



STAFF REPORT ACTION REQUIRED

Response to City Council Motions Pertaining to Paid Duties

Date:	May 22, 2014
To:	Budget Committee, City of Toronto
From:	Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide Toronto City Council, via the Budget Committee, with the Toronto Police Service's response to City Council Motions pertaining to Paid Duties

RECOMMENDATIONS

It is recommended that the Budget Committee:

1. receive this report for information; and,
2. forward a copy the this report to Toronto City Council for information.

FINANCIAL IMPACT

There are no financial implications arising from the recommendations contained within this report.

ISSUE BACKGROUND

At its meeting held on May 15, 2014, the Board was in receipt of a report dated February 16, 2014 from Chief of Police William Blair regarding the Toronto Police Service's response to City Council Motions pertaining to paid duties.

COMMENTS

The Board approved the Chief's report and the following Motions:

1. THAT the Board and the Chief of Police, in consultation with the City of Toronto Economic Development & Culture Division, Emergency Medical

Services Division, Parks, Forestry & Recreation Division, and Transportation Services Division, coordinate a public and stakeholder review of the policies governing requirements for paid duty officers at special events held within the city, including the new Toronto Police Service Staffing Matrix for special events, and report back to the Board at its meeting on July 17, 2014 with recommendations to:

- (a) ensure the preparation of integrated safety and security plans describing the role and responsibilities of Toronto Police Service on duty and paid duty officers, auxiliary members, and private security staff;
 - (b) minimize the need for Toronto Police Service paid duty officers through alternative options such as the use of auxiliary members and private security at special events; and
 - (c) ensure for large scale special events that the paid duty officers and auxiliary members on site have a sufficient degree of experience with similar scale events.
2. THAT the Board request the Chief to ensure that, in future, the TPS will discuss with prospective paid duty clients, the conditions when paid duty officers may or may not be warranted to assist the requester in determining whether they wish to proceed with their request;
 3. THAT the public be allowed to provide input regarding paid duty;
 4. THAT the Board approve the foregoing report from the Chief; and
 5. THAT the Board establish a sub-committee to undertake the project set out in Motion No. 1 and that it would include Councillor Thompson, Councillor Del Grande and Mr. Pringle.

CONCLUSION

A copy of Board Minute No. P125/14, in the form attached as Appendix "A", regarding this matter is provided for information.

CONTACT

William Blair, Chief of Police
Toronto Police Service
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SIGNATURE

Alok Mukherjee
Chair

ATTACHMENT

Appendix A – Board Minute No. P125/14

A: paid duties.doc

APPENDIX "A"

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON MAY 15, 2014

#P125 **RESPONSE TO CITY COUNCIL MOTIONS PERTAINING TO PAID DUTIES**

The Board was in receipt of the following report February 16, 2014 from William Blair, Chief of Police:

Subject: RESPONSE TO CITY COUNCIL MOTIONS PERTAINING TO PAID DUTIES

Recommendations:

It is recommended that:

- (1) the Board receive this report for the information; and
- (2) the Board forward a copy of this report to the City Budget Committee as well as Deputy City Manager and Chief Financial Officer.

Financial Implications:

There are no financial implications arising from the recommendations contained in this report.

Background/Purpose:

At its meeting of January 16, 2014, the Board requested that the Chief of Police provide a report to the May meeting responding to the City's Budget Committee request for a briefing note on the annual costs incurred by the City of Toronto for paid duty officers and what initiatives have been taken to reduce the cost on the City's capital projects (Min. No. P7/14 refers).

Attached to this report is a briefing note responding to the Board's request.

Discussion:

On December 16, 2013, the Deputy City Manager and Chief Financial Officer submitted a letter to the Board outlining a number of motions adopted by the City of Toronto Budget Committee at its meeting on December 10, 11, 12 and 13, 2013 in relation to deliberations on the 2014 budget. One such motion was:

That the Chair, Toronto Police Services Board provide a briefing note on paid duty officers and how much it is costing the City on an annual basis and what initiatives have been taken to reduce the cost on our Capital projects.

As a result, the Board has requested the Chief of Police to provide this briefing note to the Board's May meeting.

Attached to this report is a briefing note, as requested.

Conclusion:

It is therefore requested that the Board receive this report for information and forward a copy to the City Budget Committee as well as Deputy City Manager and Chief Financial Officer.

Mr. Tony Veneziano, Chief Administrative Officer, Corporate Services Command will be in attendance to answer any questions from the Board.

