



STAFF REPORT ACTION REQUIRED

Transit Security and Special Constables Program

Date:	February 17, 2011
To:	Executive Committee
From:	Deputy City Manager and Chief Financial Officer
Wards:	All
Reference Number:	P:\2011\Internal Services\Fp\Ec11005Fp

SUMMARY

At its meeting on February 10, 2011, the Budget Committee requested the Chief Financial Officer to report to the Executive Committee on February 17, 2011 on the issues raised at the Budget Committee meeting regarding Special Constables.

In response to the Budget Committee request, this report provides information and the decision history related to Transit Security and the Special Constables Program and recommends that Council reaffirm recommendations previously adopted by Council on April 15, 2010 and following the full implementation of those recommendations, that the TTC provide additional payroll savings through the 2012 Operating Budget process.

RECOMMENDATIONS

The Deputy City Manager and Chief Financial Officer recommends that City Council:

1. Delete recommendation #70 of the *2011 Budget Committee Recommended Tax Supported Operating Budget Report* and replace with the following recommendations:
 - a. Direct the TTC to reduce its transit security by 10 positions by year-end 2011, leaving a total TTC Transit Security Complement of 90 positions effective January 1, 2012 and that an additional \$1.200 million in annualized savings that were to be achieved as a result of Council approved changes to the Special Constables Program be provided for 2012 as part of the 2012 Operating Budget process.

- b. Direct the TTC to provide additional payroll savings arising from Council approved changes to the roles, responsibilities and transit security functions of the TTC, as part of the 2012 Operating Budget process.
- c. that the TTC establish a service level agreement with TPS to ensure TTC transit policing and security requirements are met.

FINANCIAL IMPACT

The 2010 Council Approved Operating Budget for the TTC included a reduction of 42 Special Constable positions resulting in a savings of \$1.850 million in 2010 and incremental savings of \$2.200 million to be achieved in 2011. The approved adjustments to the TTC Special Constable services were as follows:

- 1) Deletion of 11 vacant positions for savings of \$1.100 million in 2010, with no incremental savings in 2011;
- 2) Deletion of 21 filled positions effective September 1, 2010 for savings of \$0.500 million in 2010, with incremental savings of \$1.700 million in 2011; and
- 3) A further deletion of 10 filled positions effective September 1, 2010 with savings of \$0.250 million in 2010, with incremental savings of \$0.500 million in 2011.

The impact of the TTC not adhering to Council's direction to delete 10 filled positions effective September 1, 2010 negates the additional annualized savings of \$0.500 million that were to be achieved in 2011. Additionally, the TTC submitted \$1.000 million in annualized savings for 2011 arising from the deletion of 21 filled positions as compared to the 2011 savings of \$1.700 million that were to be achieved. In total \$1.200 million in annualized savings arising from Council approved changes to the Special Constables Program are not reflected in the 2011 Recommended Operating Budget for the TTC.

At the meeting of April 15, 2010, Council also approved that the TTC report back, as part of the 2011 Recommended Operating Budget process, on required staffing levels and cost savings expected from changes in transit security function that now focuses on By-law and Fare Enforcement.

To date this information has not been reported to City staff and the 2011 Recommended Operating Budget for the TTC does not reflect any additional payroll savings arising from Council approved changes to the roles, responsibilities and transit security functions of the TTC.

DECISION HISTORY

The 2008 Federal Budget included a commitment to establish a Police Officers Recruitment Fund (PORF) for Provinces and Territories to participate in a national effort to recruit 2,500 Police Officers across the country to target local crimes and make communities safer. In 2009, the Toronto Police Service received funding for 38 Officers as part of this 5 year program.

As part of the 2009 Council Approved Operating Budget, the Toronto Police Service utilized the increase in the Service's average deployed uniform strength from 5,510 Officers to 5,548 Officers to increase safety within the City's transit system through the establishment of Transit Officers.

