

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF  
THE TORONTO POLICE SERVICES BOARD HELD ON APRIL 07, 2011**

**#P72. TORONTO POLICE SERVICE – POLICE PAID DUTY –  
BALANCING COST EFFECTIVENESS AND PUBLIC SAFETY**

The Board was in receipt of the following report March 23, 2011 from Jeff Griffiths, Auditor General, City of Toronto:

**SUMMARY**

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In response to the Toronto Police Services Board's request, the Auditor General conducted an audit of the police paid duty system. The purpose of the audit was to assess the operating effectiveness and efficiency of the paid duty system, and officer compliance with police paid duty policies. The audit results are presented in the attached report entitled "Toronto Police Service, Police Paid Duty-Balancing Cost Effectiveness and Public Safety".

**RECOMMENDATIONS**

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**The Auditor General recommends that:**

1. The General Manager of the City Transportation Services Division review the current permit criteria for determining paid duty policing requirements, with a view to developing more effective criteria in delineating the need for paid duty policing in traffic control. Particular attention be given to an evaluation of the permit criterion requiring paid duty officers when work is taking place within 30 metres of a signalized intersection.
2. The Chief of Police consider modifying the charging rate for a partial paid duty hour such that Toronto's charging rate is consistent with other large police services.
3. The Police Services Board consider examining the feasibility and merits of the Vancouver Traffic Authority Program as an alternative to Toronto's current paid duty system.
4. The Chief of Police take steps to reduce current paid duty system administrative costs. Such steps should include but not be limited to:
  - a. Exploring the use of information technology to replace manual procedures; and
  - b. Ensuring uniformed police resources are not used to perform clerical functions.

5. The Chief of Police take steps to track paid duty equipment rental costs including direct and indirect costs, and ensure costs can be fully recovered from equipment rental revenue.
6. The Chief of Police evaluate the need to establish a maximum limit on paid duty hours an officer can perform each year. Such an evaluation to take into account resource requirements and risks of interference with the performance of regular police duty.
7. The Chief of Police take steps to improve officer compliance with Service policy prohibiting paid duty assignments that conflict with regular duties including court attendance.
8. The Chief of Police review and enhance monitoring procedures to identify instances of non-compliance with paid duty policy requirements. Such monitoring procedures should include periodic review of regular duty schedules in conjunction with paid duty assignments. Instances of non-compliance should be addressed including disciplinary action where appropriate.
9. The Chief of Police review the current policy governing requirements for paid duty officers at special events, with a view to:
  - a. Ensuring consistent application of Service criteria in determining when paid-duty officers should be required for special events;
  - b. Including guidelines to promote a consistent and transparent approach in determining the number of police officers, including paid-duty officers, required for special events; and
  - c. Further maximizing the use of auxiliary members at special events where possible.
10. The Chief of Police, in conjunction with the General Manager of Economic Development and Culture and the General Manager of Transportation Services, develop criteria for determining film permit paid duty policing requirements. Such criteria be accessible to the film industry through permit documents or websites.

## **FINANCIAL IMPACT**

The implementation of recommendations in this report will result in annual cost savings for City divisions, agencies, boards, commissions and corporations which acquire police paid duty services as part of their ongoing operations and capital projects. The cost savings realized could be in the range of \$2 million.

In addition, implementation of the audit recommendation relating to the administration component of the paid duty system by the Police Service will improve the efficiency and effectiveness of the administrative process at the Service.

## **ISSUE BACKGROUND**

At its December 17, 2009 meeting, the Toronto Police Services Board approved a recommendation requesting the Auditor General to *“within his 2010 work plan, review the entire paid duty system, procedures, practices and related legislative requirements to assess the effective, efficient and appropriate use of police resources”*.

In response to the Board’s request, the Auditor General commenced an audit of the paid duty system in June 2010.

The Toronto Police Service operates a paid duty system whereby off-duty police officers can be hired by organizations and individuals to perform certain police duties. Under the Uniform Collective Agreement, the constable paid duty rate is set by the Police Association. The paid duty rate has increased annually from \$52 in 2004 to \$65 in 2009. The Association did not increase the rate for 2010 and 2011.

In 2009, a total of 3,695 Toronto police officers worked 40,919 paid duty assignments, totalling 370,562 hours. Officers earned approximately \$24 million in paid-duty income. The Service received approximately \$3.6 million revenue from administrative fees and \$1 million from equipment rental fees. Overall 2009 paid duty fees totaled approximately \$29 million.

While many paid duty assignments were requested by private organizations, City divisions, agencies, boards, commissions and corporations paid approximately \$7.8 million or 27 per cent of the total \$29 million in 2009 to acquire paid duty services. This is a significant sum and as such requires careful management to ensure paid duty officers are deployed only as necessary.

## **COMMENTS**

The audit report contains 10 recommendations to help reduce yearly paid duty costs, improve compliance with Police Service policies, and enhance policies on paid duty policing for special events and location filming.

The audit report entitled “Toronto Police Service, Police Paid Duty – Balancing Cost Effectiveness and Public Safety” is attached as Appendix 1. Management’s response to the audit recommendations is attached as Appendix 2.

## **CONTACT**

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**The following persons were in attendance and delivered a presentation to the Board:**

- **Jeff Griffiths, Auditor General**
- **Alan Ash, Director, Auditor General's Office**
- **Jane Ying, Audit Manager, Auditor General's Office**

**A written copy of the presentation is on file in the Board office.**

**Following the presentation, Messrs. Griffiths and Ash responded to questions by the Board.**

**Chief Blair and Mr. Tony Veneziano, Chief Administrative Officer, also responded to questions by the Board.**

**The following persons were in attendance and delivered deputations to the Board:**

- **Pam McConnell, Councillor, City of Toronto; \* and**
- **Miguel Avila. \***

**\* written submissions also provided; copies on file in the Board office.**

**The Board approved the following Motions:**

- 1. THAT the Board receive the deputations and the written submissions;**
- 2. THAT the Board approve the report from the Auditor General and forward a copy to the City of Toronto - Audit Committee for information;**
- 3. THAT, with regard to recommendation no. 1 in the Auditor General's report, the Board request the General Manager, City Transportation Services Division, to provide a report on the results of his review of the current permit criteria for determining paid duty policing assignments to the Board for its June 2011 meeting;**
- 4. THAT, with regard to recommendation no. 9 in the Auditor General's report, the Board amend the recommendation by requesting the Chief of Police to conduct a review of the current policy governing requirements for paid duty officers at special events, *in consultation with representatives from Economic Development and Culture and Parks, Forestry and Recreation*;**
- 5. THAT the Auditor General and the Chief of Police in the report requested in Motion No. 4, look at the three hour minimum and carefully examine when on-duty officers are required and when paid duty officers are required and recommend any changes to Board policy that may be required;**

- 6. THAT the Board request the Chief of Police to review the 15% administrative fee; and**
- 7. THAT the Board forward a copy of this report to the Budget Committee - City of Toronto for review.**

**APPENDIX 1**

**Toronto Police Service**

**Police Paid Duty –  
Balancing Cost Effectiveness and Public Safety**

**December 1, 2010**



**Auditor General's Office**

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Jeffrey Griffiths, C.A., C.F.E.  
Auditor General  
City of Toronto

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## EXECUTIVE SUMMARY

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This audit was conducted at the request of the Toronto Police Services Board. The purpose of the audit was to assess the operating effectiveness and efficiency of the paid duty system, and officer compliance with police paid duty policies.

*Police Association sets the constable paid duty hourly rate*

The Toronto Police Service operates a paid duty system whereby off-duty police officers can be hired by organizations and individuals to perform certain police duties. Under the Uniform Collective Agreement, the constable paid duty rate is set by the Police Association. The paid duty rate has increased annually from \$52 in 2004 to \$65 in 2009. The Association did not increase the rate for 2010 and 2011.

In 2009, a total of 3,695 Toronto police officers worked 40,919 paid duty assignments, totaling 370,562 hours. Officers earned approximately \$24 million in paid-duty income.

*\$29 million in police paid duty fees in 2009*

In addition, the Service received approximately \$3.6 million in revenue from administrative fees and \$1 million from equipment rental fees. Including these fees, overall 2009 paid duty fees totaled approximately \$29 million.

*Approximately 27% of total paid duty fees are from City operations*

While many paid duty assignments were requested by private organizations, City divisions, agencies, boards, commissions and corporations paid approximately \$7.8 million or 27 per cent of the total \$29 million in 2009 to acquire paid duty services.

### **Key audit findings:**

- (1) The City can reduce paid duty costs by using more effective permit criteria**

A primary reason for hiring paid duty officers is for traffic control. The City issues permits to ensure public safety during roadway construction and City permits frequently require paid duty officers on site.



***50% of paid duty assignments were compelled by City permit requirements***

In 2009, the City issued 11,119 permits containing a requirement for a paid duty officer. These permits generated at least 20,000 paid duty assignments. As a result, approximately half of the total 40,919 paid duty assignments in 2009 were compelled by City permit conditions. However, the effectiveness of the permit criteria in delineating the need for paid duty officers on-site is open to question. Developing more effective permit criteria could significantly reduce the number of required paid duty assignments while maintaining public safety. This could result in annual cost savings for City operations.

