

FEDERATION OF NORTHERN ONTARIO MUNICIPALITIES

MINUTES

Meeting of the Board of Directors

July 8th, 2022

Elk Lake Eco Centre

1000 Ontario St, Elk Lake, Ontario P0J 1G0

Present in person

D. Whalen, President

P. Schoppmann, 1st Vice President

L. Carleton, Director

J. Curley, Director

S. Hollingsworth, Director

N. Fortier Levesque, Director

Participated by Zoom

A. MacNevin, Director

T. Kelly, Director

A. Sizer, Director

Regrets

L. Watson, 2nd Vice President

Bill Vrebosch, Director

Guests

Police Chief Stevenson – Catch & Release

Dave Manders - Oxford County Speed Management

Staff

M. Bain, Executive Director

**FONOM Board Meeting
Friday, July 8, 2022**

President D. Whalen welcomed everyone to the meeting and called the meeting to order at 8:35 am

1.0 Welcome and President's Report

President Whalen moved his remarks to after the presentation of Chief Stevenson. Danny welcomed everyone to Elk Lake. He hopes everyone has a great summer. Danny mentioned it was quiet on the meeting front due to the election and holidays. However, he has attended several AMO Executive and Board meetings.

It was **MOVED** by **L. Carleton**, **SECONDED** by **S. Hollingsworth** that the President's Report be received.

MOTION CARRIED.

2.0 ADDITIONS TO/APPROVAL OF AGENDA

It was **MOVED** by **N. Fortier Levesque**, **SECONDED** by **L. Carleton** that the agenda be approved with additions.

MOTION CARRIED.

3.0 TIMED PRESENTATIONS

8:40 am - Sault Ste. Marie Police Chief Stevenson presented to the Board at 8:40 am. The Chief talked about the pressures Bill C75 has had on the backlog of Property Crime in Sault Ste Marie but mentioned the OPP sees the same pressures. The Chief commented, " Human Rights are important!!" and " but an impact of C75 is the individual instead of the Whole." He shared data and walked the Board through the impact repeat offenders have on our communities. He stated that in the last five years there has been an 80% increase in violent offenses. The Chief gave the Board an example of one individual's day being arrested three times without staying in jail. He stated, "there seems to be no respect for the justice system." Chief Stevenson showed that the current "Catch and Release" system affects the community, morale, and the police budget. Danny thanked Chief Stevenson for his presentation and following questions from the Board; they discussed creating a Working Group. The Group would consist of two Chiefs, a Member of a Police Services Board, three FONOM Members (Danny, Sandra, John), along the Executive Director. *Reports attached Pages 8-11 & 12-15*

4.0 ADOPTION OF MINUTES OF THE May 9th, 2022 BOARD MEETING

It was **MOVED** by **J. Curley**, **SECONDED** by **P. Schoppmann** that the Minutes be accepted as amended.

MOTION CARRIED.

5.0 BUSINESS ARISING FROM THE MINUTES

- 5.1 M. Bain shared, as previously circulated, that the application to FedNor was approved. Further, that Drew is moving forward and is looking for ideas from the Board.
- 5.2 M. Bain updated the Board on the 2022 FONOM Conference and Debate. He shared a Budget forecast, as there are still expenses and revenues unknown. The speakers, conference content, venue, and food comments have been mostly very positive and noted that several people that attended the conference later tested positive for Covid. Mac highlighted that the Debate had been viewed, all or in part, over 107,000 times.
- 5.3 M. Bain shared the three main topics of FONOM's Multi Minister Delegation during AMO. They are; Negative Impacts the current Crown Attorney approach has on Communities, the Increase in the Heads and Beds Rate, and Troubling response times by Ontario One Call. He also discussed the joint delegation FONOM-NOMA-NOSDA would have as well. Mac will let the Board know when MMAH has set the timing of the meetings.

6.0 NEW BUSINESS

- 6.1) Resolutions Received – Support for the ONTC from the City of North Bay

The Board discussed the Resolution and voiced their support as well. Members also noted that with the reduction of Greyhound service levels, the ONTC might consider expanding its reach also, that the ONTC is ideally situated to play a role in the Ring of Fire.

It was **MOVED** by **N. Fortier Levesque**, **SECONDED** by **J. Curley** that the

The Federation of Northern Ontario Municipalities reaffirms its support for the ONTC through this motion and commits to further enriching the relationship between the City and Ontario Northland in future planning and promotion of the North.

