

MINUTES OF THE PUBLIC MEETING of the Toronto Police Services Board held on **OCTOBER 9, 2001** at 3:30 PM in the Auditorium, 40 College Street, Toronto, Ontario.

PRESENT:

Norman Gardner, Chairman
Gloria Lindsay Luby, Vice Chair
A. Milliken Heisey, Q.C., Member
Benson Lau, M.D., Member
Allan Leach, Member

ALSO PRESENT:

Julian Fantino, Chief of Police
Albert Cohen, Legal Services, City of Toronto
Deirdre Williams, Board Administrator

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

#P269. APPOINTMENT OF NEW MEMBER: BENSON LAU

The Board was in receipt of the attached Order-in-Council No. 1918/2001 regarding the appointment of Benson Lau to the Toronto Police Services Board for a period of three years effective September 26, 2001.

Dr. Lau was in attendance and introduced to the members of the Board by Chairman Gardner.

The Board received the foregoing.



Order in Council
Décret

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders that:

Sur la recommandation de la personne soussignée, le lieutenant-gouverneur, sur l'avis et avec le consentement du Conseil exécutif, décrète ce qui suit :

Pursuant to the provisions of the Police Services Act, as amended,

Benson Lau, Toronto

is appointed a member of the Toronto Police Services Board, for a period of three years, effective from the date of the Order-in-Council.

Recommended

Premier and President
of the Council

Concurred

Chair of Cabinet

Approved and Ordered

SEP 26 2001

Date

Administrator of the Government

O.C./Décret 1918/2001

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

**#P270. 2001 OPERATING BUDGET VARIANCE REPORT AS AT AUGUST 31,
2001 & 2002 BASE OPERATING BUDGET**

The Board was in receipt of the following report SEPTEMBER 28, 2001 from Julian Fantino, Chief of Police:

Subject: 2001 OPERATING BUDGET VARIANCE REPORT AS AT AUGUST 31, 2001

Recommendation:

It is recommended that:

- (1) The Board receive this report.
- (2) The Board forward a request to the City Policy & Finance Committee for a draw of \$5.3 Million from the City's corporate contingency account to the Toronto Police Service through an in-year budget adjustment.
- (3) The Board forward a request to the City Policy & Finance Committee to add \$6.3 Million to the 2002 adjusted base operating budget.
- (4) The Board forward this report for information to the City Chief Financial Officer & Treasurer and for approval to the City Policy & Finance Committee.

Background:

Toronto City Council, at its meeting of April 24, 2001, approved the TPS Operating Budget at a net amount of \$573.8 Million (M), an increase of 3% over the 2000 Net Operating Budget. The original Operating Budget request in the amount of \$593.2M was submitted to the Board at its meeting of January 25, 2001. Reductions, at the request of the Board, were made to the proposed budget before submission to the City, bringing this request down by \$19.4M to \$573.8M.

When the Board approved the budget of \$573.8 the Service identified a potential shortfall of \$7.9 million for increased costs for benefits and identified that the approved operating budget would not be sufficient to replace the technology infrastructure. After further discussion with the City Treasurer and CFO, the Budget Advisory Committee and the Policy & Finance Committee, the following motion was approved at Council:

“The Chair, Toronto Police Services Board be requested to report to the Policy and Finance Committee, as part of its monthly operating budget variance reports, on the progress of cost containment strategies currently being undertaken with respect to Employee Benefits at the Toronto Police Service; and

If actual expenditures in 2001 begin to exceed approved levels, the Chair, Toronto Police Services Board request the Policy and Finance Committee to direct the Chief Financial Officer and Treasurer to report on providing funding through a in-year base budget adjustment.”

The above motion provides the Service the opportunity to draw from the City’s Reserves to accommodate the benefit increases up to \$7.9M, and therefore, reduced our 2001 Operating Budget for benefits to the 2000 level. This issue was referred to the Budget Advisory Committee (BAC) with specific discussions to take place on September 28, 2001 with BAC members Councillor Soknacki and Councillor Chow.

The Board also approved the following motion with respect to information technology (Board Minute P74 March 22, 2001 Board Motion 2 (c) refers):

“The Chief, together with the City of Toronto CFO and Treasurer, further explore cost efficiency opportunities in the area of Information Technology and report back to the Board, so that the Board can forward this report to the Budget Advisory Committee wrap-up session.”

This review has been completed and the results are outlined further below.

2001 Operating Budget Variance

As at August 31, 2001 the Service is projecting a year-end shortfall of \$5.3M. This shortfall is unchanged from that reported to the Board at its August meeting. Details of this variance are provided below.

SALARIES (Including Premium Pay)

A savings of \$1.9 M is projected for salaries, including premium pay. This savings is unchanged from that reported to the Board at its August meeting.

The overall savings are attributed to a higher-than-anticipated number of uniform separations occurring earlier than originally anticipated. As at August 31, 2001, a total of 400 separations were projected for 2001 (this compares to the original budget estimate of 300). This is due mainly to members who are newly eligible for OMERS 75 factor leaving at a higher rate than last year and partially to an increase in resignations. As at August 31, 2001 there were 338 separations compared to 211 at the same point in time last year. The Service continues to evaluate staffing data, and future variance reports will continue to identify staffing trends, and their impact on the Service’s expenditures.

BENEFITS

Current projections indicate that benefits will be overspent overall by \$6.5 M, which is the same amount reported to the Board at its August meeting. As indicated previously, the approved budget did not provide funding for \$7.9M of increased costs related to medical and dental costs, Canada Pension Plan (CPP) and the Workplace Safety Insurance Board (WSIB) administration costs.

CPP and WSIB:

CPP and WSIB costs are solely a function of rates. CPP costs are up due to a 13.2% increase in the required contribution rate over 2000. WSIB costs are up due to an increase in the WSIB administrative fee from 24% to 31.73%. These two items comprise \$1.6M of the \$7.9M unfunded benefits and are mandatory costs.

Medical:

Medical benefits, on the other hand, vary based on both price and utilization, and are a combination of many different types of benefits. The most significant areas of concern in medical benefits is orthotics and vision care. The following summarizes the significant areas of increased costs in our benefits and the measures we have taken to contain them.

Orthotics

The Service first became aware of escalating costs in the area of orthotic claims in the spring of 2000. Upon reviewing the circumstances, an audit was initiated to review Clarica's contract and claims processing practices. A moratorium was placed on all claims for orthotics and orthopaedic shoes on March 5, 2001 pending completion of the audit. Besides the Service's audit, Clarica commenced its own audit which resulted in a formal complaint being lodged by Clarica to the College of Chiropodists of Ontario against one provider who is responsible for a majority of claim submissions.

The Service has advised Clarica to adhere to the following as a method of cost containment:

- To cease paying for orthotics made from a foam box impression and to cease paying for shoes modified to fit orthotics, given that this was never the intent of the contract.
- To enforce "reasonable and customary" maximum provisions of the contract, which were not being adhered to.
- Not to accept prescriptions from anyone other than a doctor, podiatrist or chiropodist.
- To request a second opinion regarding the "medical necessity" of orthotics when a claim has been submitted within a year from the time when the last submission was made.

Upon completion of the audit the moratorium was lifted on July 1, 2001 and members were advised of the proper procedure for claim submissions. This was clearly communicated to all members by means of:

- Routine Orders (2001.07.06-1120 and 2001.07.18 – 1190);
- Internal Correspondence to all unit commanders (2001.06.27);

- A communication published on the Compensation & Benefits Intranet site; and
- Group Benefits Booklet available through the Compensation & Benefits Intranet site.

Existing orthotics coverage cannot arbitrarily be changed as we are bound by the current collective agreement in effect until the end of this year. Proposals will be presented during the bargaining process, which is scheduled to commence some time in September 2001. Until that time, every effort will be made for cost containment, specifically pertaining to claims for orthotics and orthopaedic shoes.

Vision Care

On January 1, 2000, vision care coverage increased from a maximum of \$150.00 within a 24-month period to \$200.00 within a 24-month period. To contain increasing costs to vision care coverage, Clarica was directed to carefully monitor all claims for vision care and to ensure payments are not made for sunglasses, including prescribed tinted glasses. This was also clearly communicated to all members by means of:

- Routine Order (2001.07.06 –1121);
- A communication on the Compensation & Benefits Intranet site; and
- Group Benefits Booklet accessible through the Compensation & Benefits Intranet site.

Compensation & Benefits has completed the review of the Group Benefits agreement with Clarica ensuring the administration and adjudication of the Service's Plan is adhered to. As a result of this review, the Service has been reimbursed approximately \$100,000 in costs from Clarica.

As a result of the initiatives described above, current projections indicate that the Service has been able to reduce the shortfall for medical costs by \$1.2M.

Dental:

Despite collective agreement changes implemented in 1999 dental costs have continued to increase, however, this increase has been in line with what has been happening on an industry wide basis.