**(2) The Police Service needs to review the administration of the paid duty system to identify any efficiencies and cost reductions**

Since the paid duty system enables police officers to gain secondary employment income, public funds should not be used to pay for system administration. The Toronto Police Service charges a 15 per cent administrative fee to recover the related administrative costs.

Current paid duty administrative processes are labour intensive and time consuming. Thirty-five full time equivalent staff members are involved in system administration. The estimated 2010 paid duty administrative cost was \$4.6 million, while administrative fee revenue was approximately \$3.6 million. Consequently, nearly \$1 million of the Service's operating cost for paid duty administration was not recovered from administrative fee revenue. Rather than increasing the level of administrative fees, the Service needs to take steps to reduce administrative cost by streamlining the process and improving efficiency.

***Administration of the paid duty system needs to be reviewed for cost reductions and efficiencies***

In addition, the Service should systematically track both direct and indirect equipment costs for paid duty and ensure costs are fully recovered from rental revenue.

**(3) The Police Service should take actions to improve compliance with paid duty policies**

*Risks associated with working extensive paid duty hours*

As the paid duty rate is nearly twice the regular duty rate, officers have a financial incentive to work paid duty assignments. Working extensive paid duty hours may interfere with regular police duties and work performance.

Despite police policies governing paid duty, our audit noted a number of instances where officers undertook paid duty assignments which interfered with required court attendance or exceeded the maximum number of hours permitted within a 24-hour period. The Service should review its paid duty policies and implement additional monitoring procedures to prevent and detect instances of non-compliance.

**(4) The Police Service should clearly define paid duty requirements for special events and location filming**

*Clearly defined paid duty requirements will help improve transparency*

The Service needs to strike a balance between supporting special events and the film industry and maintaining sufficient personnel for core policing duties. As a result, the Service may need to require paid duty policing for special events and location filming. The Service could further improve consistency, transparency and objectivity by ensuring paid duty policing requirements for special events and location filming are clearly defined and consistently implemented.

**Conclusion**

This is our first audit on the police paid duty system. The audit provides an analysis of the legislated requirements, operating costs, and implementation of the paid duty system. Our audit results underscore the importance of reviewing City permit criteria to ensure paid duty policing is required only when necessary. The Police Service should also enhance policies and monitoring measures to address potential risks associated with officers working extensive paid duty hours.

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## AUDIT ORIGIN, OBJECTIVES, SCOPE AND METHODOLOGY

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### The Origin of the Audit

*The Police Services Board requested the Auditor General to conduct an audit of the paid duty system*

At its December 17, 2009 meeting, the Toronto Police Services Board approved a recommendation requesting the Auditor General to “*within his 2010 work plan, review the entire paid duty system, procedures, practices and related legislative requirements to assess the effective, efficient and appropriate use of police resources*”.

At the same meeting the Board also requested the City Manager to “*review any City of Toronto By-laws, and any related processes or practices that relate to, or govern, requirements for paid duty officers and to report to City Council ...*”.

*Audit scope to include review of City By-laws governing paid duty*

In developing the audit scope and objectives, the Auditor General considered the review of City By-laws governing paid duty a critical component of the audit. The Auditor General subsequently met with the City Manager, the Chief of Police, and the Chair and Vice-Chair of the Police Services Board regarding the paid duty audit. All agreed that the by-law review would be more appropriately included in the Auditor General’s audit.

### Audit Objectives and Scope

The overall objectives of the audit were to determine compliance with legislative and policy requirements, and to assess the operating efficiency and effectiveness of the paid duty system. The audit also included a review of provincial and municipal legislation governing paid duty policing in Toronto.

The audit covered the period from January 1, 2009 to September 30, 2010. However, for the purpose of analyzing historical trends we reviewed records between 2004 and 2010.

## **Audit Methodology**

Our audit work included:

- A review of relevant legislative and policy requirements
- Interviews with staff from City divisions and the Toronto Police Service involved in the paid duty system
- Analyses of 2009 police paid duty billing records and 2009 City transportation permit records
- A detailed review of a sample of paid duty assignments in 2009
- A review of paid duty systems in other cities

*We consulted a number of other police services and external agency representatives*

In addition, we consulted representatives of other police services and external agencies as follows:

- Montreal Police Service
- Ottawa Police Service
- Peel Regional Police Service
- Vancouver Police Department
- York Regional Police Service
- City of Mississauga Transportation and Works Department
- Toronto Public Utilities Coordinating Committee
- Ontario Traffic Office, Ministry of Transportation
- Toronto Association of Business Improvement Areas
- Hamilton Film and Television Office
- Ottawa –Gatineau Film and Television Development Corporation
- New York City Mayor's Office of Film, Theatre and Broadcasting
- Infrastructure Health and Safety Association

*Compliance with generally accepted government auditing standards*

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## AN OVERVIEW OF THE POLICE PAID DUTY SYSTEM

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*Off-duty officers can be hired for private events and activities*

The Toronto Police Service operates a paid duty system whereby off-duty police officers can be hired by organizations and individuals to perform policing duties at private events and activities. These include construction projects, road closures, funeral escorts, film shoots, street festivals and fundraising events.

*The Police Services Act includes provisions for paid duty policing*

The Police Services Act grants the authority for a police officer to perform paid duty services in a private capacity, providing the services have been arranged through the police service. Although technically off duty, police officers hired by organizations for paid duty are still governed by the Police Services Act, Toronto Police Service policies and procedures, and the Uniform Collective Agreement.

*Paid duty system increases police presence in the community*

In operating a paid duty system, the Service also increases police presence in the community. Over the years, there have been a number of instances where officers on paid duty intervened in specific crime scenes.

*Paid duty is governed and administered by Toronto Police Service*

The Toronto Police Service has developed a centralized system and internal policies and procedures governing paid duty services. All paid duty requests are coordinated by the Central Paid Duty Office within the Service.

*Hourly paid duty rates are set by the Toronto Police Association*

Under the Uniform Collective Agreement, the paid duty hourly rate is set by the Toronto Police Association. Neither the Police Service nor the City of Toronto has control over the paid duty hourly rate. The 2010 rate for hiring a police constable is \$65 per hour for a minimum of three hours. Hourly rates for supervisory officers are higher. The Toronto Police Service charges a 15 per cent administrative fee to the total officer paid duty fees.

Where equipment such as police vehicles or motorcycles is required, the hiring organization also pays for the use of the equipment.

*T4 slips will be issued for 2010 paid duty earnings*

As required by the Canada Revenue Agency in March 2010, the Toronto Police Service will issue a separate Statement of Remuneration Paid (T4 slip) to officers with paid duty earnings in 2010. The Agency also required the Service to re-issue T4 slips to officers for paid duty earnings from 2007 to 2009. Based on a previous agreement with the Canada Revenue Agency, the Service issued a paid duty income statement instead of a T4 slip to officers for income tax reporting purposes prior to the Agency's 2010 requirement.

*Paid duty earnings are not subject to Provincial salary disclosure requirements*

The Public Sector Salary Disclosure Act, 1996 requires organizations receiving public funding from the Province of Ontario to disclose annually the names, positions, salaries and total taxable benefits of employees paid \$100,000 or more in a calendar year. We have been advised that police paid duty earnings are not subject to the disclosure requirement because paid duty officers are employed by multiple employers in the private and public sectors.

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## **COSTS OF PAID DUTY POLICING TO THE CITY**

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### **Paid Duty Fee Structure**

*370,562 hours of paid duty service were provided in 2009*

In 2009, a total of 3,695 Toronto police officers worked 40,919 paid duty assignments totaling 370,562 hours of service. In return, officers earned approximately \$24 million in 2009.

Figure 1 outlines 2009 paid duty fees. In addition to the \$24 million in officer paid duty fees, approximately \$3.6 million was paid in administrative fees to the Toronto Police Service.

Where police equipment is required, the hiring organization pays for its use. The Service received nearly \$1 million of equipment rental fees in 2009.

Total 2009 paid duty fees including officer, administrative and equipment rental fees were nearly \$29 million.

**Figure 1: Paid Duty Fees, 2009**

*Total 2009 paid duty fees were nearly \$29 million*

Fee (\$millions)	Recipient	2009	Total
Officer hourly fee	Officers providing service	\$24.2	
15 per cent administrative fee based on officer fee	Toronto Police Service	\$ 3.6	
Equipment rental fee	Toronto Police Service	\$ 1.0	
<b>Total before taxes</b>		<b>\$28.8</b>	

*Officers receive payment directly from organizations*

The Police Service does not collect paid duty officer fees. Organizations requesting paid duty services pay officers directly in cash, cheque or through the Police Credit Union.

**Reasons for Hiring Paid Duty Officers**

*The majority of paid duty assignments are for traffic control*

The majority of paid duty assignments in 2009 were for traffic control followed by security and escort services (Figure 2).