MOTION CARRIED.

- 6.2) Resolution Received – Ontario One Call Locate Response Times from the Township of Hornepayne

The Board discussed the Resolution from Hornepayne and voiced their support. Then Members shared their district's experiences and noted the shorter construction season in the North. The Board was glad this issue is one of our delegation topics.

It was **MOVED** by **N. Fortier Levesque**, **SECONDED** by **J. Curley** that the

Federation of Northern Ontario Municipalities recommends that the Minister of Government and Consumer Services issue a Minister's Order, under 2.2 of the Ontario Underground Infrastructure Notification System Act, to Ontario One Call to comply with the legislation.

6.0 NEW BUSINESS 6- continued

- 6.3) Letter Received – The Northern Policy Institute has sent FONOM a multi-year funding request. The Board voiced their support for the work of NPI, noting Holly Parson’s work. The Board would like to gather more information and have more conversations, but making a decision.
- 6.4) Participation during Board Meeting – President Whalen wanted to thank everyone for their patience during the COVID era, as some Board Meetings were held remotely. He also noted that most Councils and some agencies have returned to the in-person meeting format, and he believes FONOM should be in person moving forward. Danny clarified that we still may have Timed Presentations, but Board participation is to be in person.
- 6.5) Resolution following the Timed Presentation by Chief Stevenson - FONOM is very concerned with a few negative impacts of C75 on our Communities. Therefore, it wishes to create a Working Group to address the issue.

It was **MOVED** by **S. Hollingsworth**, **SECONDED** by **N. Fortier Levesque** that

THEREFORE BE IT RESOLVED that FONOM create a working group to address Catch and Release. The Group will consist of two Northern City Police Chiefs, a Member of a Police Services Board, and three FONOM Members (Danny, Sandra, and John), with support from the FONOM Executive Director.

7.0 CORRESPONDENCE/INFORMATION ITEMS

It was **MOVED** by **N. Fortier-Levesque**, **SECONDED** by **J. Curley** all the correspondence items are received for information purposes.

- 7.1 Letter Received - Dr. Sarita Verma
- 7.2 Information Received – Elder Check-in – *FONOM to Monitor*
- 7.3 Information Received – Rural and Northern Education
- 7.4 Letters Sent– Premier and three other Party Leaders
- 7.5 Letter Sent – Support for funding of Skill Tool Kits
- 7.6 Letter Received – Catch and Release
- 7.7 Letter Received – Thank you Letter for Donation from Noah Strong
- 7.8 Letter Received – Thank you letter from Premier Ford
- 7.9 Resolution Received – Further Expansion for NOSM
- 7.10 Letters Sent – Congratulation the Ministers of Ontario Cabinet
- 7.11 Media Release Received - Small Modular Reactors – *FONOM to Monitor*

MOTION CARRIED.

8.0 ADMINISTRATIVE MATTERS

- 8.1 It was **MOVED** by **P. Schoppmann**, **SECONDED** by **J. Curley**, that the Board receive the list of amended Expenditures (*Attached Page 16*) for May and June, 2022.

MOTION CARRIED.

- 8.2 It was **MOVED** by **L. Carleton**, **SECONDED** by **S. Hollingsworth**, that the Board receive the Financial Report (*Attached Page 17*) ending June 27, 2022

MOTION CARRIED.

- 8.3 M. Bain updated the Board on an issue of getting timely information from the Caisse Populaire in Kapuskasing. He noted he must call to get a statement for the annual audit. Mac stated that he could access our OneFund investment anytime and get monthly statements. However, Caisse Populaire requires a Resolution from the Board to provide access to the President and the Executive Director.

It was **MOVED** by **P. Schoppmann**, **SECONDED** by **J. Curley** that

Whereas FONOM has two GIC investments with the Caisse Populaire in Kapuskasing, original investments of \$100,000 and \$20,000

THEREFORE BE IT RESOLVED that the Caisse Populaire provide electronic access to the FONOM President and Executive Director so that the Board is better informed regarding its assets.

- 8.4 M. Bain provided an update to the Board on a conversation with the Federal Leaders Debate Commission, Memberships 2022-2023, our third NOHFC intake, the 2021-2022 Audit Process, and the Northern Hospitality Suite.

