



STAFF REPORT ACTION REQUIRED

Toronto Police Service– Taxi Working Group

Date:	February 19, 2010
To:	Executive Committee, City of Toronto
From:	Pam McConnell, Acting Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the Executive Committee with the results of the Toronto Police Service's Taxi Working Group for consideration with respect to any improvements that the City may wish to make to the by-law governing the taxi industry in Toronto.

RECOMMENDATION

It is recommended that:

- (1) the Executive Committee review this report and the appended Taxi Working Group Minutes with respect to any improvements the City may wish to make to the by-law governing the taxi industry in Toronto.

FINANCIAL IMPACT

There are no financial implications related to the recommendation contained within this report.

ISSUE BACKGROUND

At its meeting of January 21, 2010, the Toronto Police Services Board was in receipt of a report, dated December 18, 2009, from Alok Mukherjee, Chair, with regard to the results of the Toronto Police Service's Taxi Working Group.

CONCLUSION

The Board approved the Chair's report which included a recommendation that the Minutes from the three meetings of the Taxi Working Group held on April 7, 2009, August 10, 2009 and November 18, 2009 be provided to the Executive Committee for information.

A copy of Chair Mukherjee's report is attached in the form of Board Minute No. P8/10 as Appendix "A" and the Minutes from the three Taxi Working Group meetings are attached in the form as Appendix "B".

CONTACT

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Toronto Police Service Board
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SIGNATURE

Pam McConnell
Acting Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P8/10
Appendix B – Taxi Working Group Minutes from April 7, 2009, August 10, 2009 & November 18, 2009

A:tps taxi working group.doc

Appendix "A"

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON JANUARY 21, 2010

#P8. TAXI WORKING GROUP

The Board was in receipt of the following report December 18, 2009 from Alok Mukherjee, Chair:

Subject: TAXI WORKING GROUP

Recommendation:

It is recommended that:

- (2) The Chief of Police explore mechanisms to communicate effectively with the taxi industry;
- (3) The Chief consider the feasibility of developing a protocol between the key divisions and parking enforcement with the objective of sharing information and building relationships with stakeholders in the taxi industry; and
- (4) The Board forward this report and minutes from the Working Group meetings to the City of Toronto Executive Committee for its consideration with respect to any improvements the City may wish to make to the by-law governing the taxi industry in Toronto.

Financial Implications:

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

Background/Purpose:

The taxi industry is governed by the City of Toronto Municipal Licensing & Standards Division, and By-law 20-85. A taxi may not be put on the road unless it is licensed by Toronto Municipal Licensing & Standards Division (MLS). Similarly, no one may drive a taxi except as an MLS approved driver. The holder of a taxi license may choose to operate his/her own taxi as a driver, lease the plate to taxi drivers, or sell the plate.

Only about 20 percent of plate owners drive their own taxi. About 60 percent of owners hire a middleman-manager, known as a "designated agent" to operate the plate on their behalf. The remaining 20 percent lease the plate to a driver directly, without using a designated agent.

There are over 10,000 licensed taxi drivers for the 3,480 licensed taxis on the road in Toronto. This has created a three to one ratio of taxi drivers to taxis. Taxis tend to be driven in two twelve-hour shifts, which adds to the stiff competition for fares.

On June 19, 2008, Ms. Aparna Sundar, author of the report, "Toronto Taxi Drivers: Ambassadors of the City – A Report on Working Conditions (the Taxi Report)," and several

representatives of the taxi industry made deputations to the Board regarding the working conditions and economic challenges facing taxi drivers in the City of Toronto.

One of the issues identified in the Taxi Report is the perception of a poor relationship between taxi drivers and the Toronto Police Service. Subsequently, the Board approved the establishment of a working group to review the recommendation pertaining to the Service in the Taxi Report, and to identify how the Service can improve its relationship with taxi drivers in the City of Toronto (Min. No. P180/08 refers).

Discussion:

The Taxi Working Group (the Working Group) was constituted in February 2009. Working Group participants are comprised of representatives from the taxi industry (including drivers), the City of Toronto, Toronto City Council, the Toronto Police Service and the Toronto Police Services Board. Membership of the Working Group included the following:

Alok Mukherjee, Chair Toronto Police Services Board
Acting Staff Superintendent Earl Witty, Toronto Police Service Operational Services
Aprana Sundar, Ryerson University
Staff Sergeant Greg Thorpe, Toronto Police Service Operational Services
Abraham Shibeshi, Toronto Taxi Association
Ben Rothman, City of Toronto, Councillor Moscoe's office
Omar Mohammed, Toronto Taxi Association
Louis Seta, Toronto Taxi Industry Association
Jim Bell, Toronto Taxi Alliance Owners Group
Ahmet Cengiz Gulkan, Canada Taxi Drivers Association

In consultation with the Chief of Police, Terms of Reference were developed for the Working Group, a copy of which is attached to this report.

