



STAFF REPORT ACTION REQUIRED

Composition of Working Group – Independent External Review with respect to Toronto Police Service Missing Person Investigations

Date:	May 02, 2018
To:	Budget Committee, City of Toronto
From:	Andy Pringle, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to request that the Budget Committee approve funding in an amount not to exceed \$25,000 plus tax for Ms Davies' retainer and to advise the Budget Committee that it is anticipated that following its June 21, 2018 meeting the Toronto Police Services Board ('the Board') will forward a further recommendation seeking City funding for an Independent External Review.

RECOMMENDATION

It is recommended that the Budget Committee approve funding in an amount not to exceed \$25,000 plus tax for Ms Davies' retainer.

FINANCIAL IMPACT

The working group will require funding in an amount not expected to exceed \$25,000 plus tax to retain a facilitator at a rate of \$375 per hour. As part of its report to the Board, expected at the Board's meeting on June 21, 2018, the working group will provide its estimate of the costs of the conducting the Independent External Review. The Toronto Police Services Board does not have funds in its approved 2018 operating budget for either the working group or for an Independent External Review.

ISSUE BACKGROUND

At its meeting held on April 18, 2018, the Board considered a report dated April 17, 2018, from Andy Pringle, Chair, Toronto Police Services Board regarding the composition of a working group related to the independent external review with respect to Toronto Police Service missing persons investigations.

COMMENTS

The Board approved the report and the following Motions:

1. The Toronto Police Services Board appoint the following as members of the Working Group – one member of the Board, one individual from the indigenous community and two individuals from the LGTBQ community - to provide the necessary legal and community perspectives in their role as working group members:
 - Ken Jeffers, Board Member, Toronto Police Services Board
 - Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention
 - Sara Mainville, Partner, Olthuis Kleer Townshend LLP
 - Monica Forrester, Engagement Coordinator, Maggie’s Toronto Sex Workers’ Action Project
2. The Working Group ensure that its report reflects the input of the broader community, including organizations that work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities;
3. On a sole-source basis, the Board retain Ms Breese Davies, Breese Davies Law, to facilitate the working group as set out in this report; and,
4. The Board forward this report to the City of Toronto City Manager for information and to the City’s Budget Committee with a request that it provide funding in an amount not to exceed \$25,000 plus tax for Ms Davies’ retainer and to advise Budget Committee that it is anticipated that following its June 21, 2018 meeting the Board will forward a further recommendation seeking City funding for an Independent External Review.

CONCLUSION

A copy of Board Minute No. P66/18, in the form attached as Appendix “A”, regarding this matter is provided for information.

CONTACT

Andy Pringle, Chair
Toronto Police Services Board
Telephone No. 416-808-8080
Fax No. 416-808-8082

SIGNATURE

Andy Pringle
Chair

ATTACHMENT

Appendix A – Board Minute No. P66/18

cc. Ms. Giuliana Carbone, City Manager, City of Toronto

x: TPSB – Composition of Working Group - Independent External Review with respect to Toronto Police Service Missing Person Investigations.doc

APPENDIX “A”

This is an Extract from the Minutes of the Public Meeting of the Toronto Police Services Board that was held on April 18, 2018

P66. Composition of Working Group - Independent External Review with respect to Toronto Police Service Missing Person Investigations

The Board was in receipt of a report dated April 17, 2018 from Andy Pringle, Chair, with regard to this matter.

Recommendation(s)

It is recommended that:

1. The Toronto Police Services Board appoint the following as members of the Working Group – one member of the Board, one individual from the indigenous community and two individuals from the LGTBQ community - to provide the necessary legal and community perspectives in their role as working group members:
 - Ken Jeffers, Board Member, Toronto Police Services Board
 - Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention
 - Sara Mainville, Partner, Olthuis Kleer Townshend LLP
 - Monica Forrester, Engagement Coordinator, Maggie’s Toronto Sex Workers’ Action Project
2. The Working Group ensure that its report reflects the input of the broader community, including organizations that work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities;
3. On a sole-source basis, the Board retain Ms Breese Davies, Breese Davies Law, to facilitate the working group as set out in this report; and,
4. The Board forward this report to the City of Toronto City Manager for information and to the City’s Budget Committee with a request that it provide funding in an amount not to exceed \$25,000 plus tax for Ms Davies’ retainer and to advise Budget Committee that it is anticipated that following its June 21, 2018 meeting the Board will forward a further recommendation seeking City funding for an Independent External Review.

