

**MINUTES OF THE PUBLIC MEETING** of the Toronto Police Services Board held on **NOVEMBER 21, 2002** at 1:30 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  
**Frances Nunziata**, Councillor & Member

**ALSO PRESENT:**

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

**#P289.** The Minutes of the Regular Meeting held on **October 24, 2002** and the Special Meeting held on **November 7, 2002** were approved.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P290.           OUTSTANDING REPORTS - PUBLIC**

The Board was in receipt of the following report NOVEMBER 6, 2002 from Norman Gardner, Chairman:

Subject:        OUTSTANDING REPORTS - PUBLIC

Recommendations:

It is recommended that:

- (1) the Board request the Chief of Police to provide the Board with the reasons for the delay in submitting the reports requested from the Service and that he also provide new submission dates for each report.

Background:

At its meeting held on March 27, 2000 the Board agreed to review the list of outstanding reports on a monthly basis (Min. No. 113/00 refers). In accordance with that decision, I have attached the most recent list of outstanding public reports that were previously requested by the Board.

**Chairman Gardner advised the Board that all of the outstanding reports were recently submitted to the Board office and would be placed on the next Board meeting agenda for consideration.**

**The Board received the foregoing.**

**Reports that were expected for the November 21, 2002 meeting:**

| Board Reference  | Issue - Pending Reports  | Report Status  | Recommendation Action Required |
|--|--|--|--------------------------------|
| #P551/00<br>#P135/01<br>#P158/01<br>#P202/01<br>#P178/02 | <p><b>Compliance – Professional Standards Rpts.</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> the Chief is requested to provide the Board with a date in which the Service will be in full compliance with the Board’s reporting requirements.</li> <li>• Limited report in May 2002</li> <li>• Complete Report in November 2002</li> </ul> | Report Due: Nov. 21/02<br>Extension Reqs’d:<br>Extension Granted:<br>Revised Due Date:<br><b>Status:.....outstanding</b> | Chief of Police                |
| #C174/02   | <p><b>SIU Investigations</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> various costs and other details related to SIU investigations involving members of the Toronto Police Service</li> </ul>   | Report Due: Nov. 21/02<br>Extension Reqs’d:<br>Extension Granted:<br>Revised Due Date:<br><b>Status:.....outstanding</b> | Chief of Police                |
| C184/02  | <p><b>Staffing Model</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> provide deployment figures for the period Jan. – June 2002</li> </ul>  | Report Due: Nov. 21/02<br>Extension Reqs’d:<br>Extension Granted:<br>Revised Due Date:<br><b>Status:.....outstanding</b> | Chief of Police                |

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|--|---|--|------------------------|
| <p>#P199/96<br/>#P233/00<br/>#P255/00<br/>#P463/00<br/>#P440/00<br/>#P255/00<br/>#P26/01<br/>#P27/01<br/>#P54/01</p> | <p><b>Professional Standards</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> interim report (for the period January – July) to be submitted in November each year</li> <li>• annual report (for the period January – December) to be submitted in May each year</li> <li>• see also Min. No. 464/97 re: complaints</li> <li>• see also Min. No. 483/99 re: analysis of complaints over-ruled by OCCPS</li> <li>• revise report to include issues raised by OCCPS and comparative statistics on internal discipline in other police organizations</li> <li>• note: police pursuit statistics should be included - beginning ... Nov. 2001 rpt.</li> <li>• note: annual report now to include the # of civil claims that occurred as a result of complaints (Min. No. 463/00 refers)</li> <li>• note: searches of persons statistics should also be included in annual report</li> <li>• revise format of report, based upon recommendation by Hicks Morley, so that tracking acquittals on or withdrawal of related criminal charges is possible</li> <li>• include OPAC information on lethal and non-lethal weapons</li> <li>• include evaluations of M26 Advanced TASER &amp; Bean Bag &amp; Sock Round Kinetic Energy Impact Projectiles</li> </ul> | <p>Next report Due: Nov. 21/02<br/> Extension Reqs'd:<br/> Extension Granted:<br/> Revised Due Date:<br/> <b>Status:.....outstanding</b></p> | <p>Chief of Police</p> |
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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P291. REPORT OF THE ALTERNATIVES TO THE USE OF LETHAL FORCE  
BY POLICE CONFERENCE 2000**

The Board was in receipt of the attached report, dated October 7, 2002, from Ms. Tam Goossen, Conference Co-Chair of the 2000 Conference on Alternatives to the Use of Lethal Force by Police which was jointly hosted by the Urban Alliance on Race Relations and the Queen Street Patients Council.

The following persons were in attendance and discussed this report with the Board:

- Ms. Tam Goossen, Conference Co-Chair
- Mr. Julian Falconer, Conference Co-Chair \*
- Ms. Jennifer Chambers, Member of the Report Committee \*
- Ms. Zanana Akende, President, Urban Alliance on Race Relations

\* written submission also submitted; copy on file in the Board office.

**The Board approved the following Motions:**

1. **THAT the Board receive the foregoing and refer it to the Chairman for a report that should include comments and responses to each of the recommendations and that his report be considered at a future meeting; and**
2. **THAT Chief Fantino provide the Board with a report on:**
  - **the history of the Service's community liaison committee reviewing police, community and mental health issues;**
  - **whether it is still operating and, if it is not currently operating, the reasons it is no longer operating and the feasibility of re-establishing a police-community liaison committee to review policing and mental health issues; and**
  - **whether the Service would extend its membership to include psychiatric consumers/survivors.**



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**SAVING LIVES:  
ALTERNATIVES  
TO THE USE  
OF LETHAL FORCE  
BY POLICE**

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**REPORT OF A CONFERENCE HELD IN TORONTO**

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QUEEN STREET PATIENTS COUNCIL

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## A Message from the Conference Organizers

*"The time has come for healing and forgiveness. It is hard to forgive. But let us forget about external powers and try internal powers. In the long run, you know who's going to win — the person with the heart to forgive."*

— Myrtle Donaldson, speaking at the Conference dinner, June 23, 2000; her husband, Lester Donaldson, was fatally shot by Toronto Police Constable David Deviney on August 9, 1988.

