

## **ATTACHMENT 2: Toronto Police Service Response to City Staff Information Report**

### **OVERVIEW OF RESPONSE**

After a careful comparative analysis, the Toronto Police Service has determined that Open Streets, in the proposed 14.8km configuration along Bloor Street, Danforth Avenue, Church Street, Queen Street East, and Yonge Street is logistically, operationally, and functionally impossible to achieve or support on the basis of extraordinary staffing requirements that far exceed capacity. In turn, it is impossible to remotely address the level of due diligence required to mitigate the typical and realistic liabilities posed to the public at large and the participants in general. This viewpoint, in context, is based on routine and prescriptive factors and excludes any risk assessment that may heighten security concerns. It is strongly recommended that this proposal adopt the sage advice provided within the Best Practices section of the Open Streets Guide (2012) because several of the concerns identified by the Toronto Police Service, which that will follow in this reply, are specifically addressed by the very organizations that brought the Ciclovía (Open Streets) concept to the world.

It must be understood that the Open Streets concept is brilliant on many levels, but the locations being proposed within the City of Toronto directly contrast best practices: if all of the best practices recommended in the Open Streets Guide (2012) were fulfilled, the critical components that have led to this finding would likely be moot. This is not in any way to suggest that a Ciclovía-based concept is unattainable within the City of Toronto, but the proposed event design and locations far exceed the capacity of the Toronto Police Service and the capacity for the community to receive sufficient accommodation. The geographical size, based on locations and available options for commuters in the absence of transit bus accessibility for not less than two hours in the staging process, and the lack of subway service until 9:00am on Sundays, is further impacted by the concentrated multi-unit residential locations. The level of police staffing that would be required to ensure public safety would also be completely unattainable due to the vast expanse of this route. Other viable options exist for this city, and the success of an Open Streets concept in Toronto should likely reflect the Seattle model of Open Streets, as applied in 17 of the 20 cities that currently support this beneficial program because impact becomes low, participation becomes high, and the requirement for extraordinary services, including financing and policing becomes minimized.

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### **IMPACT ON THE COMMUNITY AND POLICING SERVICES**

It should be pointed out that the members of the Service have already adapted vacation times and family commitments to support current city events and commitments, such as World Pride, the Caribbean Cultural Festival, and 39 other events that are scheduled during the peak July and August holiday season. Essentially, the remaining front line policing services will already be significantly impacted during the summer, especially in light of the reduced staffing levels of the Toronto Police Service, despite an increased population and a reduced policing budget. Core policing services are currently stressed, so the reality is that the Toronto Police Service would require an additional \$209,773.30 of unfunded cost recovery, per event day, to cover costs attributed to implementing, managing, and coordinating the reopening of road closures. This does not account for the required internal security and crowd management services that the Service is obligated to deliver, pursuant to the Police Services Act RSO 1990 c. P-15, nor does it address the necessary personnel and contracted towing support required for vehicle relocations.

Beyond the staffing issues that relate to this event, it must be pointed out that when north and southbound traffic becomes constricted by the loss of the most significant east/west corridor in the downtown core, emergency services become similarly caught within the volume: if traffic has no place to move, lights and sirens do not create paths. This remains especially critical because this reduces the capacity to reach two of three Regional Trauma Centres in this part of Ontario, including St. Michael's Hospital, and the Hospital for Sick Children. Both serve the surrounding GTA communities in matters of critical care, and neighbouring ambulance services are already faced with time-sensitive constraints in the preservation of life. In fact, the proposed Open Streets routes completely surround St. Michael's Hospital, and the liability cannot be overstated because backlogged routes radiate. For example, direct impacts on traffic flows occur when only one car parks on a rush hour route. Given the fact that Toronto has a more concentrated population base than any of the comparable Open Streets host cities, and a more prevalent reliance on automobiles due to restrictive transit access and tourism, the Open Streets Guide (2012) should be credited for providing mutually beneficial guidance to both organizers and municipalities.