The Board approved the following Motions:

- 1. THAT the Board and the Chief of Police, in consultation with the City of Toronto Economic Development & Culture Division, Emergency Medical Services Division, Parks, Forestry & Recreation Division, and Transportation Services Division, coordinate a public and stakeholder review of the policies governing requirements for paid duty officers at special events held within the city, including the new Toronto Police Service Staffing Matrix for special events, and report back to the Board at its meeting on July 17, 2014 with recommendations to:**
 - (a) ensure the preparation of integrated safety and security plans describing the role and responsibilities of Toronto Police Service on duty and paid duty officers, auxiliary members, and private security staff;**
 - (b) minimize the need for Toronto Police Service paid duty officers through alternative options such as the use of auxiliary members and private security at special events; and**
 - (c) ensure for large scale special events that the paid duty officers and auxiliary members on site have a sufficient degree of experience with similar scale events.**
- 2. THAT the Board request the Chief to ensure that, in future, the TPS will discuss with prospective paid duty clients, the conditions when paid duty officers may or may not be warranted to assist the requester in determining whether they wish to proceed with their request;**
- 3. THAT the public be allowed to provide input regarding paid duty;**
- 4. THAT the Board approve the foregoing report from the Chief; and**
- 5. THAT the Board establish a sub-committee to undertake the project set out in Motion No. 1 and that it would include Councillor Thompson, Councillor Del Grande and Mr. Pringle.**

Moved by: A. Pringle



Briefing Note: City of Toronto Paid Duties

Issue:

At its meeting of January 16, 2014, the Board requested that the Chief of Police provide a report to the May meeting responding to the City of Toronto's request for a briefing note on the annual costs incurred by the City of Toronto for paid duty officers and what initiatives have been taken to reduce the cost on the City's capital projects.

Background:

The *Police Services Act* restricts police officers from performing secondary activities, with one exception:

- ***Exception, Paid Duty***
 - *Clause (1) (d) does not prohibit a member of a police force from performing, in a private capacity, services that have been arranged through the police force. R.S.O. 1990, c. P.15, s. 49 (2).*

As a result, the Chief of Police has authorized that paid duties be performed, the purpose of which is to:

- Increase public safety;
- Meet certain legislative requirements; and
- Make business and event organizers financially responsible for police resources they may require as a result of their activities.

A number of policing activities are performed as paid duties, including traffic and/or pedestrian control or security for various occurrences, as mandated by legislation or personal requirement. The City of Toronto engages in a number of activities that require the presence of paid duty officers. As an example, infrastructure work, construction activities and special events organized by City departments, Agencies, Boards and Commissions may occur on roads or in areas of the City governed by the *Highway Traffic Act*, requiring that paid duty officers be present when such work or activities occur. In addition, permit requirements, as established by City departments such as Transportation Services, instruct holders to hire paid duty officers before certain actions can occur.

In order to ensure the safety of the public or meet legislative requirements, the Toronto Police Service (Service) has worked with City of Toronto divisions to establish permit criteria for the use of paid duty officers. In all instances, the Service makes recommendations when paid duty officers are needed. However, it is ultimately the City of Toronto that determines the final permit conditions.

Who is the customer for the Toronto Police Service?

The Service centralized the order intake for paid duties in 2003, requiring that customer requests be submitted to the Central Paid Duty Office (CPDO). CPDO reviews customer requests, makes arrangements for prepayment of accounts if customers were considered a high collection risk and assigns the paid duty to the “host” division, based on the geographic location of the paid duty. In all cases, the “customer” is recognized as the organization or individual submitting the request. The customer is required to provide additional information (if necessary), authorize the request form and pay the officers and administrative fee invoice on time. There could be many instances where the organization submitting the request is doing so on behalf of another organization. For example, a contractor may be submitting a request on behalf of a developer for a construction project. Although the developer may ultimately provide full reimbursement to the contractor for all costs, if the contractor submits the request for paid duty officers to the Service, the contractor is recognized as the “customer”. In all such cases, the Service is not aware of whose behalf that contractor is acting.

City of Toronto Paid Duties:

Paid duty requests can be received from City departments and ABC’s directly, or indirectly through other agents as noted above. As the Service recognizes the “customer” as the requesting party, no information is captured relating to who that customer is performing work for. Therefore, information on City paid duties is limited to where the department or ABC is the “customer”.

