



REPORT FOR ACTION

Response to Member Motion 5.17: Protecting the Viability of Street Festivals

Date: June 19, 2019

To: Executive Committee

From: Deputy City Manager, Infrastructure and Development Services

Wards: All

SUMMARY

On March 27, 2019, City Council adopted Member Motion 5.17 Protecting the Viability of Street Festivals. The motion directed the City Manager to meet with the Chief of Police to discuss policing costs and protocols for street festivals and to report to City Council in the second quarter of 2019 on possible solutions and strategies to reduce policing costs for street festivals while ensuring public safety.

The Toronto Police Service (TPS) Transformational Task Force final report, Action Plan: The Way Forward, included two recommendations that focus on a risk-based approach to policing at special events and overhauling paid duty services. The TPS have begun to engage the City as they begin to implement these recommendations through on-going discussions lead by the Deputy City Manager of Infrastructure and Development Services. These discussions have identified that similar to the City and external stakeholders, the TPS are also experiencing challenges related to security at special events and paid duty services.

This report outlines several of the ongoing challenges facing the City, the Toronto Police Service and external stakeholders, such as enhanced security requirements and availability of paid duty officers. It also provides an overview of the continuing collaboration between the City and the Toronto Police Service to address these challenges and find solutions.

RECOMMENDATIONS

The Deputy City Manager of Infrastructure and Development Services recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

No direct financial impact will arise from the recommendations in this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On March 27, 2019, City Council adopted Member Motion 5.17- Protecting the Viability of Street Festivals directing the City Manager to meet with the Chief of Police to discuss policing costs and protocols for street festivals and to report to City Council in the second quarter of 2019 on possible solutions and strategies to reduce policing costs for street festivals while ensuring public safety.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM5.17>

On May 31, 2019, the Toronto Police Service Board received notice from the Toronto Police Association indicating an increase to Paid Duty service fees as of June 1, 2019.

http://www.tpsb.ca/images/agendas/PUBLIC_AGENDA_May30.pdf

On July 17, 2018, Executive Committee received a report entitled "Toronto Police Service's "Action Plan: The Way Forward ": Impacts and Opportunities to City Divisions", which provided an update on the Police modernization recommendations that will or may have an impact on City and/or there is an opportunity for the City to support the TPS as it implements these recommendations.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EX36.2>

On May 16, 2017, Executive Committee received from the Toronto Police Services Board (TPSB) the Task Force's Action Plan as its 2017-2019 business plan and its request for Council to comment on the Plan. Executive Committee referred the report to the City Manager to report back on potential impacts of the Task Force recommendations on City divisions, and opportunities to improve alignment of services.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EX25.19>

On July 21, 2016, the TPSB approved the Task Force's Interim Report which presented a vision for a modern police service and the implementation of interim recommendations contained in the report. On February 23, 2017, the TPSB approved the Task Force's final report as the TPS 2017- 2019 business plan.

<http://www.tpsb.ca/component/jdownloads/send/8-2016/523-july-21>

COMMENTS

Special events (e.g. street festivals, marathons), public infrastructure construction (e.g. roads, sewers) and sector activities (e.g. film production) all contribute to the economic, social and cultural vibrancy, and ultimately the livability of the City. The City of Toronto, the Toronto Police Service (TPS) and external stakeholders are facing challenges with

regards to security at special events and paid duty services required to successfully and safely support these activities.

The TPS's Transformational Task Force's (TTF) final report, Action Plan: The Way Forward (TWF), contains 32 recommendations which are guiding the TPS's modernization initiatives. Recommendations 9 and 15 of the report focus on special events and policing and requested the TPS to:

- *Recommendation 9: A Risk-Based Response to Special Events*
Develop an assessment criteria and new delivery model for events where police presence is necessary as part of the delivery of adequate and effective policing, versus those events where event organizers will be responsible for their own security measures.
- *Recommendation 15: Overhauling Paid Duty*
Create a risk assessment model to ensure that off-duty police officers are only utilized in a paid duty capacity where the skills, authorities, and training of a police officer are necessary.

TPS staff have begun to engage City staff on these initiatives. City and TPS staff are working in a collaborative manner to address challenges and find solutions.

LEGISLATION, PROTOCOLS AND PROCESS

Requests for police presence are made for a variety of reasons, including to meet legislative and/or City requirements, or at the discretion of the TPS and/or activity organizers, with a focus on public safety. For example, depending on the needs of a special event, event organizers such as BIAs, could be required to have police officers present for security and/or traffic related purposes (e.g. road closures for street festivals). Additionally, an event organizer may request police officer presence although it may not be required in accordance with legislative or City/TPS policy provisions. Other activities, such as on-location filming, require police presence for filming vehicles in motion and the use of pyrotechnics, weapons, special effects, explosives and gunfire during film production.

As the safety of Toronto's residents and visitors is a top priority, both City Divisions and the TPS have implemented policies and procedures to ensure public spaces and infrastructure used for various activities, is done in a safe and secure manner. These policies and procedures are in accordance with provincial legislation such as the Highway Traffic Act, 1990 (HTA), the Occupational Health and Safety Act, 1990 (OHS Act), the Police Services Act, 1990 (PSA) and the Ontario Traffic Manual Book 7 Temporary Conditions, 2016 (OTM Book 7).