9.0 REGIONAL REPORTS

District of Nipissing

T. Kelly shared that some municipalities are increasing staff wages inside the contract due to the employment climate. Also, he mentioned the Medical Centre, including a Pharmacy, is open, and East Ferris is moving forward with a new Municipal Office.

District of Manitoulin

A. MacNevin provided an update on the issue of the Swing Bridge, especially during the high traffic season. He noted the Bridge is an MTO and contractor issue. Al spoke about the issue of Insurance Coverage for smaller organizations and vendors. He pointed out that the campgrounds are full, and the Island, like all of the North, is seeing Growth.

9.0 REGIONAL REPORTS - continued

City of Greater Sudbury

A. Sizer informed the Board that Sudbury has passed a Resolution making the City of Sudbury a Living Wage Community, ensuring all employees earn \$16.58 an hour. Al shared that the city is moving forward with the new Library and Art gallery in the downtown. Also, he mentioned that over the past 48 years, they have planted 10 million trees in Greater Sudbury. Finally, he noted that the budget for the KED Project (originally announced in 2017) has been released and the Council will vote on the Project within the week.

District of Sudbury

P. Schoppmann mentioned that St. Charles is preparing for their annual Ball Tournament and expecting 100 teams to participate. Paul said the Viking Cruise line is docking at Killarney, with passengers enjoying the community. Finally, he shared his frustration with the delays being caused by the Planning Boards and shared examples of the delays they are having on Housing.

City of Timmins

J. Curley shared that with George Pirie's win in the Province Election, the Mayor's Seat will remain vacant until the Fall Municipal Election. Also, John mentioned that the Safe Injection Site in Timmins is now Open.

District of Cochrane

N. Fortier Leveque shared that the arrangements are complete, and Moonbeam is looking forward to celebrating its 100th Anniversary. Also, she mentioned that the District is welcoming many newcomers to the area. But there is difficulty in finding housing for them.

District of Parry Sound

L. Carleton mentioned that there was no Parry Sound Municipal Association meeting in the spring; she hoped there would be one before the fall election. The district is still experiencing an issue with short-term rentals. Enforcement is an issue, and most communities are looking at By-laws.

City of Sault Ste Marie

S. Hollingsworth shared that a spill at Algoma Steel caused a shutdown of the Municipal water system in Echo Bay. Sandra mentioned many were frustrated with the communication from Algoma Steel regarding the incident. Also, she said that the City is having an issue finding contractors to complete the required line painting. Sandra mentioned that the Sault Mall recently sold for \$30 million. She noted that NOSMA is in the middle of creating its first Board and is looking for applications. Finally, she thanked President Whalen for sending the letter of support to Dr. Sibbald.

9.0 REGIONAL REPORTS - continued

District of Timiskaming

D. Whalen noted that the agricultural community in the district is having a good year. Danny mentioned that the TMA is keeping a close eye on the Unorganized Communities to ensure no new Medieval Villages crop up.

District of Algoma

None provided

City of North Bay

None provided

10.0 OTHER BUSINESS

11:0 IN CAMERA

12.0 NEXT MEETING

Sunday, August 14th, 2022 in Ottawa or at the Call of the Chair

13.0 ADJOURNMENT

It was **MOVED** by **N. Fortier Levesque**, **SECONDED** by **J. Curley** that the meeting be adjourned at 11:58 am

ADOPTION OF MINUTES OF July 8th, 2022

It was **MOVED** by **N. Fortier Levesque** **SECONDED** by **S. Hollingsworth** that the Minutes be accept as presented, on August 14, 2022.

MOTION CARRIED.



President Danny Whalen





Overview of Bill C-75

Introduction to Bill C-75

On March 29, 2018, the Government introduced Bill C-75, which is intended to make the criminal justice system more modern and efficient and reduced delays in criminal proceeding. Bill C-75 received royal assent on June 21st, 2019, with the different amendments in force on the 30th, 90th, and 180th day following. According to the federal government, many of these reforms reflect the collaborative efforts to address court delays, and have been identified as priorities by federal, provincial and territorial Justice Ministers.