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### **A CANADIAN COMPARATIVE**

It is worth considering Winnipeg, Manitoba because it was the first Canadian city to host Ciclovía. The strategies that were deployed in Winnipeg were successful and supported through an objective application of the recommended best practices outlined within the Open Streets Guide (2012). More specifically, organizers of the health-promoting Ciclovía (Open Streets) programs are coached that to “ensure future support, the route should provide clear and well-managed alternatives for people driving motor vehicles” (Open Streets Guide, 2012, p. 158). The Winnipeg model, as with the vast majority of other successful models, ensures that motorists are minimally impacted through enticing placement: locations are typically near scenic waterfront areas that incur few crossings. Furthermore, motor vehicles are not prevalent features within the selected areas, and high-density residential communities are not targeted. In fact, out of the 20 cities in North America applying the Seattle model, only three cities engage the use of their downtown areas as primary settings, including Barrie, Waterloo, and Woodstock, Ontario, but it is arguable that none of them has a population that exceeds 128,430 people so the resulting impact is significantly less than any other locale. It may also be argued that the City of Winnipeg uses a section of their downtown core, but Winnipeg does not incur a significant impact on traffic, policing, or the public at large because the required hard closures consist of only 1.2km of barricading within a closed business area in close proximity to the Assiniboine River. Furthermore, Winnipeg does not have a concentrated residential population near that area, nor does that area directly or indirectly impede access to hospitals, places of worship, or long term health care facilities. The Toronto proposal impacts each of them.

In the very limited Winnipeg example, which doesn't incur a fraction of the challenges facing the City of Toronto, Kives (2009) states that “Winnipeg's version of Ciclovía ... comes with a \$50,000 price tag to cover the cost of policing, barricades and bus rerouting,” and that is an area that has a minimal footprint on the community. From a comparative standpoint, the population of Toronto remains significantly greater, the reliance on motor vehicles – especially on weekends - is higher, in large part due to tourism and necessity, and the condensed multi-dwelling residency is far more pronounced. In turn, per capita ratios of calls for service by Toronto Emergency Medical Services and the Toronto Police Service require substantial levels of support and access to concentrated areas. In fact, the recommended best practices for Open

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Streets programs state that “route planning should also be designed to maintain easy access to emergency facilities, such as hospitals or police and fire stations,” but impeded access to St. Michael’s Hospital and the Hospital for Sick Children - two of the three Regional Trauma Centres in this part of Ontario – places critical care patients at risk, and increases liability for a preventable situation (Open Streets Guide, 2012, p. 158). Essentially, the placement of this venue across a significant expanse of roadway impedes the self-described Open Streets best practices: if traffic can’t bleed onto major arterial roads, alternatives for emergency vehicles are also hindered. No other city places an Open Streets event into such a conflict with critical care facilities, nor have they been found to reduce viable alternatives for the movement of emergency vehicles and members of the public.

Kupferman (2014) identified that Toronto’s Ciclovía sponsors are seeking to “stage a massive, multi-part festival along Bloor Street ... as well as part of downtown Yonge Street.” Although it may be perceived that each city block is something less than a hard closure, it is far more complicated than that. As with all other events in the province, road closures require planning, equipment, personnel, and a lead time to enable closures. Additionally, roadways require subsequent cleaning and removal of obstacles, barricades, and signage to ensure the safe passage of pedestrians and vehicles: a closure that extends from 08:00 am to 1:00 pm will require not less than two hours to facilitate the closures, and relocating vehicles that remain parked within the confines of each affected sector. Similarly, the reopening of each area will not occur concurrently because only so many available personnel can safely achieve the necessary standards of care.

### **POLICING**

Ontario’s Highway Traffic Act RSO 1990 H. 8, s. 134(2) prescribes that “a police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations.” It is only after a full closure occurs that Highway Traffic Act RSO 1990 H. 8, s. 134(5) protects the City of Toronto from liability. The required staffing level to achieve this standard is unattainable, even if it were to provide a financial incentive through overtime assignments or paid duty. For example, during one of the proposed selected weekends, members

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are already committed to unavoidable expenses, just to meet the needs of the Caribbean Cultural Parade. In fact, the staffing issues that pertain to the Caribbean Cultural Festival, including the parade and the downtown festival plan, necessitate the denial of workplace absences, mandatory shift adjustments that incur overtime, and personnel that are normally assigned to work administrative roles are required to switch their regular days off just to meet the minimum standards of acceptability. All options have been exhausted. Reflecting on the most recent internal audit results from 2011, the consequential costs attributed to this necessary scheduling adaptation totalled \$846,823.09 and used every available resource. The proposed Toronto Open Streets concept exceeds the clear financial limitations of the Toronto Police Service budget, and even if funding were made available the necessary personnel required to fulfil the necessary responsibilities do not exist.