The following table summarizes the benefit issues described above:

	2000 Actual	2001 Request ed	2001 Approve d	Approved vs Requested	Current Projections	Variance to Budget
Medical	13.0M	14.9M	9.7M	(5.2M)	13.7M	(4.0M)
Dental	7.2M	8.2M	7.1M	(1.1M)	7.9M	(0.8M)
CPP	9.6M	10.5M	9.4M	(1.1M)	10.6M	(1.2M)
WSIB	0.9M	1.4M	0.9M	(0.5M)	1.2M	(0.3M)
Total Budget Cost	30.7M	35.0M	27.1M	(7.9M)	33.4M	(6.3M)

Unfortunately, in spite of our cost control measures, medical, dental and related administrative costs have continued to increase since 1999 for reasons such as a) inflationary price increases on products and services; b) the introduction of new products; and c) a general increase in utilization rates.

Other factors have and will likely continue to result in an increase in benefit costs for the Service. These include:

- An ageing of the uniform and civilian membership. This may have long-term health implications.
- The current age and service distribution of members demonstrates the need for constant recruit hiring.
- The total number of eligible members (retired plus active) has increased due to the recent increase in separations as a result of the reduced OMERS factor program.
- Furthermore, the Medi-Pak was extended to retiring members with enhancements that increased the length of time for their benefit coverage and extended coverage to dependent children under the age of 21.

Of the \$6.5M projected shortfall for benefits, \$6.3M relates to the items for which no additional funds were approved in 2001.

NON-SALARY ACCOUNTS

Non-salary accounts are projected to be overspent by \$0.7M, which is the same amount reported to the Board at its August meeting.

In response to the recommendation outlined above from the Board during the 2001 operating budget review (Board Minute P74 March 22, 2001 Board Motion 2 (c) refers) the Chief worked with the City Chief Financial Officer and Treasurer to explore cost efficiency opportunities in the area of Information Technology. Service and City staff have explored these opportunities and found that there were no savings to be achieved. In addition, the City Chief Financial Officer and Treasurer have indicated that there are no additional funds to provide the Service to meet these pressures. Prudent management now mandates that some high-risk components no longer be deferred. As a result, the Service has funded mandatory technology infrastructure replacements from the current year budget. These expenditures have been partially offset by various increases in revenues.

As reported previously to the Board, additional salary savings are expected to be realized in 2001 as a result of the amalgamation of 21 Division and 22 Division. These savings will be used in 2001 to pay for facility renovation costs associated with the amalgamation. In 2002, annualized savings of \$1.8M are expected as a result of the amalgamation.

Issues associated with electronic gaming at the Woodbine Racetrack will be dealt with during the 2002 operating budget process.

EVENTS WITH POTENTIAL IMPACT

The recent tragic events in the United States have had an impact on TPS operations. Call outs during the events and the subsequent increase in security measures have created an additional strain on human resources, some of which have had to be met by an increased use of overtime. In addition, the Service has made purchases of equipment and supplies (e.g. gas masks) and may have to make additional purchases, to address future potential threats. Additional costs may be expected relating to the security of certain sites, such as the United States Embassy. These impacts have not been included in the current projection. If these costs become significant, the TPS will need to approach the City for additional funding.

DRAW FROM CONTINGENCY

As indicated above, the net projected shortfall is \$5.3M for 2001. Therefore, it is recommended that the Board request Toronto City Council for a draw of \$5.3 M from the City's contingency account.

The April 2001 variance report was before Policy and Finance at its meeting of September 20, 2001. This issue was referred to the Budget Advisory Committee (BAC) with specific discussions to take place on September 28, 2001 with BAC members Councillor Soknacki and Councillor Chow.

RESULTS OF MEETING WITH CITY COUNCILLORS

As indicated above, a meeting was scheduled on September 28, 2001 with Councillors Soknacki and Chow of the Budget Advisory Committee. The meeting took place to discuss the Service's variance report, the 2002 operating and capital budget schedule, and any outstanding recommendations from the 2001 budget process.

Details of the variance report, focussing on the benefit increases, cost containment measures regarding benefits, and salary savings, were reviewed. A few outstanding questions relating to salary savings and details on Information Technology spending will be responded to during the week of October 1, 2001. Generally, it appeared that the Councillors understood the situation vis-à-vis overspending in the benefit area.

The operating and capital budget timelines for 2002 were discussed, and there was general agreement with respect to how the Service would be meeting the City's requirements. A summary report regarding the status of the 2001 operating budget recommendations from City of Toronto Council was provided (Board Minute #P228 refers).

PARKING ENFORCEMENT

Toronto City Council, at its meeting of April 24, 2001, approved the TPS Parking Enforcement Operating Budget at a gross amount of \$24.9M. The original Operating Budget request in the amount of \$26.0M was submitted to the Board at its meeting of January 25, 2001. Deferral of the proposal to hire additional 48 Parking Enforcement Officers was the main reason for the reduction from the original Board approved budget. As at August 31, 2001 Parking Enforcement is projecting no year-end variance.

SUMMARY

The Service continues to monitor and control expenditures to reduce the projected shortfall of \$5.3M and is committed to delivering an effective and efficient policing operation within the approved funding level where possible. In order to accommodate the current shortfall, it is recommended that the Board request Toronto City Council for a draw of \$5.3M from the City's contingency account.

Although the current projected shortfall is \$5.3M, the benefit shortfall is \$6.3M. Current year savings (mainly gapping) that have been used to reduce the benefit shortfall by \$1.0M will not be available in 2002. It is therefore recommended that the Board request Toronto City Council to approve a \$6.3M addition to the Toronto Police Service 2002 adjusted base budget, in order to ensure that the benefit pressure is accommodated.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions the Board may have.

Councillor David Soknacki, Ward 43 - Scarborough East, City of Toronto, was in attendance and made a deputation to the Board.

Mr. Frank Chen, Chief Administrative Officer, was also in attendance and discussed the current projected year-end shortfall of \$5.3M. He indicated that the Service will continue to monitor and control expenditures to contain the shortfall at \$5.3M or reduce it to \$5.0M, if possible.

The Board received Councillor Soknacki's deputation and approved the foregoing report.

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#P271. 2001 CAPITAL VARIANCE REPORT AS AT JUNE 30, 2001

The Board was in receipt of the following report SEPTEMBER 10, 2001 from Julian Fantino, Chief of Police:

Subject: 2001 CAPITAL VARIANCE REPORT AS AT JUNE 30, 2001

Recommendation:

It is recommended that: the Board receive this report.

Background:

The City of Toronto City Council, at its meetings held in early 2001, approved the Toronto Police Service's 2001 Capital Budget consisting of twenty-three projects with a 2001 expenditure of \$25.98 million (M). This report provides details regarding the capital budget variance as of June 30th, 2001.

continued

Summary of Capital Project Variances (\$000s):

<u>Project Name</u>	<u>2001 Approved Budget</u>	<u>Cashflow Carry forward from Prev. Years</u>	<u>Available to Spend in 2001</u>	<u>YTD Actual as at June 30, 2001</u>	<u>2001 Projected Actual</u>	<u>Year-End Variance (Over) / Under</u>
	(1)	(2)	(3)	(4)	(5)	(6)=(3)-(5)
Continuing Projects with Cashflow Carryforward						
Occurrence Re-Engineering	2,095.0	705.9	2,800.9	1,124.2	2,800.9	0.0
MDT Replacement	800.0	711.9	1,511.9	185.3	1,511.9	0.0
Professional Standards Information System	400.0	(0.5)	399.5	0.0	399.5	0.0
Implementation of SAP	2,450.0	(443.7)	2,006.3	1,282.2	2,006.3	0.0
Security Control System	300.0	41.4	341.4	237.8	241.4	100.0
Property Unit Large Seizure Compound	100.0	174.0	274.0	2.6	274.0	0.0
Emergency Generators	500.0	88.5	588.5	0.0	588.5	0.0
Detention Area Monitoring	765.0	267.6	1,032.6	19.0	600.0	432.6
51 Division	4,350.0	(836.0)	3,514.0	212.3	2,000.0	1,514.0
Boat Replacements	300.0	0.6	300.6	0.0	300.6	0.0
State-of-Good-Repair - Corporate	3,023.0	2,238.8	5,261.8	153.3	5,261.8	0.0
State-of-Good-Repair - Police	535.0	288.8	823.8	448.6	823.8	0.0
Time Resource Management System	950.0	10.4	960.4	110.3	500.0	460.4
Video Tape Storage & Processing	2,551.0	23.2	2,574.2	0.0	2,574.2	0.0
Projects Commencing in 2001						
E-Mail Replacement	2,300.0	0.0	2,300.0	0.0	2,300.0	0.0
Emergency Services Video Distribution	296.0	0.0	296.0	0.0	296.0	0.0
9-1-1 Upgrade	400.0	0.0	400.0	0.0	400.0	0.0
Reporting Centre Replacement	490.0	0.0	490.0	0.0	100.0	390.0
Centralised Drug Squad	750.0	0.0	750.0	0.0	50.0	700.0
11 Division	600.0	0.0	600.0	0.0	0.0	600.0
43 Division	600.0	0.0	600.0	0.0	100.0	500.0
Automated Vehicle Location System	1,100.0	0.0	1,100.0	0.0	1,100.0	0.0
TPS Headquarters Renovation	325.0	0.0	325.0	9.6	325.0	0.0
Total approved:	25,980.0	3,270.9	29,250.9	3,785.2	24,553.9	4,697.0

Continuing Projects from 2000:

Included in the above table are fourteen projects continuing onward from 2000. For each of these projects, the previous year's budget allocation has been either overspent or underspent. Since projects are managed within a total project amount that spans over several years, the unspent budget allocations from previous years are carried forward. The net cashflow carryforward to 2001 for continuing projects is \$2.87M.