The Act was intended to:

- Modernize and clarify bail provisions;
- provide an enhanced approach to administration of justice offences, including for youth;
- abolish peremptory challenges of jurors and modifies the process of challenging a juror for cause and of judicial stand-by;
- restrict the availability of preliminary inquiries;
- streamline the classification of offences;
- expand judicial case management powers;
- enhance measures to better respond to intimate partner violence;

- provides additional measures to reduce criminal justice system delays and to make the criminal law and the criminal justice system clearer and more efficient;
- restore judicial discretion in imposing victim surcharges;
- facilitate human trafficking prosecutions, and allows for the possibility of property forfeiture;
- remove provisions that have been ruled unconstitutional by the SCC; and
- make consequential amendments to other Acts

Overview of Bail Principles

The decision of whether or not to release an accused person pending trial, and on what conditions, is one of the most significant decisions made in the criminal process.

The decision making in the process starts with the police. Section 11(e) of the Charter, guarantees that an accused will not be denied reasonable bail without just cause. The SCC in *R. v. Antic* (2017), recently affirmed that these rights require that an accused person not be denied bail without just cause and that any bail conditions placed on release be reasonable. The “Principal of Restraint”, stated in *R. v. Antic* is now codified in the new s.493.1 C.C. This applies to police, judges and justices when deciding if an accused can be released and requires primary consideration to the release of the accused:

- At the earliest reasonable opportunity
- On the least onerous conditions appropriate in the circumstances
- With any imposed conditions being reasonably practical for the accused to comply with
- While taking into account RICES for police

The leading case of *R. v. Antic* reminded Crowns that they must follow the “ladder principle” regarding bail. This means that the least restrictive form of bail must be considered first, and only if this is rejected as being insufficient, may they move up the ladder to consider the second least restrictive form of release. This process is to be repeated for each “rung” of the ladder, moving to more restrictive forms of release only when less restrictive options have been rejected. As release with a surety is the most restrictive option available before ordering detention, this option should be a last resort, not a starting point.

The Gladue case (also known as *R. v. Gladue*) is a landmark Supreme Court of Canada decision, handed down on 23 April 1999, which advises that lower courts should consider an Indigenous offender’s background and make sentencing decisions accordingly, based on s.718.2 (e) of the Criminal Code. This new section now codifies that case law, ensuring that indigenous accused receive the same consideration when their release is being determined. Particular attention regarding release is now codified in s.493.2. In making a decision under this section, a police officer, justice or judge shall give particular attention to the circumstances of:

- Aboriginal (Indigenous) accused
- Accused who belong to a vulnerable population that is overrepresented in the criminal justice system and that is disadvantaged in obtaining release

Section 503 C.C. addresses police powers of release in situations of arrests with or without warrant. This power of release can also apply to unendorsed warrants. It has historically been interpreted as discretionary power of the Officer-in-Charge. This power remains, but is reinforced with a positive obligation to reevaluate the possibility of release until the accused can be brought before a justice.

Service Impact

Officers are reminded to consider the “Principals of Restraint” for each individual case. With this in mind, and the extended release options, officers are more inclined to release accused persons roadside. Officers are also noticing a greater hesitance by the courts to hold accused persons. One such example would be an accused released on bail conditions with 29 pending charges. Included in those were 9 charges of Fail to comply with an Undertaking/Release Order. Another example would be an accused released on bail conditions with 16 pending charges, 11 of which were Breach of Undertaking/Breach of Probation charges. This is potentially contributing to officer mindset to look to an alternate release form from bail court.

Below is a comparison chart which highlights how the new release provisions have impacted officer decision making. It compares the release outcome for each incident as reflective to the state of the release provisions. Historically when officers arrested a person for breaching an undertaking or probation, they would be transported to the station for further processing. The discretionary power of release was left with the Officer in Charge. In most circumstances, if an accused had breached a release condition, they would be held for Bail Court. Although the discretionary power remains, Officers are encouraged to strongly evaluate the option of release, taking into consideration the “principals of restraint”. This causes a contrast to previous release outcomes. When viewing the repeated offences as highlighted below, it can be suggested that there is a lack of deterrence within the new provisions.

Initial occurrence details: On August 6th, 2020 a male was arrested at Canadian Tire for Theft Under \$5,000. The male was released on the strength of an Undertaking with conditions to not attend Canadian Tire. The male was provided a future court and fingerprint date.

Note: All theft occurrences listed below take place at Canadian Tire.

Date	Pre-Bill C-75	Bill C-75
Oct. 29/20	Arrest for Theft Under \$5,000, Breach of Undertaking and Breach of Probation. Held for Bail Court.	Arrest for Theft Under \$5,000, Breach of Undertaking and Breach of Probation. Release roadside on Undertaking (same conditions).

