



STAFF REPORT INFORMATION ONLY

Toronto Police Service – Paid Duty and Special Events Requirements, Practices and Impacts

Date:	May 05, 2008
To:	Executive Committee, City of Toronto
From:	Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the City of Toronto - Executive Committee with the Toronto Police Service's report on paid duty and special events requirements, practices and impacts.

Financial Impact

There are no financial implications in regard to the receipt of this report.

ISSUE BACKGROUND

At its meeting held on February 21, 2008, the Toronto Police Services Board was in receipt of a report dated January 08, 2008 from Chief of Police William Blair regarding paid duty and special events requirements, practices and impacts.

COMMENTS

At its meeting on February 21, 2008, the Toronto Police Services Board received the Chief's report and approved three Motions. At its meeting on March 27, 2008, the Board approved an amendment to Motion No. 2.

A copy of Board Minute No. P22/08, in the form attached as Appendix "A", regarding this matter is provided for information.

CONTACT

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SIGNATURE

Alok Mukherjee
Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P22/08

APPENDIX A

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON FEBRUARY 21, 2008

#P22. PAID DUTY AND SPECIAL EVENTS REQUIREMENTS, PRACTICES AND IMPACTS

The Board was in receipt of the following report January 08, 2008 from William Blair, Chief of Police:

Subject: PAID DUTY AND SPECIAL EVENTS REQUIREMENTS, PRACTICES AND IMPACTS

Recommendations:

It is recommended that the Board forward a copy of this report to the City's Budget Committee for information at its meeting of February 25, 2008.

Financial Implications:

There are no financial implications relating to the recommendations contained within this report.

Background/Purpose:

At a meeting with the City Chief Administrative Officer and Chief Financial Officer, the issue of ever increasing paid duties and their impact on City Departments was raised. The Chief provided a verbal update, but a briefing note on this subject was requested. The official request from the City reads:

“The Toronto Police Service is to provide a briefing note on their Paid Duty and Special Events requirements, practices and impacts.”

The Chief agreed that providing information on policies of when we assign paid duty versus regular duties, who sets the rates, how (if) these policies have changed, when officers must be used, etc. in a Board report would answer many of these questions.

The following information is provided in response to the above request.

The Toronto Police Service (TPS) is committed to ensuring that policing services are delivered in a manner that best serves the needs of the citizens of Toronto. As part of this commitment, the TPS has developed a paid duty system whereby members of the private sector and the community can obtain the services of off duty police officers. This system provides an

opportunity for organizations (referred to as clients) to hire off duty police officers, at their own expense to perform policing duties at private events or activities where the presence of a police officer is deemed necessary. These private events or activities can include but are not limited to construction sites, funeral escorts, wide load escorts, traffic direction, road closures, television and movie film locations, fundraisers, security at special events, specific locations and sporting events.

Police officers who are hired for paid duty assignments are considered to be on duty for the purposes of governance under the *Police Services Act*, TPS Service Governance, and the Uniform Collective Agreement.

Determining On-Duty and/or Paid Duty Status at Special Events

Toronto Police Service Procedure 20-15 (Special Events) clearly outlines the criteria to be followed when determining whether on duty or paid duty officers will be deployed at a special event. The following criteria shall be applied when making the final determination:

- i. Paid duty personnel shall be employed for events where any of the following apply:
 - Access is restricted or where an admission or participation fee is involved;
 - The nature of the event will result in revenue being generated by sponsors or other individuals directly or indirectly involved with the event (e.g. street festivals, fundraisers, promotions);
 - Sites, locations or events sponsored by a community-based organization where beer/liquor is being served, (e.g. beer tents, etc.), if the event organizers have requested officers for the specific purpose of providing security at the site, location or event.
- ii. Where the criteria contained in item i does not apply, on-duty personnel may be deployed at the discretion of the unit commander, for events where:
 - Access is NOT restricted, but open and intended for the general public;
 - The event is sponsored by a community-based, non profit organization;
 - Resources are available from within the host unit without external support and this status is not expected to change in the future for other similar events.
- iii. Where an event is sub-divided into components that individually fit the criteria contained in items i or ii above:
 - On-duty personnel will be used for the unrestricted or community-based portion;
 - Paid duty personnel shall be used for the areas with limited access, admission or participation fees and/or the revenue generating site.

