

## **Response to the Auditor General's Report Entitled "Review of Court Services, Toronto Police Service"**

<b>Date:</b>	October 22, 2008
<b>To:</b>	Audit Committee, City of Toronto
<b>From:</b>	Alok Mukherjee, Chair, Toronto Police Services Board

### **SUMMARY**

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The purpose of this report is to provide the Audit Committee with the Toronto Police Service's response to the Auditor General's report entitled "Review of Court Services, Toronto Police Service."

#### **Financial Impact**

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

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### **ISSUE BACKGROUND**

At its meeting held on October 16, 2008, the Toronto Police Services Board was in receipt of a report, dated September 19, 2008, from William Blair, Chief of Police, containing the Toronto Police Service's response to the Auditor General's report regarding the review of Court Services.

### **COMMENTS**

The Board was also in receipt of correspondence (dated October 07, 2008) from Laura Miller, Director of Operations, Office of the Premier, containing a response to the Board's correspondence regarding the uploading of court security and prisoner transportation costs to the province. Copies of both letters are appended to this report (see Appendix "A") for information.

The Board commended Chief Blair for a comprehensive response to the Auditor General's report. Chief Blair extended his appreciation to the Auditor General for conducting the audit at his request.

The Board received the foregoing report and the correspondence from the Office of the Premier. The Board also agreed to forward copies of this matter to the following for information:

- the Premier of Ontario;
- the Honourable Warren Winkler, Chief Justice of Ontario; and
- the City of Toronto – Audit Committee.

A copy of Board Minute No. P282/08, in the form attached as Appendix “A”, regarding this matter is provided for information

## **CONTACT**

Chief of Police William Blair  
Toronto Police Service  
Telephone No. 416-808-8000  
Fax No. 416-808-8002

## **SIGNATURE**

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Alok Mukherjee  
Chair, Toronto Police Services Board

## **ATTACHMENT**

Appendix A – Board Minute No. P282/08

A: city report court services response1.doc

## APPENDIX A

### **THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 16, 2008**

#### **#P282. RESPONSE TO THE AUDITOR GENERAL'S REPORT ENTITLED "REVIEW OF COURT SERVICES, TORONTO POLICE SERVICE"**

The Board was in receipt of the following report September 19, 2008 from William Blair, Chief of Police:

Subject: RESPONSE TO THE AUDITOR GENERAL'S REPORT ENTITLED "REVIEW  
OF COURT SERVICES, TORONTO POLICE SERVICE"

#### Recommendations:

It is recommended that:

- (1) the Board receive this report; and,
- (2) the Board forward a copy of this report to the City Audit Committee for information.

#### Financial Implications:

There are no financial implications relating to the recommendations contained within this report. The Auditor General's (AG's) report identified several areas where recommended changes would result in approximately \$0.9M in annual operating budget savings. Each recommendation has been considered carefully, and commented on in detail in this report (appendix A). Although action has been taken to address the AG's concerns wherever possible, the largest potential savings cannot be realized, as explained in appendix A. The impact of any changes that can or have been implemented has been taken into consideration in the development of the 2009 Operating Budget request for Court Services.

#### Background/Purpose:

At its meeting of July 24, 2008, the Board received a presentation and report from Mr. Alan Ash, Director, AG's Office, with respect to the results of the audit of Court Services (Min. No. P194/08 refers). Following consideration of this presentation and report, the Board approved the following Motions:

- (1) *THAT the Board approve the foregoing report;*
- (2) *THAT the correspondence to be sent by the Board with regard to recommendation No. 1 in the Auditor General's report be copied to the Minister of Finance for information;*
- (3) *THAT the Chief of Police prepare a response to the Auditor General's report and provide it to the Board; and*

- (4) *THAT the Board request the Auditor General to conduct a follow-up audit at a time he determines is appropriate.*

#### Discussion:

The objective of this audit was to assess and determine the extent to which resources of the Toronto Police Service (TPS) were deployed efficiently and effectively in ensuring courthouse security and prisoner transportation, and to identify potential opportunities for cost savings.