Variances:

The total approved funding for the above twenty-three projects in 2001 is \$25.98M. Spending for these projects is projected to be \$24.554M. Many of the on-going projects, which have faced delays in the past, are back on schedule. This allows projects like Occurrence Re-Engineering and MDT Replacement to use unspent monies from previous years to cover projected expenditures in 2001.

The following projects have indicated delays, which will require funding to be carried over into future years:

- The Security Control System project has encountered delays as the Fire Code regulations changed part way through the project. Facilities Management has adjusted the implementation plan to address the updated Fire Code regulations. The project is expected to be completed in early 2002.
- The Detention Area Monitoring project has experienced delays as a result of a discrepancy regarding the camera supplier for the project. This issue has been resolved and the project is slightly behind schedule but will remain on budget.
- The Long-term Facilities – 51 Division project has experienced a variety of delays pertaining to Environmental Assessment, construction permits, Historical Board approval process, etc. These concerns have been resolved and the project will be completed in 2003.
- The Time Resource Management System project has encountered some delays. The evaluation process is underway and a supplier will be selected shortly. The project is now expected to be completed in 2003. Any budget adjustments as a result of the RFP will be reflected in the 2002 – 2006 submission.
- The Reporting Centre Replacement (formally Bail and Parole) project has experienced delays in finding a suitable City of Toronto owned facility that will meet the unit's needs. In addition, increased staffing for the TPS Repeat Offenders Program Enforcement (ROPE) Squad has altered the original facility design. A location has been found but renovations will not be complete until early 2002.
- The Centralised Drug Squad project experienced some delays in determining a suitable facility. The recommended facility will require additional renovation not identified in the original plans. A revised business case will be included in the 2002 – 2006 Capital Budget submission.
- The Long-term Facilities – 11 Division project has been delayed due to site selection (a site has been identified, but is currently undergoing review). Current estimates assume completion in 2004.
- The Long-term Facilities – 43 Division expenditure of the 2001 funds has been delayed due to the process of obtaining an architect. However, project completion is still schedule for 2004.

Summary:

The Toronto Police Service's projected 2001 variance is a surplus of \$4.3 M. This surplus will be carried forward into 2002, and reflected in the 2002 – 2006 Capital submission. Projects

continue to be monitored closely to ensure all projects remain within the total project budget and on schedule.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions.

The Board discussed this report in conjunction with the Service's proposed 2002 – 2006 capital program submission (Min. No. P275/01 refers).

The Board received the foregoing report.

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**#P272. TORONTO POLICE SERVICES BOARD SPECIAL FUND:
STATEMENT FOR JANUARY – JUNE 2001**

The Board was in receipt of the following report SEPTEMBER 28, 2001 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND STATEMENT
FOR THE PERIOD 2001 JANUARY 01 TO 2001 JUNE 30

Recommendation:

It is recommended that: the Board receive the report on the Toronto Police Services Board's Special Fund statement for their information.

Background:

Enclosed is the statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period 2001 JANUARY 01 to 2001 JUNE 30.

As at 2001 June 30, balance in the Special Fund was \$119,979. During this quarter, the Special Fund recorded receipts of \$63,739 and disbursements of \$51,422. Opening balance was adjusted as the result of the year 2000 financial report.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command, will be in attendance to answer any questions the Board may have.

The Board received the foregoing.

2001 SECOND QUARTER RESULTS WITH ADJUSTED PROJECTIONS

PARTICULARS	2001							2000	COMMENTS
	INITIAL PROJ.	ADJUSTED PROJ.	JAN 01 TO MAR 31/01	APR 01 TO JUN 30/01	JUL 01 TO SEPT 30/01	OCT 01 TO DEC 31/01	JAN 01 TO DEC 31/01 TOTALS	ACTUAL	
BALANCE FORWARD	79,411	427,383	71,472	17,199	80,938	80,938	90,458	427,383	
Adjustment to beginning balance			1,787						
<u>REVENUE</u>									
PROCEEDS FROM AUCTIONS (NOTE 1)	316,900	153,333	29,487	71,893	0	0	101,380	166,768	Auctions are arranged through the Property and Evidence Management Unit. Auctions are dependent on property available. The occurrence of auctions can not be predicted with reasonable certainty.
LESS OVERHEAD COST	(72,887)	(35,267)	(6,782)	(16,535)	0	0	(23,317)	(38,345)	
LESS RETURNED AUCTION PURCHASE	(900)	(900)	0	0	0	0	0	0	
UNCLAIMED MONEY	97,800	97,800	11,956	6,382	0	0	18,338	35,293	
LESS RETURN OF UNCLAIMED MONEY	(2,000)	(2,000)	(44)	0	0	0	(44)	(3,476)	
EVIDENCE AND HELD MONEY (NOTE 2)	0	1,600	0	0	0	0	0	1,591	
INTEREST	13,500	11,500	2,318	2,002	0	0	4,320	11,506	
LESS ACTIVITY FEE	(200)	(100)	(4)	(3)	0	0	(7)	(98)	
LESS CHEQUE ORDER	(100)	(100)	0	0	0	0	0	0	
SEIZED LIQUOR CONTAINERS	800	1,535	111	0	0	0	111	1,479	
IAWP CONFERENCE (NOTE 3)	0	25,000	0	0	0	0	0	25,000	
OTHER	200	0	0	0	0	0	0	0	
TOTAL REVENUE	353,113	252,401	37,043	63,739	0	0	100,782	199,718	
BALANCE FORWARD BEFORE EXPENSES	432,524	679,784	110,302	80,938	80,938	80,938	191,240	627,101	

<u>DISBURSEMENTS</u>									
<u>SPONSORSHIP</u>									
SERVICE									
VARIOUS SPORTS	13,400	7,100	7,057	0	0	0	7,057	25,700	
CPLC & COMMUNITY OUTREACH ASSISTANCE (NOTE 4)	24,800	24,800	0	25,000	0	0	25,000	13,708	
UNITED WAY	6,500	0	0	0	0	0	0	7,500	
RACE RELATIONS	20,000	0	0	0	0	0	0	0	
CHIEF CEREMONIAL UNIT	5,400	0	0	0	0	0	0	7,400	
2001 IACP CONFERENCE (NOTE 5)	50,000	0	0	0	0	0	0	50,000	
COPS FOR CANCER	3,000	0	0	0	0	0	0	4,034	
OTHER	27,900	4,000	0	0	0	0	0	71,977	
COMMUNITY									
CARIBANA	9,400	0	0	0	0	0	0	8,000	
YOUTH ADVISORY GROUP	3,300	0	0	0	0	0	0	3,267	
JUNIOR BLUES HOCKEY (NOTE 6)	25,000	5,000	373	3,073	0	0	3,446	29,136	
YOUTH BASKETBALL LEAGUE (NOTE 10)	13,000	3,000	3,000	0	0	0	3,000	8,000	
BLACK HISTORY MONTH (NOTE 7)	0	0	4,000	0	0	0	4,000	2,350	
VARIOUS ORGANIZATIONS	24,800	4,000	0	0	0	0	0	37,050	
RECOGNITION OF SERVICE MEMBERS									
AWARDS	100,000	100,000	3,140	10,892	0	0	14,032	78,020	In order to honor long time employees, the Board is committed to several award functions during the year. For 2000, a 25 year watch ceremony is planned. Initial planning indicates over 400 members eligible for the award. Other award functions may be required.
CATERING	22,000	37,333	1,829	988	0	0	2,817	31,226	
RECOGNITION OF CIVILIANS									
AWARDS	5,000	5,000	0	1,076	0	0	1,076	3,967	
CATERING	1,000	1,000	160	2,247	0	0	2,407	2,492	
RECOGNITION OF BOARD MEMBERS									
AWARDS	3,000	100	0	112	0	0	112	212	
CATERING	0	600	0	0	0	0	0	2,746	