At the meeting of April 15, 2010, Council approved recommendations from the City manager on a transition in the roles and responsibilities for transit security from the TTC to the Toronto Police Service beginning September 1, 2010. The following recommendations were adopted:

1. the TTC reduce its transit security by 42 positions, inclusive of 31 special constable positions, effective September 1, 2010, leaving a total TTC transit security complement of 90 positions.
2. the TTC wind down its special constable status/authorities within the Investigative Services and System Sections and work with the TPS in 2010 to determine the appropriate powers and authorities to safely and effectively conduct TTC bylaw and fare enforcement functions within the modified Transit Patrol Section by the end of 2011.
3. the TTC establish a service level agreement with TPS to ensure TTC transit policing and security requirements are met.
4. the TTC report back, as part of the 2011 Operating Budget process, on required staffing levels and cost savings expected from these changes in transit security function.

The Council approved 2010 Operating Budget for the TTC included a reduction in gross expenditures of \$1.850 million and a decrease of 42 positions as a result of these adopted recommendations.

The Council approved 2010 Operating Budget for the Toronto Police Service included an increase in gross expenditures of \$1.834 million and an increase of 42 uniformed positions, in addition to the 38 PORF funded Officers.

The TTC's response to the 2010 Council approved Operating Budget has been that they will only reduce 32 positions from their Special Constable complement. Since the required reduction involved reducing 10 Special Constables more than the TTC has agreed to, the Chief General Manager of the TTC wrote to the City Manger on April 21,

2010 stating that "we (the TTC) did not agree with this additional reduction because it is inconsistent with TTC's overall policing/security model".

On May 6, 2010, the Chair of the Toronto Police Services Board sent a letter to the Chair of the TTC indicating the Board's intention to terminate the current (special constables) Agreement effective upon the parties completing a new Agreement and MOU between the two organizations. In his response, the Chair of the TTC recommended that a working group be created to develop the new framework Agreement. The TPS Board responded that it was not prepared to create a working group at that time.

On June 14, 2010, a report was sent to Executive Committee from the City Manager and the Deputy City Manager and Chief Financial Officer indicating that the TTC's approach differs from Council's direction and that it will result in and additional financial pressure both in 2010 and 2011. On the same date, the Chair of the Police Services Board submitted a report entitled *Toronto Police Service: Transit Policing in 2010* which stated that the Chief of Police had indicated to the Board that 80 police officers is an appropriate number to efficiently and effectively police the transit system.

On July 14, 2010 at the Committee-of-the-Whole session of the TTC Commission, a report on Special Constables has been presented and the Commission confirmed its support for Special Constable Services staffing levels. The Commission approved model includes 10 additional positions resulting in unbudgeted expenditures in 2010 and annualized impacts in 2011.

On October 21, 2010, the Toronto Police Services Board approved a report which recommended terminating the agreement between TPS Board and TTC, dated May 9, 1997, governing the TTC Special Constable Program effective February 1, 2011.

Recommendation #70 of the *2011 Budget Committee Recommended Tax Supported Operating Budget Report* directs the TTC to reduce its budgeted complement by 10 to account for the additional Special Constable positions that were not reduced in 2010 and report to the Budget Committee as part of the 2011 Operating Budget process on the impact of the recent TPS decision on Special Constable and associated cost savings to be expected from changes in the TTC transit security function.

ISSUE BACKGROUND

Police Officer Recruitment Fund (PORF) Grant

In 2009, Council approved an increase of 38 uniformed officers for the Toronto Police Service dedicated to transit security.

These officers were added through the Council Approved 2009 Operating Budget, funded through the Police Officer Recruitment Fund (PORF) grant.

Roles and Responsibilities

During the 2010 Operating Budget review and following consultations with staff from the TTC and the Toronto Police Service, the City Manger presented Council with recommended roles and responsibilities for transit security between the Toronto Police Service and the TTC.