The issues identified in the report centre around three separate but related themes. These themes relate to the following areas:

Section A: Funding Arrangements Pertaining to Court Security and Prisoner Transportation;

Section B: Administrative and Staff Resource Issues Identified Within the Jurisdiction of the Toronto Police Service; and

Section C: Administrative, Staff and Facility Resource Issues Identified Outside the Jurisdiction of the Toronto Police Service.

The review identified the need for fundamental change in the funding relationship between the City of Toronto and the Province of Ontario in relation to court security and prisoner transportation. Currently, the TPS is in the position of having to adjust to increasing provincial demands in court security and prisoner transportation services without any authority or control over related funding issues.

Some of the issues raised in the report are complex and difficult to remedy because of the various governmental jurisdictions involved in the administration of the judicial process. While many opportunities for efficiencies and cost savings within the jurisdiction of the TPS were identified in the report, the TPS under current funding arrangements has no option but to continue to operate within a system over which the TPS has limited control.

During the course of their review, representatives from the AG's Office met frequently with members of the TPS to discuss the identified issues. A number of these issues have the potential to reduce the operating costs of Court Services. Several of these identified issues were acted upon immediately upon notification to management. Other remaining issues are currently being evaluated.

Attached to this report (Appendix "A") is an overview of the recommendations contained within the Auditor's Report and the TPS response to any action taken with regard to each recommendation.

#### Conclusion:

The review of Court Services identified the need for fundamental change in the funding relationship between the City of Toronto and the Province of Ontario in relation to court security

and prisoner transportation. At the present time the TPS is in the position of having to adjust to increasing provincial demands in court security and prisoner transportation services without any authority or control over related funding issues.

Some of the issues raised in the AG's report are complex and difficult to remedy because of the various governmental jurisdictions involved in the administration of the judicial process. While many opportunities for efficiencies and cost savings within the jurisdiction of the TPS were identified in the report, the TPS under current funding arrangements has no option but to continue to operate within a system over which the TPS has limited control.

For their part, Court Services is committed to working with our partners from the city and the province to ensure that prisoner transportation services are delivered in the most efficient, cost effective manner possible. The AG's Review of Court Services identified some areas where cost savings could be achieved through restructuring or variation in the day to day operation of the unit. Court Services is moving forward with those recommendations that can be implemented to ensure that prisoner transportation costs remain in line with the operating budget of Court Services and the TPS.

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

**The Board was also in receipt of correspondence (dated October 07, 2008) from Laura Miller, Director of Operations, Office of the Premier, containing a response to the Board's correspondence regarding the uploading of court security and prisoner transportation costs to the province. Copies of both letters are appended to this Minute for information.**

**The Board commended Chief Blair for a comprehensive response to the Auditor General's report. Chief Blair extended his appreciation to the Auditor General for conducting the audit at his request.**

**The Board received the foregoing report and the correspondence from the Office of the Premier. The Board also agreed to forward copies of this matter to the following for information:**

- **the Premier of Ontario;**
- **the Honourable Warren Winkler, Chief Justice of Ontario; and**
- **the City of Toronto – Audit Committee.**