CONFERENCES									
BOARD									
COMMUNITY POLICE LIAISONS COMMITTEE (NOTE 8)	8,000	8,000	0	6,500	0	0	6,500	2,846	
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE	0	4,000	0	0	0	0	0	0	
ONTARIO ASSOCIATION OF POLICE SERVICE BOARDS	0	0	0	0	0	0	0	0	
ONTARIO ASSOCIATION OF CHIEFS OF POLICE	0	0	0	0	0	0	0	0	
CANADIAN ASSOCIATION OF POLICE SERVICE BOARDS	0	0	0	0	0	0	0	0	
CANADIAN ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT	0	0	0	0	0	0	0	0	
INT'L ASSOCIATION OF CIVILIAN OVERSIGHT OF LAW ENFORCEMENT	0	0	0	0	0	0	0	0	
CANADIAN ASSOCIATION OF CHIEFS OF POLICE	0	0	0	0	0	0	0	0	
OTHER	0	0	0	0	0	0	0	0	
SERVICE									
ONTARIO WOMEN IN LAW ENFORCEMENT- 38TH ANNUAL IAWP CONFERENCE (NOTE 3)	0	75,000	0	0	0	0	0	75,000	
OTHER	0	5,484	0	0	0	0	0	5,484	
PROFESSIONAL SERVICES									
TRUE BLUE	0	130,000	0	0	0	0	0	72,966	
ADEQUACY STANDARDS (NOTE 9)	0	0	0	0	0	0	0	0	
OTHER	0	35,300	0	0	0	0	0	0	
DONATIONS									
IN MEMORIAM	400	400	0	0	0	0	0	200	
OTHER	4,000	2,000	0	0	0	0	0	2,000	
CATERING	0	8,000	0	0	0	0	0	8,698	
DINNER TICKETS (RETIREMENTS/OTHERS)	11,600	4,000	880	2,240	0	0	3,120	11,805	
OTHER	2,800	1,000	21	0	0	0	21	3,031	
GST REBATE	(6,600)	(6,500)	(615)	(711)	0	0	(1,326)	(9,919)	

TOTAL DISBURSEMENTS	377,700	458,617	19,845	0	0	0	71,262	555,629	
SPECIAL FUND BALANCE	54,824	221,167	90,458	80,938	80,938	80,938	119,979	71,472	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

#P273. 2002 – 2004 SERVICE PRIORITIES

The Board was in receipt of the following report SEPTEMBER 27, 2001 from Julian Fantino, Chief of Police:

Subject: 2002-2004 SERVICE PRIORITIES

Recommendation:

It is recommended that: the Board approve the proposed Service Priorities for 2002-2004.

Background:

In April 2001, the Board approved the recommendation that the Chief of Police prepare a report for approval proposing the policing priorities for 2002-2004 (Board Minute P111/01 refers). Given recent events, I and the Command Officers felt it necessary to add two new goals to the report on the Service's 2002-2004 Priorities that was received by the Board at its meeting on September 25, 2001. These new goals have been included under the Organised Crime Priority and the Service Infrastructure Priority.

With these new additions, it is recommended that the Board approve the proposed Service Priorities for 2002-2004.

It should be noted that while delivering the mandated services, the goals identified are areas to which the Service will give special emphasis throughout 2002-2004. Many of these goals have financial implications and are included in the 2002 Operating Budget. Without appropriate funding our achievements will fall short of our targeted goal.

Chief Fantino discussed this report with the Board. Kris Kijewski, Director, Corporate Planning, was also in attendance and responded to questions by the Board about the proposed Service Priorities involving Traffic Services, Community Safety and Satisfaction and Drug Enforcement and Education.

The Board approved the foregoing report.

Additional information regarding the 2002-2004 Service Priorities was also considered during the in-camera portion of the meeting (Min. No. C185/01 refers).

**TORONTO POLICE SERVICE
2002-2004 PRIORITIES**

PRIORITY: YOUTH VIOLENCE AND VICTIMISATION OF YOUTH

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
<p>In partnership with the school boards, work to encourage reporting by students of crimes occurring on school premises, particularly violent crimes.</p>	<ul style="list-style-type: none"> ◆ increased perception of safety in schools ◆ increased student comfort with reporting to police ◆ increase in proportion of students who say they reported victimisation to police/decrease in proportion who say they did not report ◆ increase in number of schools with Student Crime Stoppers programs
<p>Increase education and outreach efforts targeting 'at-risk' youth to deter and prevent involvement in violent crimes.</p>	<ul style="list-style-type: none"> ◆ decrease in number of youths charged with violent crimes ◆ decrease in number of violent crimes ◆ STOP program rolled-out Service-wide ◆ number of youth enrolled in STOP program, after roll-out ◆ increase in number of violence prevention initiatives/presentations carried out ◆ increase in number of children under 12 years referred for assistance
<p>Increase enforcement initiatives and education initiatives to encourage the reporting of sexual exploitation of children and child abuse.</p>	<ul style="list-style-type: none"> ◆ creation of a dedicated investigative child abuse unit ◆ increase in number of persons charged with child exploitation offences ◆ increase in number of reported child abuse and sexual exploitation offences ◆ number and type of education initiatives carried out
<p>Increase enforcement activities and prevention initiatives that focus on decreasing the victimisation of youth by robberies (in particular, those involving swarming) and sexual assaults.</p>	<ul style="list-style-type: none"> ◆ decrease in number of youth victimised youth by robbery, including those involving swarming ◆ decrease in number of youth victimised by sexual assault
<p>Focus on disbanding and disrupting the activities of youth street gangs.</p>	<ul style="list-style-type: none"> ◆ creation of a dedicated youth street gang unit ◆ decrease in number of youth street gangs, members, and associates ◆ number of victimisations where suspect believed to be affiliated with a youth gang

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Increase efforts to educate Service members about issues relating to youth street gangs, including the link between street gangs and organised crime.	<ul style="list-style-type: none"> ◆ number of training sessions offered ◆ number of Service members trained

PRIORITY: ORGANISED CRIME

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Continue to educate members of the Service, the community, political representatives, and legislators on the actual impact and consequences of organised crime.	<ul style="list-style-type: none"> ◆ number of communications/education initiatives made to Service members, political representatives, legislators, and community members ◆ increased public awareness of organised crime
Continue to develop and improve the processes by which the Service responds to all organised crime.	<ul style="list-style-type: none"> ◆ OACP organised crime risk/threat assessment process used to determine enforcement priorities ◆ number of enforcement initiatives targeting non-traditional organised crime groups ◆ number of enforcement initiatives targeting traditional organised crime groups ◆ number of enforcement initiatives dealing with connected organised crime groups and number of groups involved ◆ increased co-ordination/collaboration between commodity-oriented investigative units (e.g. Fraud, Drug Squad) and person/group-oriented investigative units (e.g. Intelligence)
Through increased training, improve the Service's ability to respond to organised crime.	<ul style="list-style-type: none"> ◆ develop a broader base of expertise in relation to organised crime by increasing the number of officers trained and the types of training received ◆ increased communication to front-line officers regarding their role in addressing organised crime
Continue partnerships with other law enforcement agencies (international, national, and regional) to work co-operatively to disrupt and dismantle organised crime groups.	<ul style="list-style-type: none"> ◆ increase in the number of joint (enforcement) projects targeting organised crime ◆ increase in number and value of seizures of assets/properties from organised crime groups

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Improve the Service's ability to identify and disrupt international and domestic terrorist groups active within the City.	<ul style="list-style-type: none"> ◆ creation of a unit to work with the nation-wide Joint Intelligence Group to focus on terrorists ◆ identification of active terrorist groups within the City or those with links to active terrorist groups ◆ identification of potential terrorist targets and possible ways of diminishing the threat

PRIORITY: TRAFFIC SAFETY

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Increase enforcement of aggressive driving offences.	<ul style="list-style-type: none"> ◆ increase number of relevant charges (e.g. follow too close, unsafe lane change, fail to signal lane change, careless driving) ◆ decrease in number of traffic-related fatalities ◆ decrease in number of traffic-related injuries ◆ decrease in number of traffic collisions
Increase focus on pedestrian safety, especially seniors.	<ul style="list-style-type: none"> ◆ decrease in number of pedestrian traffic-related injuries ◆ decrease in number of senior pedestrian injuries ◆ decrease in number of pedestrian traffic-related fatalities ◆ decrease in number of senior pedestrian fatalities
Increase education and safety efforts that target high risk drivers.	<ul style="list-style-type: none"> ◆ increase in number of times existing programs are delivered to high risk drivers ◆ increase in number of programs for high risk drivers ◆ decrease in number of collisions involving high risk drivers
Use a crime analysis or intelligence-driven approach to identifying traffic safety issues to be addressed.	<ul style="list-style-type: none"> ◆ number and type of traffic safety issues/problems identified ◆ number of programs/projects implemented to address identified issues/problems
Form or strengthen partnerships with community and government agencies to improve traffic safety.	<ul style="list-style-type: none"> ◆ increase in number of partnerships that deal with traffic safety issues ◆ number of traffic safety programs/initiatives carried out with partners