Nov. 22/20	Arrest for Theft Under \$5,000, Breach of Undertaking X2. Held for Bail Court.	Arrest for Theft Under \$5,000, Breach of Undertaking X2. Release roadside on Undertaking (same conditions).
Nov. 29/20	Arrest for Theft Under \$5,000, Breach of Undertaking X3 and Breach of Probation X2. Held for Bail Court.	Arrest for Theft Under \$5,000, Breach of Undertaking X3, and Breach of Probation X2. Held for Bail Court. Released by Courts following day, on Release Order (same conditions) and Probation Conditions.
Dec. 12/20	Arrest for Theft Under \$5,000, Breach of a Release Order and Breach of Probation X2. Held for Bail Court.	Arrest for Theft Under \$5,000, Breach of a Release Order and Breach of Probation X2. Release roadside on an Appearance Notice. Conditions still in force.
Mar. 9/21	Arrest for Theft Under \$5,000, Breach of a Release Order, and outstanding warrant for Breach of Probation. Held for Bail Court.	Arrest for Theft Under \$5,000, Breach of a Release Order and outstanding warrant for Breach of Probation. Held for Bail Court. Remanded into custody.

Summary of Bill C-75

With Bill C-75 provisions, Officers are reminded that for most offences the starting point is that the accused person should be released on bail. They must consider if there is reason not to release the person. It is not practical (or legal) to hold everyone in an effort to guarantee that an accused person will not reoffend. Bail decisions are an exercise in risk management. When releasing on a "Release Order", releasing without conditions should be viewed as the default position. If alternate forms of release are to be imposed, they must be in accordance with the "ladder principal". Officers should consider all options available to them for release before moving to next step on the bail ladder. The power to release or detain requires assessment of the facts of each individual case. Release is favored at the earliest reasonable opportunity, and on the least onerous grounds.

See appendix A for summary of Bill C-75 changes

Kerri Findlay
Intelligence and Crime Analyst



Investigation Services

INTERNAL CORRESPONDENCE

DATE: May 27th, 2020

TO: Chief Stevenson

RE: **Recidivism Study**

A comparison of recidivism rates was compiled for accused/arrested/charged individuals between January 1st through May 15th 2020 and 2019. A systematic sample set of the data was used to compile the below statistics.

In 2020 for the above stated timeframe, 344 persons were arrested and charged under the Criminal Code and CDSA. The sample set of data provided 86 accused persons. In looking into the arrest history of these 86 accused persons, 72 (83.7%) were charged and released from custody and 14 (16.3%) were not released. Please note that at the time of this report, 5 of these individuals that were not released are still in custody and it is unknown if they will be released with conditions before their matters are completed in court.

In examining these 72 accused persons who had been released, 36 (50%) were on a release from previous charges. Of these 36, 13 individuals (36%) had been previously charged and released. Of these 13, 7 individuals (53.8%) had been released on previous charges. Of these 7, 4 individuals (57%) had also been previously charged and released. Therefore 4.7% of the 86 accused persons were arrested, charged and released 4 consecutive times. Also, 8.1% were arrested, charged and released 3 consecutive times.