The Working Group met on several occasions to discuss industry concerns with respect to its relationship with the Service. I am pleased to say that deliberations of the Working Group were characterized by goodwill on all sides, a willingness to address matters, and a frank and open exchange of information and ideas.

One of the most publicized traits of Toronto's taxi drivers is their ethnic diversity. Taxi drivers form a virtual United Nations of countries and languages. A majority of them are immigrants from countries in Asia, Africa, the Caribbean, the Middle East, etc. They are working for a better economic future for themselves and their families.

For all the differences among drivers and the complexities in the ownership and operation of Toronto's taxicabs, the job of driving a cab is essentially the same for each driver: cruise the streets and pick up fares. Most passengers are picked up by cruising taxicabs; the remainder are served at taxi stands established at highly trafficked areas. Passengers are primarily Toronto residents going to and from their homes, workplaces, and recreational pursuits such as dining, entertainment, and shopping. Out of town businesspeople and tourists are also an important segment of the ridership.

Representatives of the taxi industry raised a number of issues with the Working Group. These included the following:

- A perception among taxi drivers that police officers do not respect them because they are immigrants, that there is a lack of communication between police and taxi drivers and that police officers do not take their calls for service seriously unless a serious or weapon-related offense has been committed against them.
- A belief among taxi drivers that police engage in overzealous or insensitive traffic enforcement against them and that their calls for service are not a priority, thus resulting in slow, to sometimes, no response to their calls for service. According to Ms. Aparna Sundar, this leads to a feeling of alienation among taxi drivers towards the Service, and a lack of reporting of crimes against taxi drivers.
- A feeling that some officers engage in multiple ticketing of taxi drivers. Taxi drivers say that police officers are stopping them for one offence and then issuing a slew of tickets for other offences that do not originate from the initial stop. They claim that these offences are related to factors that are beyond the control of the drivers. Drivers also believe that police officers are engaging in “fishing expeditions” against them in order to find offenses that do not exist and/or are not visible.
- Another form of multi-ticketing cited by Working Group members from the industry was ticketing taxi drivers numerous times for the same offences, within a short time span, which does not allow taxi drivers sufficient time to address the offences for which they are originally ticketed.
- Taxi drivers also feel that when they call the police about breaches of the rules by others, their complaints are ignored and they usually end up being ticketed instead.
- Taxi drivers feel that police officers are not knowledgeable about the taxi industry and the by-laws they are enforcing. Their representatives on the Working Group said that police officers needed proper by-law training which would address the multi ticketing situation and that officers needed to use discretion when dealing with taxi drivers tempered with awareness of taxi drivers’ economic plight.
- Another concern stated by Working Group members related to the downloading of images from taxicab cameras.

Many of these issues and concerns stem from the economic challenges faced by taxi drivers. It is understood that taxi drivers operate in a highly competitive environment, with a high fixed cost and a low income. The Taxi Report claims that drivers who lease a car from a taxi cab owner work about 77 hours a week and make on average \$3.44 an hour, and that shift drivers, who pay a garage or a lease driver a rental fee to drive a taxi also work about 77 hours a week but make only \$2.83 an hour. Taxi drivers are concerned about the adverse economic impact of being ticketed, especially when multi-ticketing is involved. They feel that additional loss of income to attend court, high insurance costs, or an inability to get insurance, loss of license, and complete

loss of income are some of the outcomes experienced by drivers as a result of multi tickets. Taxi drivers feel that they face the worst of the consequences of operating a taxi while taxi owners and brokers are immune. There was an inference made that because of the competitive nature of the industry, taxi drivers may not always comply with the by-laws.

Acting Staff Superintendent Earl Witty, representing the Chief on the Working Group, and Chair Mukherjee addressed these issues and concerns. In particular, Acting Staff Superintendent Witty undertook to consider the information that had been provided and to provide a full response. This response included several presentations to and discussions with the Working Group on the rules, procedures and factors in accordance with which Service members must deal with taxi drivers. With a view to educating representatives of the taxi industry, presentations dealt specifically with Service procedures related to officer conduct and the complaints system, training of officers on taxi by-laws, and the nature of officer discretion.