## Appendix “A”

### Response to Recommendations

<b>Section A: Funding Arrangements Pertaining to Court Security and Prisoner Transportation</b>		
<b>Recommendation</b>	<b>Agree Partially Agree Disagree</b>	<b>Action Taken</b>
Toronto City Council, the Toronto Police Services Board and the Chief of Police continue to petition the Ontario Government in connection with the uploading of court security and prisoner transportation costs to the Province. Ongoing efforts be directed to the Provincial Municipal Fiscal and Service Delivery review Team in connection with the transfer of responsibility for such funding.	Agree	The Toronto Police Services Board has forwarded copies of the Auditor’s report to the Premier, the Attorney General, Minister of Community Safety and Correctional Services and a representative of the Provincial Municipal Fiscal Review Team as the Audit’s Report recommended.  Status: complete
<b>Section B: Administrative And Staff Resource Issues Identified Within The Jurisdiction Of The Toronto Police Service</b>		
<p>The Chief of Police evaluate the cost saving opportunities identified in this report in the following areas:</p> <p>i. Prisoner transportation:</p> <ul style="list-style-type: none"> <li>The reassignment of prisoner transportation officers to court security duties after peak transportation duties.</li> </ul> <p>In conducting this evaluation, the Chief of Police review the documentation prepared by the Auditor General supporting these cost reductions. Where appropriate, such cost saving measures be implemented.</p>	Partially Agree	<p>Court Services has an established practice whereby prisoner transportation officers report to the cell supervisor and assist with controlling prisoners at the courthouse during times of reduced transportation demands. The prisoner transportation unit can be called away with minimal notice to move a prisoner from an arresting division to a central lockup facility. This 24 hour service is provided to avoid the higher costs of having police officers transport prisoners. It also helps to ensure police officers remain engaged in front line duties. Prisoner transportation officers should not be assigned to duties or responsibilities that cannot be easily backfilled when they are operationally required to fulfil their primary job functions.</p> <p>Status: complete</p>
<p>Recommendation continued:</p> <p>i. Prisoner transportation:</p> <ul style="list-style-type: none"> <li>The need to make better use of technology in the management of prisoner transportation</li> </ul>	Agree	<p>Court Services is continually exploring new and innovative methods to improve technical capabilities within the unit.</p> <p>An in house application has been implemented that provides a level of prisoner management. Support from Information Technology Services (ITS) is required to network and improve technical capabilities within the unit. We will continue to work with ITS to improve operability in relation to management of prisoner transportation.</p> <p>Status: ongoing</p>

<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>The staggering of start and finish times of prisoner transportation officers working midnight shifts.</li> </ul> <p>In conducting this evaluation, the Chief of Police review the documentation prepared by the Auditor General supporting these cost reductions. Where appropriate, such cost saving measures be implemented.</p>	<p>Partially Agree</p>	<p>Court Services is bound by the requirements of the Collective Working Agreement concerning the compressed work week schedule; however, some of the recommended adjustments to start times have been implemented. The afternoon start time has been changed from 1400 to 1500 hours and two of the four night wagons start at 2330 instead of 2100 hours. The 1500 start time allows for better coverage for hospital runs and reduces overtime. The 2330 start time extends into the day shift and allows the night wagon to assist with regular early morning pickups from GTA detention centres. These shift changes were implemented in consultation with City auditors during the audit process and prior to the submission of the final report.</p> <p>Status: complete</p>
<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>The reduction of supervisory staff during early morning shifts</li> </ul>	<p>Disagree</p>	<p>The province funds the TPS for transportation to certain detention centres outside the City of Toronto. Included in the funding is the salary for a number of court officers and one supervisor. The province has also provided two "MCI" busses specifically outfitted for prisoner transportation. The additional supervisor is responsible for co-ordinating and providing training on bus operations and procedures. This individual also monitors the out of town transports, gathers daily statistics and manages the processes. Reducing this supervisory position would result in no cost savings to the TPS and would increase the workload of the regular supervisor, while reducing span of control.</p> <p>Status: not implemented</p>
<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>The possibility of installing fingerprinting equipment at more local police stations in order to reduce prisoner transportation from and to police stations. A business case should be developed in support of any increase in fingerprint equipment.</li> </ul>	<p>Disagree</p>	<p>A business case could be commissioned by Command, but would likely reveal a high cost to the TPS through the need for additional booking room officers at each police division to support the additional responsibilities. Any financial benefits realized in Court Services would be offset by costs incurred by front line policing divisions.</p> <p>Status: not implemented</p>