PRIORITY: DRUG ENFORCEMENT AND EDUCATION

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
<p>Improve quality of life in neighbourhoods through increased enforcement of street-level drug activities.</p>	<ul style="list-style-type: none"> ◆ increase in training for officers involved in drug enforcement ◆ increase in number of drug-related arrests at the street level ◆ increase in public perception of safety in neighbourhood ◆ decrease in number of crimes associated with drugs which affect quality of life in neighbourhoods – break & enters, theft from auto, robberies ◆ improve co-ordination and communication between centralised units involved in drug enforcement and divisions
<p>Broaden Service response to drug enforcement by increasing referrals to diversion programs.</p>	<ul style="list-style-type: none"> ◆ number of people arrested for drugs recommended for the Drug Treatment Court
<p>Strengthen partnerships with local, regional, and national law enforcement agencies to deal with high-level drug enforcement.</p>	<ul style="list-style-type: none"> ◆ creation of a GTA Major Drug Squad ◆ number of law enforcement agency partnerships dealing with drug enforcement ◆ increase number of joint enforcement projects ◆ number of joint enforcement projects which target organised crime groups involved in drug importation, cultivation, and/or manufacturing
<p>Increase and strengthen partnerships with local agencies to provide a multi-faceted response to drug issues.</p>	<ul style="list-style-type: none"> ◆ number of partnerships with health, education (including schools), and/or treatment agencies ◆ number of joint initiatives developed ◆ number of joint initiatives implemented
<p>Educate community and Service members on the connection between high level drug activities, organised crime, and problems in neighbourhoods.</p>	<ul style="list-style-type: none"> ◆ number of education/awareness initiatives carried out ◆ increased public awareness of impact of organised crime

PRIORITY: HUMAN RESOURCE DEVELOPMENT

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Increase training dealing with ethics and professional behaviour.	<ul style="list-style-type: none"> ◆ changes made to relevant officer training ◆ decrease in number of public complaints dealing with officer conduct ◆ increase in public perception of professionalism, courtesy, and conduct during contact with police
Continue efforts to have the membership of the Toronto Police Service reflect the community we serve.	<ul style="list-style-type: none"> ◆ increase in number of women, racial minorities, aboriginals, and people with more than one language hired
Given Service demographics and expected retirement levels, develop succession planning processes for units requiring specialised skills.	<ul style="list-style-type: none"> ◆ units requiring specialised skills identified ◆ proportion of these units for which succession planning process implemented

PRIORITY: SERVICE INFRASTRUCTURE

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
In partnership with other City emergency services and agencies, improve and expand disaster management response.	<ul style="list-style-type: none"> ◆ regular on-going liaison with other City emergency response agencies ◆ mock/practical disaster exercises held
Standardise and improve information systems and production of information within the Service.	<ul style="list-style-type: none"> ◆ standard definitions and parameters produced and used Service-wide for the production of crime and related statistics and analysis ◆ integrated, adaptable statistical database established ◆ implement records management and financial control/reporting systems ◆ implement the Professional Standards information system
Improve information available to allow accurate, reliable measurement of response times to emergency calls.	<ul style="list-style-type: none"> ◆ increase in MDT 'at-scene' compliance rate for priority 1 calls ◆ rollout of Automatic Vehicle Location technology and begin use of AVL data to improve dispatch ◆ decreased response times to priority 1 calls following implementation of AVL technology

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Improve the Service's response to crimes that involve computers.	<ul style="list-style-type: none"> ◆ formation of a computer crime unit or section, including acquisition of necessary equipment, staffing, and training ◆ maintenance of funding at a level that allows the Service to acquire technology as needed to address emerging issues ◆ types of crimes addressed by unit, if established
Develop and implement a formal special event planning process.	<ul style="list-style-type: none"> ◆ standardisation of operational plans for special events ◆ development of staffing requirements by level of involvement ◆ development of strategies for service delivery

PRIORITY: COMMUNITY SAFETY AND SATISFACTION

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Increase public awareness of crime prevention through environmental design (CPTED) principles.	<ul style="list-style-type: none"> ◆ # CPTED audits performed by divisional Crime Prevention officers ◆ CPTED pamphlet developed for community
Increase the visibility of officers in neighbourhoods through directed and proactive patrols.	<ul style="list-style-type: none"> ◆ increase in the proportion of time spent by divisional front-line officers on proactive patrol ◆ increase in perceived visibility by the community ◆ number of targeted/directed patrol initiatives carried out by divisions
Ensure officers continue to display a high level of professionalism during any type of contact with members of the public.	<ul style="list-style-type: none"> ◆ increase satisfaction of those who had contact with police during the past year ◆ increase general satisfaction with the delivery of police service to neighbourhoods ◆ increase in perception of professionalism during contact with police
Strengthen the confidence of the public and Service members in the impartiality and the integrity of the Service's administration of Part V of the <i>Police Services Act</i> - the complaints system.	<ul style="list-style-type: none"> ◆ increased perception of public confidence in the impartiality of the system ◆ increased satisfaction with the complaints process for members of the public who had experience with the complaints system ◆ officer perception of confidence in the complaints system

GOAL	PERFORMANCE OBJECTIVES/INDICATORS
Increase public awareness of the Crime Stoppers program to encourage information to police to help solve violent crimes.	<ul style="list-style-type: none"> ◆ increase in number of tips to Crime Stoppers ◆ increase in number of tips to Crime Stoppers that result in arrests/charges ◆ increase in clearance (by charges laid) rates for violent crimes
Focus resources on addressing residential break & enters, particularly in relation to apartments.	<ul style="list-style-type: none"> ◆ decrease in number of residential break & enters ◆ decrease in number of break & enters into apartments ◆ increase in clearance (by charges laid) rate for residential break & enters
Increase feeling of safety and security within the community by addressing violent crime.	<ul style="list-style-type: none"> ◆ decrease in number and rate of violent crimes ◆ decrease in number and rate of property crimes ◆ increase in general perception of safety in neighbourhoods ◆ increase in number of arrests for violent crimes
Ensure victims receive assistance and referrals as needed.	<ul style="list-style-type: none"> ◆ increase in number of requests to the Victim Services Program for support, information, and intervention

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

#P274. STATUS REPORT ON OCCUPATIONAL HEALTH & SAFETY ISSUES

The Board was in receipt of the following report OCTOBER 02, 2001 from Julian Fantino, Chief of Police:

Subject: STATUS REPORT ON OCCUPATIONAL HEALTH AND SAFETY ISSUES

Recommendation:

It is recommended that:

- (a) the Board request City Council's commitment of funding for the full five year period of the 2002-2006 Long-Term Facilities Capital Expenditures Program, in order to achieve compliance with the Board's obligations under the Occupational Health and Safety Act, and;
- (b) the Board receive the update on the health and safety audit of police facilities, with a final report to be submitted for its November 15, 2001 meeting.

Background:

At its meeting held on May 24, 2001, the Board received a report from Norman Gardner, Chairman, requesting the Chief of Police provide a status report on Occupational Health and Safety Act issues (Board Minute P152 refers).

Specifically, the Chairman requested a report for the July 26th, 2001 Board meeting to provide the following information.

- (a) In consultation with the City of Toronto Legal Department, a brief synopsis of the Board's obligations under the Occupational Health and Safety Act,
- (b) A comprehensive list of all facilities, activities, equipment and other significant areas where there is a risk of, or an actual breach, of the obligations of the Board, as the employer, to ensure compliance with the Act,
- (c) A priority list of action that the Service will take to achieve compliance with the Act, including target dates for compliance and an assessment of the risk, to the Board, where it is projected that compliance will not be achieved,
- (d) The cost of all required action and, specifically, which items identified in the list requested in item (b) will be dealt with in the revised 2001-2005 capital program,
- (e) The contingency plans that are in place to address potential Ministry of Labour orders to comply with the Act,

- (f) The number of Ministry of Labour orders issued since the 1995 Nelson Wong report and the status of each.

Due to the complexity of the request, the time needed to conduct physical inspections of the workplace, and the need to rely upon external agencies to provide some of the data, the Board approved a request for a deferral of the report to the October meeting.

At its meeting held September 25, 2001, the Board requested an interim report on the status of this investigation, for presentation at the October 9, 2001 Board meeting. This interim status report is provided as requested.

Discussion

The following information is presently available in response to the information requested by the Chairman.

- (a) A reply has been received from the City of Toronto Legal Department. In summary, it states that the Board has all the rights, duties, and responsibilities of an employer described in the Occupational Health and Safety Act sections 25 and 26 (the Act). Generally speaking, these sections apply to facilities, equipment, training, and other health and safety matters as described in the Act, and the various Regulations made under that Act. By extension, it also applies to any other prescriptive regulation where standards are established for the health and safety of employees. With respect to facility issues, it specifically states that “the Board, as an employer/tenant in premises owned by third parties, is subject to all the duties and obligations under the Act which require that workplace premises are maintained in a condition which is safe for use by employees. The fact of ownership by a third party does not relieve an employer of its responsibilities under the Act” (copy attached).
- (b) The audit of facilities, equipment and activities at each facility is presently under way. To date, 20 of 35 facilities have been assessed, and there have been a number of facility deficiencies identified which are not compliant with the Occupational Health and Safety Act. None of these issues is critical or life threatening.

Some of the issues constitute potential violations of the Act if the condition is allowed to persist without remediation. Those items include structural and infrastructure defects at several facilities, and concerns with respect to the Service firing ranges. These structural and infrastructure deficiencies are consistent with those identified in the Nelson Wong Reports and the 2002 – 2006 Capital Projects Long-Term Facilities Program.