One presentation provided an overview of the existing Service Procedures governing police officers' conduct. It was agreed that the stories presented to the Working Group were anecdotal and that only formal complaints about improper conduct would enable the Service to identify and substantiate patterns of misconduct, which could then be dealt with appropriately. Taxi industry participants were provided detailed information and literature on the complaints system. They were asked to encourage their membership to use the complaints system to report officers' misconduct. Acting Staff Superintendent Witty distributed a package containing a public complaints form and written instructions about the public complaints process. His presentation addressed the many options available for filing complaints and specifically, how to draft complaints, where to file complaints, assistance available to complainants and the options available for resolution. Also, information was provided about the geographical and social representation of various communities within the Service and the assistance the Service provides to help individuals bring their concerns forward. For example, complaints information is available in a variety of languages, language interpreters are available as is assistance to manoeuvre through the process. It was also noted that complaints statistics are published quarterly and annually; however, they are not broken down to capture taxi drivers' complaints specifically.

The presentation on training of police officers related to taxi by-laws pointed out that this training is provided at the police training college. Acting Staff Superintendent Witty explained that police recruits are given a 90-minute course which is split between taxi and tow truck by-laws. Further training is received by police officers at their respective divisions with respect to by-laws that are specific to the location and needs of that division. Taxi Training Section of the Municipal Licensing and Standards Authority also participates in training police recruits.

The Working Group discussed police officers' use of discretion and their duty to enforce the law, which included existing by-laws. In the absence of concrete information, it could not be determined how officers use discretion when ticketing taxi drivers. Further, it was explained that officers could not be directed to ignore infractions based on economic challenges facing taxi drivers. It was emphasized, however, that use of discretion had to be reasonable and justified.

The Working Group also addressed concerns raised about police officers' perceived lack of response to taxi drivers' calls for service. In a presentation, Acting Staff Superintendent Witty explained the Service dispatch system, including the types of calls for service received by the Service, the criteria used to prioritize calls, and the average response times to certain types of calls. It was made clear that the Service takes all crimes seriously and responds to all calls based on the established prioritization system. It was noted, however, that the police database does not distinguish between incidents involving taxis or taxi drivers and incidents involving the general public.

I believe that the discussions and presentations were productive and helped all Working Group members to receive clarification of and gain an appreciation of each others' perspectives. Overall, there was consensus among Working Group members that multiple ticketing was not so much an issue of inappropriate use of officer discretion as of the nature of the by-laws governing the taxi industry that members of the Service were required to enforce. Members of the Working Group agreed that there was perhaps a need to conduct a review of these by-laws in order to streamline them as necessary and to ensure that the right agency or person – e.g. the owner or the broker as opposed to the driver – is held liable for their infraction. These are actions that only the appropriate bodies of the City can take.

Finally, Acting Staff Superintendent Witty undertook to look into two specific concerns: the current system of downloading images from taxis, which drivers find time consuming, and the quality of relationship and information sharing between the industry and the divisions with the greatest interaction with taxi drivers.

Download of Images from Taxi Cameras

In June 2000, City Council adopted new safety requirements for Toronto taxicabs. All taxis must be equipped with external emergency lights and either an interior security camera or vehicle positioning system. The City of Toronto established the standards used to acquire vendors and equipment used for downloading images. The Service was tasked with downloading images from taxi cameras when necessary. As there have been some technical issues with the downloading of images, the City and the Service are engaged in discussions with respect to this responsibility. The physical downloading of images takes place at a police facility by trained Service members. Taxi drivers are required to bring their vehicle when necessary to this location. Taxi drivers say that they have experienced delays with the process and would like the Service to add additional downloading locations or allow them to download images themselves at other locations. Acting Staff Superintendent Witty informed industry representatives that multiple locations were not possible due to the technical requirements of the download system, which were beyond the control of the Service. However, he advised the Working Group that the Service has trained additional staff at the download location in order to enhance and speed up service. In addition, protocols have been established to ensure that technicians are being used in the appropriate circumstances and are available when needed in order to reduce wait time for drivers. He said that the purpose of downloading images at this location is to have a controlled environment in terms of maintaining the chain of custody of evidence and to ensure that privacy rules are consistently adhered to. With the exception of downloading images in relation to major incidents, he felt that the process should take an average of 30 minutes.

