present: Chair Eisenberger
Vice Chair Fred Bennink
Member Athulathmudali
Member Elms
Member Jackson

Absent with Regrets: Member Collins
Member Mandy

Also Present: Chief Frank Bergen
Deputy Chief Ryan Diodati
Acting Deputy Chief Paul Hamilton
Chief Administrative Officer Anna Filice
Director of Finance / Chief Financial Officer John Randazzo
Director of Human Resources Leanne Sneddon
Legal Counsel Marco Visentini
Corporate Communicator Jackie Penman
HPS Equity, Diversity and Inclusion Specialist Paola Jani
Staff Sergeant Sara Beck
Administrator Kirsten Stevenson

Others Present: Retired Administrator Lois Morin
Chief Client Officer, Canadian Centre for Diversity and Inclusion,
Deanne Matzanke

1. Call to Order

The Chair called the meeting to order and read a land acknowledgment:

The Hamilton Police Services Board is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land

is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

1.1 Changes to the Agenda

There were no changes to the agenda.

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That the agenda for the Board's September 16, 2021 meeting be approved, as presented.

CARRIED

2. Public Presentations & Deputations

2.1 Member of the Month - July 2021

Staff Sergeant Sara Beck presented the Member of the Month for July as follows:

Constable Keith Malone - Support Services

3. General

3.1 Declarations of Interest

There were no declarations of interest.

4. Approval of the Minutes

4.1 July 29, 2021

Moved By: Vice Chair Bennink

Seconded By: Member Jackson

That the minutes of the July 29, 2021 meeting be approved, as presented.

CARRIED

5. Consent Items

After discussion the Board approved the following:

Moved By: Member Athulathmudali
 Seconded By: Vice Chair Bennink

That Consent Items listed as 5.1 through 5.14 be received and approved, as presented.

CARRIED

5.1 Budget Variance Report as at June 30, 2021 (21-084)

5.2 Capital Project Status Report as at June 30, 2021 (21-090)

5.3 Amendment – Agreement between McMaster University and Hamilton Police Services Board – Sexual Violence Policy (21-092)

That the Board approve the amendment included in Report 21-092 to the Agreement between McMaster University and the Board in respect of Special Constables for the purposes of harmonizing the Agreement with McMaster's provincially-mandated Sexual Violence Policy; and

That the Chair be authorized and directed to execute the amended Agreement.

5.4 Auction Account - Requests for Support / Funding

- That the Board approve a donation in the amount of \$500.00 to support the 29th Annual Wesley Charity Golf Tournament taking place on Monday, September 13, 2021. This event will support Wesley's programs for children and youth disproportionately affected by the pandemic; and
- That the Board approve sponsoring a hole in the amount of \$500.00 at the First 100 to Respond Women's Only Golf Tournament on Thursday October 7, 2021 in support of the YWCA of Hamilton; and
- That the Board approve a donation in the amount of \$500.00 to support St. Joseph's Healthcare Hamilton Foundation's virtual 'A Mental Health Morning' event on October 7, 2021; and that
- That the Board approve a donation in the amount of \$500.00 to support the Wayside House of Hamilton's Signature Fundraising Event taking place on October 2, 2021.

5.5 Correspondence from the CAPG dated August 9, 2021 with regards to Support for the 32nd Annual Conference of the Canadian Association of Police Governance

5.6 Correspondence from the Solicitor General dated July 22, 2021 with regards to Crisis Call Diversion (21-0080)

- 5.7 **Correspondence from the Solicitor General dated July 30, 2021 with regards to Risk-driven Tracking Database 2020 Annual Report (21-0083)**
- 5.8 **Correspondence from the Solicitor General dated July 30, 2021 with regards to OIPRD Publishing Guidelines (21-0084)**
- 5.9 **Correspondence from the Solicitor General dated August 4, 2021 with regards to Release of the Ministry of Education's New Anti-Sex Trafficking Policy Framework for Provincially-Funded School Boards (21-0087)**
- 5.10 **Correspondence from the Solicitor General dated August 4, 2021 with regards to Revocation of Rule 17 (Reconsideration) of the OIPRD Rules of Procedure (21-0088)**
- 5.11 **Correspondence from the Solicitor General dated August 11, 2021 with regards to Responding to Animals Left in Hot Motor Vehicles (21-0095)**
- 5.12 **Correspondence to the Solicitor General from the HPSB dated July 26, 2021 with regards to Feedback on Draft Regulations to the Code of Conduct for Police Services Board Members under the Community Safety and Policing Act 2019**
- 5.13 **Hamilton Police Service Media Release - Hamilton Police Announce Mandatory Vaccines for Members (August 25, 2021)**
- 5.14 **Outstanding Business List as of September 16, 2021**