**Figure 2: Paid Duty Assignments by Purpose, 2009**

Purpose	Per Cent	Examples
Traffic control	56%	Traffic control at construction sites, shopping malls, and retail stores
Security	27%	Security at sport centers, night clubs and other licensed premises, and prisoner security
Escort	6%	Escort of vehicles with excess load or size, and funeral escort
Emergency	4%	Requests received within 5 hours before starting time, including utility repairs and prisoner escorts
Special events	4%	Street festivals and fundraising events
Filming	3%	Television and movie shoots
<b>Total</b>	<b>100%</b>	

*Emergency repairs longer than 3 hours are staffed by paid duty officers*

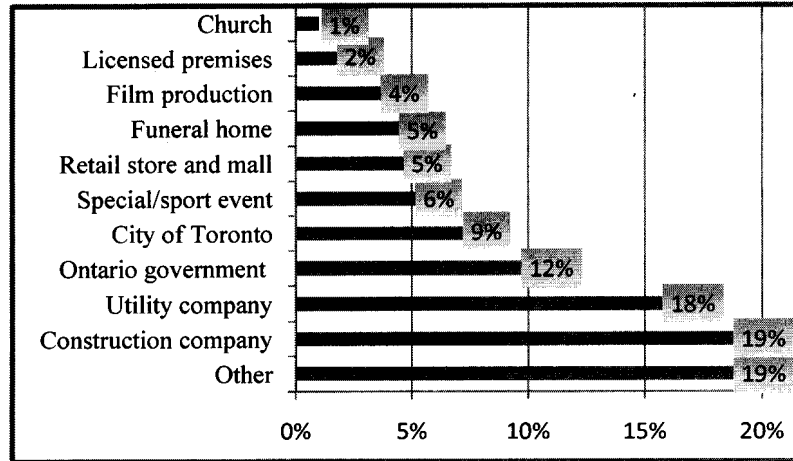
With regard to traffic control in emergencies, according to Police Service policy, in circumstances where an emergency repair (e.g., utility repair) can be completed within three hours, an on-duty police officer will be deployed to the site, subject to the constraints of the Service. If the repair work takes longer than three hours, a paid duty officer shall be immediately requested by the responding utility company and the on-duty officer shall stay on site until the arrival of the paid duty officer.

***Construction and utility companies are the largest industry sectors hiring paid duty officers***

Figure 3 shows the different types of organization and business acquiring paid duty policing services. Construction and utility companies are the two largest industry sectors employing paid duty officers, followed by the Ontario government and the City of Toronto. "Other" includes colleges and schools, parking facilities, hotels, and a variety of profit and non-profit organizations.

**Types of Organization Hiring Paid Duty Officers**

**Figure 3: Paid Duty Assignments by Type of Organization, 2009**



**Paid Duty Costs to the City**

***City divisions and ABCCs directly paid \$2.6 million in 2009 for paid duty services***

Of the total 40,919 paid duty assignments, 3,670 (9%) were directly requested by City divisions, agencies, boards, commissions and corporations (ABCCs) at a cost of \$2.6 million.

The use of paid duty police also extends to contracts issued by City divisions and ABCCs for capital projects and maintenance. However, the paid duty costs embedded in City contracts cannot be determined by police billing records as client names would be the individual contractors or sub-contractors. As part of the audit, we requested cost information from major City divisions and ABCCs. Figure 4 outlines the 2009 paid duty costs embedded in City contracts as provided by City divisions and ABCCs.



**Figure 4: Paid Duty Costs Embedded in City Contracts, 2009**

*Approximately \$5.2 million of paid duty costs were embedded in City contracts*

City Division/ABCC	Paid duty costs
Transportation Services	\$2,583,000
Technical Services	\$ 875,000
Toronto Water	\$ 781,000
Facilities Management	\$ 125,000
Toronto Transit Commission	\$ 220,000
Toronto Hydro Corporation	\$ 623,000
Total	\$5,207,000

*\$7.8 million of paid duty costs are borne directly by the City*

Combining the \$2.6 million in direct expenditures and \$5.2 million in contract costs, the City paid approximately \$7.8 million in 2009 to acquire paid duty policing services. This represents 27 per cent of total 2009 paid duty fees.

In addition to City operations, the provincial government also acquires a considerable number of paid duty services each year. Of the total 40,919 paid duty assignments in 2009, 12 per cent were acquired by the provincial government (Figure 3), mostly for prisoner security.

*Nearly 40% of total paid duty fees are borne by taxpayers through municipal and provincial operations*

The combined municipal and provincial government operations accounted for nearly 40 per cent of total paid duty fees in 2009. City operations paid \$7.8 million and \$3.5 million was paid by the provincial government, totaling \$11.3 million.

The remaining 60 per cent of total paid duty fees were paid for by individuals, companies and organizations as a personal preference or business requirement. Examples of such include paid duty policing for funeral escorts, security at sporting events and licensed premises, as well as paid duty policing for traffic control at construction sites.

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## **TORONTO'S INCREASING TREND IN PAID DUTY COSTS**

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*Since 2004 the paid duty constable hourly rate has been steadily increasing*

Under the Uniform Collective Agreement, the Toronto Police Association sets the paid duty constable hourly rate, which is nearly twice the regular constable rate. The paid duty hourly rate increased on average 4 per cent annually from \$52 in 2004 to \$65 in 2009 (Figure 5). The Police Association held the 2010 and 2011 rate at the same 2009 level at \$65. Paid duty hours and officer earnings for 2010 were not yet available for analysis at the time of the audit.

**Figure 5: Trend in Toronto Police Paid Duty Statistics, 2004-2009**

	Constable paid duty hourly rate Average length per assignment (\$millions)	Number of paid duty assignments	Yearly paid duty hours Officer yearly paid duty earnings
2004	\$52 41,510	308,864	7.4 hour 16.0
2005	\$55 41,361	317,559	7.7 hour 17.5
2006	\$58 43,244	361,936	8.4 hour 20.6
2007	\$60 45,420	398,027	8.8 hour 23.9
2008	\$62.5 42,844	395,695	9.2 hour 24.9
2009	\$65 40,919	370,562	9.1 hour 24.2

*The moderate decline in paid duty hours in 2009 was likely due to the labour disruption*

While yearly paid duty assignments and hours increased steadily from 2004 to 2007, there was a slight decline in 2008, followed by a moderate decline in 2009 (Figure 5). The labour disruption in July and August 2009 was likely a factor in the 2009 decline. In addition, the overall economic slowdown might have contributed to decreasing demands for paid duty services in 2008 and 2009.

Figure 6 compares Toronto's constable paid duty rate and yearly hours with Montreal and the next three largest police services in Ontario. Toronto's rate is comparable with rates in the other police services. However, the number of paid duty hours in Toronto is disproportionately higher than that of the other four police services. For instance, while Toronto's population is three times larger than Ottawa, Toronto's paid duty hours are 13 times more than the City of Ottawa paid duty hours.

*Toronto's paid duty hours are disproportionately higher than other police services*

**Figure 6: Paid Duty Constable Rate and Hours for Toronto, Montreal, Peel Region, York Region, and Ottawa, 2009**

	Population (millions)	Constable paid duty hourly rate	Population (Smillions)	Total officer paid duty hours	Total officer paid duty fees
		Paid duty hours per million population			
Toronto	2.7	\$65	370,562	137,245	\$ 24.2
Montreal	1.9	\$42*	50,000	26,316	\$ 3.6
Peel Region	1.2	\$64	40,839	34,033	\$ 2.5
York Region	1.0	\$57	47,429	47,429	\$ 2.7
Ottawa	0.9	\$58	31,063	34,514	\$ 1.8

\* Montreal police officers are paid 1.5 times regular duty rate

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## LEGISLATIVE FRAMEWORK AND POLICY REQUIREMENTS

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*Why does Toronto have higher paid duty hours and costs than other cities?*

A key reason is the City's permit requirements for paid duty officers for traffic control. According to police paid duty billing records, 56 per cent of all paid duty assignments in 2009 were for traffic control purposes (Figure 2).

An overview of provincial legislation governing the use of police officers and "flagmen" in traffic control is provided in this section. This is followed by a review of City permit requirements for paid duty officers.

## **Provincial Legislation**

***Highway Traffic Act authorizes police to direct traffic where necessary***

Under the Ontario Highway Traffic Act, R.S.O. 1990, police officers are authorized to direct traffic where necessary. Section 134 of the Act states:

*“(1) Where a police officer considers it reasonably necessary,*

*(a) to ensure orderly movement of traffic;*

*(b) to prevent injury or damage to persons or property;*  
*or*

*(c) to permit proper action in an emergency;*

*He or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions.”*

***Occupational Health and Safety Act provides flagmen limited authority to direct traffic***

Traffic control persons (i.e., flagmen) in Ontario are also authorized to direct traffic under the Occupational Health and Safety Act, but their authority is limited when compared to police. For instance, the Occupational Health and Safety Act stipulates that a traffic control person shall not direct vehicular traffic for more than one lane in the same direction, nor shall a traffic control person direct traffic on roads with a speed limit higher than 90 kilometres per hour.

As a result, while the provincial legislation does not explicitly require paid duty officers for traffic control, provincial legislation provides police officers an unlimited authority to direct traffic in all situations. This level of authority in traffic control is not provided to other types of personnel in the public or private sector in the Province.

## **City Permit Requirements**

***No City by-law requiring the use of paid duty officers***

In addition to provincial legislative requirements, each city in the Province may enact its own bylaw or policy requiring the use of paid duty officers in traffic control. For the City of Toronto, there is no City by-law requiring the use of paid duty officers. However, the City issues an array of permits, many of which require paid duty policing as part of permit conditions. Figure 7 outlines examples of City permits that may require paid duty policing.

