

MISCELLANEOUS

20 – 01 Paid Duties

New Amended Reviewed – No Amendments

Issued: R.O. 2010.01.20-0084

Replaces: R.O. 2007.10.31-1512

Rationale

The *Police Services Act*, Service Procedures, and the Uniform Collective Agreement govern paid duties. Compliance with this Procedure will ensure that paid duties are equitably distributed and that officer conduct at paid duties is in accordance with these authorities.

Governing Authorities

Provincial Police Services Act
Retail Business Holidays Act

Other Uniform Collective Agreement
Entertainment Gatherings Protocol

Associated Service Governance

Number	Name
01-02	Search of Persons
06-11	Licensed Premises
11-03	Police Response at Labour Disputes
11-04	Protests and Demonstrations
13-17	Memorandum Books
15-16	Uniform, Equipment and Appearance Standards
19-02	Police Facilities
20-02	Commercial Film Industry
20-15	Special Events

Forms

Number	Name	Authorization Level
TPS 266	Investigation of Licensed Premises	Unit Commander
TPS 267	Special Occasion Permit Investigated	Unit Commander
TPS 649	Internal Correspondence	Author/Member
TPS 775	Paid Duty Incident Report	Police Officer
TPS 784	Paid Duty Request	Unit Commander
TPS 785	Paid Duty Supplementary	Officer in Charge

Application for Venues (City of Toronto Form)

Definitions

Client	means a person or organization requesting the services of paid duty officers from this Service.
Commercial Licensed Premise	means an established licensed commercial location where liquor/beer is the predominant source of income, (e.g. bars, clubs, taverns, etc.).
Entertainment Gathering Event	means a public event, held in a City-owned venue attended by ticket or pass holders, generally extending into hours when entertainment venues are usually closed (e.g. raves). This type of event is classified as a special event.
General Purpose Paid Duty	means a paid duty that is approved by the Operational Services - Central Paid Duty Office and does not require an investigation or analysis by the unit assigned investigator.
Home Unit	means the unit the officer performing the paid duty is normally assigned.
Host Unit	means the division where the paid duty takes place.
Major Event	means a larger special event that requires police resources above what would be reasonably available within the unit and would require personnel to be brought in from several divisions and/or support units to adequately police the event.
Minor Event	means a special event that does not require police resources above what would be reasonably available within the unit with minimal assistance from other divisions or units.
Portable Telecommunication Equipment	means any portable telecommunication or electronic signalling device including, but not limited to, cellular telephones, pagers, and portable electronic mail (e-mail) devices.
Regular Duty	means any scheduled duty, including court, overtime and callbacks.
Special Event	means an event that is planned, organized or produced by an individual, agency or group that requires police resources in addition to, or redirected from, normal police operations or through paid duties.
Special Occasion Permits	means permits that are issued to various groups to operate beer gardens/tents/halls. Permits contain certain conditions and some may entail the hiring of paid duty officers.

Procedure

All requests for a paid duty must be made through the Operational Services – Central Paid Duty Office (CPDO). All requests for paid duties shall be entered by the CPDO into the Time and Resource Management System (TRMS).

Except when otherwise directed by the Chief of Police, the Unit Commander of the host unit may approve paid duty requests, provided that the nature of the employment or business activity is not incompatible or inconsistent with the *Police Services Act*, Board Policies or Service Governance.

The CPDO will act as the designate for unit commanders and approve general purpose paid duties.

The terms of agreement/authorizing letter must be signed by the client prior to the request being approved. **All requests for paid duty officers at Entertainment Gathering Events or Commercial Licensed Premises will require a personal meeting between the promoter or a designated employee and the host unit Paid Duty Co-ordinator or designate.**

Unit commanders will determine the number of officers required and whether or not a paid duty will be performed for entertainment gathering events and commercial licensed premises, as well as for those paid duties relating to special occasion permits and requests from the Ministry of Community Safety and Correctional Services. Refer to Procedure 20–15 for direction regarding special events.

Generally, paid duties shall not be performed beyond the boundaries of the City of Toronto, but may cross from one division to another. The CPDO may authorize a paid duty that commences within the boundaries of Toronto and terminates in another police jurisdiction, where it would be impractical for the client to make alternative arrangements. When approving a paid duty of this nature, the CPDO shall notify the respective police agency concerned.

Under no circumstances shall a paid duty commence in the jurisdiction of another police agency, except where approved by the Chief of Police of this Service and of the originating Service.