<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>• Court officer hours are 0830 to 1700 hours with court hearings scheduled to begin between 0900 and 1000 hours. A number of Toronto courthouses are open to the public as early as 0700 hours. Consequently, the presence of one or more officers is required at that time to manage access security. Allowing public access at 0830 hours has the potential to save approximately \$100,000 on an annual basis.</li> </ul>	<p>Disagree</p>	<p>The Ministry of the Attorney General controls the operating hours of the courthouses. The TPS cannot alter the operating times set by the Ministry. No alternative strategies exist for this recommendation.</p> <p>Status: not implemented</p>
<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>• Staffing levels at each court location varies depending on factors such as variations in facility design and size, and the security posed by various cases.</li> </ul>	<p>Agree</p>	<p>A detailed study of all positions within Court Services has been conducted. The focus of the study was to determine the optimum distribution of part time and full time staff in relation to courthouse tasks. During this study, a standard deployment model was developed and is being used to provide a base to determine best practices in the area of resource deployment. Courthouse security demands are dynamic and require ongoing re-evaluation throughout the day to meet the fluctuating needs of the courthouse.</p> <p>Status: complete</p>
<p>Recommendation continued:</p> <p>ii. Courtroom security during weekdays, weekends and statutory holidays:</p> <ul style="list-style-type: none"> <li>• Court Costs on Weekends and Statutory Holidays. The Old City Hall Provincial Court operates two bail and remand courts on weekends and statutory holidays. At the same time, prisoner transportation officers are scheduled to provide transportation services at all police central lock-ups and transport prisoners to the Old City Hall Provincial Court for court appearances. The review identified possible savings in relation to the possibility of shift changes for both full time and part time court officers, including the possibility of staggered start and finish times could save approximately \$160,000 annually.</li> </ul>	<p>Partially Agree</p>	<p>The scheduled hours of two court officer positions were altered. The staggering of remaining shifts has been considered but cannot be implemented without significant risk.</p> <p>A complete review of Weekend and Statutory Holiday staffing was conducted. The review identified \$50,000 in annual call-back costs to replace members booking off sick or being called in to provide additional security when the volume of prisoners was unusually high. An additional member was added to the regular weekend and statutory holiday court roster to alleviate the workload pressures and reduce call-backs. Strict regulatory practices were implemented to monitor attendance. Court Services has almost eradicated the call-back costs associated with weekend and statutory holiday court since implementing these changes.</p> <p>Status: complete</p>



<p>Recommendation continued:</p> <p>iii. Court officers working lunches.</p> <ul style="list-style-type: none"> <li>On many occasions, prisoner transportation officers work without a lunch break. This has become a common and generally accepted practice. Officers are compensated either by completing their shift one hour early or booking an additional hour at regular pay. Officers performing courtroom duties may occasionally work without lunch. Based on the review, it is felt that better management control and supervision in this area could significantly reduce the extent of working lunches. A 75% reduction in working lunches would generate annual cost savings of approximately \$600,000.</li> </ul>	<p>Disagree</p>	<p>Court Services assigns a lunch hour to each court officer each day. It is not always operationally possible for officers to use their allotted lunch break. There is an accord between the TPS and the Toronto Police Association formalizing a Revised Shift Schedule for officers assigned to PTU on the compressed work week. Under this accord, officers may work through their lunch hour and use the credit earned to leave one hour early. This practice improves efficiency by eliminating overlapping shifts. Court Services attempted to implement mandatory lunch breaks and immediately began incurring overtime. There was also a negative impact to Correctional Services resulting from the delayed return of prisoners.</p> <p>Court Services closely monitors lunch credits and has implemented additional in-house tracking programs to monitor premium pay costs, including lunch credits.</p> <p>Status: not implemented</p>
<p>The Chief of Police review the recommendations contained in the report entitled “Review of Police Training, Opportunities for Improvement – Toronto Police Service” in order to ensure that the recommendations in the report which have relevance to court officer training are properly addressed.</p> <p>i. Court Officer Training:</p> <ul style="list-style-type: none"> <li>In 2007, the Auditor General’s Office issued a report relating to Toronto police training entitled “Review of Police Training, Opportunities for Improvement, Toronto Police Service”. Certain of the recommendations contained in the audit report are applicable to the training of court officers.</li> </ul>	<p>Agree</p>	<p>Court Services is creating a new front line supervisory course and a leadership development plan.</p> <p>Supervisor learning sessions have been provided to all front line supervisors and managers in the interim. Leadership development is currently being provided to members interested in promotion or identified as candidates for promotion.</p> <p>Status: ongoing</p>