*Many City permits require paid duty policing*

**Figure 7: Examples of City Permits Requiring Paid Duty Policing, 2009**

Permit type	Issued by
Temporary Street Occupancy	City Transportation Services
Utility Cuts	
Excess Load	
Construction	
Street Closure (for street events)	
Film Office	Toronto Film and Television
Permits for holding special events in City parks	City Parks, Forestry and Recreation Services

*Permits are issued to ensure public safety around roadway construction*

The City Transportation Services Division issues various permits to ensure public safety around roadway construction activities, including excavation, hoisting, and temporary equipment occupancy. In the event construction activities interrupt normal vehicular or pedestrian flow, transportation staff may require as part of permit conditions paid duty officers on site to direct traffic.

*Transportation permits accounted for approximately 50% of total paid duty assignments*

In 2009, the Transportation Services Division issued over 50,000 permits, 11,119 of which contained a requirement for one or more paid duty officers. It is estimated that these 11,119 transportation permits generated at least 20,000 paid duty assignments. As a result, approximately 50 per cent of the total 40,919 paid duty assignments in 2009 were compelled by City transportation permit conditions. This also coincides with police paid duty billing records where 56 per cent of paid duty assignments in 2009 were for the purpose of traffic control (Figure 2).

### **Permit Criteria for Paid Duty Policing Requirements**

The City Transportation Services Division, in conjunction with the City Technical Services Division and the Toronto Police Service, has developed a set of permit criteria for determining paid duty policing requirements. These criteria have been incorporated into various City and Police Service documents.

For instance, in a City official document entitled "Municipal Consent Requirements", it states that:

*City has developed a set of criteria for determining paid duty requirements in permit issuance*

*"In general, a PDPO (paid duty police officer) shall be required:*

- When work is taking place within 30 meters of a signalized intersection*
- When work is taking place within 30 meters of a pedestrian cross-over*
- When pedestrian movements cannot be made safely*
- Where the hand gesturing of traffic is required*
- When more than one lane or direction of traffic flow is to be controlled*
- At a signalized intersection, the left turn lane has been eliminated or turning movements cannot be made in a safe manner*
- Wherever deemed necessary by the Toronto Police Service construction liaison officer or the General Manager."*

The same criteria are also incorporated into a document entitled "Guidelines for Paid Duty Police" issued by the Toronto Police Service.

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## AUDIT RESULTS

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### A. Reducing Yearly Paid Duty Costs

#### A.1. Re-evaluate City Transportation Permit Requirements

##### Significance of the “30 Metre” Criterion

Since City transportation permits account for at least 50 per cent of yearly paid duty assignments, it is important to ensure permit criteria for requiring paid duty policing are valid and necessary.

Among the permit criteria, the most frequently applied is “When work is taking place within 30 metres of a signalized intersection”. This criterion is abbreviated as the “30 metre rule” in the rest of the report.

*78% of permits requiring paid duty assignments were based on the “30 metre rule”*

Based on 2009 permit data, of the 11,119 transportation permits requiring paid duty officers on-site, 78 per cent (or 8,748 permits) cited the “30 metre rule” as the reason. This particular criterion alone accounted for approximately 17,000 paid duty assignments at a cost of \$12 million in 2009.

##### The Origin of the “30 Metre Rule”

*The “30 metre rule” was originally a traffic planning standard*

While the “30 metre rule” is widely used by staff, we found no rationale for its use in any City or Police Service document. Based on information from staff, “30 metres within a signalized intersection” was originally a traffic planning standard used by City staff for decades. For example, in traffic planning, 30 metres from an intersection is the portion of a street where parking and exit ramps are prohibited.

During the 1998 City amalgamation, this “30 metre” traffic planning standard was jointly adopted by the then General Manager of the City Transportation Services Division and the then Police Chief as a City criterion in determining when paid duty officers would be required.

## **The Validity of the “30 Metre Rule”**

*The validity of the “30 metre rule” is debatable*

Given that the “30 metre rule” was not originally developed to delineate when traffic control by police is necessary, the validity of this permit criterion is debatable. Furthermore, based on our research the “30 metre rule” does not appear to be a widely used traffic control standard for temporary construction sites.

*Ministry Guideline does not include any reference to the “30 metre rule”*

The Ontario Traffic Manual for Temporary Conditions, commonly referred to as Book 7, is a 250-page guideline issued by the Ministry of Transportation in 2001 for traffic control during roadway construction and maintenance operations. Book 7 is considered to be the minimum “industry standard” throughout the Province. While Book 7 outlines several scenarios where police assistance may be required, it does not include a reference to the “30 metre rule”. Indeed, according to the Ministry staff, the “30 metre rule” was never discussed during the development of Book 7.

We consulted staff of the Regions of Peel and York, and the Cities of Ottawa, Montreal, and Vancouver. None of them has a written criterion similar to Toronto’s “30 metre rule”. However, for the Cities of Mississauga and Ottawa, staff indicated that as a general rule of thumb any work within 20 metres of a signalized intersection would likely require paid duty policing.

When construction takes place close to a signalized intersection, there are certainly situations where a paid duty officer would be needed to direct traffic and ensure the safety of pedestrians and workers. However, there are also situations where the use of warning signs, barriers, and other devices in accordance with Book 7 would be sufficient to re-direct traffic and maintain public safety.

*The challenge is to develop effective permit criteria to delineate the need for paid duty policing*

While the presence of paid duty officers at roadway construction sites provides added assurance to public safety, a balance is needed between public safety and the cost-effective use of resources. The challenge is to adopt a set of practical permit criteria that can effectively identify when police assistance is necessary to achieve satisfactory levels of safety for pedestrians, motorists and workers during roadway construction. A review of current permit criteria is recommended to strike a better balance between public safety and cost-effectiveness.



*Potential cost savings from more effective permit criteria*

The use of valid and cost effective permit criteria could significantly reduce the number of paid duty assignments in Toronto. For instance, a 50 per cent reduction in paid duty permit requirements could lower annual paid duty costs by \$7 million. Since City operations account for 27 per cent of total paid duty fees, the City may be able to realize approximately \$2 million in annual savings.

**Recommendation:**

- 1. The General Manager of the City Transportation Services Division review the current permit criteria for determining paid duty policing requirements, with a view to developing more effective criteria in delineating the need for paid duty policing in traffic control. Particular attention be given to an evaluation of the permit criterion requiring paid duty officers when work is taking place within 30 metres of a signalized intersection.**

**A.2. Modify Current Fee Structure**

All of the police services we contacted have a similar minimum paid duty hour policy. Minimum hour policies establish the least amount of pay an officer receives for an assignment. Certain police services stipulate a minimum of three hours pay and others a minimum of four (Figure 8).

Police services however apply different criteria for charging a partial paid duty hour after the initial minimum hours. Figure 8 details the different charging criteria for partial hours.

**Figure 8: Comparison of minimum paid duty hours and partial hour charges between Toronto and other Police Services**

*Toronto Police charges a full hour for any partial hour of paid duty work*

Police Service	Minimum paid duty hours	Charges for partial paid duty hour
Toronto	3 hours	Charge by every hour
Peel Region	3 hours	No charge for the first 20 minutes; charge a full hour after 20 minutes
York Region	4 hours	Charge by every 30 minutes
Ottawa	4 hours	Charge by every 15 minutes
Montreal	4 hours	Charge by minute
Vancouver	3 hours	Charge by every hour

The Toronto Police Service's Terms of Agreement for paid duty services stipulates, "*any partial hour worked will be charged the full hourly rate for both police constables and police equipment*".

Both the Toronto Police Service and the Vancouver Police Department charge an additional full hour for a partial hour of paid duty work. The other large police services use a more accurate allocation method (e.g. 15 or 30 minute increment or charge by actual minutes of work) or provide the first 20 minutes of a partial hour free of charge.

**Recommendation:**

- 2. The Chief of Police consider modifying the charging rate for a partial paid duty hour such that Toronto's charging rate is consistent with other large police services.**

**A.3. Alternative Model**

Developing alternative models to provide traffic control services has been the subject of discussion at several Police Services Board meetings in recent years. Thus far, the focus of Board discussion has been on exploring the use of traffic control persons to direct traffic at construction sites and film shoots. The City Solicitor and the Police Chief have provided their respective reports to the Board and the general consensus is that the use of traffic control persons would be limited.

In our review of paid duty systems in other cities, with the exception of the Vancouver Police Department, most police services in the Greater Toronto Area use a system similar to Toronto.

*Vancouver  
Police  
Department uses  
a different model  
to control traffic*

The Vancouver Police Department has been operating a Traffic Authority Program since 1999. Members of the Vancouver Traffic Authority are non-union, sworn Special Municipal Constables appointed under the British Columbia Police Act. Traffic Authority members have restricted peace officer authority limited to directing traffic at public, private and community events.

Approximately 100 special constables are currently employed by the Traffic Authority Program. Consequently, Vancouver police generally do not perform paid duty for traffic control.

Figure 9 provides further details relating to the Vancouver Traffic Authority Program.