NOTE: *Arrangements for policing the Canadian National Exhibition (CNE) shall be negotiated with the CNE Board of Governors on a yearly basis and are not limited to the criteria outlined above.*

Determination of Required Officers

The unit commander of the division within which the paid duty occurs shall, in consultation with the client, determine the appropriate number of police officers required to adequately police the event, (having regard to the criteria categories listed below). The unit commander shall retain the final determination on the number of personnel required and may refuse paid duty policing service where there are overriding safety concerns.

Nothing precludes a client from hiring additional paid duty officers beyond any legislative requirement, providing the required additional duties are in keeping with Service policy.

Auxiliary members shall not be deployed in an area where only paid duty officers are being employed.

Supervisory Requirements

- I. When four (4) or more police officers are assigned to a paid duty, such officers shall be supervised by a paid duty sergeant/detective.
- II. When ten (10) or more police officers are assigned to a paid duty, such officers shall, in addition to a sergeant/detective, be supervised by a paid duty staff sergeant/detective sergeant.
- III. Where the number of police officers being supervised exceeds fifteen (15), staff/detective sergeants are entitled to an increased rate of pay.

Other Determining Factors – On Duty versus Off Duty Personnel

There are many other factors that help determine whether on duty or paid duty police officers will be deployed. The following is a summary of some of the most common determining factors:

Traffic Direction

In many cases the special event in question requires the direction of traffic on a public street or highway. The *Highway Traffic Act*, Section 134 (1) clearly stipulates that only a police officer can perform this function on a public street or highway. Therefore in these situations, it would necessitate the use of paid duty police officers.

Road Closures

In the case of a special event where organizers have requested a road closure from the City of Toronto, such closure will be staffed by paid duty police officers. The exception to this policy

would be a road closure required for an emergency situation (police initiated) and not to simply coincide with the event. Road closures intended to facilitate special events can last for several hours and in some cases several days. These closures are often obtained to allow vendors and beer gardens to be positioned on the actual roadway. The majority of these special events also have a component of on-duty police officers assigned to keep the peace within the boundaries of the event.

Parades

Each year, the Toronto Police Service on behalf of the Toronto Police Services Board, issues approximately 400 parade permits under the authority of By-law No. 71. The majority of these parades are policed by on duty personnel. On occasion there will be circumstances where limited police resources are available. When this occurs, organizers are provided the opportunity to change the date or times of the parade to better facilitate the participation of on duty officers. When this is not feasible or the organizers are unwilling to do so, it necessitates the hiring of paid duty officers in order for the event to continue.

Paid duty officers are also used at parades to provide additional security at formation or dispersal areas, or to facilitate special requests along the parade route, such as at beer gardens or the Caribana Festival.

City of Toronto Permits

The City of Toronto is responsible for issuing permits for film locations, road closures and events in public parks. When issuing these permits, the city includes a condition that the permit holder must hire paid duty police officers or arrange for adequate policing with the Toronto Police Service. If the permit holder does not comply with the conditions of the permit it could invalidate their permit.

Emergency and Non-Emergency Situations

In conjunction with officials from the Ministry of Labour and the City of Toronto Transportation Services, Traffic Services has developed guidelines governing the use of on duty and paid duty police officers involved in the direction of traffic in emergency and non-emergency situations.

Emergency Service is deemed to be any unscheduled maintenance where:

- Public safety or health is threatened;
- Immediate action is required;
- The public is without an essential service.

A representative from the responding utility must attend as soon as possible at the scene of any emergency work site in order to assess the situation and make a determination regarding necessary repairs and the timelines required to complete these repairs.

In situations where the necessary emergency repairs can be completed within three hours of the Toronto Police Service receiving a request to attend the location, a regular on-duty police officer will assist at the site, subject to the exigencies of the Service. In the event of an emergency repair projected to take in excess of three hours to complete, a paid duty police officer shall be ordered immediately and the on-duty officer shall remain on location until relieved by the paid duty officer.

All regularly scheduled maintenance requests will be staffed by paid duty police officers.

The guidelines surrounding emergency and non emergency situations are presently under review by the City of Toronto and the Toronto Police Service. Members of Legal Services, Corporate Planning and the Centralized Paid Duty Office are meeting with representatives from the City of Toronto to review and update guidelines, to ensure they are more inclusive of all City of Toronto departments.