It is a sad reality that conflict and divisiveness are the order of the day when a police shooting occurs. Fear, anger and violence permeate the climate of community-police relations in the aftermath of the use of lethal force by police, too often on a par with the shooting itself. Ironically for Conference organizers and participants, the exploration for alternatives to police use of lethal force meant an exploration for alternatives to how we have all historically addressed the issue of deaths arising from police use of force. The challenge, therefore, was to determine whether a different approach to this emotionally charged issue was possible.

In 1997 the Board of Directors of the Urban Alliance on Race Relations under the leadership of its President, Bob Katz, and Executive Director, Antoni Shelton, voted to accept a proposal dated September 9, 1997 from counsel to the Urban Alliance, Julian Falconer (see Falconer and Ellis, 1997). The proposal set out the blueprint for the eventual Conference on the Alternatives to the Use of Lethal Force by Police. The Board directed the formation of a Conference Steering Committee comprised of its President, Bob Katz, as well as selected Directors and general members and counsel, Julian Falconer. It was immediately apparent to all that the organization of such a conference carried serious risks. It was conceivable that if things went wrong, tensions between community and police may actually have been aggravated in an already difficult climate.

The prospect of holding a conference on police shootings that involved bringing community and police together in a constructive dialogue was to the say the least, daunting — as a number of the international experts at the forum observed, there is no precedent for a conference of this nature in Canada or the United States — and would call on all the credibility fostered by the Urban Alliance since its inception in 1975. The true challenge for organizers was to identify the diverse interests that would need to be at the table and to ensure the creation of an environment within which all who participated would have a voice.

As reflected in the original proposal, the Urban Alliance would, along with a mental health organization (eventually the Steering Committee approached the Queen Street Patients Council\*),

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\* The Queen Street Patients Council (QSPC) changed its name to Queen Street Outreach Society (QSOS) in 2001 and moved

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assume the role of broker among the various interests most directly implicated in the police use of lethal force. Purely and simply, the idea was to facilitate the airing of as many perspectives as possible, finding ways to bring the players to the table and providing a mechanism to exchange views. A major challenge for Conference organizers was to appreciate that donning the “broker hat” would be very different from their functions as community advocates in the area of policing. It would mean mediating among competing interests, rather than “weighing-in” on one side of the debate or the other.

Essential to the process was the notion that no single interest or set of interests could be permitted to capture the Conference agenda. The credibility of the Urban Alliance as a voice of reason would be used to ensure that all were heard but that all final decisions would rest with the Conference Steering Committee. It was determined that this was best accomplished by restricting membership on the Conference Steering Committee to Urban Alliance representatives and the Mental Health Organization designate (eventually Jennifer Chambers of the Queen Street Patients Council).

It was recognized that, for this initiative to be meaningful, all stakeholders and interests had to be represented in a dignified, respectful way. The Conference would need to offer a form of “safe house,” within which those in attendance could exchange views and brainstorm towards solutions free from the pressures of conflict. Shifting from an adversarial mode to this safe house could not be realistically accomplished without intermediary steps, steps that were seen as essential to two objectives. First, if the Conference were to have a chance of success, its content must in large measure be determined by the competing interests in attendance. Second, the dialogue would have to develop gradually, culminating in the Conference. In other words, simply placing diverse parties in the same room without some form of “warm-up” would mean unfair pressure on the various players to make impossible progress, thus guaranteeing failure.

The intermediary steps consisted of the formation of subcommittees that represented many of the significant interests. These would act as vehicles to solicit input to the content of the conference program and would also provide a structure through which the varying interests could commence the dialogue process in advance of the forum. They included a Community, a Police and a Mental Health Subcommittee, each one being chaired by a member of the Steering Committee.

While members of the police, community and mental health subcommittees were encouraged to provide as much input as possible (including proposals for topics, speakers, panels, etc.), the Conference Steering Committee presented a key and unalterable premise to the proceedings — the four pillars of the Conference:

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from the Centre for Addiction and Mental Health (CAMH) Queen Street site to offices on King Street West. The QSOS provides information, education and training by and for people who have experienced the mental health system, and for others. The Empowerment Council has its offices at the CAMH, where it acts as a voice for clients/survivors of mental health and addiction services, providing systemic advocacy, education, representation and outreach.



- (i) Issues of race;
- (ii) Issues of mental health;
- (iii) Availability of less-than-lethal technology in the use of force;
- (iv) Barriers to change in the police use of lethal force.

In many ways the real story of this conference began with these subcommittees in the year leading up to the Conference. Subcommittee members resolved that the purpose of this event was not to blame, but to build bridges; not to find problems, but to find solutions; and not to divide the people of this city, but to bring together our diverse communities, in conjunction with police and other public officials, to combine their passions to save lives and improve the quality of life.

Conferences do not just happen. When dealing with different organizations and their constituent membership — having dissimilar backgrounds, experiences, beliefs, and (in some cases opposing) perspectives — success would appear to be impossible. However, when all agree on the same goal, “To save lives,” the impossible becomes possible.

The story behind the story is that the Conference happened at all. While there was general agreement on the goals and forum, there was conflict within and across participating groups. There were also times of mistrust and misunderstanding and times of conflict and negotiation. Problems were solved by leaders stepping forward from all communities, sometimes at the risk of their own reputations, to do what was right. To say the conference was, on occasion, in jeopardy, would be an understatement. Nevertheless, committed people, at times tired and frustrated, stayed the course.

It has been said that the process is sometimes as important as the product. In the case of this Conference the process at the committee level in many ways became a microcosm of our society. It demonstrated what is possible with patience, tolerance, forgiveness, and leadership. Philosophical adversaries gained both new insights and respect for one another. And they found solutions without sacrificing their beliefs.

Dialogue was started, where none was thought possible. Those who before had only communicated through the filter of the media actually sat down and talked together. Those involved in putting this Conference together can never be the same. Indeed, if one of its underlying principles was “building bridges,” then we have succeeded in laying the first shaky ropes crossing the divide separating so many of the people in our communities and the police.