**Figure 9: The Vancouver Traffic Authority Program**

*Trained special constables are paid at regular police rates*

Position      Paid, part-time employees available on an on-call basis

Training      85 hours training including one job-shadow shift

Training topics: legal studies, radio procedures, traffic intersection control, force options

Pay scale      Paid on hourly basis at regular police rates without benefits

Hourly rate:

Probationary: \$26.03

After 500 work hours: \$27.89

After 1,000 work hours: \$29.75

Supervisor: \$33.45

Companies pay \$46 per hour (including administrative fee)

Equipment    Do not carry firearm

Wear a uniform that is slightly different from regular police uniform

Source: Vancouver Police Department web page and additional information provided by Vancouver staff

The Vancouver Traffic Authority Program is authorized under provincial legislation. Unlike the Ontario Traffic Control Act which authorizes only police officers to direct traffic, the British Columbia Motor Vehicle Act (RSBC 1996) contains a provision for a special constable to direct traffic. Chapter 318, section 123 of the Motor Vehicle Act states:

***The provincial legislation for Vancouver authorizes the use of peace officers for traffic control***

*“If a peace officer reasonably considers it necessary to*

- a) ensure orderly movement of traffic,*
- (b) prevent injury or damage to persons or property, or*
- (c) permit proper action in an emergency,*

*the peace officer may direct traffic according to his or her discretion, despite anything in this Part, and everyone must obey his or her directions.”*

The Vancouver traffic control model provides a more economical alternative to Toronto’s current paid duty system. However, adopting this model will require an amendment to provincial legislation and establishment of a new unit similar to the Vancouver Traffic Authority Program. The Toronto Police Services Board may consider undertaking a further examination of the feasibility and merits of the Vancouver model.

**Recommendation:**

- 3. The Police Services Board consider examining the feasibility and merits of the Vancouver Traffic Authority Program as an alternative to Toronto’s current paid duty system.**

## B. Ensuring the Paid Duty System is Administered as Cost Effectively as Possible

### B.1. System Administrative Costs

*Administrative fee revenue for the paid duty system totals approximately \$3.6 million per year*

Since the paid duty system enables police officers to gain secondary employment income, the costs associated with system administration should be fully recovered from the system itself without using public funds. The Police Service currently charges a 15 per cent administrative fee to recover the related administrative costs. In both 2009 and 2010, the Service received approximately \$3.6 million in administrative fee revenue each year.

We conducted a review of administrative costs and summarized our results in Figure 10.

**Figure 10: Analysis of Paid Duty System Administrative Cost, 2010**

	Number of Full Time Equivalent (FTE)	Cost (\$millions)
<b>Central Administration</b>		
Central Paid Duty Office	10	
Special Event Planning	2	
Financial Management	4	
<b>Divisional Administration</b>		
Full-time coordinator	5	
Other divisional staff	14	
<b>Total direct cost</b>	<b>35</b>	<b>\$3.1</b>
Operating overhead (30% of total direct cost)		\$0.9
Workers Safety Insurance Board and Employer Health Tax		\$0.6
<b>Total Administrative Cost</b>		<b>\$4.6</b>
<b>Total Administrative Fee Revenue</b>		<b>(\$3.6)</b>
<b>Net Administrative Cost</b>		<b>\$1.0</b>

The 2010 paid duty administrative costs amounted to approximately \$4.6 million, while fee revenue was at approximately \$3.6 million. The resulting net difference was \$1 million in excess of total fee revenue. This \$1 million was absorbed as part of the Service's operating cost.

An obvious solution to address the shortfall is to increase the 15 per cent administrative charge. However, the Service should first take steps to reduce administrative costs by streamlining the process and improving efficiency.

***Total 35 full-time equivalent are involved in administration***

The current administrative process is labor intensive and time consuming. Combining central and divisional administration, a total of 35 full-time equivalents are involved in the administration of paid duty.

The Central Paid Duty Office, consisting of one Sergeant and nine clerical staff, is responsible for distributing incoming paid duty requests to police divisions and units.

Upon receiving paid duty requests from the Central Paid Duty Office, divisional staff process requests including manually selecting and contacting officers to fill job requests. In five police divisions, the workload is so substantial that an officer is dedicated full-time to process paid duty requests. Other divisions and units allocate work to duty operators or administrative staff who devote part of their daily work time to process paid duty requests.

In addition, three full-time financial staff are responsible for processing invoices for administrative and equipment rental fees.

***The Service should explore ways to improve work efficiency and reduce costs***

Much of the current manual processes are for the purpose of ensuring equitable distribution of paid duty requests to all Service members. The Service may be able to replace certain manual steps through computer system improvements. For example, the Ottawa Police Service operates a paid duty system similar to Toronto. The Ottawa Service utilizes a computer system to select officers with the least paid duty hours and to forward paid duty requests directly to officers electronically.

Furthermore, the Toronto Police Service currently assigns police officers to perform clerical functions such as data entry of paid duty information, contacting officers, and printing forms. This is not a cost effective use of uniform police resources.

**Recommendation:**

4. **The Chief of Police take steps to reduce current paid duty system administrative costs. Such steps should include but not be limited to:**
  - a. **Exploring the use of information technology to replace manual procedures; and**
  - b. **Ensuring uniformed police resources are not used to perform clerical functions.**

**B.2. Equipment Rental Fees**

Current equipment rental rates for paid duty assignments are:

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

*Equipment rental revenue should be sufficient to cover costs*

The Police Service received \$956,158 in equipment rental revenue in 2009, and \$908,709 in 2010. Equipment rental revenue should be sufficient to cover equipment costs without the use of public funds.

*The Service does not separately track equipment costs for paid duty*

The Service does not track equipment costs for paid duty. A pool of vehicles is reserved for paid duty purposes, but non-vehicle equipment (e.g., boats, bicycles and dogs) is taken out of service from regular duties. For the pool of designated vehicles for paid duty, staff do not track direct and indirect costs such as fuel, insurance, depreciation, maintenance, and overhead costs.

Since accurate cost data for equipment rental were not available, we were not able to determine whether yearly equipment rental revenue was sufficient to cover costs.

**Recommendation:**

5. **The Chief of Police take steps to track paid duty equipment rental costs including direct and indirect costs, and ensure costs can be fully recovered from equipment rental revenue.**

## **C. Compliance with Police Paid Duty Policies**

### **Provincial Legislation Governing Paid Duty**

***Provincial Act specifies certain restrictions on secondary employment activities***

The Police Services Act specifies certain restrictions on officers performing secondary employment activities. Section 49(1) of the Act states:

*“A member of a police force shall not engage in any activity.*

- (a) that interferes with or influences adversely the performance of his or her duties as a member of a police force, or is likely to do so;*
- (b) that places him or her in a position of conflict of interest, or likely to do so;*
- (c) that would otherwise constitute full-time employment for another person; or*
- (d) in which he or she has an advantage derived from being a member of a police force.”*

The Act however grants the authority for a police officer to perform paid duty services in a private capacity, providing the services have been arranged through the police service.

Furthermore, in the event an officer undertaking an activity that may contravene the restrictions contained in Section 49(1) of the Act, the officer is required to disclose full particulars to the Chief of Police, who shall decide whether the officer is permitted to engage in the activity.

### **Toronto Police Service Policies Governing Paid Duty**

In keeping with provincial legislation, the Toronto Police Service has developed specific policies to ensure officers do not undertake paid duty assignments that may interfere with regular duties. Police Service Procedure 20-01 “Paid Duties” states:



***Service Procedure 20-01 outlines specific policy requirements***

*“Police officer, prior to accepting a paid duty assignment shall,*

- Ensure the paid duty does not interfere with regular police duties.*
- Ensure no portion of the paid duty overlaps with regular duty, including appropriate travel time.*
- Ensure that the total combined number of paid duty hours and regular duty hours do not exceed 15.5 hours in a 24-hour period (the 24-hour period commences at the start of the paid duty or regular duty).*
- Not perform a paid duty or any number of paid duties exceeding 12 hours in a 24-hour period, where the 24-hour period commences at the start of the first paid duty.”*

***The Service has specific procedural requirements for paid duty***

The Service has also established specific procedural requirements for paid duty. These include requiring officers to report to a police division before and after providing paid duty service. In addition, officers are required to document actual paid duty “start” and “end” time and receive written authorization from their supervisor. This form is also used for billing.

Certain police divisions have established additional procedures to improve controls over paid duty assignments. For example, in one division, officers prior to performing a paid duty assignment are required to indicate on the billing form their regular shift hours and whether they have conducted another paid duty or are required to attend court within the same day.

#### **Limited Service Oversight on Paid Duty**

***Officers are responsible for scheduling their own paid duty assignments***

The Service does not review officers’ regular duty schedules prior to forwarding paid duty requests to those eligible for working paid duty. Officers intending to work paid duty are responsible for reviewing their regular work schedule to ensure the paid duty assignment does not interfere with regular duty. Officers are not required to obtain supervisory approval prior to accepting a paid duty assignment. As well, the Service does not carry out any periodic review of officer paid duty assignments and regular duty schedule.

According to management staff, reviewing officers' regular duty schedule in conjunction with paid duty assignments would require extensive staff resources. Therefore, the responsibility rests with individual officers intending to work paid duty.

**Analysis of Paid Duty Hours by Officer**

*Each officer performed on average 100 hours of paid duty in 2009*

In 2009, 3,695 police officers provided a total of 370,562 hours in paid duty service. Each officer performed on average 100 hours of paid duty service and earned an annual average of \$6,500.

In 2009, the majority of officers (77%) worked fewer than 140 paid duty hours, equivalent to one additional month of work. A small number of officers however worked significantly more paid duty hours. Figure 11 shows the number of officers who performed equivalent to three months or more paid duty hours in 2009. In particular, 15 officers whose 2009 paid duty assignments exceeded 840 hours, an equivalent of six months or more of work.