The Board approved the foregoing report.

Moved by: M. Moliner
Seconded by: J. Tory



Toronto Police Services Board Report

April 17, 2018

To: Chair and Members
Toronto Police Services Board

From: Andy Pringle
Chair

Subject: Composition of Working Group - Independent External Review with respect to Toronto Police Service Missing Person Investigations

Recommendation(s):

It is recommended that:

1. The Toronto Police Services Board appoint the following as members of the Working Group – one member of the Board, one individual from the indigenous community and two individuals from the LGTBQ community - to provide the necessary legal and community perspectives in their role as working group members:

Ken Jeffers, Board Member, Toronto Police Services Board
Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention
Sara Mainville, Partner, Olthuis Kleer Townshend LLP
Monica Forrester, Engagement Coordinator, Maggie's Toronto Sex Workers' Action Project

2. The Working Group ensure that its report reflects the input of the broader community, including organizations that work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities;

3. On a sole-source basis, the Board retain Ms Breese Davies, Breese Davies Law, to facilitate the working group as set out in this report; and,

4. The Board forward this report to the City of Toronto City Manager for information and to the City's Budget Committee with a request that it provide funding in an amount not to exceed \$25,000 plus tax for Ms Davies' retainer and to advise Budget Committee that it is anticipated that following its June 21, 2018 meeting the Board will forward a further recommendation seeking City funding for an Independent

External Review.

Financial Implications:

The working group will require funding in an amount not expected to exceed \$25,000 plus tax to retain a facilitator at a rate of \$375 per hour. As part of its report to the Board, expected at the Board's meeting on June 21, 2018, the working group will provide its estimate of the costs of the conducting the Independent External Review. The Toronto Police Services Board does not have funds in its approved 2018 operating budget for either the working group or for an Independent External Review.

Background / Purpose:

At its meeting on March 22, 2108, the Board approved the following motions:

1. That the TPSB Chair report to the April 2018 meeting on the composition of a working group mandated to advise the TPSB with respect to structural and process options for an independent external review or reviews. The working group should consist of not more than 4 members including a member of the TPSB as well as 3 external members. In order to identify the three external members, the Chair will consult the community including: organizations which work with sex workers, harm reduction and homeless populations, and groups representing Indigenous people and LGBTQ communities, including the Alliance for South Asian AIDS Prevention. In addition the Board will obtain a facilitator to assist the working group.
2. That the working group report to the TPSB at its June 2018 public meeting. Its report should include:
 - a. Identifying the best possible form of such an external review or reviews, including one commissioned by the Board, for example, and/or one conducted by a third party, such as the Ontario Independent Police Review Director (OIPRD).
 - b. Discussion with respect to the possible terms of references, including:
 - i. Toronto Police Services practices and actions related to past missing persons investigations, subject to any legal restrictions;
 - ii. TPSB policies, TPS procedures, protocols, training and organizational structures related to missing persons investigations, which will not include any information or discussion of the McArthur investigation and possible trial proceedings;
 - iii. Any systemic concerns, especially those which related to bias against people based on protected grounds outlined in the Ontario Human Rights Code; and
 - iv. National and international best practices into missing persons investigations.
 - c. Anticipated costs of such a review and timelines associated therewith.

In addition, after hearing a number of deputations on this item, the Board agreed to refer a submission made by Ms Susan Gapka to the attention of the working group (Board minute P 37/18 refers).

Discussion:

I am proposing that the Board approve the composition of the working group, as follows:

Working Group Members

Ken Jeffers, Board Member, Toronto Police Services Board

Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention

Sara Mainville, Partner, Olthuis Kleer Townshend LLP

Monica Forrester, Engagement Coordinator, Maggie's Toronto Sex Workers' Action Project

Working Group Facilitator

Breese Davies, Breese Davies Law

The proposed Working Group Members have been chosen with an acknowledgement of the importance of intersectional identity, i.e., in a number of instances, they intersect with other communities, such as racial minorities.

Brief biographies for each proposed working group member are appended at Appendix A.

With respect to the role of the facilitator, it is expected that the facilitator will assist the working group by mediating, where necessary, between the various parties involved in the working group's discussion of structure, process and possible terms of reference for an independent external review (working group members, Board and Service resources, legal counsel) and taking the role of drafting the proposed terms of reference for the independent external review, based on the deliberations of the working group.