The table below is an expert from the Confidential Attachment 2, approved by Council as part of the 2010 Operating Budget.

TRANSIT SECURITY TTC and Toronto Police Service Review

Roles and Responsibilities

Section Overview	Responsibilities	
<i>Chief Special Constable</i>		
<i>Transit Patrol</i>	TPS	TTC
- incident/emergency response	X	
- order maintenance/crime law enforcement patrols	X	
- high visibility patrols	X	
- special attention detail	X	
- fare media inspections/enforcement		X
- proof of payment (POP) inspections/enforcement		X
- illegal entry checks/enforcement		X
- subway station security inspections	X	
- special constable training	X	
- special constable program administration	X	
<i>Investigative Services</i>	TPS	TTC
- minor criminal investigations delegated by the TPS	X	
- counterfeit fare media investigations		X
- internal criminal investigations	X	
- close contact surveillance details		X
- graffiti surveillance details		X
- commuter parking lot surveillance details		X
- special projects with TPS	X	
- workplace violence threat assessment		X
- video surveillance retrieval		X
- suspicious incident reporting and tracking	X	
- victim/witness follow ups	X	
- operator assault court disposition reporting and tracking	X	
- fare media and revenue equipment design		X
- public complaint investigations as delegated by the TPS	X	
<i>System Security</i>	TPS	TTC
- security/police data input and statistical analysis		X
- design reviews		X
- industrial security		X
- facility security inspections		X
- security risk assessments		X
- security/emergency planning and exercises		X
- security program development and administration		X
- frontline employee security awareness training		X
- workplace violence protection plans		X
- protective services management		X

The 2010 Council approved roles and responsibilities are subject to further review in 2011 as a result of the termination of the agreement between TPS Board and TTC, dated May 9, 1997, governing the TTC Special Constable Program, which was effective February 1, 2011.

Transit Security Complement

Reflective of the changes in the recommended roles and responsibilities of transit security in the City, the City Manager also recommended an adjustment to the transit security complement for both the TTC and the Toronto Police Service.

An additional 42 officers above the 38 PORF funded officers have been added to the authorized uniform strength of the TPS as part of the Council Approved 2010 Operating Budget. 2010 part year funding of \$1.834 million was approved for TPS transit security and these officers were included in the August 2010 recruitment class.

In 2011 the TPS will maintain the total of 80 officers dedicated to transit security.

The Council approved 2010 Operating Budget for the TTC included a reduction in gross expenditures of \$1.850 million and a decrease of 42 Special Constable positions. However, the TTC only reduced 32 positions. This resulted in the combined transit security complement of 180 instead of the Council approved complement of 170.

	# of Staff		
	2009 Approved	2010 Approved	2010 Actual
TTC Special Constable Services Complement			
Chief Special Constable	1	1	1
Co-Ordinator Budget/Administration Services	1	1	1
	2	2	2
Transit Patrol			
Deputy Chief	1	1	1
Service Co-Ordinator	2	1	1
Staff Sergeant	4	1	1
Sergeant	12	4	4
Co-Ordinator - Court Services	2	1	1
Administrative Clerks		2	2
Special Constables	63	32	32
	84	42	42
Investigative Services			
Superintendent	1	1	1
Investigative Service Co-Ordinator	1	1	1
Staff Sergeant	2	2	2
Sergeant	3	3	3
Special Constables	9	8	8
	16	15	15
System Security			
Superintendent	1	1	1
Security Service Co-Ordinator	1	1	1
Staff Sergeant	2	2	2
Sergeant	3	3	3
Co-Ordinator - System and Statistics	1	1	1
Special Constables	1	1	1
Protective/Court Services Officers	10	11	11
Security Attendant	7	7	7
System Security Clerk	2	2	2
Statistics Analysts	2	2	2
	30	31	31
Unbudgeted Special Constables			10
Total TTC Transit Security Complement	132	90	100
Police Transit Patrol Complement	38	80	80
Combined Transit Security Complement	170	170	180

Salary Comparators

The following table outlines salary ranges for TPS Police Constables, TTC Special Constables and TPS Special Constables, based on 2010 salaries, which had been utilized in determining the required adjustments to the 2010 Operating Budgets for the TTC and TPS. These salaries exclude retention pay for Police Constables following the completion of 8, 16 and 24 years of service.