**Figure 11: Number of officers performing equivalent to 3-month or more paid duty hours, 2009**

Number of officers	Range of paid duty hours	performed by officer(s)	
Average paid duty hours per week per officer		Equivalent	
in Months			
	Average 2009 paid duty earnings per officer		
1	1,487	29	10 month \$96,655
4	1,120 - 1,400	23	8 month \$77,350
4	980 - 1,119	20	7 month \$68,250
6	840 - 979	18	6 month \$59,150
12	700 - 839	15	5 month \$50,050
19	560 - 699	12	4 month \$40,950
45	420 - 559	9	3 month \$31,850

*Risks associated with working extensive paid duty hours*

Extensive paid duty hours may interfere with regular police duties and work performance, particularly when yearly totals are at a level approaching full-time employment.

Current Service policies governing paid duty do not include a limit on maximum paid duty hours that can be performed each year. Not only will a yearly limit help reduce the risk of paid duty assignments interfering with performance of regular duties, it will also provide a clear internal standard for monitoring purposes.

## **Compliance with Specific Service Policies**

*We reviewed paid duty records of 20 officers*

In order to assess risks arising from officers working extensive paid duty hours, we selected 20 officers from four police divisions for detailed review. These officers were selected based on their relatively large number of paid duty hours in 2009. Our review was not intended to determine overall Service compliance levels with paid duty policy requirements. The detailed review was designed to detect and identify non-compliance issues.

Our review results are as follows:

### **(a) Interference with regular police duties**

According to Police Service Procedure 20-01 "Paid Duties", a police officer, prior to accepting a paid duty assignment, shall ensure the paid duty does not interfere with regular police duties.

*Court attendance is part of regular police duty*

Court attendance is a part of regular police duty. Police Service Procedure 12-02 "Court Attendance" states that:

*"In accordance with the duties of a police officer as defined under the Police Service Act, members are required to lay charges and participate in prosecutions. Members are also required to attend court from time to time."*

According to Service policy, officers are entitled to a minimum of three hours pay when attending court during off-duty hours, and a minimum of 4 hours of pay on a scheduled day off. The off-duty court attendance pay is 1.5 times the regular rate.

*Instances of interference with court attendance were noted*

Our review noted a number of instances where officers did not attend their scheduled court appearance. Instead, these officers performed a paid duty assignment during the same period.

In addition, in one instance an officer was 1.5 hours late to court and in another 25 minutes late. In both instances, the officer accepted and performed a paid duty assignment overlapping with scheduled court hours.

In another instance, an officer attended court at the scheduled time but left within 15 to 30 minutes after court proceedings began. The officer then performed a paid duty assignment which he accepted a day before the scheduled court date. The officer was reimbursed for court attendance according to Service policy as well as earning paid duty income during the same court hours.

*Acceptance of these paid duty assignments constitutes a conflict with regular duty*

Accepting a paid duty assignment during the same time period a court appearance is required constitutes a conflict with regular duty. This practice is not in compliance with Service policy and should not be permitted.

**(b) Exceeding the 15.5 hour limit for combined paid and regular duty within a 24-hour period**

According to Toronto Police Service Procedure 20-01 "Paid Duties", officers can work paid duty and regular duty within the same day providing the total combined paid and regular duty hours do not exceed 15.5 hours in a 24-hour period. The 24-hour period commences at the start of the paid duty or regular duty, whichever occurs first.

The 15.5-hour policy limit is to ensure that officers have a minimum of 8 hours of rest and 0.5-hour travel time within any 24-hour period.

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*Instances of non-compliance with the 15.5 hour policy limit were noted*

Our review identified a number of instances where the officers' combined paid and regular duty hours exceeded 15.5 hours within a 24-hour period.

**Example 1**

An officer worked

- 6 hours of paid duty from 2:30 p.m. to 8:30 p.m.
- 8 hours of regular duty from 11 p.m. to 7 a.m. the following day
- 5 hours of paid duty from 9 a.m. to 2 p.m.

Total 19 hours within 24 hours      **Example 2**

An officer worked

- 12 hours of paid duty from 8 p.m. to 8 a.m. the following day
- 9 hours of regular duty from 2 p.m. to 11 p.m.

Total 18 hours within 24 hours

In example 1, two hours after completing a total of 13 hours of paid and regular duties, the officer worked a further five-hour paid duty assignment. The Service policy limiting combined hours to 15.5 is to ensure officers are fit for duty. The extended work hours could potentially impact work performance.

**(c) Exceeding the 12 hour limit for total paid duty hours within a 24-hour period**

According to Police Service Procedure 20-01 "Paid Duties", police officers, prior to accepting a paid duty assignment, shall not perform a paid duty or any number of paid duties exceeding 12 hours in a 24-hour period, where the 24-hour period commences at the start of the first paid duty.

As staff explained, certain paid duty assignments may exceed 12 hours by one or two hours due to a last-minute extension requested by the hiring organization. Even taking this into consideration, we noted a number of instances where officers undertook two paid duty assignments within a 24-hour period and total hours far exceeded the 12-hour policy limit.

***Instances of non-compliance with the 12 hour policy limit were noted***

**Example 1**

An officer worked

- 8 hours of paid duty from 9 a.m. to 5 p.m.
- 12 hours of paid duty from 6:30 pm to 6:30 am the following day

Total 20 paid duty hours within 24 hours      **Example 2**

An officer worked

- 11 hours of paid duty from 7 a.m. to 6 p.m.
- 9 hours of paid duty from 10 p.m. to 7 a.m. the following day

Total 20 paid duty hours within 24 hours

**Addressing non-compliance issues**

Since our review focused on officers working a large number of paid duty hours, the non-compliance instances noted in our review are likely the exceptions within the police service. These non-compliance cases nonetheless are indicative of the need for additional control measures by the Service.

***The Service should undertake additional procedures to identify non-compliance***

Although the Service has clear policies governing paid duty, instances of non-compliance exist and the level of non-compliance could pose a conflict or interference with performance of regular police duties. The Service needs to develop and implement additional policies and controls to ensure paid duty assignments are performed in accordance with provincial legislation and Service policy requirements.

In particular, the Service should conduct periodic reviews of regular duty schedules including court attendance in conjunction with paid duty assignments. The periodic reviews should be risk-based focusing on officers with high yearly paid duty hours.

**Recommendations:**

- 6. The Chief of Police evaluate the need to establish a maximum limit on paid duty hours an officer can perform each year. Such an evaluation to take into account resource requirements and risks of interference with the performance of regular police duty.**

- 7. The Chief of Police take steps to improve officer compliance with Service policy prohibiting paid duty assignments that conflict with regular duties including court attendance.**
- 8. The Chief of Police review and enhance monitoring procedures to identify instances of non-compliance with paid duty policy requirements. Such monitoring procedures should include periodic review of regular duty schedules in conjunction with paid duty assignments. Instances of non-compliance should be addressed including disciplinary action where appropriate.**

## **D. Improving Paid Duty Policy Regarding Special Events**

### **Resource challenge in policing special events**

*Over 140 special events took place in the City in 2010*

In 2010, over 140 large special events including street festivals, fundraising events, and parades took place in the City of Toronto, most of which were held between May and October. Many of these events were organized by neighborhood business associations, charitable organizations and community groups.

The Toronto Police Service is responsible for ensuring public safety at special events. The Service strives to strike a balance between supporting special events and maintaining sufficient personnel for core policing duties. As a result, the Service in some cases requires event organizers to bear policing costs by hiring paid-duty officers.

### **Concerns of event organizers**

*Paid duty costs can be prohibitive for event organizers*

Depending on the event size and duration, the cost for hiring paid-duty officers can range from a few thousand dollars to over \$50,000. A number of event organizers have expressed concerns regarding high paid duty costs, to the extent that paid duty costs could become a factor in decisions not to hold the event.

### **Determination of policing needs at special events**

*Permits for special events are issued by various City divisions and the Police Service*

A number of City divisions and the Toronto Police Service are responsible for issuing special event permits. The City Transportation Services Division issues permits for special events on public streets, the Parks, Forestry and Recreation Division issues permits for major events in public parks, and the Toronto Police Service issues parade permits.



***Regardless of the type of permit, policing needs at special events are determined by police planners***

Regardless of the permit type, policing needs at special events are determined by police planners (at either the Special Event Planning Unit or police divisions) responsible for developing an operational plan for each event.