Crowd management has not been factored into the Toronto Open Streets proposal. Similarly, the relocating of parked cars requires parking enforcement officers and a paid contract for the towing contractors to clear and secure the route. In light of the fact that the Toronto Police Service doesn't have the necessary personnel to meet the primary proposal, the secondary financial factors become moot.

### **COMMUNITY CONCERNS**

The Toronto Police Service is also the focal point of community complaints that relate to traffic interruptions and community conflicts. It has been pointed out that consular support is a fundamental role because 24 locations are directly served, including some that are the targets of democratic rights of protest. Furthermore, traffic volumes will be heightened with the Canadian National Exhibition, and the reconstruction of Queen's Park Crescent. These aspects will further eliminate viable options for access to the so-called hospital alley on University Avenue, including the Hospital for Sick Children Regional Trauma Centre.

Local businesses, including members of various Business Improvement Areas, have already contacted the Toronto Police Service Special Events office complaining of the direct impacts that will be sustained by their members. Based on past history, it is recognized that those requiring access to places of worship, in particular within the senior community, and those that require the services of Wheel Trans will be directly impacted. From an economic development

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standpoint, hotels and tour companies also sustain a direct and negative impact, especially if tourists are not familiar with alternative routes, and if hotel guests are trying to meet their departure requirements for travel from airports. Although volunteers could assist motorists in their attempts to depart driveways and garages, they would certainly not be capable of eliminating traffic congestion. It should also be noted that volunteers are precluded, legislatively, from serving many of the roles that may have been foreseen in the staffing of traffic control points, and in the provision of traffic direction. That is not to suggest that volunteers cannot assist at barricade locations, but absenteeism at other major Toronto events has proven historically predictable, and this increases overall risks and liabilities for internal locations, especially when venues are larger than normal.

### **CONSULTATION WITH NEW YORK POLICE DEPARTMENT (NYPD)**

The City of New York offers the only realistic comparison to the proposed Toronto Open Streets program based on population, actual use of a downtown application, and a significant reliance on motor vehicles, especially due to tourism factors. As such, the New York Police Department (NYPD) was consulted, and it was quickly determined that the primary focus remains Central Park and a route that leads to the Brooklyn Bridge along Park Avenue. It comes with significant challenges: although they have some residential impact based on multi-dwelling residency, it is clear that paralleling roadways along the entire route provide substantial alternatives and traffic relief points. Furthermore, “an army of volunteers and police officers manage traffic – people and vehicular – at major street crossings and along the route itself, which is segmented by modes (bicyclists are divided from everyone else by cones) to avoid conflicts” (Open Streets Guide, 2012, p. 111). Nevertheless, NYPD emphasized that collisions are between cyclists and pedestrians occur, and participants frequently take risks by making assumptions of internal (cyclists) and external (automotive) traffic.

For clarification, the Toronto Police Special Events Office confirmed exactly what was meant by “an army of volunteers and police officers,” and it was learned that NYPD deploys 415 members for traffic management, an additional 100 members for internal policing, and several auxiliary officers to augment the crowd management issues. This model excludes the further considerations of vehicle relocation, and it also excludes the roving officers necessary to ensure

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barricade integrity. This model is not far removed from the standard that would be necessary of the Toronto Police Service because liability issues are somewhat similar, especially in a litigious society. Consistent with the findings from the Open Streets Guide (2012), NYPD confirmed that approximately 250,000 people take part over the three dedicated days (p. 111). Based on Toronto's successful special events models, such as the Taste of the Danforth, and the Toronto Pride Festival, it is reasonable to believe that these numbers may also be achieved, but public safety could not be as equitably supported because the Toronto Police Service does not have the same 34,000 member staffing model to draw from. The NYPD supports a population that is 375% larger than Toronto, but has 600 % more personnel. In fact, their scale of support would be restricted to a model that is somewhat similar to Pride, but that includes traffic accommodations, such as two-way traffic on side streets, and no hindrances to the Regional Trauma Centres. It is also important to note that New York, as with Winnipeg, also follows the best practices model of the Open Streets Guide (2012) by avoiding encroachments on hospitals, ensuring reasonable traffic options, and minimizing impacts on resources.