The following chart shows paid duty costs incurred directly by City departments and ABC’s between 2010 and 2013. In addition, the chart also shows the paid duties ordered by the City electrical infrastructure contractors, which are assumed to be entirely related to City work.

TORONTO POLICE SERVICE				
PAID DUTIES (INCLUDING 15% ADMIN COST)				
	2010 Cost	2011 Cost	2012 Cost	2013 Cost
BIAs	\$ 135,673	\$ 130,067	\$ 123,715	\$ 113,249
TRANSPORTATION	\$ 6,877	\$ 23,398	\$ 897	\$ 1,346
WATER	\$ 52,101	\$ 34,236	\$ 35,806	\$ 31,022
CNE (no longer part of City as of April 1, 2013)	\$ 452,314	\$ 519,288	\$ 500,154	\$ -
TTC	\$ 417,479	\$ 434,746	\$ 545,301	\$ 574,080
CITY - OTHERS	\$ 69,370	\$ 48,140	\$ 44,327	\$ 59,576
CITY - PAID DUTY ACCOUNTS	\$ 1,133,814	\$ 1,189,875	\$ 1,250,200	\$ 779,273
CONTRACTORS				
STACEY ELECTRIC	\$ 1,433,032	\$ 1,333,615	\$ 1,236,440	\$ 138,811
GUILD ELECTRIC	\$ -	\$ -	\$ -	\$ 520,260
	\$ 1,433,032	\$ 1,333,615	\$ 1,236,440	\$ 659,071
GRAND TOTAL	2,566,846	2,523,490	2,486,640	1,438,344
Notes:				
Cost = Paid duty hours x \$65 x 1.15 for Admin fee.				
HST is not included in this analysis for comparative purposes.				
Vehicles are not included - amount immaterial.				

The above costs relate solely to paid duty costs where the City department or ABC is the “customer”. Where a request was made by a City agent or contractor on behalf of the City for capital or other work, no information can be provided as this information is not gathered by the Service.

New Paid Duty System:

In March, 2014, the Service will implement a new paid duty system, which will alter the way that paid duties are distributed. A number of process changes will also be implemented, accompanied by new forms and information requirements from and back to customers. As a result of requests for information from the City, a “City of Toronto” button has been added to the request form and the system to allow CPDO to gather information, where the contractor or agent has provided it, for paid duties requested “on behalf of the City of Toronto”. This will enable the CPDO to provide the City with a report, when requested, that allows the City to reconcile back to their contractor and agent relationships and contracts. It is important to note that as requests are e-mailed into CPDO, this information can only be captured if City agents provide it on the request form. Therefore, it is imperative that all City departments and ABC’s communicate this requirement to any organizations they are contracting with.

Paid duty costs and City capital projects:

The Service responds to paid duty requests submitted by customers. When requests are received, CPDO and home units scrutinize the requests to ensure that they are performed for permitted duties only and that the number of officers present does not risk public or officer safety. The

Service does not question the requestor on why a paid duty is required nor who is ultimately paying the bill related to the project that the paid duty officer was hired for. As a result, the Service cannot directly impact the cost of City capital projects where paid duties were requested by agents working on behalf of the City. It is ultimately the responsibility of City departments and ABC's to manage all costs incurred for capital projects, including those related to paid duties. In a letter to the City Manager from the Chief of Police, dated September 11, 2012, the City Manager was advised that the management of paid duty needs is not the Service's responsibility but rather, that of the City department or ABC placing a direct or indirect order.

However, where the Service is consulted prior to permit issuance by the City, paid duties are recommended only where there is a legislative requirement or a significant public safety risk.

Conclusion:

The *Police Services Act* allows the Chief of Police to approve policing services in a private capacity, hence the provision of "paid duties" to customers. Since 2010, costs associated with requests made directly by City departments and ABC's have decreased. However, the Service does not gather information related to paid duties ordered by organizations acting on behalf of the City. The Service considers legislative requirements and public safety needs when making recommendations to the City for mandatory paid duties related to permits. However, the Service does not question any customer, including City departments and ABC's from ordering officers for approved paid duty when they simply wish to have them present at a location or event.

To assist the City in reconciling costs for paid duties from contractors or other agents, the new request form, to be rolled out with the new system in March, 2014, will allow contractors, at their discretion, to communicate that they are making the request on behalf of the City. Provided the contractor indicates in their paid duty request that the work is for City departments or ABC's, the Service can provide paid duty costs to the City.

For further information, please forward requests to:

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Date: February 17, 2014