A few issues bear mention, among them the authorship of this report. While being a document prepared in consultation with both police and community interests, the report emanates from those who essentially comprised the Conference Steering Committee (renamed the Conference Report Committee). It is meant to reflect the proceedings at the Conference and to highlight, from an analytical perspective, some of the major issues with which the Conference participants grappled. Any deficiencies or other difficulties with the document are purely the responsibility of the Committee,



The Conference almost did not happen. Although the Urban Alliance adopted the initiative in 1997, three years were needed to raise sufficient funds and other resources to make the event viable. Even when all necessary funds were in place, it required the leadership of Bromley Armstrong, Jeffrey Patterson of the Black Community-Police Consultative Committee, and Chair Norm Gardner of the Toronto Police Services Board to ensure that last-minute hurdles did not become insurmountable. Similarly, this Conference Report met with serious delays as a result of insufficient resources. The eleventh-hour financial sponsorship of the National Strategy on Community Safety and Crime Prevention, chaired by Barbara Hall, enabled its proper completion. While two years is a long time for the report to be issued, regrettably none of the issues that prompted the creation of the Conference on the Alternatives to the Use of Lethal Force by police have gone away: *plus ça change, plus c'est la m&me chose*.

The Conference was a success by virtue of having happened at all. We must now take the lessons learned and build on them. For those of us who continue to work in the field of policing and police accountability, there is ample proof of its legacy. Relationships have evolved at levels and between people in ways nobody believed possible. The legacy of the Conference is hope. As you read this report, consider the dynamics that were involved. Look at the agencies, the speakers, the differing perspectives, the sharing of information, and try to understand that *conflict handled responsibly leads to positive change*.

#### **Conference Report Committee**

Tam Goossen, Conference Co-Chair  
*Urban Alliance on Race Relations*

Julian N. Falconer, Conference Co-Chair  
*Falconer Charney Macklin, Barristers at Law*

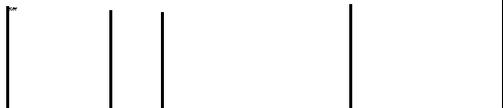
Jennifer Chambers  
*Empowerment Council*

Audi Dharmalingam  
*Urban Alliance on Race Relations*

Sri-Guggan Sri-Skanda-Rajah  
*Urban Alliance on Race Relations*

Bibhas Vaze  
*Falconer Charney Macklin, Barristers at Law*

Suzan E. Fraser  
*Barrister and Solicitor*



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## Recommendations

The following recommendations arise directly from the proceedings of the Conference on Alternatives to the Use of Lethal Force by Police. The Steering Committee has drafted them on the basis of participants' submissions and of concerns raised during the proceedings, and in order to address issues that flow from the topics covered at the conference. These recommendations are offered under the overarching principle of the need for attitudinal change and improved communications. The recommendations address the expressed needs of the ethno-racial and psychiatric survivor communities to create a new concept of community policing.

### **Guiding Principles: Changing Attitudes**

1. *As a guiding principle on which to base better relations among the communities, all the affected communities — and all their members — should commit to the philosophy of non-violence.*
2. *Each community — ethno-racial, psychiatric survivor and police — should be open to seeing each other as people, not as stereotypes. We need to understand how perceptions affect actions. And we also need to understand and recognize the factors that can bring our community members to a crisis point.*
3. *Psychiatric survivors, the police and the ethno-racial community also need to see each other as a resource to which both requests and offers can be made. Everyone is part of the solution to avoiding the use of lethal force.*
4. *If the police are to be understood as true members of the broader community and, conversely, the community is to feel itself to be part of the police, then the perceived distinction between the two must be erased, and the community and the police must merge into a coherent whole. If such merging is to happen, it is essential that there be transparency, awareness and open communication between the police and all the communities they serve.*
5. *A civilized society must be committed to creating and enforcing laws that ensure that illegal conduct by any member of society is addressed effectively, compassionately and without regard to that person's position in society.*

### **Regarding Education and Training, it is recommended that:**

1. A public education group be formed, consisting of an integrated group of representatives of the communities that were key to the conference, and police leaders. The members of this group will educate each other about each sector's issues and will facilitate the education of the public

on issues related to mental health, race and policing. The group will act to avoid the stereotyping and **demonizing** of community members and police in the media, and to better enlist public support for constructive alternatives to situations leading to the use of lethal force. Towards addressing community concerns, this group will be required to meet immediately a situation of lethal force by police arises. The group will be a steering committee overseeing independent evaluation of police-community educational efforts, e.g. diversity training.

2. The police, the ethno-racial community and psychiatric survivors participate in joint educational sessions on nonviolence under the guidance of the Martin Luther King, Jr. Institute. This will strengthen community relationships and enhance each group's ability to deal with the issue of violence in their own and each others' communities.
3. Police continue to receive training in methods of de-escalation.
4. Ongoing education in diversity continue to be provided for the police with the assistance of the ethno-racial and psychiatric survivor communities. Learning occurs through relationships that have ongoing opportunities for contact and dialogue. Education can improve communication and understanding between the police and members of diverse communities, and it reduces the possibilities for misunderstanding that can contribute to the use of lethal force.

**Regarding Mental Health, it is recommended that:**

5. Psychiatric survivors continue to identify needs that must be met to prevent crises from developing, and continue to inform the government, the Mental Health Implementation Task Force, and mental health services of these needs and what specifically would address them.
6. Mental health service providers and the Ministry of Health support the self-identified needs of psychiatric consumer/survivors, rather than using coercion to impose unwanted services. When the supports that consumer/survivors want to use are adequately **resourced**, there will be fewer calls to the police that lead to their interaction with people in crisis.
7. The Minister of Health repeal mental health legislation formerly called Bill 68 that allows for the use of force (involuntary detention by police or a mental health facility) when there is not an immediate danger or a criminal act is not an issue. Choice of treatment rather than compliance with treatment should be provided for, both in legislation and in funding decisions.