Relationship Building and Information Sharing

There was, as has been pointed out, considerable discussion of taxi drivers' perceptions about overzealous policing, lack of communication between police officers and taxi drivers, officer conduct, and other issues relating to policing. It was agreed that these can be addressed best through better communication between the taxi industry and the Service. It was suggested that 51, 52, 53 and 14 Divisions, identified as key divisions, and Parking Enforcement develop a process to communicate effectively with the taxi industry with the objective of better information sharing and building relationships. Acting Staff Superintendent Witty indicated the Service's willingness to explore ways to accomplish these.

Conclusion:

The taxi industry is recognized as vital to the city's quality of life and an important service to the residents of this city. At airports, hotels, convention centres, offices, tourist attractions, grocery stores, hospitals, doctors offices and homes, the public want quick, reliable, safe and courteous taxicab service.

It was not possible for the Working Group to substantiate the number of tickets issued to taxi drivers, the types of offences being ticketed and the disposition of the tickets. Further, concerns about police officer conduct could not be corroborated as the only information available was anecdotal. However, this anecdotal evidence suggests that there is a perception among taxi drivers that they are subjected to overzealous policing.

It is felt that the Service can ameliorate this perception by establishing an ongoing mechanism for addressing those concerns that are within its purview. Other issues faced by the taxi industry may, in fact, stem from the structure and the by-laws used to regulate the industry.

Therefore, it is recommended that the Chief of Police explore mechanisms to communicate effectively with the taxi industry, consider the feasibility of developing a protocol between the key divisions and parking enforcement with the objective of sharing information and building relationships with stakeholders in the taxi industry and that the Board forward this report and minutes from the Working Group meetings to the City of Toronto Executive Committee for its consideration with respect to any improvements the City may wish to make to the by-law governing the taxi industry in Toronto.

The Board approved the foregoing report.

Toronto Taxi Drivers: Ambassadors of the City – A Report on Working Conditions Taxi Working Group Terms of Reference & Work Plan

Background

On June 19, 2008, Ms. Aparna Sundar, author of the report, “Toronto Taxi Drivers: Ambassadors of the City – A Report on Working Conditions (the Taxi Report),” made a deputation to the Board regarding the working conditions of taxi drivers in the City of Toronto.

One of the issues identified in the Taxi Report is the relationship between taxi drivers and Toronto police officers. Subsequently, the Board approved the establishment of a working group to review the recommendation pertaining to the police Service in the Taxi Report, and to identify how the Service can improve its relationship with taxi drivers in the City of Toronto, Min. No. P180/08 refers.

The specific Taxi Report recommendation is that a city sponsored survey examining policing practices in relation to the taxi industry be conducted.

Issues identified in the report:

- Overzealous or insensitive traffic enforcement against taxi drivers by police
 - officers gave tickets for no legitimate reason
- Perception amongst taxi drivers that their calls for service are not police priority unless very serious offence or weapon involved
- Police are slow to respond to calls and do not take the victimization of taxi drivers seriously when they do respond
- Marginalization of taxi drivers
- Lack of understanding of taxi industry
- Racial profiling

It should be noted that the majority of issues identified in the Taxi Report are beyond the scope of the Board and the Service.

Objective of Working Group

Make recommendations to enhance safety and ensure effective law enforcement as it pertains to the taxi industry.

Mandate and Timelines

It is proposed that the working group meet 4 times, as follows:

1. Clarify Taxi Industry concerns and issues

2. Receive a presentation on the policies and procedures which govern police interaction with the taxi industry; discuss the current state of liaison between TPS and taxi industry

Policies/procedures that could be considered for review:

- Conduct of Service Members Policy and related procedures
 - Race and Ethnocultural Equity Policy
 - Vehicle Investigations Procedures (appropriate sections)
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3. Two meetings to consider recommendations for improving safety and law enforcement as it pertains to the taxi industry

Proposed Meeting Dates

Meeting No. 1 - week of March 16, 2009

Meeting No. 2 - week of March 30, 2009

Meeting No. 3 - week of April 13, 2009

Meeting No. 4 - week of April 27, 2009

Following these meetings, Chair Mukherjee will provide to the Board for its consideration at its July 16, 2009 meeting a report on the outcome of the working group's deliberations.