Conclusion:

It is anticipated that the working group will begin to meet shortly after the Board's April 18, 2018 meeting and conclude its work no later than June 7, 2018 so that it may report to the Board at its meeting on June 21, 2018.

Respectfully submitted,

Andy Pringle
Chair

Breese Davies – Facilitator

Breese received her B.A., M.A. (Criminology) and LL.B. degrees from the University of Toronto. She was called to the bar in Ontario in 2000. She started her legal career as an associate with Ruby & Edward. Breese is the recipient of the Laura Legge Award.

Since 2013, Breese has been practicing in association with Cavalluzzo Shilton McIntyre Cornish LLP.

In addition to her busy trial and appellate practice, Breese has been involved in a number of public inquiries, including the *Inquiry into the Actions of Canadian Officials in relation to Maher Arar*, the *Internal Inquiry into the Actions of Canadian Officials in relation to Abdullah Almalki, Ahmad Abou-Elmaati and Muayyed Nureddin* and the *Inquiry into Pediatric Forensic Pathology in Ontario*. She was counsel for the Canadian Association of Elizabeth Fry Societies in the *Inquest into the Death of Ashley Smith*, and for the Canadian Mental Health Association in the *Inquest into the Death of Andrew Loku*.

Breese is the current Constitutional Litigator-in-Residence at The David Asper Centre for Constitutional Rights at the Faculty of Law, University of Toronto. Breese is also adjunct professor at the University of Toronto in the Criminology program and at Osgoode Hall Law School. Breese frequently lectures at the Law Society of Upper Canada, the Criminal Lawyers' Association, the Advocates' Society and the National Judicial Institute in areas including advocacy, *Charter* rights and substantive criminal law.

Breese is currently a Vice President of the Criminal Lawyers' Association. From 2012 to 2014, Breese was the first ever Women's Vice President of the Criminal Lawyers' Association. Throughout her term on the CLA board, she has worked on retaining women in defence practice, improving the professional experience of female lawyers and promoting diversity in the criminal defence bar.

From 2007 to 2016, Breese was the co-editor of *For the Defence*, a magazine published bi-monthly by the Criminal Lawyers' Association. She is a contributing editor to *On Children and the Law* (with J. Wilson). Breese was one of the authors of *Sentencing* (7th edition, 2008) with Clayton Ruby. From 2000 to 2016, Breese was an Assistant Editor of the *Canadian Rights Reporter*.

Breese has done volunteer legal work in Nigeria through Avocats Sans Frontieres Canada. She was also the president of the Elizabeth Fry Society of Toronto.

Breese is a current member of the Board of Regents at Victoria University, University of Toronto.

Ken Jeffers, Toronto Police Services Board Member

Ken Jeffers' career spans over 30 years in which he has worked with diverse communities, individuals, agencies and organizations in the field of recreation and community development providing training, program design and implementation in both Canada and the United States. He was the manager of the Access and Diversity Unit in Parks, Forestry and Recreation, City of Toronto, with management responsibility for all aspects of equity, diversity and human rights as they relate to the delivery of programs, services and activities. Through that work, Ken recognized the need for greater outreach and participation by culturally and racially diverse communities. Some of his major responsibilities included, but were not limited to, training all levels of staff, including senior management, active participation on the Interdivisional Staff Team on Access, Equity and Human Rights chaired by Corporate, Staff Team on Immigration and Settlement, and the development of a succession plan with an emphasis on equity and diversity. Ken Jeffers has developed unique community recreation models, in which, recreation and leisure have been used as vehicles in the personal development of Toronto's residents.

Ken Jeffers has a particular interest in working with and for the Black community, spearheading advocacy and activist efforts involving civil rights, anti-racism initiatives, cultural education, anti-violence programming and mentorship programs.

Ken Jeffers was appointed by the province as a member of the Toronto Police Services Board for a two-year term effective November 4, 2015 and was reappointed by the province for a 2 year term effective November 4, 2017.