Paid Duty Services

The TPS determines the number of paid duty officers required for a specific request based on the nature and scale of the activity, which includes supervisory ratios, equipment requirements, vehicle rental fees and administration fees. In most cases, requests are filled with paid duty (off-duty) officers. In some cases (usually larger major

events), the TPS fills requests for police presence with on-duty officers to address requests for paid duty officers that cannot be filled. The use of an on-duty or paid-duty officer is at the discretion of the TPS.

Under current collective agreements, hourly paid duty rates for police officers and supervisors are set by the Toronto Police Association. The TPS determines paid duty officer numbers required per request, supervisory ratios, equipment requirements, vehicle rental fees and administration fees. The full cost of paid duty services is charged to the requestor of the service, including a 15% administrative fee. As of June 1, 2019, paid duty officer rates have increased as follows:

Position	2018 Hourly Rate	Hourly Rate (as of June 1, 2019)
Constable	\$71.00 (minimum charge of \$213.00)	\$73.00 (minimum charge of \$216.00)
Sergeants (mandatory when four or more police officers are required)	\$81.00 (minimum charge of \$243.00)	\$83.00 (minimum charge of \$249)
Staff Sergeants (mandatory when ten or more police officers are required)	\$90.00 (minimum charge of \$270.00)	\$92.00 (minimum charge of \$276.00)

CURRENT CHALLENGES

Although Member Motion 5.17 (see below) focuses on Business Improvement Areas (BIAs) street festivals, the challenges with enhanced security requirements at special events and the use of paid duty officer services is a significant city issue.

One challenge facing the City, the TPS and external stakeholders (e.g. festival and events industry, music venues, community organizations) is the resources required to fulfill security requirements at special events. In efforts to ensure public safety, the TPS are employing a risk-based approach to security requirements for events held in the city. Based on this assessment, enhanced security requirements, such as an increase of police presence and other barriers, are often requested by either the TPS and/or event organizers. As a result, the City, the TPS and external stakeholders are facing planning, resource (people and equipment) and funding pressures.

The TPS is dedicated to its focus on public safety, yet is simultaneously challenged with limited availability of police officers to fulfill special event staffing, including paid duty requests. In some cases, such as large City events and when the request for paid duty officers go unfilled, the TPS may backfill requests for police presence at the event with on-duty officers. As a result, TPS business continuity is impacted in those areas where the on-duty officers are deployed from.

The ability for the City and its external stakeholders to successfully obtain paid duty services is an increasing challenge, placing the viability of events and other activities, such as film production, in Toronto at risk. City Divisions that require policing resources to deliver services such as Engineering and Construction Services (e.g. public infrastructure construction) and Transportation Services (e.g. road closure permits) and Economic Development and Culture (e.g. City-led major events, film production) are also facing similar challenges.

Member Motion 5.17 Protecting the Viability of Street Festivals

The City currently has 82 BIAs all working to enhance and promote Toronto's business areas as safe, vibrant places to do business, unique destinations for tourists and focal points for neighbourhood activity. In 2019, Toronto's BIAs are planning nearly 200 events throughout the City, ranging in size from small events like sidewalk sales to larger events requiring street closures such as Taste of the Danforth.

BIA events often include the use of the City's public spaces and infrastructure such as public squares, sidewalks and roads, which, depending on the event, require various types of City permits and police officer presence. A number of BIAs have expressed similar concerns regarding increased security enhancements and the availability and cost of paid duty officers noted above. The Toronto BIA Office has met with TABIA and a number of BIAs to discuss their concerns and will continue to engage with them as the City and TPS work together to address these challenges and find potential solutions.

As the population of the Toronto grows and its vibrancy increases, the number of daily activities, such as special events, public infrastructure construction and film production increases, resulting in additional resource and funding pressures on the City, the TPS and City stakeholders.

STRATEGY AND NEXT STEPS

The TPS has engaged the City to collaborate on the implementation of TTF recommendations 9 and 15 noted above through on-going discussions led by the Deputy City Manager of Infrastructure and Development Services. Taken together, the recommendations will act as a launching point to address the challenges outlined in this Report, including Member Motion 5.17, as they are intended to ensure that 1) police officers are only utilized where it is necessary due to legislative and/or public safety requirements, and 2) identify alternative options when police officers are not required.

Through a structured and collaborative process, the City and TPS staff will continue to work together, and with stakeholders as required, to jointly assess challenges and opportunities related to security at special events and paid duty services and determine solutions. Key areas of focus identified thus far include:

TTF Recommendation 9: A Risk-Based Response to Special Events

- Verification of City and TPS roles and responsibilities in accordance with legislation, City by-laws/policies and TPS policies.

- Assessment of City and TPS protocols and processes related to security assessments, permits, event planning and information sharing.
- Evaluation of challenges that currently exist and jurisdictional reviews of best practice to help identify potential alternatives or other mitigating opportunities.
- Consideration of potential solutions through various components of service delivery such as legislation, policies and processes, technology, education and training.

TTF Recommendation 15: Overhauling Paid Duty

- Verification of current legislative and City and TPS provisions requiring police presence.
- Evaluation of challenges that currently exist and jurisdictional reviews of best practice to help identify potential opportunities.
- Assessment of alternative solutions to paid duty services and/or processes supporting paid duty services.

The City and the TPS will work together to identify potential short-term and long-term solutions to mitigate the current challenges regarding security at special events and paid duty services that will uphold public safety whilst continuing to support the vibrancy of the city. City staff will report back as required.

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SIGNATURE

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