Objectively, the proposed Open Streets model for Toronto offers a stark contrast to the community-friendly approaches used in other jurisdictions based on population density, traffic volumes, the level of support that would be required to safely mitigate liability, and accessibility to alternative travel routes. Subjectively, Sunday subway service does not start until 9:00am, buses would be necessarily removed from the Bloor Street primary route for public safety in the hours preceding this event, and this heightens the need for motor vehicles in order for countless residents to simply reach their work places, and places of worship, particularly those that suffer from physical challenges. This does not address the negative impact sustained by tourists that may be unfamiliar with their potential options.

### **SUMMARY**

In fairness, Open Streets events are focused on health and wellness with tremendous support from all stakeholders because of the long-term benefits of physical activity, but the City of Toronto model does not reflect the totality of the best practices outlined within the Open Streets Guide (2012). More specifically, using places that offer the least impact on traffic, hospitals, and emergency services will ensure future support. Perhaps this helps to explain the

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significant number of successful cities that rely on waterfronts, riversides, and parks that overlook skylines from unobtrusive vantage points such as Philadelphia, PA; Hoboken, NJ; Cambridge, MA; Phoenix, AZ; Ann Arbor, MI; Niagara Parks, ON; and El Paso, TX. In fact, locations are typically breath-taking, and any impact to the public-at-large, including emergency services, are typically minimalist.

The staffing model required to fulfill the very basic mandate required under legislation: to safely close roadways, mitigate civil liability, and address emergency response requirements, is well beyond the current capacity of the Toronto Police Service based on locations, necessary staffing levels, and past experiences in crowd management and public liability. In perspective, World Pride will draw significant policing resources to ensure a safe and memorable series of events, but that pales to the resources required for a tenfold expansion of roadway responsibilities, traffic diversions, and the loss of unimpeded access to Regional Trauma Centres. Additionally, current staffing commitments to Pride have already led to the reconfiguration of shift patterns and vacations to address current shortfalls. It is worth considering that the NYPD model requires well over 500 dedicated members of their department to simply address crowds that are less than those that attend Pride: not because of the volume of people, but because of the direct impact on significantly reduced traffic flows and intersections that the Toronto Police Service has been asked to consider. The peripheral consideration of residential density experienced in Toronto is not similarly experienced within the New York venue.

For the City of Toronto to successfully implement a world-class Open Streets (Ciclovía-themed) event, the required level of a policing presence should be held to an unobtrusive minimum, and this can only be achieved if Toronto's Open Streets proposal applies the best practices that are suggested by the very organizations that introduced the concept to the rest of the world (Open Streets Guide, 2012). From the perspective of neighbourhood accessibility surrounded by appealing scenery, reduced risks of vehicular conflicts, and prevention of obstacles to hospitals (particularly the Regional Trauma Centres), and to ensure viable options for motorists, it is recommended that the City of Toronto pursue the successful Open Streets models applied by the vast majority of engaged cities. More specifically, a waterfront option that crosses neighbourhoods, minimizes conflict, and achieves a realistic and attainable level of support from all community stakeholders, partners, and agencies will not only draw the greatest



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level of community support, but it will significantly reduce the need for unattainable policing requirements that exceed exceptional budgetary and staffing constraints.

Based on the foregoing, the Toronto Police Service cannot support this event, especially after the considered research and assessed liability factors that include, but are not limited to, an unattainable level of police officers required to remotely address the scope of this venue, or the peripheral liability for inevitable disruptions due to the lack of primary traffic flow relief locations.

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### Reference

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