<p>Recommendation continued:</p> <p>i. Court Officer Training:</p> <ul style="list-style-type: none"> <li>In the Auditor General's 2006 Police Training Review report, recommendations were made regarding new officer training, including issues relating to non-compliance with internal policy on qualification and training of police coach officers, number of coach officers required to be trained each year, length of classroom and field training, evaluation of training, and procedures concerning the appointment of coach officers. All of these recommendations are applicable to TPS divisions, including Court Services.</li> </ul>	Agree	<p>Court Services has reviewed and updated their new officer and field training coach officer programs.</p> <p>Included in the program are selection criteria and training requirements for new coach officers</p> <p>Status: complete</p>
<p>The Chief of Police ensures that court officers are trained in use of force requirements every 12 months as required by legislation.</p>	Agree	<p>The Auditor General's office has been advised by the Chief of Police that the TPS is now in compliance with the legislation. Court Services has implemented a process that closely monitors compliance with use of force training. There are 45 use of force training days available for the 581 court officers. The 2007 to 2008 transition is currently 99% compliant. Immediate action is taken with any incident of non compliance. In 2009, Court Services will have a spring and fall training program that will allow for expanded training opportunities, ensuring consistency and compliance with the Use of Force training legislation.</p> <p>Status: complete</p>
<p>The Chief of Police be required to establish criteria in relation to the selection of qualified trainers.</p>	Agree	<p>The coach officer program has been developed and the first group of coach officers received the course in September 2008. Any member of Court Services assigned coach officer duties must successfully complete the Court Services Coaching and Mentoring Course.</p> <p>Status: complete</p>

<p>The Chief of Police review the training schedule for court officer trainers in order to ensure that the training time is commensurate with the training demands.</p>	<p>Disagree</p>	<p>Based on the Auditor General's Review of the course teaching schedule, each recruit trainer on average was responsible for 14 days of "stand-up" classroom teaching in delivering three recruit courses each year. Even with the classroom time for delivering other courses in 2007, as well as the estimated preparation time for each class, total teaching related activities provided by the recruit trainers accounted for approximately 15% of available staff time. Non-teaching functions such as applicant interviews, research, and maintaining the Court Services intranet website do not, in the view of the Auditor General's office, fully account for remaining staff time.</p> <p>Status: no further action</p>
<p>Recommendation continued:</p> <p>Based on the above, it is the view of the Auditor General's office that there are opportunities to realign teaching responsibilities so that they are more in line with demands.</p>	<p>Partially agree</p>	<p>The Court Service's Training Unit was responsible for many additional unstructured functions, including monitoring and distributing officer safety and occupational health/wellness information, legislative research and the revision and maintenance of unit specific policies. The audit did not capture the full range of unstructured duties performed by the Training Unit. The training section is currently undergoing a complete review of processes and practices. The review should be complete by the fall of 2008. Court Services is working closely with Training and Education to ensure training schedules are accommodated in a manner that is effective and efficient for Court Services. It is anticipated that an improved structure in the training unit will allow for effective monitoring of workload.</p> <p>Status: complete.</p>