Paid Duty Rates

Police officers who agree to perform paid duty assignments are not scheduled to perform regular duties. Arrangements for the officer are made through the Central Paid Duty Office and the officers performing the service are paid by the client. The rate of pay that police officers are paid for these off duty assignments is set by the Toronto Police Association under the authority of the Uniform Collective Agreement (Article 20 - Special Service Pay). This section of the Agreement states “the rate to be paid to each member for special services requested of the Service, for control of crowds or any other reason shall be determined by the Association, and the Board shall be advised by the Association of the said rate when determined or of any change therein.”

In correspondence dated November 13, 2007, the Toronto Police Association advised the Police Services Board of an increase in the hourly paid duty rate effective January 1, 2008. The following are the new rates:

Constables (all classifications)	\$62.50 (minimum \$187.50)
Sergeant (when in charge of 4 or more police officers)	\$70.50 (minimum \$211.50)
Staff Sergeants (when in charge of 10 or more police officers)	\$77.50 (minimum \$232.50)
Staff Sergeants (when in charge of 15 or more police officers)	\$79.50 (minimum \$238.50)

When an officer assigned to a paid duty works a portion of an hour in excess of the three hour minimum, payment will be made at the established hourly rate.

Additional Charges

In order to fulfil some paid duty requests, it may be necessary for the client to pay for police equipment to be used by the officers while performing their duties. The following is the current hourly rate for police equipment:

- Motorized vehicles/motorcycle \$37.38 per hour (minimum of 3 hours)
- Motorized boat \$350.47 per boat (for the first 3 hours)
\$105.61 per boat (for each subsequent hour)
- Rowboat \$53.27 per assignment
- Trailer or bicycle \$21.50 per assignment
- Horse or dog \$53.27 per assignment

In addition to the rate of pay owed to the officer(s) or additional equipment user fees, the Toronto Police Service also charges an administrative fee of 15% on the total cost of police officers for each paid duty. A further charge of 5% (GST) will be applied to the administrative fee and use of police equipment.

Five-Year History of Paid Duties

	2003	2004	2005	2006	2007 (projected)
Paid Duty Amounts to Officers (estimated based on Administration Fee)	\$12,034,310	\$19,456,132	\$18,074,134	\$21,463,504	\$23,136,000
Paid Duty Administration Fee	\$1,805,146	\$2,918,420	\$2,711,120	\$3,219,526	\$3,471,000
Paid Duty Equipment Rental	\$639,800	\$1,034,632	\$820,917	\$898,840	\$1,078,000

Included within the 2007 projected figures above are total projected billings of approximately \$600,000 for the TTC, \$300,000 for Toronto Hydro and \$400,000 for other various City of Toronto departments.

Conclusion:

The Toronto Police Service instituted the paid duty system as a method of accommodating the needs of clients requiring police services that fall outside the realm of normal on duty policing responsibilities. The system also helps ensure that the everyday policing requirements of the citizens of Toronto are not compromised. The criteria used to determine whether on duty or paid duty personnel will be utilized at specific events were established after consulting internal TPS policies and procedures as well as the external requirements placed on the client.

The Toronto Police Service is committed to operating the paid duty system with integrity, fairness and honesty to insure the satisfaction of our members and our clients are paramount.

Deputy Chief A.J. (Tony) Warr, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

Staff Sergeant Larry Reeves, Special Events and Paid Duties Unit, was in attendance and responded to questions about this report.

The Board received the foregoing report and approved the following Motions:

- 1. THAT the Chief of Police establish a process to facilitate a review, and report back to the Board, on paid duty procedures and practices and that representatives of the Board, the Service, the Association and the City be invited to participate in the review;**
- 2. THAT, prior to the 2009 operating budget process, the Chief of Police provide a report on the opportunities afforded to the Board for utilizing some or all of these monies for the hiring of new police officers, given the current \$24.0M projected payment; and**
- 3. THAT a copy of the foregoing report be provided to the Executive Committee for its next regular meeting, rather than the February 25, 2008 meeting of the Budget Committee.**

Amendment:

The foregoing Minute was amended by the Board at its meeting on March 27, 2008 by replacing Motion No. 2 with the following new Motion:

THAT, prior to the 2009 operating budget process, the Chief of Police provide a report to the Board on the financial, operational, recruitment and deployment impacts of significantly reducing paid duties through the provision of on duty policing funded by alternate sources of revenue.