6. Discussion Items

6.1 Request for Extension – Service of Notice of Hearing – Section 83(17) of Police Services Act, Police Constable DARREN SMITH (21-078)

After discussion, the Board approved the following:

Moved By: Member Jackson

Seconded By: Member Athulathmudali

That the Hamilton Police Services Board receive for processing the application to extend the time for service of a Notice of Hearing against Police Constable Darren Smith regarding allegations of misconduct under Part V of the *Police Services Act*, as amended; and

That the Board receive Constable Darren Smith's correspondence dated September 2, 2021 as information; and

That the Board is satisfied that the delay in the investigation process was reasonable on the basis of the chronology and explanation set out in Extension Application Report 21-078 dated July 29, 2021; and

That the Board approve the extension of the six-month time period for the service of a Notice of Hearing against Constable Darren Smith on the basis of all documentation received with respect to the issue.

CARRIED

6.2 Pride Recommendations (20-076a)

Deputy Chief Diodati provided a review and comments on the report.

After discussion the Board approved the following:

Moved By: Member Athulathmudali

Seconded By: Member Elms

That Report 20-076a Pride Recommendations be received as information.

CARRIED

6.3 HPS Projected Capital Expenditures: 2022-2031 (21-098)

CAO Filice provided comments and a review of the report.

After discussion, the Board approved the following:

Moved By: Vice Chair Bennink

Seconded By: Member Elms

That the Hamilton Police Service Board (HPSB) approves the list of 2022-2031 Projected Police Capital Expenditures as noted in Appendix 'A'; and

That the HPSB approves that Capital Projects listed as Items 1 to 7 in this report and Appendix 'A' be considered by the City of Hamilton (City) for funding in 2022; and

That the HPSB forward Report 21-098 HPS Projected Capital Expenditures 2022 – 2031 and Appendix 'A' to Report 21-098 to the City for inclusion in their 2022-2031 Capital Budget Plan.

CARRIED

6.4 Diversity & Inclusion Survey (21-099)

CAO Filice provided comments on the report.

Paola Jani, HPS Equity, Diversity and Inclusion Specialist, provided a presentation and answered questions of the Board.

Deanna Matzanke, Chief Client Officer of the Canadian Centre for Diversity and Inclusion, answered questions of the Board.

After discussion the Board approved the following:

Moved By: Member Jackson
 Seconded By: Member Elms

That the presentation and report be received as information.

CARRIED

6.5 2022 Hamilton Police Services Board (HPSB) Meeting Schedule (21-085)

Moved By: Member Athulathmudali
 Seconded By: Vice Chair Bennink

That the Board's 2022 meeting schedule be approved as presented in Report 21-085.

CARRIED

6.6 Correspondence from the City of Hamilton dated September 3, 2021 with regards to Support for the National Council of Canadian Muslims (NCCM) Recommendations brought forward by the National Council of Canadian Muslims

After discussion, the Board approved the following:

Moved By: Member Elms
 Seconded By: Vice Chair Bennink

That the Board forward correspondence from the NCCM to the Budget Sub-Committee for consideration.

CARRIED

6.7 Long Term Care and Retirement Home Investigations (21-100)

Deputy Chief Diodati provided comments on the report.

After discussion, the Board approved the following:

Moved By: Vice Chair Bennink
 Seconded By: Member Jackson

That the Board receive Report 21-100 Long Term Care and Retirement Homes Investigations as information.

CARRIED

6.8 National Day for Truth and Reconciliation (21-101)

Chief Bergen provided comments on the report.

After discussion the Board approved the following:

Moved By: Member Jackson

Seconded By: Member Elms

That Report 21-101 National Day for Truth and Reconciliation be received as information.

CARRIED

7. New Business

7.1 Budget Sub-Committee Nominations

This item was deferred to the next meeting of the Board for consideration.

8. Adjournment

Moved By: Vice Chair Bennink

Seconded By: Member Athulathmudali

That there being no further business, the Board adjourned at 2:26 PM.

CARRIED

Taken as read and approved.

Chair Fred Eisenberger

Administrator Kirsten Stevenson