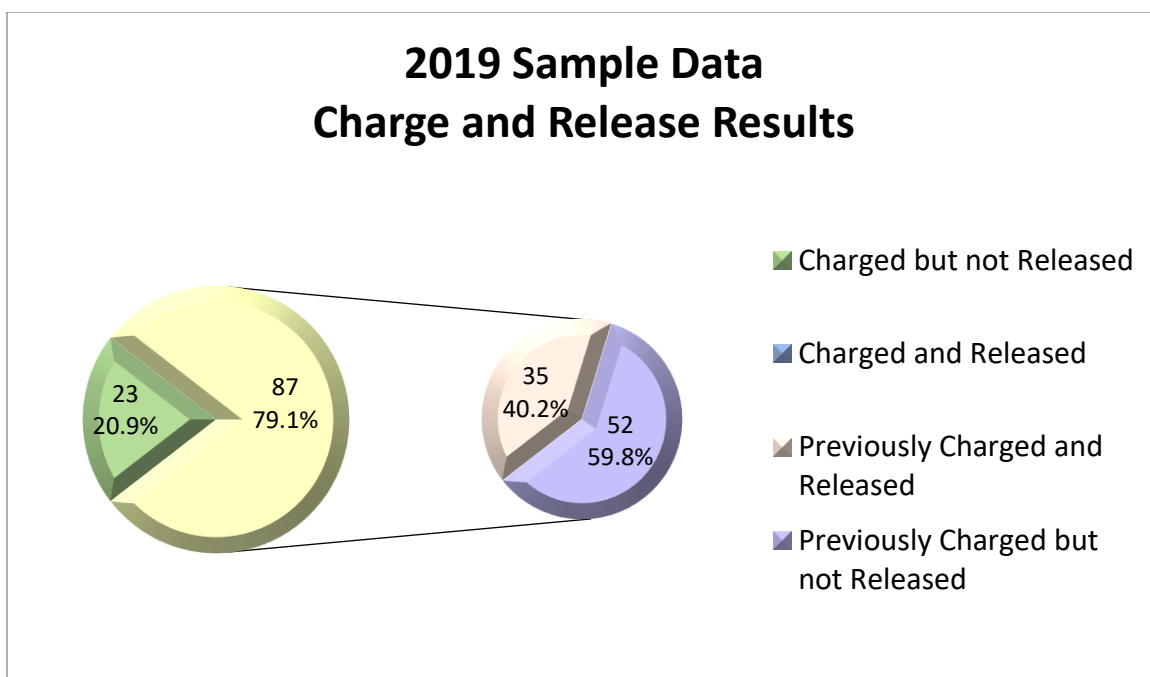
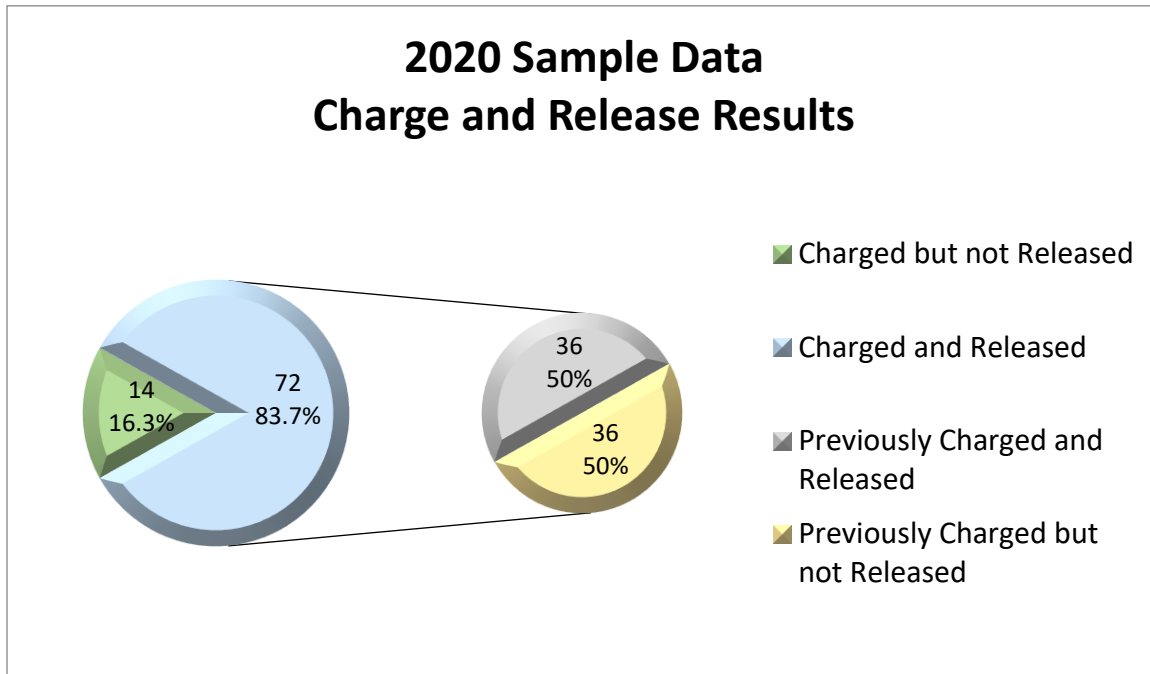
In comparison, in 2019 for the above stated timeframe, 447 persons were arrested and charged under the Criminal Code and CDSA. The sample set of data provide 110 accused persons. In reviewing the arrest history of these 110 accused persons, 87 (79.1%) were charged and released from custody and 23 (20.9%) were not released.