**Regarding Community Policing:**

These recommendations are directed to the development of a concept of community policing that respects and integrates the perspectives of police and community so that policing needs are assessed on the basis of what the community wants, and carried out in a way that is sensitive to community concerns and in the interests of all communities. If there is to be progress in closing the "great divide" between key communities and the police, the community must feel a sense of ownership of and responsibility for the police. The community must also be sensitized to the



support required by the police to fulfill their responsibilities. *Who* are the police to serve, what are they to protect and what do they need to do this? The issue of police accountability, its adequacies or deficiencies, was an oft-debated issue over the two days of the conference. The following recommendations address the fostering of open communications, awareness and therefore transparency between the police and all the communities they serve.

### **On Transparency and Accountability**

*To: The Office of the Premier of Ontario, the Attorney General of Ontario, the Minister of Public Safety and Security, the Management Board Secretariat for the Province of Ontario and Municipal Police Services Boards:*

8. Accepting that effective and credible leadership is the key to progress in community policing:

It is recommended that:

The community have an increased voice in the appointment process of key policing positions, including the Chair of the Ontario Civilian Commission on Police Services, the Director of the Special Investigations Unit, Chairs of Police Service Boards and Chiefs of Police Services. The process for these appointments should be characterized by transparency and public accountability and should consist of public consultation hearings by the appropriate Minister, or Police Services Board in the case of the Chief of Police, prior to such appointment.

*To: The Attorney General of Ontario, the Minister of Public Safety and Security and the Director of the Special Investigations Unit (SIU):*

9. (a) In his Consultation Report to the Attorney General and the Solicitor General dated May 14, 1998 the Honourable George W. Adams QC recommended (Recommendation 16) that "The written report of the SIU be made public where no charges are laid." As Mr. Adams observed, "A public report seems central to providing the necessary accountability and public confidence." It was apparent to all conference organizers that insight into the facts revealed in the course of an objective investigation of an incident involving the use of force by the police would allow for meaningful analysis and the development of alternatives to the level of force used.

It is therefore strongly recommended that:

The government take such steps as are necessary to effect Mr. Adams' Recommendation 16 and allow SIU reports to be made public in cases where charges are not laid.

9. (b) The SIU is created by Section 113 of the Police Services Act in which the powers of the Director of the Unit are defined entirely in relation to the conducting of criminal investigations and determination of whether or not to lay charges. The individual and collective investigations of the SIU comprise a unique body of information related to the use of force by police officers which could be analyzed and utilized to make observations related to trends in



the use of force and recommendations regarding changes or improvements in such usage; and the Director of the SIU is ideally positioned to undertake such analysis and make such observations and recommendations for the benefit of the public and the police.

It is therefore recommended that:

The Director of the SIU be empowered by Regulation to analyze the use of force in the context of matters investigated by the Unit for the purpose of making observations and recommendations in cases where charges are not laid.

*To: The Minister of Public Safety and Security the Chiefs of Municipal Police Services and Municipal Police Services Boards:*

10. It is recommended that:

In an incident of police use of force where the SIU has invoked its mandate and the Chief is required to do an administrative investigation and report, the Chief provide the report to the Police Services Board.

*To: The Minister of Public Safety and Security and Municipal Police Services Boards:*

11. It is recommended that:

Police Services Boards make public the findings and recommendations contained in the Chief's administrative reports referred to in paragraph 10 above.

*To: The Minister of Public Safety and Security:*

12. It is recommended that:

The Minister of Public Safety and Security cause an "Alternatives to Lethal Force Newsletter" to be produced twice yearly. This newsletter would be made public and include, but not be limited to, a review of alternatives to lethal force technology being used or considered, best practices of police services in the area of use of force, current and proposed training by the major Ontario police services, and statistics related to the use of force by police in the Province.

13. It is recommended that:

The recent use of "Taser" technology by Toronto Police be publicly reported on and reviewed and any consideration of expanding or reducing the use of such technology be done with public consultation; if after such reporting and consultation it is found that this technology has reduced lethal force, then the Minister of Public Safety and Security is to consider immediate expansion of its use by police services.

*To: The Minister of Public Safety and Security, the Attorney General for Ontario, the Chief Coroner of Ontario and the Auditor General for Ontario:*

14. Coroners' Inquests serve as a vital forum for the examination of issues and concerns arising

from the police use of lethal force; juries' recommendations in such inquests reflect potentially important solutions to some of these issues; and there is no legislation in place whereby state and institutional interests must account and/or explain why they have not implemented particular recommendations.

It is recommended that:

The Auditor General for Ontario conduct an annual audit of all recommendations issued by Coroners' Inquests which are directed at state officials for the Province of Ontario, with a view to reporting annually on those recommendations that are implemented and those that are not implemented.

#### On Access to Justice

There can be no true state accountability if those who have legitimate and credible interests (legally and otherwise) in accessing the justice system for the purposes of furthering state accountability, both privately and publicly, are barred by virtue of the prohibitive cost of litigation. Civil actions arising from police use of force, lethal or not, as well as Coroners' Inquests and other public inquiries all represent forums in which potentially significant issues in state accountability arising from police use of force are litigated. While institutional and state interests fund legal representation that permits the state to competently address allegations and concerns relating to police use of force, those on the other side of these proceedings are inadequately funded. A level playing field in these types of proceedings is essential to ensuring effective, credible and fair process in the furtherance of state accountability.

*To: The Attorney General for Ontario and the Ontario Legal Aid Plan:*

15. It is recommended that:

The funding of the Ontario Legal Aid Plan be enhanced to permit members of vulnerable communities with credible and legitimate interests in specific proceedings to obtain legal representation on a par with the legal representation obtained by the state interests responding to allegations and concerns regarding state use of force. Funding levels commensurate with those in the federal Court Challenges Program should be immediately adopted in order to address the present imbalance.

*To: The Attorney General for Ontario and the Ontario Legal Aid Plan:*

16. It is recommended that:

The eligibility criteria for funding in civil litigation be expanded to ensure adequate funding for legal representation in respect of police use of force cases. Without restricting the generality of the foregoing, these expanded criteria should include the public interest in state accountability that may be furthered by pursuing civil litigation which may not be otherwise justifiable based on the damages recoverable.



*To: The Court Challenges Program of Canada:*

17. It is recommended that:

Funding criteria from the Court Challenges Program be expanded to include funding legal representation for litigants pursuing credible and legitimate proceedings in respect of state accountability in the use of force.