The expenses associated with a paid duty shall be the responsibility of the client. The client is responsible for notifying the CPDO by fax, of any changes to the details of a paid duty (i.e. location, date, time). In a situation where it is necessary to cancel a paid duty, the client must notify the CPDO by fax at least twelve (12) hours prior to the paid duty start time. The CPDO shall then notify the home unit. Once notified, the home unit is responsible for providing the officer with sufficient notification of the cancellation. Where a client has failed to provide the CPDO with at least 12 hours notification of a cancelled paid duty, the client will be billed a 3-hour minimum charge only.

Police motor vehicles shall not be used for the sole purpose of transporting paid duty officers to job sites.

Members accepting requests for, and performing paid duties in relation to the commercial film industry shall also comply with the provisions contained in Procedures 19–02 and 20–02.

Prohibited Functions

Paid duties will **NOT** be performed

- on behalf of an employer or union in relation to a labour dispute
- at a function likely to promote a confrontation between participating groups
- as a bodyguard service
- as a money escort

Despite the foregoing, a paid duty may be approved in relation to a protected person as determined by Intelligence Services – Security Section, provided the officer has successfully completed the National Security Course. Requests in relation to a protected person will be forwarded by CPDO to Intelligence Services for review.

Retail Business Holidays Act

The *Retail Business Holidays Act* identifies the following eight days annually when retail businesses must be closed, unless they are included in a specific exemption

- New Year's Day
- Good Friday
- Easter Sunday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Christmas Day

Paid duties shall not be performed at retail establishments open in contravention of the *Retail Business Holidays Act*.

Determination of Required Officers

The unit commander of the division within which the paid duty occurs shall, in consultation with the client, determine the appropriate number of police officers required to adequately police the event, having regard to the criteria categories listed below. The unit commander shall retain the final determination on the number of personnel required and may refuse paid duty policing service where there are overriding safety concerns.

Nothing precludes a client from hiring additional paid duty officers beyond any legislative requirement, providing the required additional duties are in keeping with Service policy.

Auxiliary members shall not be deployed in an area where only paid duty officers are being employed.

Supervisory Requirements

- I. When four (4) or more police officers are assigned to a paid duty, such officers shall be supervised by a paid duty sergeant/detective.
- II. When ten (10) or more police officers are assigned to a paid duty, such officers shall, in addition to a sergeant/detective, be supervised by a paid duty staff sergeant/detective sergeant.
- III. Where the number of police officers being supervised exceeds fifteen (15), staff/detective sergeants are entitled to an increased rate of pay.

Eligibility

Uniform Paid Duties

Any officer shall be eligible to perform a UNIFORM paid duty, unless the officer meets any of the following criteria

- unable to perform regular duties due to sickness, restricted duties, injury or suspension
- currently performing any accommodated duties that prevent them from front-line duty
- does not meet Service uniform dress and appearance requirements
- temporarily assigned to recruit field training
- new recruits (these officers shall not perform a paid duty until they have completed two (2) full work cycles in the unit)

Motorcycle Paid Duties

In addition to the above criteria, the following criteria apply to motorcycle paid duties

- to be eligible to perform a uniform motorcycle paid duty, officers must be a qualified motorcycle operator
- motorcycle officers must elect whether they will draw from Traffic Services or their division, and cannot draw from both (motorcycle officers must commit to this draw election for a minimum of one year)

Job-Sharing

Each pair of officers involved in a job share program shall share one paid duty card and the card will have one draw during each draw rotation. The officer designated to distribute the paid duties will contact either officer on the card to determine who will fill the one allotted paid duty for the card.

Entertainment Gathering Event – City Owned Property

The *Entertainment Gatherings Protocol* (Protocol) was mutually developed by this Service, Toronto Fire Services, Toronto Emergency Medical Services and the Municipal Licensing and Standards, and adopted by the City of Toronto. The Protocol puts into place a contractual requirement for regulating entertainment gathering events on any **City-owned property** in the interest of preserving the health, safety and welfare of the participants and the community. The voluntary adoption of the Protocol will be encouraged for events occurring on private property.

As contained in the Protocol, a promoter/agent of an entertainment gathering event, such as a rave, is required to complete an “Application for Venues” form for use of the facility. Upon completion of this form, the promoter/agent of the entertainment gathering event will concurrently forward a copy to the local police division, Toronto Emergency Medical Services, Toronto Fire Services and the Municipal Licensing and Standards Office.

Within fourteen (14) days, each agency will review the application, complete the applicable sections and forward the form to the Director, Municipal Licensing and Standards. If the venue meets the requirements of all the responding agencies, the Director, Municipal Licensing and Standards shall, within seven (7) days of receipt, forward the form to the owner/agent of the hosting facility, and the requirements contained therein are incorporated into a rental contract with the promoter.