Shakir Rahim, Board Member, Alliance for South Asian AIDS Prevention

Shakir Rahim is a board member and Chair of the Policies & By-laws Committee at the Alliance for South Asian AIDS Prevention (ASAAP). He is a gay South Asian man. His involvement with the LGBTQ+ community also includes serving on the boards of the Prisoners with HIV/AIDS Support Action Network (PASAN), and previously of Justice Trans, a website and mobile app that provides free legal information on trans issues. Shakir has also served on advisory groups of the Gay Men's Sexual Health Alliance of Ontario (GMSH) and the Heart to Heart Project at ASAAP. He has worked at the Community and Legal Aid Services Programme (CLASP), a legal clinic that serves low income persons and the Jane & Finch community, and Fair Change Legal Services, which serves housing insecure clients. He is a recipient of the Queen Elizabeth II Diamond Jubilee Medal in recognition of his community service contributions.

The Alliance for South Asian AIDS Prevention was founded by members of the South Asian LGBTQ+ community 29 years ago. ASAAP is one of a few LGBTQ+ non-governmental organizations in Ontario that serves the South Asian and Middle Eastern LGBTQ+ communities as part of its mandate. Its mission is to provide culturally responsive holistic health promotion and support services for people from South Asian, Middle Eastern, and other related communities who are living with, at risk of, or affected

by HIV and related health conditions. In its work, ASAAP regularly addresses issues of racism, sexism, heterosexism, homophobia, transphobia, ableism, ageism, classism, and other forms of discrimination faced by South Asian and Middle Eastern communities.

Sara Mainville

Sara Mainville is a Partner at Olthuis Kler Townshend, LLP.

Sara works with First Nations as legal counsel, strategic advisor and negotiator. Ms. Mainville brings a diversity of experience as a lawyer for First Nation governments and political advisor to Indigenous political organizations and leadership. Sara's strength is engaging provincial and Federal governments in bilateral/trilateral negotiations around difficult issues.

Sara Mainville has a Bachelor of Management from the University of Lethbridge and a LL.B. from Queen's University and Sara chose to article at Ecojustice Canada. In addition to her legal practice, Sara has earned a LL.M from the University of Toronto and was awarded the June Callwood bursary for graduate studies in 2006-2007. Sara Mainville's thesis, "An Anishinaabe Perspective of Treaty #3" was the beginning of a lifetime of study by her regarding Treaty #3 and Indigenous jurisdiction's important place in reconciling Indigenous sovereignty in Canada.

Throughout her legal career, Sara has been committed to give back to her community of Couchiching First Nation. Sara has represented Couchiching as a lawyer, helped community members with sentencing submissions, and was elected a Councillor in First Nation government. In 2014, Sara was elected Chief of Couchiching First Nation. During that term she ensured that the First Nation had strong policy going forward, a good social media presence to engage the many off-reserve members in community affairs and she started the Wasaw group of companies. Sara was also very active as a political leader in the Grand Council Treaty #3 and Chiefs of Ontario committees.

Sara Mainville is very proud of her participation in the negotiations that led to the creation of the First Nation Sovereign Wealth LP (FNSWLP), a partnership of 129 First Nations in Ontario. Directed by a Chiefs' Committee on Energy, Sara was active in the negotiations that resulted in the commercial transaction between the Province of Ontario and the FNSWLP of 14 million Hydro One shares and \$29 million in seed capital to facilitate long-term wealth creation for the partnering First Nations. The lengthy discussions to transaction closing were completed between October, 2015 to the final days of December, 2017.

In 2015, Sara was named to the Multi-Interest Advisory Committee for the Federal EA Review process by the Assembly of First Nations. In 2018, Sara will be featured as the expert in APTN's FutureHistoryTV.ca episode 10 on "Justice". Sara Mainville is well regarded by governments and First Nation leaders as a strategic thinker and negotiator.

Monica Forrester

Monica Forrester is a transgendered woman of colour born and raised in Toronto. She is the Engagement coordinator for Maggie's Toronto Sex Workers Action Project. She's been a part of the LGBTTTQ community for twenty years and has advocated for awareness and visibility of trans women in Canadian society. For the past ten years, she has been working with the 519 Church Street Community to help low-income women sex workers and to bring more visibility to agencies that trans women access. She produces a bi-monthly zine called "Trans Pride Toronto," which fosters a connection for trans-identified people within the community and abroad. Forrester has been an important educator within the Fred Victor Centre, an important resource for people who provide housing, such as landlords and non-profit housing organizations, as well as a supportive touch-point in the lives of many transgendered and transsexual women who are seeking housing. She believes in her work in advocating for the trans community because gaining acceptance, tolerance, and equality is very important to this community that has a lot to offer in mainstream society.