**On Fostering Communication and Awareness, it is recommended that:**

18. The Toronto Mental Health Legal Advocacy Coalition, a group consisting of psychiatric survivors and mental health advocates, work with Toronto Police Services and the Police Services Board to establish a working group to address the intersection of policing and mental health issues. The work of this group would include:

- Developing police-community liaison relationships with psychiatric survivor and other relevant organizations;
- Making recommendations regarding the police and existing mental health organizations, with a view to benefiting psychiatric survivors;
- Overseeing research and analysis of initiatives in the area of policing and mental health, e.g., the pilot projects discussed below;
- Ensuring a substantial representation of psychiatric survivors on the steering committees of such initiatives;
- Understanding the consequences of what the community expects the police to do, and understanding what the police need to do it;
- Designated members of this group will also have representation in a Citizens' Circle (see Recommendation 23 below).

19. Police and Police Services Board members be given the opportunity to be exposed to a variety of forums that will allow them to gather the needs and concerns of the community as equals.

20. Police service budgets themselves reflect a commitment of resources directed at working with communities most in need.

21. To encourage ongoing dialogue, a broad spectrum of law enforcement officials meet with various sectors of the community in regular, informal and non-adversarial forums. A complementary process should be undertaken in the interests of bringing about willing and constructive interactions between the police and the community and to sensitize the police at all levels to community needs. This process should consist of:

- a) Meetings of high-ranking police officials with the community, designed to influence policy-making;
- b) Comprehensive and mandatory training of mid-ranking, entry-level and newly hired officers;
- c) The recommendations developed during these meetings should guide police priorities and should be accurately reflected in the Police Service budget.

22. Community groups begin the process of engaging with police in constructive projects. To maintain a relationship of equality between the police and the community, it is important that these projects remain under community control.
23. The Urban Alliance on Race Relations bring together community members, police and elected representatives to form a Citizens' Circle for the purposes of discussing issues relating to:
- reviewing all recommendations in this report;
  - vulnerable communities in need of focus;
  - outreach towards the various communities most in need of community policing initiatives;
  - resource/management and restructuring of police services;
  - understanding the consequences of community expectations of what the police do, and understanding what the police need to do it;
  - how police can work with community resources, including non-governmental organizations, community agencies, and constituency offices of elected representatives, towards solving conflicts locally without resorting to police;
  - collecting, analyzing and identifying effective community policing practices and conflict resolution programs both in Canada and abroad, and making recommendations for the best practices.

By the end of a six-month period, this Citizens' Circle will design a process that will provide alternatives to lethal force by police and lead to better relationships between the police and the community.

#### Mobile Crisis Teams — A Step Backwards

Police are very often the first response to an emotionally disturbed person in crisis, but they are not always the best response. "Mobile crisis teams," whether they involve a police officer partnered with a mental health service provider (see 51 Division initiative below) or police reliance on a team of mental health service providers acting independently (see 42 Division initiative below), all have as their ultimate rationale the integration of police and mental health services with a view to saving lives.

In June 2000, presentations were made at the conference with respect to different initiatives by police and mental health service providers involving mobile crisis teams. *As of June 2002, the 42 Division initiative has been shelved and the 51 Division project is faltering and has not been expanded beyond a pilot project in a single Division.*

Conference participants heard that a pilot project between St. Michael's Hospital and 51 Division of the Toronto Police Service involving Mobile Crisis Intervention Teams (MCITs) operated in the downtown area of Toronto. The MCITs partnered a mental health worker with a police officer to respond to the needs of emotionally disturbed persons in crisis. The project was based on the successful Hamilton COAST (Crisis Outreach and Support Team) program and the Car 57 project in Vancouver. These teams appear to be well suited to the large population concentrations

in the downtown core areas that are characterized by a high homeless population, and where there is better access to mental health services relative to other parts of Toronto.

Participants also heard from the 42 Division Mobile Crisis Unit (MCU) project, which was focused on the large, heavily populated residential area of east Toronto (formerly Scarborough). This form of mobile crisis unit used trained mental health workers who were available to police 24 hours a day, 7 days a week. Police officers were under orders to contact the MCU team and ask them to respond with the police to situations involving emotionally disturbed persons in crisis. If the situation was deemed safe enough, the mobile crisis team would take over assistance to the person; if the situation involved apprehension, the MCU would assist the officers at the hospital and would also undertake follow-up with the person and his or her family to minimize crisis situations in the future.

Clearly, a heterogeneous city calls for differing responses according to the constituencies being served, and both the programs described above have validity and serve a different demography. But the conference discussions showed that there were problems with both projects. An ongoing tension remains between proponents of a “psycho-social model” for addressing mental health issues and those who support what is referred to as the “medical model” in the treatment of emotionally disturbed persons. What was agreed upon, however, was that both the 51 Division and the 42 Division mobile units could be built upon and improved with proper consultation. It was clear that *both advanced the goals of the conference by presenting an alternative to the use of lethal force during police encounters with emotionally disturbed persons.*

As this Report went to press, both projects had taken a serious step backwards. The 51 Division project has had problems and ceased to operate for a short period. This project, if it is as successful as its proponents claim, should have expanded to other downtown police divisions rather than just continuing the status quo. The 42 Division project has lost momentum and the official involvement of the police. While the mobile crisis units in Scarborough still exist under new management, there is no longer a police representative who plays an integral role in the project. Nor is there any requirement for police officers to call in the MCU.

The people who will suffer are those who find themselves in crisis and confrontation with the police. By operation of policy and their police training, officers will revert to the “Use of Force Continuum” options rather than relying on key resources (i.e. mental health service providers) to assist in defusing encounters with emotionally disturbed persons who are in crisis.