Appendix “B”

Taxi Working Group
Minutes of the Meeting held on
April 7, 2009

Adam Vaughan called the meeting to order and introduced himself to everyone in attendance. Adam advised the Working Group members that due to a family emergency Chair Mukherjee was out of the country and that he would be chairing the meeting on the Chair Mukherjee’s behalf. He also stated that the purpose of the first Working Group meeting is to flush out clear concerns of the taxi drivers in order to come up with clear and concise issues with which to move forward.

Aparna provided a brief overview of the report. She talked about the long hours worked by taxi drivers

Working group members introduced themselves. The names of members in attendance are attached to the minutes.

Comments were made about TPS officers charging taxi drivers for multiple offences and then encouraging the driver to go to court to have the charges dropped. There was a consensus by the drivers that the officers are making extra money by doing this.

Abraham is a member of the United Taxi Drivers Association and is the representative for Toronto taxi drivers at the Working Group meeting. Abraham said that there is a concern amongst drivers that the police are slow to respond to their calls for service, which leads to alienation and a lack of reporting of crimes against taxi drivers. Taxi drivers feel their safety is at risk if police are slow or no response. Earl said that police database does not distinguish taxi incident from the general public.

Badri who is also a member of the United Taxi Drivers Association said there needs to be more of a balance between the interest of the taxi drivers, the public, and the police. There is a lot of emphasis on customer service but no concern about the issues faced by drivers.

Abraham said that there is a lack of communication between the taxi drivers and the police. He said that rule no. 545486 and 545487 needs to be enforce by the police or they lose fare. He said that when police are called to deal with illegal taxis the police end up arguing with the legal taxi and usually by the time the police arrive the illegal taxi is gone.

Louis a member of the Toronto Taxicab Industry Association said that there is multiple ticketing of taxi and that it is usually a fishing expedition. He said the system is set up to allow officers to go to court and to acquire overtime. Officers are issuing multiple tickets, dropping some and encouraging taxi drivers to go to

court for the others. He said that limousines with taxi plates are not ticketed by officers and that there is a dual system in place, which allows differential treatment.

According to Louis, about 80% of taxi drivers are immigrants and that some have negative perception of police from their own countries, which are applied to Toronto police officers. He said that Toronto officers do not try to dissuade that perception. He also reiterated that officers are not up to date on the by-laws and are sometimes enforcing non-existent by-laws.

Jim Bell said that there is no easy process for taxi drivers to complain about police officers, that the process needs to be easier for drivers, as they would lose their income for that shift if they were to complain using the existing process. It is also difficult for taxi drivers to complain about fares.

Jim also commented on the Entertainment District taxi situation. He said that it is not easy to get a taxi in that area as there is no safe place to park the taxi and drivers are ticketed if they stop in non-designated areas. Jim suggested designed taxi stands.

Bruce Robertson asked if the problem of multi-ticketing is a systemic one.

Abraham responded that he feels that only a handful of officers are targeting taxi drivers. Aparna also commented that the issues stem from officers' lack of knowledge about the by-laws.

Bruce and Adam both agreed that there seems to be a communication gap. Adam also asked if police officers are trained with respect to taxi by-laws.

Bruce responded that MLS does provide training to police officers, but was uncertain as to how that training was provided. Earl Witty said as part of standard training and unit function officers are advised of specific by-law issues related to their divisions. Earl also said that some issues may be based on perception. He asked what happens to the tickets in court, how many are convictions and how many drivers have lost their license. There are no stats available to address Earl's question.

Abraham spoke about how ticketing affects taxi drivers and provided an example of multiple ticketing.

Jim said that drivers can be affected in a number of ways, including losing their license, high insurance, no insurance, losing their income, etc. he said that there are approximately 5000 taxi licenses in Toronto

Greg Thrope asked question about the survey samples. Aparna responded as follows:

60 Toronto taxi drivers were surveyed
interviews of taxi drivers conducted by researchers at taxi stands
taxi drivers were from the different brokerages or independent
Random samples
Surveys were not geographical

Greg suggested that surveys can be skewed if administered to a specific company.

Adam inquired about the day-to-day operations of a taxicab

In response to Adam's question, Louis said that taxi drivers are self employed and provided an overview of the taxi driver responsibilities which included making sure the car is safe (working lights, brakes, etc.), fully equipped with required equipment, for example a jack, clean inside. He said that whichever driver is driving the car when stopped by police that driver is issued the ticket regardless of if he is responsible for a faulty car.