The owner/agent of the hosting facility will confirm compliance with the rental contract with all agencies **one week prior** to the event.

Commercial Licensed Premises

The unit commander has discretion regarding the approval of a paid duty request at an established commercial licensed premise.

The unit commander shall ensure compliance with the following conditions

- an investigation into the requesting licensed premise, and an analysis into the number of officers required to effectively and safely police the event, must be conducted prior to approval
- a minimum of one (1) paid duty officer and one (1) paid duty supervisor must be assigned for every venue (the paid duty supervisor(s) must be from the host unit)

- the paid duty shall be for the purpose of exterior security only
- assigned paid duty officers shall not act as bouncers or doormen or be responsible for conducting searches of patrons entering the premises, unless pursuant to their powers of arrest

The attendance of paid duty officers will not negate the licence holder's responsibility to operate within the law.

Special Occasion Permits

The Liquor Control Board of Ontario (LCBO) has the authority to grant special occasion permits for the operation of beer gardens/tents/halls, wine tasting events, etc., outside the normal operation of an established commercial licensed premise. The unit commander has discretion regarding the approval of a paid duty request in relation to special occasion permits. When such a permit has been received, and prior to the approval of the request, the unit commander of the host unit shall ensure that an analysis is conducted, and that the number of officers required to effectively and safely police the event is determined. There may be occasions where, upon analysis, paid duty officers are not required. The determination that paid duty officers are not required shall only be made by the unit commander. The use of paid duty officers shall be governed by the same conditions as set out for commercial licensed premises.

Requests From the Ministry of Community Safety and Correctional Services

The unit commander has discretion regarding the approval of a paid duty request from the Ministry of Community Safety and Correctional Services, for paid duty officers to provide prisoner security at hospitals within Toronto.

The unit commander shall ensure compliance with the following conditions

- for officer safety, a minimum of **two (2) paid duty officers** are assigned (officers shall come from the host unit, subject to the exceptions below)
- except for visits with legal counsel, no visits are permitted for inmates without the authorization of the General Duty Manager of the applicable detention facility
- inmates are not permitted to initiate or receive telephone calls without the authorization of the General Duty Manager of the applicable detention facility
- all approved telephone calls shall be dialled by the paid duty officer who will confirm the identity of the person being contacted prior to the inmate being permitted to speak on the telephone
- only the paid duty officer is permitted to answer the telephone
- the inmate must remain in proper restraints at all times unless otherwise approved by the General Duty Manager of the applicable detention facility
- where there is a heightened potential threat, or intelligence information indicates an attempt may be made to break out the prisoner, the paid duty shall be assigned to the Emergency Task Force

Use of Appropriate Safety Equipment

Officers shall wear an issued traffic safety vest or other high visibility issued garment with reflective material attached, which may include the fluorescent lime green rain jacket, while performing traffic or pedestrian control duties. When these duties are performed during hours of darkness, a flashlight must also be used. If the duty involves overhead construction, officers shall wear an approved safety helmet.

When practicable, officers shall be equipped with a portable radio while performing a paid duty.

Recording and Processing

Monies received from paid duty assignments are taxable and must be reported for income tax purposes. Arrangements may be made to have additional income tax deducted from pay cheques to off-set paying a lump sum tax payment when filing an income tax return.

Some clients utilize the services of The Police Credit Union (TPCU). Upon receipt of a certified cheque from the client, TPCU will deposit the appropriate funds into the police officer's credit union account, or will issue a cheque to the officer.

Where a discrepancy in the recording or processing of a paid duty is noted, members shall notify the unit commander by means of an internal correspondence.

Police Officer

1. Prior to accepting a paid duty assignment shall
 - ensure the paid duty has been approved by the unit commander or CPDO
 - 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 ½ 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
 - not perform a paid duty which could be performed by a subordinate rank
2. When attending their home unit prior to reporting for duty at the host unit, should telephone the host unit to confirm that the equipment required to perform the paid duty is available. If the equipment is not available should acquire the equipment from their home unit, if available.
3. Prior to the start of a paid duty assignment shall
 - obtain any required equipment from the host unit, unless Item 2 applies
 - where the location of the paid duty is within the boundaries of their division, parade before the Officer in Charge in accordance with the unit specific policy
 - where the location of the paid duty is within the boundaries of another division, unless otherwise directed by the officer in charge of the host unit, shall parade before the officer in charge of the host unit, allowing adequate time to travel to the paid duty location as outlined on the TPS 784
4. Prior to attending a paid duty shall retrieve all messages from the contact numbers they have listed on the unit call-back list to ensure they have not received a notification regarding

cancellation of the paid duty.