Concurrently, activity and equipment issues that are impacted by operational budgets are under review at each facility, and non-life-threatening deficiencies have also been identified. For example, communicable diseases risk management, the need for hearing conservation programs, ergonomic concerns, and the need for fingerprint powder tables have been identified. To date, some of these issues have been managed on a case-by-case basis through the Occupational Health Services Unit operational budget. A comprehensive list of these

facilities and the identified concerns will be presented with the final report, which will also include a prioritised list of risk management recommendations.

- (c) The prioritized list of issues, recommended action, timetables for completion and cost estimates contained in the Facilities Management 2002 – 2006 Capital Projects Long-Term Facilities Plan is consistent with the facility deficiencies identified thus far throughout the audit, and is endorsed by this report. Where actual or potential violations of the Act exist, conformity with the recommendations and adherence to the long-term facilities plan would result in compliance with the Act.
- (d) The Nelson Wong review identified prioritized repair, replacement and maintenance issues and recommended a timetable for completion of those recommendations including the forecast cost for these repairs. The Service's 2002 – 2006 Capital Program Long-Term Facilities Program conforms with the recommended timetable. If funding was granted by City Council to the Board for these projects for the full five year period, the issues of health and safety compliance would be addressed by the existence of a fully funded compliance plan for state of good repair maintenance and facility replacement.
- (e) Ministry of Labour inspectors have the authority under section 54 of the Act to enter any premise for the purpose of inspection. At the present time, the direction to all unit commanders, senior officers, and worker Certified Members is to co-operate. If a Ministry of Labour inspector attends a police facility, the inspector is to be referred to the unit commander, second in command or officer-in-charge. Members shall provide such data as is requested by the inspector pursuant to the authority provided in section 54.

The unit commander of Occupational Health Services or his designate is to be notified forthwith, and will attend the premises as soon as practicable.

The Board should be aware, however, that a recent Ontario Court of Appeal decision (Regina vs. INCO) appears to have differentiated between an "inspection" and an "investigation". The Court has described the power of an inspector to continue to investigate once reasonable grounds to believe an offence has been committed have been formed as a violation of the Constitutional Right to be secure against unreasonable search and seizure, and to be protected against self-incrimination. A legal opinion on the effect of this ruling has been sought from the Legal Services unit. Once an interpretation has been provided, all unit commanders, senior officers, and worker Certified Members will be advised of the decision, the effect of the decision, and on what, if any, changes this decision will have on the manner in which inspections are addressed.

In very general terms, if an inspector's order is received, a copy of the order is forwarded to the unit commander of Occupational Health Services. The content of the order is assessed, and acted upon as required. If the order is reasonable and compliance is possible without undue financial impact, a compliance plan is established and undertaken by the affected unit. If the order is reasonable but requires extraordinary funding, options are explored on a case by case basis. If the order is felt to be unreasonable, the Service appeals the order immediately.

(f) Since the Nelson Wong Reports were written, there have been 32 Ministry of Labour Orders written against the Service. Thirteen orders relate to 4 specific units, which were not in compliance with the requirement to have a Joint Health and Safety Committee, not posting minutes, or not conducting workplace inspections as required in a workplace. This is an individual responsibility for the unit commander, not a corporate liability. Six orders are to “take every precaution reasonable in the circumstances”, which were applied to furniture issues, ergonomic concerns, hygiene and training matters. The remaining thirteen orders relate to miscellaneous building issues, including air management systems, windows, heat, light, testing of fire suppression and alarm systems, vehicle lift maintenance and electrical systems. All orders have been complied with through internal processes and none are outstanding.

Conclusion

The response to item (d) above alluded to the need for City Council to approve funding for the full five year period of the Long Term Facility Program. Unfortunately, Council in recent years, has tended to provide funding only on a year-to-year basis, which would not withstand scrutiny as a compliance plan under the Occupational Health and Safety Act. Without a firm commitment from the City with respect to funding the Long Term Facilities Program, due diligence cannot be demonstrated and a potential liability for the Board will continue to exist.

Recommendations

- a) the Board request City Council’s commitment of funding for the full five year period of the 2002-2006 Long-Term Facilities Capital Expenditures Program, in order to achieve compliance with the Board’s obligations under the Occupational Health and Safety Act, and;
- b) the Board receive the update on the health and safety audit of police facilities, with a final report to be submitted for its November 15, 2001 meeting.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance to respond to any questions the Board may have.

The Board approved the foregoing.



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File No.

September 21, 2001

D/Sgt. Thomas Imrie
Manager, Occupational Health Services
Toronto Police Service
40 College Street
Toronto, Ontario
M5G 2J3

Dear D/Sgt. Imrie:

Re: Obligations Under the Occupational Health and Safety Act

Further to your letter of August 17, 2001, you asked for a brief synopsis of the Police Services Board's (the "Board") legal obligations under the *Occupational Health and Safety Act* (the "Act") pertaining specifically to the condition of the various physical premises that the Police Service occupies. You were interested to know whether ownership of workplace premises by a third party impacts the Board's legal obligations under the Act.

General

The Act is an important public welfare statute which is intended to protect and improve workplace health and safety conditions. The Act sets the administrative, procedural, substantive and legal standards for occupational health and safety in Ontario and applies to all provincially regulated employers in Ontario. The Act sets out duties and responsibilities for a variety of persons who have some involvement in the workplace. Duties are established for constructors, employers, supervisors, workers, licensees, architects, engineers, officers, directors, owners and suppliers. Ministry of Labour inspectors use the duties set out in the Act for the establishment of acceptable standards of health and safety in the workplace. They may issue orders for compliance with these duties. Breach of the duties by all parties, especially employers and supervisors, may result in orders, investigations and prosecutions.

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A. Duties of Employers

As an employer, the Board is subject to an extensive list of duties as set out in sections 25 and 26 of the Act. The following provisions, among others, place a duty on the employer to ensure that the conditions of the workplace premises are safe for workers. For example, subsection 25(1)(e) provides that an employer shall ensure that,

(e) a floor, roof, wall, pillar, support or other part of a workplace is capable of supporting all loads to which it may be subjected without causing the materials therein to be stressed beyond the allowable unit stresses established under the *Building Code Act*.

Subsection 25(2) states that an employer shall,

(a) provide information, instruction and supervision to a worker to protect the health or safety of a worker;

(h) take every precaution reasonable in the circumstances for the protection of a worker;

Subsection 26(1) provides that an employer shall,

(f) monitor at such time or times or at such interval or intervals the levels of biological chemical or physical agents in a workplace and post accurate records thereof as prescribed;

(g) comply with a standard limiting the exposure for the benefit of a worker to biological, chemical or physical agents as prescribed.

You will note that the duties in sections 25 and 26 are placed squarely on employers. None of these duties are qualified so as to limit the scope of the legal obligations to employers who are also owners of legal title to the premises in question. Therefore, even where a health and safety hazard arises out of the physical condition of premises that the employer does not own, the employer is nonetheless subject to the duties in sections 25 and 26 to ensure that the workplace is safe for use by workers. You will note that subsection 25(2)(h), set out above, is cast extremely broadly. The provision likely requires an employer to make all reasonable inquiries to determine whether the physical premises it is using as a workplace is safe for use by workers and to take all reasonable steps to remove or correct a physical or environmental hazard once it is identified.

B. Due Diligence

Offences under the Act are referred to as "strict liability" offences. This means that proof of the act or omission itself (breach of one of the duties set out in the Act) is sufficient to import liability for the offence without the requirement of proving intent or knowledge on the part of the accused employer. This does not mean, however, that the employer will in every case be liable under the Act for a workplace hazard which may jeopardize the health and safety of a worker. The employer may have available to it a "due diligence" defence. In other words, if the accused employer can demonstrate that it took all reasonable steps to avoid the particular event or hazard,

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it will be acquitted of the charges. Whether the employer can demonstrate that it has been diligent will depend on the facts of the particular case. Ownership of the workplace premises by a person other than the employer may be a factor that a court considers when determining whether the employer has exercised due diligence and whether the hazard was reasonably foreseeable.

C. Duties of "Owners"

Subsection 29(1) of the Act sets out a number of duties of "owners." These duties are rooted in a multitude of regulations made under the Act (The regulations are detailed and complex and as such I do not intend to explore them here.). Interestingly, the word "owner" is defined very broadly under the Act to include a "...tenant, lessee, or occupier of any lands or premises used or to be used as a workplace...." Therefore, any duty under the Act that is specific to "owners" applies to tenants, lessees or occupiers of premises used as a workplace. (The use of the word "owner" in parts A and B above was intended to mean ownership of legal title to the workplace premises and not the very broad definition in the Act).

D. Penalties

With respect to the potential liability of the Board for breach of the Act, section 66 provides as follows:

(1) Penalties – Every person who contravenes or fails to comply with,

- (a) a provision of the this Act or the regulations;
- (b) an order or requirement of an inspector or a Director; or
- (c) an order of the Minister,

is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for a term of not more than twelve months, or to both.