There have been too many inquests, too many recommendations, and too much shifting of responsibility. In the end, emotionally disturbed persons in crisis who encounter police continue to die. *What is needed is action-oriented leadership by the Ministries responsible for health care and policing.*

**On Mobile Crisis Teams, it is recommended that:**

*To: The Minister of Health and the Minister of Public Safety and Security:*

24. Wide and effective consultation be held *now* on the issue of mobile crisis teams (such consultations must include consumer/survivor communities as well as the other affected institutional and individual interests); a decision be made in the *immediate future*, and the different mobile crisis teams that are necessary to serve the different needs of the local communities in Toronto be *fully funded*.
25. Since an essential ingredient of the effectiveness of any of the mobile crisis teams is the integration of police services and the work of mental health service providers, mandated standards and protocols be put in place for the police and mental health service providers to be *required to work together* to respond to an emotionally disturbed person in crisis. To this end, both the Minister of Health and the Minister of Public Safety and Security must each set standards and protocols to mandate such a joint response.

*To: The Toronto Police Services Board and the Chief of Police, Toronto Police Service:*

26. The Toronto Police Service assign a senior police official (with a minimum rank of Inspector) to be tasked with addressing Recommendation 25.
27. The Toronto Police Services Board direct the review and amendment of its policies with a view to ensuring the long-term entrenchment of mobile crisis teams as an alternative to the use of force during police encounters with emotionally disturbed persons in crisis.



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P292.           AUDIT OF THE TORONTO POLICE SERVICE'S PUBLIC  
COMPLAINTS PROCESS**

The Board was in receipt of the attached report SEPTEMBER 10, 2002 from Jeffrey Griffiths, City Auditor, City of Toronto, with regard to the Audit of the Toronto Police Service's Public Complaints Process.

**The following persons were in attendance and made deputations to the Board:**

- **A. Alan Borovoy, General Counsel, Canadian Civil Liberties Association \***
- **Andre Fiset \***
- **Erica Lawson and Dari Meade, African Canadian Legal Clinic \***
- **Kimberly Murray, Director, Aboriginal Legal Services of Toronto – Legal Clinic \***
- **Roger Obonsawin, Chair, Aboriginal Peoples Council of Toronto \***
- **Oliver Zielke**
- **Jacques Roy, Barrister & Solicitor, Parkdale Community Legal Services \***
- **Oona Padgham, Toronto Police Accountability Coalition \***

**\* written submission also provided; copy on file in the Board office.**

**A written submission was also submitted by Martha MacKinnon, Justice For Children and Youth. A copy is on file in the Board office.**

**The Board approved the following Motions:**

- 1.       THAT the Board receive the foregoing report dated September 10, 2002 and thank the City Auditor and his staff for the informative report entitled *Performance Audit – The Public Complaints Process, Toronto Police Service*;**
  
- 2.       THAT, with the exception of recommendations #3 and #20, the recommendations contained in the City Auditor's report be referred to Chief Fantino for consideration and, with respect to recommendation #27, he provide a report to the Board in six months containing a response to each of the recommendations, including a specific work plan and timetable for the implementation of the recommendations, as appropriate;**

**cont...d**

3. **THAT, the report noted in Motion No. 2 also include a response to comments made by Councillor Bas Balkissoon at the Board's community consultation on race relations and policing held on November 16, 2002 that some drivers are unable to determine the badge numbers on police officers' uniforms when they have been stopped by police for traffic violations;**
4. **THAT recommendation #20 be referred to the Chairman for a further report to the Board;**
5. **THAT the Board request the City Auditor to provide the Chairman with the background information that led to recommendation no. 20; and**
6. **THAT the Board forward a copy of this report to the City of Toronto Audit Committee for information; and**
7. **THAT the Board receive and forward copies of the Auditor's report and the written submissions provided by the deputants to the Ministry of Public Safety and Security and request that they be reviewed with the intention of amending the present complaints system to create a more independent civilian-oriented complaints system.**

**Responses by Chairman Gardner and Chief Fantino to recommendation no. 3 pertaining to information contained in the Board's and Service's Internet web sites are noted in Minute No. P293/02 and P294/02.**

# TORONTO STAFF REPORT

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September 10, 2002

To: Toronto Police Services Board  
From: City Auditor  
Subject: Audit of the Toronto Police Service's Public Complaints Process

## Purpose:

To respond to the request of the Toronto Police Services Board for an external audit of the public complaints process as administered by the Toronto Police Service.

## Financial Implications and Impact Statement:

There may be some financial implications from the adoption of the recommendations in this report, however, the amount is not determinable at this time.

## Recommendations:

It is recommended that:

- (1) the Toronto Police Services Board consider the recommendations in the report dated August 2002 entitled "Performance Audit – The Public Complaints Process – Toronto Police Service" from the City Auditor;
- (2) the Chief of Police report to the Toronto Police Services Board, within six months, with a response to each of the recommendations in the report dated August 2002 entitled "Performance Audit – The Public Complaints Process – Toronto Police Service," including a work plan and time frame for implementing the recommendations; and
- (3) this report be forwarded to City's Audit Committee for information.



Background:

The Toronto Police Service is responsible for administering the investigation of public complaints, in accordance with Part V of the Ontario Police Services Act and its own internal policies and guidelines.

This report responds to a request from the Toronto Police Services Board for an external audit of the public complaints process, as administered by the Service. The terms of reference for this review was approved by the Toronto Police Services Board, and is included in Appendix 1 of the report.

Comments:

This is the first audit my office has performed on the Toronto Police Service's public complaints process. Significant background work and research was therefore required to gain the necessary understanding of the complaints process, the applicable legislation, internal policies and procedures, and the practices of other police jurisdictions, such that we could conduct a proper and effective audit.

The scope of this audit focused on conduct related complaints against police officers, which represent the majority of complaints received by the Toronto Police Service. The audit was performed in the context of the current provincial legislation.

In conducting this audit, my office received the full co-operation of the Toronto Police Service.

Conclusions:

Generally our audit found that in administering the public complaints process, the Toronto Police Service is in compliance with Part V of the Police Services Act, as well as its own policies and guidelines. Improvements have been recommended to further enhance the public complaints process and make it more effective towards achieving the business plan objectives of the Service.

Detailed observations, conclusions and recommendations resulting from this audit are included in the report dated August 2002 entitled "**Performance** Audit - The Public Complaints Process - Toronto Police Service."