The police operational plan addresses multiple issues including:

- Determination of the required number of on-duty and paid-duty officers
- Coordination with Fire Services, Emergency Medical Services, Toronto Transit Commission and other City divisions
- Barricade requirements
- Vehicle towing criteria within road closure areas

**Police criteria for determining which types of event should be staffed by paid-duty officers**

Police Service Procedure 20-15 “Special Events” details criteria for determining whether a special event should be staffed by on-duty officers or paid-duty officers. The Service criteria are as follows:

*“i. Paid duty personnel shall be employed for events where any of the following apply*

- *Access is restricted where an admission or participation fee is involved*
- *The nature of the event will result in revenue being generated by sponsors or other individuals directly or indirectly involved with the event (e.g. street festivals, fundraisers, promotions)*
- *Sites, locations or events sponsored by a community-based organization where beer/liquor is served, (e.g. beer tents, etc.), if the event organizers have requested officers for the specific purpose of providing security at the site, location or event*

*ii. Where the criteria contained in Item i does not apply, on-duty personnel may be deployed, at the discretion of the unit commander, for events where*

- *Access is NOT restricted, but open and intended for the general public*
- *The event is sponsored by a community-based, non-profit organization*
- *Resources are available from within the host unit without external support and this status is not expected to change in the future for other similar events*

*iii. Where an event is sub-divided into components that individually fit the criteria contained in Items i or ii above*

- *On-duty personnel will be used for the unrestricted or community-based portion*
- *Paid duty personnel shall be used for the areas with limited access, admission or participation fees and/or revenue generating site."*

Based on the above Service criteria, the current police policy regarding paid duty requirements at special events is as follows:

***Street festivals are staffed by a mix of on-duty and paid-duty officers***

- Street festivals are usually staffed by a mix of on-duty and paid-duty officers where on-duty personnel patrol the event area while paid-duty personnel are responsible for street closure and traffic control
- Fundraising events such as walks, runs and marathons organized by charitable or private organizations are staffed by paid-duty officers
- Parades are staffed by on-duty officers.

## **Opportunities to improve current paid duty system for special events**

### **(a) Ensuring consistent application of police criteria**

*Police criteria for providing on-duty officers to events were not consistently applied*

Although the Service has established criteria governing when on-duty versus paid-duty officers should be deployed to special events, the criteria are not consistently applied. While the majority of 2010 street festivals were staffed by a mix of on-duty and paid-duty personnel, certain festivals were staffed completely by on-duty personnel while others were entirely staffed by paid-duty personnel.

We understand there may be valid reasons for exceptions. For instance, the Unit Commander in charge of the division where the event is held might decide not to provide any on-duty officers to the event due to resource issues. Nonetheless, the inconsistent application of the Service criteria could result in actual or perceived inequity in allocating police resources to support special events for the City's diverse communities.

### **(b) Providing a written guideline**

*Lack of a written guideline for determining the number of officers required for special events*

While the Unit Commander makes the final decision on the number of police personnel (both on-duty and paid duty) to be deployed at a special event, the decision is based on event operational plans developed by police planners. In developing an event operational plan, police planners may need to consider a number of factors including the anticipated number of attendees, the nature of the event, and the number and type of road closures and re-routing of public transit. Current police "Special Events" Procedures do not provide any guideline on specific factors or criteria for determining the required number of police personnel at special events. A written guideline will not only facilitate a consistent approach by police event planners, but it will also help improve police transparency and communication of policing requirements with event organizers.

**(c) Leveraging the use of auxiliary members at small events**

*Auxiliary members can make up to one-quarter of the police personnel at special events*

In special events where a mix of on-duty and paid-duty officers are provided, auxiliary members are frequently used to patrol the event area. Auxiliary members are community volunteers trained to perform certain police duties including assisting police officers at parades and special events. Auxiliary officers wear uniforms and carry handcuffs and a baton. They are however, not authorized to direct traffic. We noted that in certain large street festivals, auxiliary members comprised up to one-quarter of the total police personnel.

*Current policy prohibits use of auxiliary members in special events where on-duty officers are not deployed*

According to Service Procedure 20-01, the use of auxiliary members is prohibited if on-duty officers are not provided. This Service policy will not likely affect large special events as most are staffed by both on-duty and paid duty officers and are permitted to use auxiliary members. However, the policy may impact small neighborhood events when an on-duty officer is not provided by the Service. In these situations, the events will need to be completely staffed by paid duty officers without the benefit of volunteer members. This can potentially create undue financial burden on small event organizers. The Service should consider revising the policy such that auxiliary members where appropriate, can be more effectively used at all special events.

**Recommendation:**

- 9. The Chief of Police review the current policy governing requirements for paid duty officers at special events, with a view to:**
  - a. Ensuring consistent application of Service criteria in determining when paid-duty officers should be required for special events;**
  - b. Including guidelines to promote a consistent and transparent approach in determining the number of police officers, including paid-duty officers, required for special events; and**
  - c. Further maximizing the use of auxiliary members at special events where possible.**

## **E. Ensuring Adequate Paid Duty Policing Requirements for Film Permits**

### **Costs of paid duty policing for location filming in Toronto**

*The Toronto Film and Television Office issued 3,078 film permits in 2009*

Under Municipal Code Chapter 459 - Filming, the Commissioner of Economic Development, Tourism and Culture (currently the General Manager, Economic Development and Culture), through the Toronto Film and Television Office, is authorized to issue, suspend or revoke permits for filming in the City.

According to the Toronto Film and Television Office, production companies spent a total of \$877 million filming on-location in Toronto in 2009. The Toronto Film and Television Office issued 3,078 film permits in 2009.

*Film companies paid approximately \$1.3 million in 2009 for paid duty policing*

In general, filming activities involving road closures, intermittent traffic stoppages, or special effects require paid duty officer supervision on location. For special effects involving explosives, Police Explosive Technicians may be required.

In 2009, officers conducted 1,542 paid duty assignments totaling 17,659 hours of services at film shoots. Film companies paid approximately \$1.3 million in 2009 for paid duty policing.

### **City competitiveness and paid duty policing requirements for filming**

According to the Toronto Film Commissioner, while paid duty costs are relatively small when compared to overall production costs, it may be a factor in City competitiveness with other cities in attracting international film and television business.

Our review noted varying practices in other cities (Figure 12). Toronto, by comparison, is more restrictive and more costly than Ottawa and New York City.

**Figure 12: Paid duty requirements for traffic control at film shoots, Cities of Toronto, Hamilton, Ottawa, and New York, 2010**

*Different cities have varying practices in paid duty requirements for filming*

Toronto Film and Television Office    Hamilton Film and Television Office    Ottawa – Gatineau Film and Television Development Corporation    New York City Mayor’s Office of Film, Theatre and Broadcasting

Paid duty officers are required for traffic control and special effects. Paid duty officers are always required when the shoots involve stoppage or detouring of traffic. Production crew can close a road with signs and barricades.

In most cases, police or traffic control persons are not required at film shoots.

New York film office has its own policing resources and offers free on-duty officers at film shoots.

**City Manager recommendation in August 2010**

The film and television industry has expressed interest in devising alternative means to managing traffic while maintaining public and vehicular safety. At the August 2010 meeting, the Police Services Board approved the City Manager’s report entitled “Toronto Police Service Paid Duty System – BIA Street Festivals and Film Shoots”.

The City Manager recommended that:

*City Manager recommended a working group to investigate options for managing traffic at film shoots*

*“A Working Group be established, including members from the Toronto Police Service, Toronto Film Board and Ministry of Transportation and supported by staff from the City Manager’s Office, Film and Television Office, Transportation and Legal Services, to investigate options and alternatives for managing traffic at film shoots and report back to the Police Services Board”.*

### **Determination of permit requirements for paid duty policing at film shoots**

*Permit staff do not determine the required number of paid duty officers*

In issuing film permits, the Film and Television Office staff indicate on the permits whether paid duty supervision is required. However, permit staff do not determine the exact number of officers required. For instance, permits may indicate:

- "PDO (paid duty officer) to assist pedestrians/crowd control" or
- "Traffic to be diverted under PDO supervision"

*Staff at the Central Paid Duty Office determine the number of officers required*

When the Central Paid Duty Office receives a film company request for paid duty officers, Office staff use an instruction sheet entitled "Minimum PDO Guidelines" to determine the required number of paid duty officers. In certain cases, the Guidelines direct staff to consult the Police Film Liaison Person. The Guidelines were developed by the Police Film Liaison Person.

As a result, paid duty policing requirements for filming are determined in most cases by the Central Paid Duty Office, even though permits are issued by the Film and Television Office.

*The Film and Television Office should be consulted in developing paid duty policing guidelines for film shoots*

Given police authority and experience in traffic and crowd control, police staff should be involved in determining policing requirements at film shoots where traffic and pedestrian flow may be disrupted. Nonetheless, the Film and Television Office is responsible for issuing film permits. Its staff should be consulted and have input into developing criteria for paid duty policing requirements as part of permit conditions. In addition, to ensure transparency the film industry should be informed of the permit criteria.

#### **Recommendation:**

- 10. The Chief of Police, in conjunction with the General Manager of Economic Development and Culture and the General Manager of Transportation Services, develop criteria for determining film permit paid duty policing requirements. Such criteria be accessible to the film industry through permit documents or websites.**

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## CONCLUSION

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Many police services in Ontario operate a paid duty system similar to Toronto whereby companies and individuals can pay for certain policing services as a business or personal preference.

***City operations paid \$7.8 million paid duty fees in 2009***

Toronto's yearly paid duty costs, \$29 million in 2009, are disproportionately higher than that of other cities benchmarked. City operations paid approximately \$7.8 million in 2009 to acquire paid duty policing services. This is a significant sum and as such requires careful management and control to ensure paid duty officers are deployed only as necessary.

***Implementation of audit recommendations could result in significant cost savings***

Our audit identified the need for developing more effective City permit criteria for identifying the need for paid duty policing during roadway construction and utility maintenance. This could result in yearly savings for the City. It is also important that the costs to administer the paid duty system be fully recovered from fee revenues without the use of public funds.