Bruce responded that MLS sets the by-laws that govern Toronto's taxi industry and that MLS issues licensing for owners and drivers and provide training to both. He further stated that vehicle condition is the responsibility of the drivers, but that MLS does field complaints from the public. He also said that MLS does conduct scheduled inspections of taxi cabs twice a year and that there a random spot checks.

Jim responded that there are approximately 22 taxicab brokerage with 10 or more drives ranging in size up to 1400 or more. He said that drivers sign up with a particular brokerage, which gives them access to that brokerage dispatch system and goodwill associated with that company. He said that there are independent "one man" operations. He also said that reactive complaints are dealt with by the brokerage. In addition, drivers are responsible for the maintenance and inspection of their vehicles.

Badri said that he is a driver/owner and that drivers are responsible for everything. Abraham agreed with Badri and added that tickets have an immediate impact on drivers and not on brokers.

Lois said that the industry is prone to abuse because there is a lack of knowledge about the rules.

Earl asked if the MLS have people assigned to taxi industry by-law enforcement. Bruce replied that there are approximately 10 people assigned.

Earl asked about the number and the types of tickets being issued to drivers. He wanted to know if tickets were mostly for driving/parking violations or for equipment/trip sheet violations.

Abraham responded that most tickets are for taxi stand overcrowding and trips logs. Jim said that most tickets are for non-moving violations.

Adam said that the issue may not be officers enforcing the MLS rules, rather it may be whether or not the rule book is the right one. He said there may be a need for MLS to review its rules. Adam also said that officers issuing multiple tickets are anecdotal, as officers have to enforce the law. He said that a review of the MLS rules may be warranted but it is the City's responsibility to conduct a review.

With respect to multiple ticketing, Earl responded that the data system is not designed to capture the distinction between taxi drivers and other drivers that are ticketed.

Several issues reoccurred during the discussions they are:

Accountability - complaints process
Safety – police response
Communication
Conduct of service members/ Roadside manner
Multiple ticketing – what triggers it/how charges are negotiated
By-law training/education

Next Meeting

Police response to how calls are prioritized
Complaints process
Multi ticketing – what triggers it
Training

- MLS on how police are brought in on training
- Police on how MLS component in their training

Taxi Working Group
Minutes of the Meeting held on
August 10, 2009

In Attendance:

Alok Mukherjee
Superintendent Earl Witty, TPS Operational Services
Aprana Sundar, Ryerson University
Greg Thorpe, TPS Operational Services
Abraham Shibeshi, Toronto Taxi Assoc.
Ben Rothman, City of Toronto, Councillor Moscoe's office
Omar Mohammed, Toronto Taxi Assoc.
Louis Seta, Toronto Taxi Industry Assoc.
Jim Bell, Toronto Taxi Alliance Owners Group

Earl provided an overview of the dispatch system and how calls are prioritized. He also provided information about the complaints process which included the distribution of a package containing a public complaints form and written instructions about the complaints process. The presentation addressed the many options available with respect to filing complaints specifically, how to draft the complaint, where to file complaints, assistance available to complainants and the options available for resolution.

Jim said that drivers will ask him how to complain because of the lack of knowledge amongst drivers about the complaints process and Louis said that most people in the taxi industry feel they have no recourse with respect to complaining. Omar said that the issue is not a lack of knowledge about the process, but rather the length of time it takes to complain.

There was a lengthy discussion about the complaints process in which Earl provided detailed information about how to write the complaint; he said drivers did not have to physically attend a division, he explained the many options of drafting and delivering a complaint to the Service. Earl also spoke about geographical and social representation of various communities within the Service and the assistance the Service provide to help citizens bring their concerns forward. For example, complaint information is available in a variety of languages, the availability of language interpreters.

In response to questions from Louis and Aprana, Earl said that complaints statistics are published quarterly and annually, but are not broken down to capture taxi driver's complaints. Further, according to Greg the complaint is only interested in capturing the conduct of police officers.

Chair said the Board and Service supports the community's right to complain. He spoke about Scaddin court community project which using a variety of tools provide the community with information about the complaints process.

With respect to training of police officers in By-law enforcement, Earl said that training is limited and that By-laws training pertaining to taxis are more focused in the downtown divisions because of the nature of the taxi industry in the core. He also said that some officers become “experts” in certain By-laws, thus, tend to enforce them more.