<b>Section C: Administrative, Staff and Facility Resource Issues Identified Outside the Jurisdiction of the Toronto Police Service</b>		
<p>Under the current administrative structure, the Toronto Police Service is one of four bodies involved in administering the Ontario justice system within Toronto. The other three bodies are; The Judiciary; The Ontario Ministry of the Attorney General and the Ontario Ministry of Community Safety and Correctional Services.</p> <p>Each one of these entities has their own pre-defined roles and responsibilities in the administration of the Ontario court system. It is clear, however, that certain of these roles and responsibilities have a significant impact on the way the Toronto Police Services Board is able to fulfil its role in connection with court security and prisoner transportation.</p> <p>The funding of court security and prisoner transportation costs by police services is unique to Ontario. In all other Canadian provinces funding for these services is a responsibility of the provincial government. It is anticipated that the ongoing Provincial-Municipal-Fiscal and Service Delivery Review will address the issue of the funding relationship between the province and the City of Toronto.</p>	Agree	<p>Various factors affecting court security and prisoner transportation costs are completely outside the control of the TPS. Until each one of these is addressed, costs relating to court security and prisoner transportation will continue to increase. At the present time the province has no incentive to address these issues as the costs relating to them have no impact on expenditures incurred by the province. Until the province assumes the costs relating to court security and prisoner transportation will there be an impetus to reduce such costs.</p> <p>While the police service is not in a position to address any of the following issues, we are of the view that the disclosure of such issues in this report has some validity in the context of identifying the fact that cost savings to all taxpayers are in fact possible on a provincial wide perspective.</p> <p>Remedies for each one of the issues impacting court security and prisoner transportation costs are generally long term, likely require significant infrastructure investment and, as a result, short term solutions for the most part are not possible. The province needs to address each of the following if potential cost savings are to be realized for both the Province and the City</p> <p>Status: no action required</p>

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Premier

Legislative Building  
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Toronto, Ontario  
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Cabinet du  
Premier ministre

Édifice de l'Assemblée législative  
Queen's Park  
Toronto (Ontario)  
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October 7, 2008

Dr. Alok Mukherjee  
Chair  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M5G 2J3

Dear Dr. Mukherjee:

Thank you very much for writing to request a meeting with Premier Dalton McGuinty. He values the issues you raised and appreciates your bringing them to his attention.

Unfortunately, due to scheduling constraints, the Premier is unable to meet with you.

On behalf of Premier McGuinty, thank you again for writing.

Sincerely,

A handwritten signature in black ink, appearing to read "Laura Miller".

Laura Miller  
Director of Operations





## Toronto Police Services Board

40 College Street, Toronto, Ontario, Canada. M5G 2J3  
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September 15, 2008

The Honourable Dalton McGuinty  
Premier  
Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A1

Dear Sir:

At its meeting on July 24, 2008, the Toronto Police Services Board ("the Board") received a report from the City of Toronto Auditor General, Mr. Jeffery Griffiths, on the results of an audit which had been conducted on the Toronto Police Service – Court Services Unit.

A copy of the Minute from that meeting which contains the Auditor General's report is attached for your information.

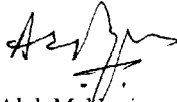
I would like to draw your attention to Recommendation No. 1 contained on page 22 of the report which recommends that the Board "continue to petition the Ontario Government in connection with the uploading of court security and prisoner transportation costs to the Province."

As directed by the Board, I am forwarding the foregoing recommendation to you for consideration. As you are, no doubt, aware the issue of court security and prisoner transportation cost has been of great concern to this Board for a long time. We would like to see some urgent movement in addressing this issue. The Board fully accepts the report of Auditor General Griffiths.

I, and members of my Board, would be pleased to meet with you, if necessary, to find a way of working collaboratively on this matter. In any event, I look forward to an early response from you.

- 2 -

Yours truly,

A handwritten signature in black ink, appearing to read 'Alok Mukherjee'.

Alok Mukherjee,  
Chair

attach: TPSB Minute No. P194/08

cc: The Honourable Dwight Duncan, Ministry of Finance