***Police Service needs to take action to improve compliance with paid duty policies***

Our report also highlights a number of compliance issues with police paid duty policies. While instances of non-compliance noted during our audit may be the exceptions, they indicate a need for the Service to develop and implement additional policies and monitoring measures to improve compliance.



Management's Response to the Auditor General's Review of Toronto Police Service, Police Paid Duty - Balancing Cost Effectiveness and Public Safety

Res No	Recommendation	Agree (X)	Disagree (X)	Management Comments (Comments are required only for recommendations where there is disagreement.)	Action Plan Time Frame
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1.	The General Manager of the City Transportation Services Division for reviewing the current permit criteria for determining paid duty policing requirements, with a view to developing more effective criteria in delineating the need for paid duty policing in traffic control. Particular attention be given to an evaluation of the permit criterion requiring paid duty officers when work is taking place within 30 metres of a signalized intersection.	X			As that the principal objective for the requirement of paid duty officers in road occupancy permits granted by the Transportation Division is to ensure the safety of road users, the City Manager and the General Manager of Transportation Services will review these conditions to determine what achievable cost reductions can be found, which balance the objectives of traffic safety and cost optimization and report back in two months.
2.	The Chief of Police consider modifying the charging rate for a partial paid duty hour such that Toronto's charging rate is consistent with other large police services.	X		The Service will change the paid duty rate into account the languages of collective agreements and the current practice for charging premium pay.	A recommendation will be made to implement the change as expeditiously as possible, and no later than year end 2011.
3.	The Police Services Board consider examining the feasibility and merits of the Vancouver Traffic Authority Program as an alternative to Toronto's current paid duty system.				

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4.	<p>The Chief of Police take steps to reduce current paid duty system administrative costs. Such steps should include but not be limited to:</p> <p>a. Exploring the use of information technology to replace manual procedures; and</p>	X		<p>Administrative costs are recovered based on a percentage (15%) and therefore the total recovery is dependent on total paid duties billed. The costs in some cases represent a portion of a member's daily work, as the member also performs other non paid-duty related activities. The overall administration cost also includes a 30% overhead allocation, which for the most part would not be eliminated even if a paid duty system did not exist.</p> <p>The Service is of the opinion that the 15% administration fee is reasonable and we agree with the Auditor General's conclusion that there may be opportunities to streamline the processes and make the administration of the paid duty system more cost effective. To this end, the Service has already taken steps by moving the Central Paid Duty Office from Specialized Operations Command to Administrative Command in November 2010.</p>	<p>The Service will be reviewing its processes during 2011 and any recommendations will be made by year-end 2011.</p>
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Management's Response to the Auditor General's Review of Toronto Police Service, Police Paid Duty - Balancing Cost Effectiveness and Public Safety

Rec No	Recommendation	Agree (X)	Disagree (O)	Assessment/Comments: (Comments are required only for recommendations where there is disagreement)	Action Plan/ Time Frame
5.	d. Ensuring unformed police clerical functions.	X		A review team has been established that will consider all aspects of paid duty operations, with the objective of identifying efficiencies that will reduce the costs to administer the system. The extent to which uniform officers are used to perform clerical paid duty functions will be reviewed, taking into account that the Service may at times need to accommodate members who are unable to perform regular police duties with light duty functions such as clerical work.	Will be reviewed as part of the review of administration of the paid duty system, and any recommendations implemented by year-end 2011.
5.	The Chief of Police take steps to track paid duty equipment rental costs including direct and indirect costs, and ensure costs can be fully recovered from equipment rental revenue.	X		Best methods for capturing these costs will be examined and balanced against the cost of administering any method implemented.	Will be reviewed by year-end 2011.

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6.	The Chief of Police evaluate the need to establish a maximum limit on paid duty hours an officer can perform each year. Such an evaluation to take into account resource requirements and risks of interference with the performance of regular police duty.	X		The last couple of years have seen a trend where on a daily basis the Service is not able to fill all the paid duties requested. Restricting the number of hours an officer can work, without reducing the demand for paid duties will only worsen this trend. However, changing the current permit criteria, as recommended by the Auditor General in Recommendation #1, could help reduce the number of paid duties. The current 15.5 hour daily limit for regular work and paid duties will be reviewed and any appropriate changes will be implemented.	A review will be completed by year-end 2011.
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7.	The Chief of Police take steps to improve officer compliance with Service policy prohibiting paid duty assignments that conflict with regular duties including court attendance.	X		<p>As stated in the Auditor General's report, attendance in court by an officer is considered to be part of an officer's regular duties. Currently there are four pieces of Governance that govern an officer's attendance at court, specifically:</p> <ul style="list-style-type: none"> <li>• The Police Services Act section 42. (1)</li> <li>• Toronto Police Service Paid Duty Procedure 20-01</li> <li>• The Toronto Police Service Governance - Standard of Conduct</li> <li>• Toronto Police Service Court Procedure 12-02</li> </ul> <p>These four pieces of Governance clearly prohibit officers from accepting a paid duty that would interfere with <i>regular</i> duties, specifically: "any scheduled duty, including court, overtime and callbacks", as succinctly defined and set out in Procedure 20-01.</p> <p>The Service will continue to review its monitoring procedures to strengthen current practices and ensure compliance across the Service.</p>	A review will be complete by year-end 2011.
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Ass No	Recommendation	Agree (X) Disagree (O)	Management Comments (Comments are required only for recommendations where there is disagreement.)	Action Plan Time Frame
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8.	The Chief of Police review and enhance monitoring procedures to identify instances of non-compliance with paid duty policy requirements. Such monitoring procedures should include periodic review of regular duty schedules in conjunction with paid duty assignments. Instances of non-compliance should be addressed including disciplinary action where appropriate.	X	<p>There are currently several controls in place for monitoring in the existing Service Procedure 20.01, Paid Duties. Paid Duty coordinators at the divisions assign and the shift supervisors are responsible for ensuring the contacted officer is eligible to perform the paid duty, including whether the officer has court time that the paid duty may interfere with.</p> <p>The Officer in Charge (OIC) in the division in which the paid duty is taking place, is responsible for recording times in the Service's Time and Resources Management System (TRMS) when the paid duty officer reports on and off duty. However, the Service will review its current procedures to determine if further controls are warranted, and will ensure controls are applied consistently across the Service.</p> <p>Disciplinary action has and will be taken if a member does not comply with procedures.</p>	<p>A review of procedures will be completed by year-end 2011.</p>
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Management's Response to the Auditor General's Review of Toronto Police Service, Police Paid Duty - Balancing Cost Effectiveness and Public Safety

Rec No	Recommendation	Agree (A)	Disagree (D)	Management Comments: (Comments are required only for recommendations where there is disagreement.)	Action Plan/ Time Frame
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9.	<p>The Chief of Police review the current policy governing requirements for paid duty officers at special events, with a view to:</p> <p>a. Ensuring consistent application of Service criteria in determining when paid-duty officers should be required for special events;</p>	X		<p>Service Procedure 20-15, Special Events specifies when on duty police personnel are required, when a combination of both are required. It is the responsibility of the host Unit Commander to determine, in consultation with the Divisional Planner and/or CRU staff sergeant, the combination of personnel.</p> <p>When attending planning meetings and preparing operational plans, the Special Events Office ensures that there is consistent application of Service criteria in determining when paid duty officers are to be used, unless directed otherwise by the Command. It is difficult to have a specific written guideline on determining the number of police officers, including paid duty officers that are required for special events, as the number could be impacted by the nature of and circumstances around the event.</p>	<p>The current policy for paid duties at special events will be reviewed by year-end 2011</p>
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	b. Including guidelines to promote a consistent and transparent approach in determining the number of police officers, including paid-duty officers, required for special events; and	X		<p>The situational factors at every Special Event are different and they change from year to year. The number of officers both paid duty and on duty are determined using several factors such as past history, alcohol requirements, the crowd attending the event, what effect it will have on traffic in the surrounding area and what if any conditions requiring policing are included in a permit issued for the event. However, an amendment to Procedure 20-15 entitled "Special Events" is being considered in order to include the determination of the number of police officers required within the duties of the Unit Commander - Host Unit.</p> <p>The Service is also refining and formalizing its debriefing processes regarding special events and paid duties.</p>	Will be reviewed by year-end 2011
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	c. Further maximizing the use of auxiliary members at special events where possible.	X		Auxiliary Police Officers are used at special events whenever possible. In fact, police officers are part of the combination of personnel utilized on all major special events. However, there are limitations on their deployment. They are not used at events that involve traffic points because auxiliary police officers have no authority to direct traffic on their own. The Service will nonetheless review what can be further done to maximize the use of auxiliary members.	Will be reviewed by year-end 2011.

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10.	The Chief of Police, in conjunction with the General Manager of Economic Development and Culture and the General Manager of Transportation Services, develop criteria for determining film permit paid duty policing requirements. Such criteria be accessible to the film industry through permit documents or websites.	X		As a result of the City Manager's recommendation at a meeting in August 2010, a working group has been created including members from TPS, Toronto Film Board, Toronto Transportation Services, and Ontario Ministry of Transportation to discuss options available for traffic direction at film locations other than using police officers. Consideration will be given as to what training would be required for members of film crews to comply with legislative requirements when directing traffic at film locations. The first meeting for this working group was held at Metro Hall on Friday December 10, 2010. A second meeting will be scheduled in the first quarter 2011.	Ongoing