There was a discussion about how officers ticket taxis vs. private cars. It is felt that some officers are not ticketing private cars for committing the same offences taxis are being ticketed for, that they are being given a break and taxis are not. It is felt that officers should use more discretion when dealing with taxis. Abraham said that perception is reality; and when you see others being given breaks repeatedly, and taxis are not, you feel it is happening to you all the time. Greg responded that it is not known what happens in those specific incidents with private vehicles so we cannot speak to them and that we do not know how many times officers use discretion. He asked if the issue is that taxi drivers should not be ticketed if it's warranted. Earl said again, it comes down to holding taxi to a higher standard and the By-laws are the higher standard. He said that because of the economic circumstances of taxi drivers, officers should not be expected to look the other way. Chair Mukherjee said that it is important not to generalize and that we need complaints about improper conduct otherwise we only have perception to work with.

Discussions about the difficulties faced by drivers and about drivers responsibilities versus owners ensued. It was suggested that if owners were held accountable there would not be a problem. The working group talked about a number of ways to hold owners accountable, including building a case against owners by the number of offences which would trigger taking operating plates, etc. Chair Mukherjee said that is an issue the City has to address because they write the By-laws.

The group spoke about officers' discretion again. Aprana said that officers should be told about the economic plight of taxi drivers so that they can use their own discretion. It was reiterated that officers can use discretion but they cannot be told how and that discretion has to be reasonable and justified.

The Chair said that multi ticketing is complicated and hopes that Councillor Moscoe will take some issues identified by the Working Group under consideration. He said that if there is a pattern of misuse with respect to multi ticketing the complaints process can identify a pattern and the Chief can take action.

Louis said that the downloading of images from taxis is currently done at Jane and Wilson and asked if another location can be made available or can drivers do it themselves. Earl said that privacy issues are a concern, records plus use of images must meet the privacy threshold. Earl will report back on feasibility of second location. Louis also asked that he look into upgrading the camera system.

Chair asked the group to give through to solutions from the Police/City point of view.

Taxi Working Group
Minutes of the Meeting held on
November 18, 2009

In Attendance:

Chair Alok Mukherjee

A/Staff Superintendent Earl Witty, TPS Operational Services

Ms. Aprana Sundar, Ryerson University

Staff Sergeant Greg Thorpe, TPS Operational Services

Mr. Abraham Shibeshi, Toronto Taxi Assoc.

Mr. Ahmet Cengiz Gulkan, Canada Taxi Drivers Association

Mr. Jim Bell, Toronto Taxi Alliance Owners Group

Mr. Bruce Robertson, Director Licensing Services, Municipal licensing and Standards

Notes of the previous meeting held on August 10, 2009 were reviewed with amendments being made as follows:

- Correction made to the spelling of “Thrope” to Thorpe. All meeting notes will be amended to reflect the correct spelling
- Bruce to provide a letter regarding by-lay training provided to Toronto Police officers; the letter was originally submitted for the August 10, 2009 but was not received. The letter will be appended to the November 10th minutes.

Earl provided an update on the process used to download images from taxi cameras. He said that the City of Toronto established the standards used to acquire vendors and equipment used for downloading images and that there is currently several camera systems in use; that there should be consideration given to moving to one camera system, which would streamline the process. He said that there are a number of difficulties involved with the downloading of images, which City IT staff has been assigned to address those issues and that discussions are taking place between the City and Services with respect to downloading this responsibility to Service IT.

Additionally, he said that the purpose of downloading images at FIS is to have a controlled environment in terms of maintaining evidence and to fingerprint vehicle at the same time. In order to accommodate these requirement different locations is prohibited. There is an issue whereby drivers are not downloading images immediately after an incident occurs. FIS is a one stop shopping location for downloading and fingerprinting. In order to address issues of availability of “expert” on site, additional staff has been trained to enhance service and system memory enhanced to accommodate 2 days downloading. In addition, protocols have been established to ensure that technicians are being used in the appropriate circumstances and that officers ensure that experts are available when needed by calling ahead to FIS to reduce wait time for drivers.

Bruce added that new cameras which are more efficient are now available, but that older existing cameras are still operational and will be replaced through attrition.

