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2016 OPERATING BUDGET BRIEFING NOTE

Toronto Police Service – Paid Duty Police Work

Issue/Background:

At a meeting of the City Budget Committee on January 11, 2016, a briefing note as follows was requested:

That the Chair, Toronto Police Services Board provide a budget briefing note on paid duty police work, specifically addressing the following questions:

- a) How much has been paid in the last five years by City Divisions and Agencies, Boards and Commissions' on paid duty?
- b) What is the status of the Toronto Police Services Board reviewing policies related to paid duty with respect to reducing costs for both the private and public sectors? If the blockage is with Provincial legislation, what steps have been taken/can be taken to allow for cheaper alternatives?

Key Points:

a) How much has been paid in the last five years by City Divisions and Agencies, Boards and Commissions' on paid duty?

The City of Toronto engages in a number of activities that require, or request, the presence of paid duty officers. As an example, infrastructure work, construction activities and special events organized by city departments, Agencies, Boards and Commissions (ABC's) may occur on roads or in areas of the City governed by the Highway Traffic Act, requiring that paid duty officers be present when such work or activities occur.

The following paid duty costs were incurred by City departments, and ABC's, including BIAs, between 2011 and 2015:

2011	\$1,189,875
2012	\$1,250,200
2013	\$1,267,690
2014	\$1,387,011
2015	\$1,662,290

Note: Prior to 2014, officers were paid directly by customers and not through the Toronto Police Service payroll system; therefore, the amounts shown for 2011 to 2013 are estimates based on recorded hours of paid duties, and include the payments to officers and the administrative fee (vehicle rental payments not included).

The 2014 and 2015 figures include officer payments, administration fee and rental fees. All costs associated with paid duties are now run through the Service's payroll and financial systems as a result of the implementation of a new paid duty management system in March 2014.

b) What is the status of the Toronto Police Services Board reviewing policies related to paid duty with respect to reducing costs for both the private and public sectors? If the blockage is with Provincial legislation, what steps have been taken/can be taken to allow for cheaper alternatives?

The *Police Services Act* implicitly treats paid duties arranged through a police service as secondary activities. Generally speaking, section 49 of the Act prohibits police officers from performing secondary activities in certain situations. Section 49 of the Act also recognizes the concept of paid duty in the context of secondary activities. It establishes that a member of a police service may perform, in a private capacity, services that have been arranged through the police force without contravening the statutory restrictions on performing a secondary activity.

Subsection 31(7) of the Act gives police services boards in Ontario the authority to establish guidelines with respect to secondary activities and, consequently, establish which secondary activities are permissible. Thus, the Board arguably has the authority to establish guidelines for paid duties as a form of secondary activity.

On November 13, 2014, the Board authorized the development of guidelines with respect to paid duties in accordance with subsection 31(7) and section 49 of the *Police Services Act*, in consultation with the Chief, Board's legal counsel, the Toronto Police Association, the City of Toronto and the Province.

The task of establishing guidelines is complex and the Board's review is continuing. Consultations are ongoing with the Chief of Police and have not yet been held with the Toronto Police Association and the City of Toronto. The Board recognizes that any guidelines that it might establish will have a significant impact on how both the public and private sectors' needs for security services and police assistance may be satisfied in many different situations. The Board may wish to consider whether certain duties currently performed on a paid duty basis should be delivered in alternate ways.

The City has had discussions with provincial officials with respect to alternate delivery mechanisms, particularly with respect to traffic control. The Board has participated in these discussions and this will help to inform any guidelines that the Board might propose.

It is anticipated that the Board will receive a briefing in February with respect to the issues arising from the development of guidelines and that consultations with the Toronto Police Association and the City of Toronto will follow.

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