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Jeffrey Griffiths  
City Auditor

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List of Attachments:

Performance Audit - The Public Complaints Process - Toronto Police Service, August 2002

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## **Performance Audit – The Public Complaints Process – Toronto Police Service**

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### **EXECUTIVE SUMMARY**

The Toronto Police Service provides various policing services to the community. In providing these services, the police are in contact with the public when responding to emergency calls, during investigations, or when patrolling City streets and neighbourhoods. In addition to responding to over 800,000 calls annually, members of the Toronto Police Service have numerous other contacts with the public in conducting detective investigations, traffic and parking enforcement, and special events control.

The Toronto Police Service is authorized to enforce laws and maintain order in a number of ways, such as issuing verbal warnings and commands, as well as making arrests which, in some cases, requires the use of physical force. The vast majority of encounters between police officers and members of the public are conducted without altercation or complaint. However, when members of the public believe police officers have acted improperly, they may seek redress through the public complaints process. In 2000, the Toronto Police Service dealt with 814 complaints, the majority of which (734) related to the conduct of police officers. The balance of the complaints (80) related to the policies of or services provided by the Toronto Police Service.

The administration of complaints filed by members of the public relating to the conduct of a police officer and the policies of or services provided by a police service is governed by Part V of the Ontario Police Services Act.

The objectives of a properly administered complaints process should extend beyond the punitive component of identifying office misconduct and disciplining individual officers. An effective public complaints process can help identify problem areas, foster accountability and ultimately contribute to effecting organizational change. This in turn can positively impact the overall culture of the police service and the quality of policing provided to the public.

An external audit of the Toronto Police Services public complaints process was requested by the Toronto Police Services Board. This report responds to that request, and is the result of an audit performed by the City Auditor who is independent of the Chief of Police and the Toronto Police Services Board.

Procedures performed in completing this audit included interviews with complainants, members of the general public, police officers, representatives from the Toronto Police Association and special interest groups; surveys of other jurisdictions; and the review of 94 complaint files from 2000 and 2001 maintained by the Toronto Police Service.

A summary of our more significant findings are as follows:

- the Toronto Police Service is in compliance with Part V of the Ontario Police Services Act. In our opinion, investigations in regard to public complaints were conducted thoroughly and are administered within prescribed timelines;
- public complaints are properly classified, reasonable efforts were made to gather the necessary evidence needed to complete investigations, and the disposition of complaints was appropriate based on the evidence contained in the complaint files reviewed;
- access to the complaints process by the public could be improved by making information on the process, including complaint forms, available in languages other than English;
- information on the public complaints process should be available at convenient locations throughout the City such as City of Toronto civic centres and public libraries;
- information on the complaints process, including public complaint forms, should be available on the Internet web sites of both the Toronto Police Service and the Toronto Police Services Board;
- there is a need to ensure police officers, including officers in charge, are aware of their responsibilities in regard to the public complaints process. In particular, there is a need to clarify the responsibilities of officers in charge in relation to the informal resolution of complaints;
- written guidelines regarding the classification of complaints at the intake stage should be developed, and the classification of complaints should be subject to supervisory review on a random basis by senior staff of the Professional Standards Division;
- files for complaints that are informally resolved should be reviewed by Unit Commanders prior to a final decision being made on the complaint to ensure that files are complete and contain appropriate information to support conclusions;
- files for complaints, which have been informally resolved, should be retained until completion of the annual audit of the complaints process;
- interviews with complainants be audiotaped where possible. The audiotaping of interviews should only be conducted with the approval of the complainant;
- discipline imposed against police officers is not being monitored. In two out of the ten files we reviewed where complaints were substantiated, discipline as adjudicated was not imposed;
- quality assurance surveys of complainants and police officers be conducted on a regular basis to obtain ongoing feedback on the complaints investigation process. Issues identified as a result of this process be appropriately addressed;

- specific concerns raised by police officers, in regard to the complaints process, be addressed by the Chief of Police; and
- the Professional Standards Information System be expedited as soon as possible, and reporting requirements clearly defined.

Information on each of the above issues is contained in the body of this report.

Our audit was conducted in the context of the Ontario Police Services Act. Part V of the Act contains specific provisions relating to the administration of the public complaints process. Based on the interviews we conducted during the course of this audit, concerns were expressed in relation to certain provisions in the Act. Specifically, two issues were raised from our interviews with various individuals and organizations:

- the investigation of public complaints against police officers by the Chief of Police. Certain individuals and organizations contend that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police; and
- the current provincial legislation only allows the individual directly affected by the conduct of a police officer to lodge a complaint. Third-party witnesses to an event, are not permitted to file a complaint against a police officer. A total of 29 third-party complaints (3.5 percent) were filed with the Toronto Police Service in 2000. The number of potential third-party complainants who did not formalize a complaint when informed of the provisions of the legislation is not known.

One of the objectives in the Toronto Police Service's business plan for 2002 - 2004 is to attain a high degree of public confidence in the impartiality of the public complaints process. Public confidence in the system is a fundamental principle in the administration of an effective complaints process. If members of the public lack confidence in the process, it is unlikely that they will file a complaint. The concerns expressed above, which are driven by the current provincial legislation, negatively impacts the ability of the Toronto Police Service to achieve the objectives of its business plan. While a detailed study of the merits or otherwise of current legislation is outside the scope of this audit, this matter is an issue which requires attention.

This audit makes a number of recommendations to improve the current public complaints process. The number of recommendations should not be viewed as an indication of significant problems in the Toronto Police Service's public complaints process. Rather, the recommendations taken collectively represent a series of enhancements which, if acted upon, will contribute to improving the overall efficiency and effectiveness of the public complaints process.

In conclusion, it is suggested that the Chief of Police be requested to provide a written response within six months to the Police Services Board with regard to the recommendations contained in this report. The report prepared by the Chief of Police should include a specific work plan and time table for the implementation of the recommendations where appropriate.

## RECOMMENDATIONS

The following is a list of recommendations corresponding to those contained in the body of this report. The page number that follows each recommendation indicates the page on which the background information supporting the recommendation can be found.