5. Upon commencing a paid duty assignment shall sign on with a communications operator.
6. When performing a paid duty assignment shall
 - wear the uniform appropriate to the function being performed, in accordance with Procedure 15–16
 - maintain a memorandum book, in compliance with Procedure 13–17
 - only use and have in their possession portable telecommunication equipment provided or authorized by the Service
 - not search any member of the public, except where authorized by statute or in compliance with Procedure 01–02
 - not use their personal vehicle to transport persons and/or cash for the client
7. While performing a paid duty assignment shall determine through the client if the paid duty will exceed the contracted time.
8. Upon becoming aware that the paid duty assignment is expected to exceed the contracted time or be terminated before its scheduled completion time, resulting in relieving duties being cancelled, shall immediately notify the officer in charge of the host unit.
9. Where a client is terminating a paid duty before its scheduled completion time and/or cancelling relieving officers shall inform the client that they must report these changes to the CPDO as soon as possible.
10. When performing a paid duty assignment involving traffic control shall facilitate the orderly movement of traffic and shall not unnecessarily delay the flow of vehicular and pedestrian traffic.
11. When unable to perform a paid duty assignment shall immediately notify the officer in charge of their home unit.

NOTE: *Officers shall not be excused from performing a paid duty assignment unless they have a bona fide reason for not attending.*

12. After the completion of a paid duty assignment shall
 - sign off with a communications operator
 - unless otherwise instructed, report to the officer in charge of the host unit and
 - return assigned equipment
 - provide particulars of the paid duty such as time reported off, total hours worked and payment received
 - obtain the signature of the officer in charge in their memorandum book
- summarize any issues of concern and/or actions taken on the appropriate form(s) (e.g. TPS 649, TPS 266, TPS 267, TPS 775) and forward along with a copy of their memo book outlining that detail to the Unit Commander of the host unit

NOTE: Only one TPS 775 per paid duty assignment shall be completed. The highest ranking officer performing the paid duty shall ensure the TPS 775 is completed.

NOTE: The officer in charge shall designate an attending paid duty officer to submit appropriate forms, if a supervisor is not present.

13. When receiving payment for a paid duty shall ensure remuneration is not greater than the hourly rate provided by the Toronto Police Association, in accordance with the terms of the Uniform Collective Agreement.
14. When receiving a cash payment, officers shall enter the following information into their memorandum book
 - date and time received
 - amount received
 - payer (printed)
 - payer (signature)
 - received by
 - witness *

NOTE: Whenever possible, officers should have a witness to the payment received sign their memorandum book.
15. Upon request, shall provide the client/representative a TRMS generated copy of the TPS 784 indicating completed paid duty hours. In the event there are 2 or more officers, the most senior officer shall provide the client a copy of the TPS 784.

Unit Paid Duty Co-ordinator

16. When performing the duties of the Paid Duty Co-ordinator shall
 - monitor the TRMS “Paid Duty Events” screen for paid duties assigned to their unit that have not been filled
 - assign the paid duty in an equitable manner in accordance with unit specific policy
 - provide the assigned police officer a copy of the TPS 784
 - in the event where there are 2 or more officers assigned, provide the copy of the TPS 784 to the most senior officer
 - print a copy of TRMS paid duty request for internal tracking purposes
 - in the event that the paid duty is unable to be filled and for which the unit is the host unit, contact other divisions in an attempt to fill the paid duty
 - in the event that the paid duty is unable to be filled and for which the unit is not the host unit, contact the CPDO
 - maintain a file of all unit paid duties

Unit Assigned Investigator

17. Upon receipt of an ‘Application for Venues’ form regarding an entertainment gathering event

shall

- comply with Procedure 20–15
 - arrange a meeting with the client
 - complete an assessment of the venue, including a physical inspection of the site
 - conduct background checks, as required
 - within fourteen (14) days of receipt, complete the appropriate sections of the 'Application for Venues' Form and forward a copy to the Director, Municipal Licensing and Standards
18. Upon receiving confirmation from the owner/agent of the facility holding the entertainment gathering event shall ensure
- the promoter/agent has arranged for licensed security for the event
 - the promoter/agent has arranged for on-site emergency services, as required
 - all monies for required paid duty police services are secured and that a method of payment is agreed upon as per established practice
19. Upon receipt of a request for paid duty officers in respect to the following
- for a commercial licensed premise
 - in relation to the receipt of a special occasion permit
 - from the Ministry of Community Safety and Correctional Services
- shall ensure compliance with the conditions listed in the appropriate sections of this Procedure related to the aforementioned, and report all findings and recommendations to the unit commander.

