

**HAMILTON POLICE SERVICES BOARD
PUBLIC MINUTES**

Thursday, December 14, 2023
1:00 P.M.
Hybrid Meeting

Present: Chair Mandy
Vice Chair Bennink
Member Elms
Member Horwath
Member Kroetsch
Member Menezes
Member Pauls (virtual)

Also Present: Chief Frank Bergen
Deputy Chief Ryan Diodati
Deputy Chief Paul Hamilton
Legal Counsel Marco Visentini
Inspectorate of Policing – Police Advisor David Tilley
Administrative Director Kirsten Stevenson
Board Assistant Lucia Romano

1. Call to Order

The meeting was called to order at 1:02 PM.

2. Acknowledgements

The Chair provided a land acknowledgment.

3. Approval of the Agenda

The Administrative Director noted the following changes to the agenda:

- Added recommendation item 9.4 Delegation Request from The Hamilton Jewish Federation for the January 25, 2024 Board meeting
- Added closed correspondence item 3.1 pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.
- Added closed recommendation item 5.2.1 pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.

Resolution Number **231214 – 1**

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That the agenda be approved, as amended.

CARRIED

4. Declarations of Conflicts of Interest

Member Pauls declared a conflict with respect to items 8.5, 8.6, and 9.3, as her son is a sworn member of the service.

5. Delegations, Presentations and Verbal Updates

5.1 Members of the Month

Chief Bergen called upon Inspector Callender who presented the Members of the Month as follows:

November: Constable Brendan Sherwood and Detective Constable Alberto Fernandez

December: Crime Analyst Eathan Lindsay

5.2 Race and Identity Based Data Strategy (23-110)

Chief Bergen gave an introduction to the presentation.

Inspector Jim Callender and Manager of Analytics Chloe Nyitray provided their presentation and answered questions of the Board.

The Chair called the vote.

Member Kroetsch called a point of order.

The Chair called member Kroetsch out of order as she had called the question.

The Chair asked members to vote on the motion to call the question.

Resolution Number **231214 – 2a**

Moved By: Member Bennink

Seconded By: Member Elms

That the vote be called to receive the presentation.

CARRIED

Member Kroetsch raised two points of order:

- That correspondence item 7.1 may be raised and spoken to by members.
- That as a Board Member, he be allowed to ask questions pertaining to the presentation.

The Chair noted item 7.1 is on the agenda and Members may speak to it at that time.

The Chair called the question to receive the report.

Resolution Number **231214 – 2b**

Moved By: Vice Chair Bennink

Seconded By: Member Elms

That the Race and Identity Based Data Strategy presentation and report be received.

CARRIED

Members Horwath, Kroetsch and Menezes were noted as being opposed.

5.3 Board Chair Verbal Update

Resolution Number **231214 – 3**

Moved By: Member Horwath

Seconded By: Member Elms

That the Board Chair updates be received.

CARRIED

5.4 Chief of Police Verbal Update

The Chief provided his updates to the Board.

Resolution Number **231214 – 4**

Moved By: Member Horwath

Seconded By: Member Pauls

That the Chief of Police updates be received.

CARRIED

6. Approval of the Minutes

6.1 Minutes of November 23, 2023

Resolution Number **231214 – 5**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the minutes of November 23, 2023, be approved as presented.

CARRIED

7. Correspondence

After discussion, the Board approved the following:

Resolution Number **231214 – 6**

Moved By: Member Horwath

Seconded By: Vice Chair Bennink

That correspondence items listed as 7.1 through 7.4 be received.

CARRIED

7.1 All Chiefs Memo - Use of Force Race-based Data Technical Report and Open Data 23-0076 (November 16, 2023)

7.2 All Chiefs Memo - Nominations for the 2023/2024 Attorney General's Victim Services Awards of Distinction 23-0077 (November 21, 2023)

7.3 All Chiefs Memo - Drug Impaired Driving Detection Training FY 2023-24 Eligible Expenses and Submission Processes 23-0079 (November 27, 2023)

7.4 Thank You from Wayside House of Hamilton (November 28, 2023)

8. Consent Agenda

After discussion, the Board approved the following:

Resolution Number **231214 – 7**

Moved By: Member Pauls

Seconded By: Member Elms

That consent items listed as 8.1 through 8.8, be received.