(2) Idem – If a corporation is convicted of an offence under subsection (1), the maximum fine that may be imposed upon the corporation is \$500,000 and not as provided therein.

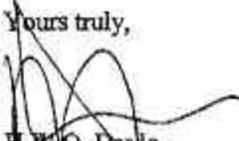
Conclusion

To reiterate, the Board, as an employer/tenant in premises owned by third parties, is subject to all the duties and obligations under the Act which require that workplace premises are maintained in a condition which is safe for use by employees. The fact of ownership by a third party does not relieve an employer of its responsibilities under the Act.

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I hope that the above has been of assistance to you. Please do not hesitate to contact me with any further questions that you may have.

Yours truly,



H. W. O. Doyle
City Solicitor



/IHS
/GSM

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

**#P275. TORONTO POLICE SERVICE 2002 - 2006 CAPITAL PROGRAM
SUBMISSION**

The Board was in receipt of the following report OCTOBER 9, 2001 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICE 2002 - 2006 CAPITAL PROGRAM
SUBMISSION

Recommendation:

It is recommended that:

1. the Board approve the 2002 - 2006 Capital Program as reflected in this report, with a 2002 request of \$25.9 million (M) (excluding cash flow carryforwards from 2001) and a total of \$152.2M for 2002 – 2006, and;
2. the Board undertake discussion with City of Toronto Finance regarding Toronto Police Service (TPS) having a stable capital budget of approximately \$30M per year, and the feasibility of TPS self-financing its capital budget in future years.

Background:

Attached is a financial summary of the Toronto Police Service's 2002 - 2006 Capital Program submission (attachment A). Details of this submission are outlined in this report.

The City of Toronto's criteria for defining a capital budget item for the 2002 - 2006 capital budget are similar to prior years. In addition, each project, both previously approved and new, must be submitted into one of five category definitions (Growth Related, Health and Safety, Legislated/City Policy, Service Improvement and Enhancement, and State of Good Repair). These categories will be used by the City to establish capital priorities. All projects proposed in the capital program have been evaluated and categorised according to these categories.

The 2002 capital budgeting process undertaken by the Service built on the successful elements of the 2001 process. The Staff Superintendents and Directors conducted a review of all new projects. The objective of those reviews was to identify a capital program that reflects legitimate, bona fide needs of the Toronto Police Service for the effective delivery of policing services. Subsequently, the Command officers and I finalised the submission you have before you today. TPS is aware that the City continues to experience significant budget pressures. Projects have been deferred, deleted or phased in wherever possible.

TPS has not received any target information from the City for the 2002 - 2006 capital program.

Capital Budget Task Force

At its meeting of August 30th, the Board approved the establishment of a Capital Budget Task Force, with members Councillor Bas Bakkissoon, Councillor Gloria Lindsay Luby, Mr. Allan Heisey and Chairman Norm Gardner. A meeting was held with these Board members in early September, at which time the general approach to be taken by the Service regarding the Capital Submission was reviewed.

The main goal of the Service, similar to last year, is to provide a stable five year capital program. The program submitted reflects that goal, with an average capital expenditure of approximately \$30.0M (with some year-to-year fluctuations due to individual project requirements).

The Service would also like to initiate discussions with City of Toronto Finance on the feasibility of TPS self-funding our capital program in future years.

2002 – 2006 Submission:

The 2002 – 2006 submission has been categorised in two ways. Projects have been identified as:

- Funding Commitment with Obligation (funding has been provided by the City of Toronto, and the project has contractual commitments),
- Funding Commitment with no Obligation (funding has been provided by the City of Toronto, however the project has no contractual commitments), and
- No Funding Approved (no funding has been provided as the project has yet to obtain approval to proceed).

Further categorisation has been made based on City of Toronto's guidelines which request our capital submission be classified based on City Categories. The City categories which pertain to the Service are:

- State of Good Repair (projects providing maintenance, repair or replacement of existing assets),
- Service Improvement and Enhancement (projects which improve service delivery above current standards, or provide for the introduction of new services),
- Growth Related (projects which support growth or development across the City of Toronto).

Although the City of Toronto has a Health and Safety category, the Service's projects do not fall into the City's Health and Safety definition (specifically, Health and Safety issues are those that need to be addressed immediately). Therefore, many projects with Health and Safety components have been categorised as State of Good Repair.

The long-term facilities projects are a major element of the Service's capital submission. At the May 24, 2001 Board meeting the Board requested a status report on Occupational Health and Safety Act (OHS) issues including a review of such items as:

- the Board's obligation;
- areas of risk, or breach for all facilities, activities, equipment and other significant areas;
- a priority listing of action to achieve OHS compliance;

- costing of all required action; and
- contingency plans.

In conjunction with this report, the status report on Occupational Health and Safety issues is also in the agenda for the October 9th meeting. This report, submitted for review at today's meeting, reflects our facilities that have been studied, assessed and prioritised according to OHS regulations. This information has been provided in the five-year Long-term Facilities Program capital submission. The program requires on-going funding commitment to continue the construction and renovation to ensure compliance under OHS legislation. However, the position of the City has been to approve capital funding on a year-to-year basis requiring annual scrutiny and approval of funding.

Another issue relating to Long-term Facilities is that of leasing facilities. TPS examined the option of having facilities built by a service provider and then leasing back for a fixed period of time. The issue was also discussed with City Finance and Real Estate. The result of this review is that neither the Service nor the City could support this approach. The main benefits of a leaseback (i.e. reduced capital requirements and earlier delivery of facilities) are offset by some primary disadvantages. The main disadvantages are a significant increase on the operating budget, operating and maintenance costs tend to be higher (due to management fees) and we have no control as to what happens at the end of the lease term. Several years ago the Service examined the leaseback option and providers were not interested due to the specialised nature of police facilities and the little after-market value.

Considerations in the past years have included exploring joint Emergency Service facilities (with Ambulance and Fire) as well as exploring leasing of facilities. To date, with one exception (43 Division), we have not been very successful in our endeavour to consider a comprehensive Emergency Service joint facility.

Projects with Funding Commitment and Obligation

This year's capital submission includes five projects for which the City of Toronto has provided funding, and the project has contractual obligations. Two of these projects are classified as State of Good Repair projects and three qualify as Service Improvement projects.

State of Good Repair Projects:

1. Long-term Facilities Plan – 51 Division

51 Division has been planned for the last several years. A site has been purchased, some work is underway and we are awaiting a permit from the Ministry of the Environment in order to commence construction. This permit is expected towards the end of October 2001 and at the same time a Construction Manager for the project should be in place.

2. Time Resource Management System (TRMS)

TRMS will replace the current time and attendance system. In conjunction with this, the Service will also be able to conduct deployment analysis and have more current reliable information, and ultimately a more effective management of our resources and costs.

Service Improvement and Enhancement Projects:

3. Emergency Generators

This on-going project installs emergency generators into all TPS facilities currently lacking these. These generators will ensure that the Service's operations are not interrupted during power outages.

4. Automated Vehicle Location System

When completed, this project will have installed a vehicle location system in all marked TPS vehicles. This system will connect to the TPS Computer Aided Dispatch system, assist management in deployment issues and enhance officer safety.

5. Video Tape Storage and Processing

This project enables the digital storage and management of videotape data. This will reduce the hard copy storage requirements (and result in cost avoidance), allowing quick access to video data and addressing the current space shortage for storing videotapes.

Projects with Funding Commitment and No Obligation

This year's capital submission includes six projects for which the City of Toronto has provided funding, although the project presently has no contractual commitments. Three of these projects are classified as State of Good Repair type projects, one project qualifies as Service Improvement type project and one project has been classified as a Growth Related project.

State of Good Repair Projects:

1. State of Good Repair – Corporate

This project's mandate is to replace and/or maintain TPS building infrastructure (e.g. roof replacements, HVAC, etc.). City of Toronto Corporate Services staff in conjunction with TPS Facilities Management staff administers the project.

2. State of Good Repair – Police

This project provides for replacement and/or maintenance of TPS building interior infrastructure (e.g. painting, flooring, etc.) and addresses some Occupational Health and Safety issues. TPS Facilities Management staff administer this project.

3. & 4. Long-term Facilities Plan – 11 and 14 Divisions

The above Divisions are scheduled for replacement as part of Long-term Facilities Priority Plan. Sites have been identified, approved by the Board and these have been forwarded to City Real Estate for acquisition.

Service Improvement and Enhancement Projects:

5. TPS Headquarters Renovation Program

Currently some Units are dispersed on different floors and the relocation of these Units will result in operational efficiencies for the Service and in some cases for the public.

Growth Related

6. Long-term Facilities Plan – 43 Division

43 Division is a new division for which funding has been approved by the City. This facility was not part of the Service's Long-term Facilities Plan but has been introduced as a result of community concerns. A City site has been allocated to construct the facility and the Ambulance Department has expressed interest in co-locating with TPS.