Jim asked if drivers can go to radio shops to download images onto flash drives. Earl responded that this would create an issue with the chain of custody of evidence and would also likely affect the number of witnesses required to attend court. Jim said that vehicles can be held at FIS for lengthy periods of time which keeps drivers/taxis off the road and that we need to consider other options. Earl responded that it is in rare situations that a vehicle would be held for a long period of time, for example a major crime incident, and asked that he be provided with incidents of lengthy delays if that is occurring. Earl reiterated that more staff has been trained at the FIS location to address time issues and that it is expeditious to train more staff in one location than would be able to be trained in multiple locations. He also said that the benchmark for processing vehicles is 30 minutes; however, depending on circumstances that timeline can increase or decrease slightly.

It was agreed that having cameras in taxicabs is positive progress, but that it is difficult to convince drivers to go to FIS. Bruce recommends that the City reconsider having only one camera system. Earl will examine what directions are being given to members regarding processing cabs at FIS and will remind officers to expedite FIS process by calling ahead.

The Chair spoke about officers' discretion. Earl responded that it is difficult to put criteria on officer discretion as it then takes away the discretion. He said that the taxi bylaw is in place to regulate the industry and that it is difficult to compare different cities as each will have its own criteria. Further it is difficult to say certain segments/groups should not be enforced the same. Jim said the issue is not with legitimate ticketing but it becomes an issue when one offense becomes multiple tickets and asked whether or not policy could address this concern. Ahmet said that police stops often turn into spot checks with officer going through everything. Ahmet talked about examples of multi ticketing and provided a picture of himself holding several tickets which he says were issued during one police stop.

Earl said that there appears to be an issue with over regulation of the industry. Aprana said that police are the visible face of the problem. Workers do not have the rights of public transportation yet are treated as if they do. She said there is a mismatch between public transportation and private vehicle and that this is only the tip of the iceberg. She said that there needs to be better communication/training of officers. Earl said that there is a political disconnect between what the city want

Jim asked if it would be beneficial to provide additional training at division level with respect to the structure of the taxi industry. Earl said that he would explore the training aspect at a Unit Commander level. He also said that they are reviewing a system that could capture warnings issued to motorist. Greg suggested using CPKN component to train. Earl suggested a series of lectures with the four key divisions which puts a "human face" to the lectures. Earl asked Aprana if Ryerson could develop a 15 minute video

aimed at showing the plight of taxi drivers and police officers. Aprana said that there is an independent film maker working on a documentary about taxi drivers. Earl suggested a film study student initiative. Aprana will provide Working Group with contact information for Ryerson.

Aprana suggested the development of a system of communication between taxi drivers and officers. Earl said that the development of a communications system should be developed through the key divisions.

The Chair clarified the discussion and noted that the issue at hand is making officers in the key divisions aware of the plight of taxi drivers, and using Taxi industry forums to make drivers aware of the role of officers enforcing the bylaws.

Based on this meeting and previous meetings the Chair summarized the issues as follows:

Downloading/technology issues

- number of locations available to download images
- moving to one camera system

Multiple ticketing under the HTA and Municipal By-law

- City review of bylaw which generates multi-ticketing
- Make current system more efficient

Perception of overzealous officers

- Encourage drivers to file complaints in order to identify any patterns of targeting

Education/officer training

- Officers need to take into consideration timeline with respect to drivers addressing issues before ticketing again for same offense
- 51, 52, 53 and 14 Divisions to be considered within range of training

Earl will explore training and communication issues at the divisional level through Unit Commanders in the four key divisions

Greg suggested that Parking Enforcement be included in the four key divisions.

Chair will draft a Board report with recommendations for the Board consideration with one of the recommendation referring issues outside of the Service's purview to the City of Toronto.



Municipal Licensing and Standards

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Director

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August 7, 2009

Karlene Bennett
Taxicab Working Group
Toronto Police Services Board

Re: Meeting on August 10, 2009

Dear Karlene:

I am unable to attend the meeting on August 10 but I wish to advise the Working Group on agenda item number 4 – Training, Taxi By-laws.

Staff from the Municipal Licensing & Standards Taxi Training Section attend at the Charles O. Bick College on a regular basis, usually 8 to 10 times annually, to provide training to new recruits. This training module includes a presentation on the City's by-laws relative to taxicabs and tow trucks. Each attendee at the class is provided with an abridged version of the Licensing by-law that contains the General Provisions relative to all licensees and the sections specific to taxicab owners, drivers and brokerages.

I hope this information is helpful.

Regards,

Bruce Robertson
Director, Licensing Services
Municipal Licensing and Standards
City of Toronto