In examining these 87 accused persons who had been released, 35 (40.2%) had been previously charged and released. Of these 35, 10 individuals (28.6%) had been released on previous charges. Of these 10, 4 individuals (40%) had been previously charged and released. There were no other previous arrests or releases to that. Therefore 3.6% of the 110 accused persons were arrested and released 3 consecutive times.

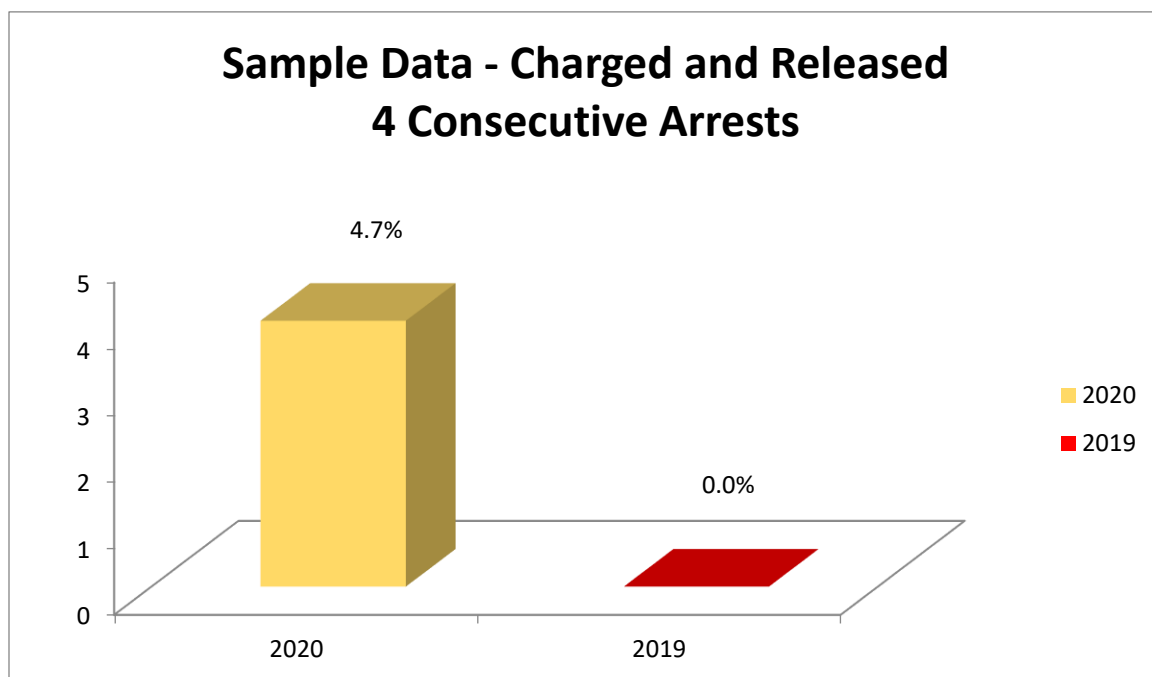
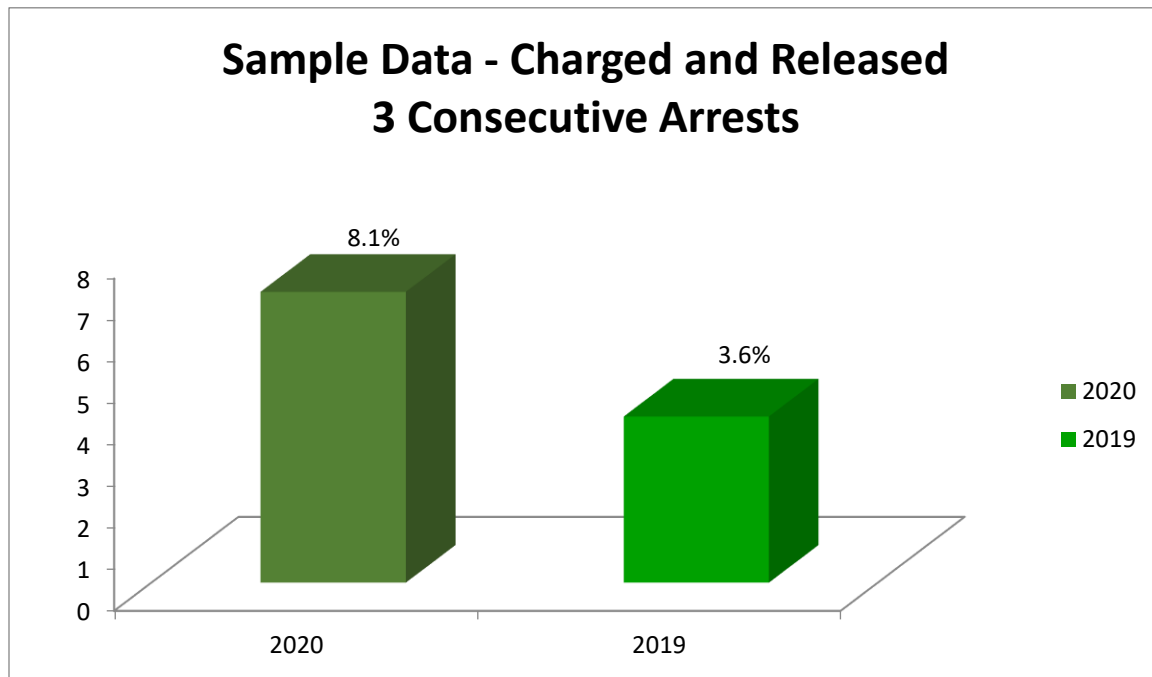
The following table provides a comparison.