Projects with No Funding

This year's capital submission includes fifteen projects that have no funding approval. Twelve of these projects have been identified in previous years' submissions while three are new projects.

State of Good Repair Projects:

1. – 5. Long-term Facilities Plan – 23, 41, 52, 54 and 32 Divisions

These reflect the continuation of the Service's Long-term Facilities Priority Plan. 23, 41 and 54 Divisions would be replaced while 52 and 32 Divisions are scheduled for major renovations.

6. Firearms, Defensive Tactics and Applicant Testing Facility

This new facility is required to meet legislative and safety requirements, but would also increase capacity for training in the Service. Further delays in this project will jeopardise our ability to meet legislated Adequacy Standards. The Service is pursuing the feasibility of possible joint ventures with Community Colleges which could significantly reduce the Service's capital outlay. However, this option would increase operating costs.

7. Boat Replacement

This project reflects the lifecycle replacement of the Marine Unit vessels as a result of the study completed prior to the introduction of this program in 1999. TPS' major vessels will all be replaced by 2005, based on this plan.

Service Improvement and Enhancement Projects:

8. Centralised Drug Squad

This facility will consolidate TPS Drug Squads in one centralised facility. A facility has been identified, but the recommended facility will require additional renovation not identified in the original plans. A \$700,000 increase to previously approved funding is sought, to accommodate these additional renovations.

- 9. Police Integration Systems (Internal and External)**

The \$5.3M project will address the integration both internally and externally of core police systems, applications and processes. Internally, integration will be realised between mugshot (RICI), fingerprint (AFIS), major case (MCM), etc. The external integration will link TPS to organisations such as other regional police services, Province of Ontario and Federal government.
- 10. Livescan Fingerprint Stations**

This \$5.0M project would see the acquisition and installation of an inkless fingerprinting system. The system will replace the current manual system of capturing fingerprint information. The inkless system allows for the immediate comparison of fingerprints and will improve accuracy, reliability and the ease of fingerprinting.
- 11. Document Management**

The \$320,000 project will provide specific areas of the Service with the ability to scan in paper evidence and disclose this information on electronic media. The implementation of this system will result in the elimination of photocopying evidence for court and replace this with the disclosure of information on electronic media.
- 12. Fleet Management Systems**

The \$700,000 project will examine the existing fleet management system and its ability to meet the increased demands for fleet related data and reporting. The project also includes the purchase of an automated fuel dispensing system to replace the present manual system.
- 13. Mobile Personal Communication**

This \$3.1M project will allow for the acquisition of mobile personal communication devices and a network infrastructure to allow officers who currently do not have access to mobile workstations (such as motorcycle, bicycle and foot patrol officers) to access TPS information systems. This connection will utilise personal device assistants (PDA) and cell phones for access to TPS network systems. Improved access to, and more timely, information is expected to result in improved investigation of events.
- 14. Investigative Voice Radio System**

This \$6.8M project will provide new radio frequencies required in investigative services. The voice radio network infrastructure will require modification in order to move to the new system. This project will also allow improved encryption capabilities to meet current and future needs.

Growth Related

- 15. Traffic Services and Garage Facility**

This new project was originally in the Long-term Facilities Plan for replacement in 2008. These facilities now need to be replaced much earlier, as the facility must move to accommodate the Toronto Waterfront Project plans. The project is estimated to cost \$14.6M.

Operating Budget Impacts

Many capital projects incur subsequent operating costs (for example, maintenance of new computer systems, or facilities). Each year the operating budget impact is reviewed and updated as part of the annual capital process.

The following table identifies net operating budget impacts in future years, if the 2002 – 2006 capital budget is approved as submitted (figures in the thousands).

2002	2003	2004	2005	2006
\$85	\$985	\$1,616	\$1,826	\$3,425

It is the Service's expectation that City Council would recognise these costs in the respective operating budgets for the above years.

Summary

Attachment A summarises the 2002 - 2006 Capital Program request in priority order. The 2002 – 2006 request is comprised of:

2002 – 2006 Capital Request (in millions)	
State of Good Repair	\$103.2
Service Improvement	\$23.7
Growth Related	<u>\$25.3</u>
Total 2002 - 2006 Request	\$152.2

It is recommended that the Board approve the 2002 - 2006 Capital Program as reflected in this report, with an approved request of \$25.9M in 2002 and a total of \$152.2M for 2002 - 2006.

As identified by the Capital Budget Task Force members, the Board should also undertake discussions with City of Toronto Finance regarding Toronto Police Service (TPS) having a stable capital budget of approximately \$30M per year, and the feasibility of TPS self-financing its capital budget in future years.

Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions.

Frank Chen, Chief Administrative Officer, and Angelo Cristofaro, Director, Finance & Administration, were in attendance and discussed the proposed capital program submission during a visual presentation to the Board. Binders containing the back-up information related to each of the capital projects listed in the 2002-2006 capital program were also provided to the Board.

The Board approved the foregoing

**TORONTO POLICE SERVICE
2002 - 2006 CAPITAL PROGRAM
GROSS EXPENDITURES (\$000s)**

Project Name	2001 Budget	2002-2006					5-year Prog.	
		2002	2003	2004	2005	2006		
State of Good Repair Projects:								
\$	51 Division (incl. inflation)	4,350.0	5,780.0	4,950.0	0.0	0.0	0.0	10,730.0
\$	Time Resource Management System	950.0	3,500.0	0.0	0.0	0.0	0.0	3,500.0
~	State-of-Good-Repair - Corporate	3,023.0	3,086.0	2,588.0	2,510.0	2,643.0	2,643.0	13,470.0
~	State-of-Good-Repair - Police	535.0	1,035.0	1,035.0	1,035.0	1,035.0	1,035.0	5,175.0
~	11 Division (incl. inflation)	600.0	0.0	1,500.0	5,795.0	3,085.0	0.0	10,380.0
	23 Division	n/a	n/a	600.0	3,795.0	4,160.0	2,000.0	10,555.0
	Firearms Def.Tactics/Applicant Testing Facility	n/a	3,000.0	3,000.0	7,000.0	7,000.0	0.0	20,000.0
	Boat Replacements (continuing project, scope change)	n/a	300.0	200.0	370.0	500.0	0.0	1,370.0
~	14 Division	n/a	n/a	n/a	600.0	3,000.0	5,000.0	8,600.0
	41 Division	n/a	n/a	n/a	600.0	3,000.0	5,000.0	8,600.0
	52 Division	n/a	n/a	n/a	n/a	1,600.0	1,600.0	3,200.0
	54 Division	n/a	n/a	n/a	n/a	600.0	3,000.0	3,600.0
	32 Division	n/a	n/a	n/a	n/a	n/a	4,000.0	4,000.0
	Sub-Total for State of Good Repair Projects:	9,458.0	16,701.0	13,873.0	21,705.0	26,623.0	24,278.0	103,180.0
Service Improvement Projects:								
\$	Emergency Generators	500.0	580.0	500.0	500.0	0.0	0.0	1,580.0
\$	Automated Vehicle Location System	1,100.0	1,039.0	0.0	0.0	0.0	0.0	1,039.0
\$	Video Tape Storage & Processing	2,551.0	500.0	0.0	0.0	0.0	0.0	500.0
~	TPS Headquarters Renovation (incl. Inflation)	325.0	515.0	309.0	236.9	262.7	250.0	1,573.6
	Centralized Drug Squad (incl. chg in scope)	750.0	700.0	0.0	0.0	0.0	0.0	700.0
	Police Integration Systems (Internal and External)	n/a	500.0	1,250.0	1,950.0	1,550.0	0.0	5,250.0
	Livescan Fingerprinting System	n/a	1,462.7	3,516.7	0.0	0.0	0.0	4,979.4
	Document Management	n/a	320.0	0.0	0.0	0.0	0.0	320.0
	Fleet Management Systems	n/a	450.0	250.0	0.0	0.0	0.0	700.0
	Mobile Personal Communication	n/a	n/a	1,100.0	1,000.0	1,000.0	0.0	3,100.0
	Investigative Voice Radio System	n/a	n/a	n/a	n/a	n/a	4,000.0	4,000.0
	Sub-Total for Service Improvement Projects:	5,226.0	6,066.7	6,925.7	3,686.9	2,812.7	4,250.0	23,742.0
Growth Related:								
	Traffic Services and Garage Facility	n/a	n/a	1,000.0	6,400.0	7,200.0	0.0	14,600.0
~	43 Division (incl. inflation)	600.0	3,090.0	5,150.0	2,430.8	0.0	0.0	10,670.8
	Sub-Total for Growth Related Projects:	600.0	3,090.0	6,150.0	8,830.8	7,200.0	0.0	25,270.8
TOTAL PROJECTS:		15,284.0	25,857.7	26,948.7	34,222.7	36,635.7	28,528.0	152,192.8

Legend	
\$	Funding Commitment and obligation
~	Funding Commitment with no obligation
	No Funding Commitment and no obligation

Updated October 3, 2001

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE
TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 9, 2001**

#P276. ADJOURNMENT

Norman Gardner
Chairman