CARRIED

8.1 Auction Account Requests for Support

Based on past practice and in accordance with the Board's Auction Account Policy:

That a donation be made in the amount of \$500 to United Way Halton & Hamilton for their 2024 annual event 'Sleepless in our Cities' to address local poverty; and

That a donation be made in the amount of \$1000 to the ProAction Cops & Kids '2023 Holiday Giving Campaign', in support of police-led programs working to build relationships with youth, families, and community members; and

That these donations be taken from the Auction Account Fund.

8.2 Budget Variance Report as at September 30, 2023 (23-107)

8.3 Capital Project Status Report as at September 30, 2023 (23-108)

8.4 Access to Information - In Car Cameras (23-114)

8.5 Budget Committee Report - November 24, 2023

(Member Pauls declared a conflict of interest concerning item 8.5)

8.6 Budget Committee Report - December 1, 2023

(Member Pauls declared a conflict of interest concerning item 8.6)

8.7 Correspondence to the City of Hamilton from the Hamilton Police Services Board Respecting Protocol for Sharing Information Between the Hamilton Police Services Board and the City of Hamilton (November 30, 2023)

8.8 Outstanding Business List as of December 14, 2023

9. Recommendations

After discussion, the Board approved the following:

9.1 Annual Report Framework PSB 23-036

Resolution Number **231214 – 8**

Moved By: Vice Chair Bennink

Seconded By: Member Kroetsch

That annual reports be prepared and presented in accordance with requirements listed in the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* (CSPA); and

That a final draft of the annual report and presentation be provided to the Board yearly, no later than their May meeting; and

That item 3 on the Outstanding Business List be considered complete.

CARRIED

9.2 2023 Year End Board Policy Report PSB 23-035

Resolution Number **231214 – 9**

Moved By: Member Elms

Seconded By: Member Pauls

That the index of Board policies, attached to this report as Appendix A, be approved.

CARRIED

9.3 2024 Operating and Capital Budgets (Presentation and Recommendation Report 23-109)

As Chair of the Budget Committee, Vice Chair Bennink provided an introduction to the 2024 Operating and Capital Budgets.

Chief Bergen presented the 2024 Operating and Capital Budget and answered questions of the Board.

Resolution Number **231214 – 10**

Moved By: Member Horwath

Seconded By: Member Kroetsch

That the 2024 Operating and Capital Budgets presentation be received.

CARRIED

Resolution Number **231214 – 10b**

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That the Board approve the proposed 2024 Hamilton Police Service (HPS) operating and capital budget, representing an increase of 6.88% over the approved 2023 HPS budget, for a total combined budget of \$206,921,005.00; and

That the Board approve the inclusion of the proposed PSA Section 4(3) budget items, representing a 3.36% increase, in the 2024 HPS combined budget subject to a reduction for all such items included in the City of Hamilton's (City) approved 2024 Target Tax (operating & capital) Budget; and

That the Board submit the proposed 2024 combined budget to City Council for approval.

CARRIED

Member Pauls abstained from voting, as she declared a conflict of interest concerning item 9.3.

Members Kroetsch and Menezes were noted as being opposed.

***9.4 Delegation request from the Hamilton Jewish Federation (for the January 25, 2024 meeting)**

Resolution Number **231214 – 11**

Moved By: Member Horwath

Seconded By: Member Pauls

That the delegation request from The Hamilton Jewish Federation be approved for the January 25, 2024, meeting.

CARRIED

10. Motions

None.

11. Closed Meeting

Resolution Number **231214 – 12**

Moved By: Member Kroetsch

Seconded By: Member Menezes

That the Board move into closed session for the purpose of considering confidential items pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.

CARRIED

The Board moved into closed session at 3:12 P.M.

12. Closed Meeting Report Back

The Board returned to public session at 5:11 P.M.

During its closed session today:

- The Board approved its closed minutes of November 23, 2023; and
- Dealt with confidential items pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*; and
- Dealt with the review of a complaint regarding Member Kroetsch. Member Kroetsch was found to be in contravention of sections 7 and 8 of the Police Services Board Code of Conduct and as such, the Board will be requesting the Commission conduct an investigation into this matter under section 25 of the *Police Services Act*. Further details of this matter are to remain confidential until the investigation has concluded; and
- Dealt with a complaint regarding Chief Bergen.

Resolution Number **231214 – 21**

Moved By: Member Pauls

Seconded By: Member Elms

That the Chair's report back be received.

CARRIED

13. Adjournment

Resolution Number **231214 – 22**

Moved By: Vice Chair Bennink

Seconded By: Member Elms

As there was no further business, the Board adjourned at 5:14 P.M.

CARRIED

Taken as read and approved.

Chair Pat Mandy

Administrative Director
Kirsten Stevenson