	2020	2020 % of total	2019	2019 % of total
Charged and Released	72	83.7%	87	79.1%
Previously Charged and released once	36	50%	35	40.2%
Previously charged and released twice	13	36%	10	28.6%
Previously charged and released three times	7	53.8%	4	40%
Previously charged and released four times	4	57%	0	0%

The below charts provide a visual for accused persons and one previous arrest.



The below charts provide a comparison for individuals charged and released 3 and 4 consecutive times.



If we use the statistics gathered from the sample data set, we can infer the following:

Between January 1st and March 15th, 2020, of the 344 arrested individuals, we can infer that 288 were released, 56 were not. Of the 288 released individuals, 144 had previously been charged and released. Of these, 52 had been released on previous charges. Of these, 28 had previously been charged and released. Finally, of these, an additional 16 had been previously charged and released.

For the same timeframe in 2019, we can infer that of the 447 arrested individuals, 354 were released, 93 were not. Of the 354 released individuals, 142 had previously been charged and released. Of these, 41 had been released on previous charges. Of these, 16 had previously been charged and released.

The raw data used to produce these results is available on request.

		FONOM				
		Financial Summary				
		April 1, 2022 - March 31, 2022				
		as of June 29, 2022				
		<u>Budget</u>		<u>YTD</u>		<u>Variance</u>
Revenue						
Membership		30,000.00		30,880.50		(880.50)
AMO Reimbursements		4,000.00				4,000.00
MNDM		50,000.00		9,780.11		40,219.89
Northern Suite at AMO		3,500.00		-		3,500.00
Investment Interest		-		-		-
Conference - bank transfer		30,000.00		10,634.91		19,365.09
Donations		5,000.00		-		5,000.00
FedNor - Promote the North		84,000.00		53,460.00		30,540.00
		206,500.00		104,755.52		101,744.48
Service Fees		225.00		44.75		180.25
Board Meetings		35,000.00		6,701.38		28,298.62
AMO Board Meeting & Mou		16,500.00		2,662.96		13,837.04
Provincial Committee Meetings		5,500.00		2,030.65		3,469.35
Advertising - Forest Ontario		-				-
Insurance		600.00		452.00		148.00
General & Admin		7,000.00		4,369.39		2,630.61
Audit And Legal Fees		4,600.00		-		4,600.00
Staff Wages		31,000.00		7,056.00		23,944.00
Staff Travel		900.00		-		900.00
Executive Honorarium		5,000.00		-		5,000.00
Northern Hospitality Amo		5,000.00		472.86		4,527.14
Conference Expense		8,000.00		21,211.78		(13,211.78)
GoNorth Campaign		84,000.00		30,646.20		53,353.80
Other		-				
Other		-		-		-
Other		-		-		-
Other		-		-		-
		203,325.00		75,647.97		127,677.03
		3,175.00		29,107.55		- 25,932.55