Paid Duty Supervisory Officer

20. Upon completion of a paid duty assignment shall
- ensure all applicable forms are completed, (including the reference number of the paid duty, a summary of the event and any actions taken) and forwarded to the unit commander of the host unit
 - attach the TPS 649 to the event plan, if applicable, to the TPS 784 and forward to the host unit commander
 - ensure that a TPS 266 or TPS 267 is completed for any paid duty where alcohol is dispensed, as detailed in Procedure 06-11

NOTE: *The officer in charge shall designate an attending paid duty officer to submit appropriate forms, if a supervisor is not present.*

Officer in Charge

21. When paid duty officers report on duty shall ensure
- such officers are properly attired, equipped and fit for duty

- such officers report on and off duty in compliance with this Procedure
- when receiving a cash payment, such officers are made aware of and comply with Items 13 and 14 of this Procedure
- the commencement and completion times are recorded in TRMS immediately upon completion of a paid duty

NOTE: *Commencement and completion times are the actual times worked on the paid duty.*

22. When notified that an officer is unable to perform an assigned paid duty shall

- ensure a replacement is assigned and complete the appropriate entries in TRMS
- notify CPDO of change

NOTE: *Officers shall not be excused from performing a paid duty assignment unless they have a bona fide reason for not attending.*

23. When notified that, due to unforeseen circumstances, a paid duty will exceed the maximum number of hours allowed as defined in Item 1 of this Procedure shall, where possible, ensure a relief is sent as soon as practicable, taking into consideration the additional time required.

24. When notified that a client is terminating a paid duty prior to the scheduled completion time, which results in the cancelling of relieving officers shall ensure

- CPDO is notified as soon as possible
- all records are amended to reflect these changes
- the relieving officer is notified of the cancellation, where the officer belongs to another unit, notify the officer in charge of that unit, who will then be responsible for notifying the officer

25. When notified of a cancelled paid duty shall ensure the officer(s) assigned to perform the paid duty is notified immediately using their contact numbers indicated on the call-back list.

26. When a paid duty officer from another division reports off duty shall immediately sign-off the officer's memorandum book.

27. Shall ensure all notifications of changes or cancellations to paid duties are redirected to the CPDO accordingly.

Unit Commander

28. When in charge of a unit where paid duty requests are received shall

- appoint a Paid Duty Co-ordinator
- establish a unit specific policy regarding a reasonable reporting time for paid duties, taking into consideration the location of the paid duty, and officer and public safety
- ensure paid duties are distributed in a fair and consistent manner

- ensure, when practicable, that the paid duty officers performing paid duties within the unit's jurisdiction are visited by a supervisory officer and that the visit is noted in the supervisory officer's memorandum book
 - ensure all members under their command comply with the contents of this Procedure
29. When a request for a paid duty has been received shall ensure
- an analysis into the number of officers required to effectively and safely police the event is completed
 - where appropriate, that an investigation into the requesting premise is conducted
30. Upon receipt of a paid duty request, and of the findings of any analysis and investigation conducted in support of that application, shall determine whether the paid duty request will be approved and the appropriate number of police officers required to adequately police the event.
31. Upon receipt of applicable forms (e.g. TPS 266, TPS 267, TPS 649, TPS 775) addressing issues of concern and actions taken at a paid duty assignment shall ensure a copy of the forms, including the paid duty reference number, is forwarded to the CPDO.

Operational Services - Central Paid Duty Office/Special Events Planning

32. Upon receipt of an approved paid duty request shall distribute the request to the appropriate division, ensuring equitable distribution.
33. Upon receipt of notification from a client that they are cancelling a paid duty shall contact the officer in charge of the home unit so they can ensure the officer(s) is informed of the cancellation.

Filename: Appendix D.doc
Directory: Y:\2012 project files\12-526 Traffic Authority Program - VPD\Report
Template: G:\group\all\cpn\2006 procedure review - group 1\new procedure
template.dot
Title: Procedure
Subject:
Author: Toronto Police Service
Keywords:
Comments: Project 08-357
Creation Date: 2012.09.09 11:20:00
Change Number: 2
Last Saved On: 2012.09.09 11:20:00
Last Saved By: Toronto Police Service
Total Editing Time: 1 Minute
Last Printed On: 2012.09.09 11:20:00
As of Last Complete Printing
Number of Pages: 12
Number of Words: 4,230 (approx.)
Number of Characters: 24,117 (approx.)