TTC/TPS Salary Comparison*		
Description	Min Salary	Max Salary
TPS Police Constable	\$56,219	\$80,315
TTC Special Constable	\$63,461	\$79,310
TPS Special Constable**	\$58,001	\$64,403

*TPS Salaries are based on January 2010 rates.

**A Court Services Officer would be classified as a TPS Special Constable.

Special Constable Status

A Memorandum of Agreement empowering the TTC Special Constables was entered into by the Toronto Police Services Board and the TTC on May 9, 1997. On May 6, 2010, the Board formally gave notice to the TTC of the Board's intent to terminate the agreement governing the Program. The TTC was invited to provide the Board with a comprehensive summary of the activities undertaken by its personnel for whom it believes that special constable authority is required.

By letter dated June 23, 2010, the TTC provided TPS with a report setting out its view on which special constable powers are required by TTC security personnel and the rationale for each. This report was reviewed by the TPS and, given that review, it was recommended that the special constable status for TTC security personnel not be continued.

On October 21, 2010, the Toronto Police Services Board approved a report which recommended terminating the agreement between TPS Board and TTC, dated May 9, 1997, governing the TTC Special Constables Program effective February 1, 2011.

The TPS is and will continue to provide policing services within the boundaries of the City of Toronto, including security of the transit system. The TPS will also establish a service level agreement with the TTC ensuring transit policing and security requirements are met.

COMMENTS

The 2008 Federal Budget included a commitment to establish a Police Officers Recruitment Fund (PORF). In 2009, the Toronto Police Service received funding for 38 Officers as part of this 5 year program.

Following Council's approval of revised roles and responsibilities for transit security, the 2010 budgeted complement and expenditures for the TPS and the TTC have included the following changes:

- an increase in gross expenditures of \$1.834 million for the Toronto Police Service and an increase of 42 uniformed positions, in addition to the 38 PORF funded Officers. These 80 officers are dedicated to providing transit security.
- A reduction in the TTC's complement by 42 positions, effective September 1, 2010, leaving a total TTC transit security complement of 90 positions.

The TTC's response has been that they will only reduce 32 positions from their Special Constable complement.

This report recommends that the TTC reduce its transit security by 10 positions by year-end 2011, leaving a total TTC Transit Security Complement of 90 positions effective January 1, 2012 and that an additional \$1.200 million in annualized savings that were to be achieved as a result of Council approved changes to the Special Constables Program be provided for 2012 as part of the 2012 Operating Budget process.

It also recommends that, as part of the 2012 Operating Budget process, the TTC provide additional payroll savings arising from Council approved changes to the roles, responsibilities and transit security functions of the TTC.

In accordance with the budgetary and financial management approval process and protocols for the TTC, as approved by Council on August 25, 26 and 27, 2010, in approving the annual Operating Budget for each City Program and ABC, Council explicitly approves:

- total gross expenditures, required to fund the total cost of providing the services, service levels and staff complement as reflected in the Operating Budget;
- total revenue as summed by the individual non-tax revenue sources; and
- the resultant, net expenditures that determine the level of residual tax-supported (or rate-supported) funding required to balance the Operating Budget for each City Program/ABC and in whole.

The 2010 Operating Budget for the TTC, as approved by Council, established staff complement that incorporated a reduction of 42 transit security positions, leaving a total

TTC transit security complement of 90 positions. Any adjustments to the approved budget or complement would amend the City's budget and must be approved by Council.

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SIGNATURE

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