- 1. The Chief of Police ensure that information on the public complaints process and the standard complaint forms be available in languages other than English. Such material be available in languages appropriate to the cultural make up of the City.**

**Page 16**
- 2. The Chief of Police give consideration to making informational material on the public complaints process available at convenient locations throughout the City, such as City of Toronto civic centres and public libraries. In addition, the Chief of Police ensure that information on the complaints process is readily accessible at all police divisions.**

**Page 16**
- 3. The Toronto Police Services Board include information on the public complaints process on its Internet web site. In addition, the Toronto Police Service and the Toronto Police Services Board make public complaint forms available on their respective web sites.**

**Page 17**
- 4. The Chief of Police ensure all officers, particularly officers in charge, are aware of:**

  - their responsibility in providing information on the public complaints process to members of the general public; and**
  - the importance of creating an environment where the reporting of police officer misconduct is as stress free as possible for members of the general public.**

**Page 18**
- 5. The Chief of Police establish clear written guidelines for the classification of all complaints and direct senior staff of the Professional Standards Division to review the classification of complaints on a random basis.**

**Page 19**
- 6. The Chief of Police clarify the roles and responsibilities of officers in charge with respect to the complaints process, ensure they have the necessary knowledge of the process, and emphasize the importance and benefits of their active involvement in informally resolving less serious complaints as soon as they are reported.**

**Page 20**

7. The Chief of Police direct that all complaint files relating to informal resolutions be forwarded to the Professional Standards Division for review. Deficiencies identified during the review process be communicated to the respective officers in charge for follow-up with the appropriate Unit Complaints Coordinator. Corrective action be communicated to the Professional Standards Division.

Page 21
8. The Chief of Police direct that information from complaint files which have been subject to informal resolution be retained such that problem areas can be readily identified and appropriate action taken.

Page 21
9. The Chief of Police postpone the destruction of files relating to complaints, which have been informally resolved, until completion of the annual audit of the public complaints process.

Page 21
10. The Chief of Police direct the Professional Standards Division to monitor the withdrawal of public complaints in all police divisions to ensure that withdrawals are not used as a means of expeditiously resolving complaints. Where withdrawn complaints at certain divisions are inordinately out of line, the Professional Standards Division determine the reasons and, where appropriate, take corrective action.

Page 22
11. The Chief of Police ensure that all Unit Complaints Coordinators are aware of the level of documentation required for investigative files, and that such files are clear, concise and presented in a manner which supports the final conclusions of the investigations. Where appropriate, training be provided to meet this objective.

Page 25
12. The Chief of Police direct Unit Commanders to review all public complaint investigation files in their respective divisions before signing off, to ensure that the files are complete, that all appropriate investigative procedures were performed, and that the investigations are free of bias. This review should be conducted prior to the final adjudication of the complaint.

Page 25
13. The Chief of Police direct the Professional Standards Division that interviews with complainants be audiotaped where possible. Audiotaping of interviews only be conducted with the written approval of the complainant. If a complainant does not wish to be audiotaped, this fact be included in the complaint file.

Page 26

- 14. The Professional Standards Division, on a sample basis, review audiotaped recordings of interviews to ensure that investigations are complete, thorough and free of bias. Any problems identified during this process be communicated to senior staff and appropriate action, including training, be initiated.**

**Page 26**
- 15. The Chief of Police direct that a conflict of interest declaration be signed by investigative officers on appointment to the Public Complaints Investigation Bureau or assignment to a Unit Complaint Coordinator position. Specific guidelines relating to what constitutes a conflict of interest should be developed and communicated to investigators.**

**Page 26**
- 16. The Chief of Police develop, where public complaints are substantiated, internal controls to ensure that the appropriate and necessary disciplinary action is imposed on police officers. In addition, the Chief of Police ensure that the information pertaining to disciplinary action taken is retained for the required time period in the subject officer's file. Disciplinary action taken be reported to the Professional Standards Division.**

**Page 27**
- 17. The Chief of Police disclose the range of discipline imposed on police officers in the Professional Standards Division Annual Public Report prepared by the Professional Standards Division.**

**Page 28**
- 18. The Chief of Police give consideration to the retention of outside legal representation for the complainant at formal disciplinary hearings, where appropriate.**

**Page 28**
- 19. The Chief of Police develop a plan to measure the performance of the Toronto Police Service relative to its business plan as it relates to the complaints process. Such a plan to include a recommendation relating to the reporting of the results of this process.**

**Page 29**
- 20. The Toronto Police Services Board:**

  - consider the concerns raised by the general public with respect to the complaints process, specifically, the administration of the public complaints process by the police and the ability to investigate complaints filed by third parties; and**

- take the necessary action to deal with these issues, including communicating these concerns to the Ministry of the Attorney General for consideration and appropriate action.

Page 30

21. The Chief of Police review the complaint investigation process to ensure that the concerns identified by both the general public and complainants, as outlined in this report, are appropriately addressed.

Page 31

22. The Chief of Police direct the Professional Standards Division to solicit feedback from complainants and police officers involved in public complaints, and that the survey results be returned directly to the Complaints Review Unit for analysis and the identification of any issues or deficiencies that need corrective action.

Page 32

23. The Chief of Police review the concerns of officers relating to the public complaints process as identified in this report, and take appropriate action to address these concerns.

Page 34

24. The Chief of Police expedite the implementation of the Professional Standards Information System and ensure that the informational requirements of the system are clearly defined to meet the needs of the Professional Standards Division.

Page 35

25. The Chief of Police direct Toronto Police Service, Legal Services to maintain information on civil litigation that relates to public complaints and to report this information to Professional Standards Division, such that the risk and cost of not effectively dealing with public complaints is monitored on a regular basis.

Page 36

26. The Chief of Police direct the Professional Standards Division to develop a time tracking system to capture the amount of time investigators spend on the investigation of public complaints, such that the resources deployed in performing these investigations can be more effectively managed.

Page 36

27. The Chief of Police report to the Toronto Police Services Board, within six months, with a response to each of the recommendations contained in this report, including a specific work plan and timetable for the implementation of the recommendations, as appropriate.

Page 37

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P293.           RESPONSE TO RECOMMENDATION No. 3 OF THE CITY AUDITOR'S  
REPORT – BOARD WEBSITE**

The Board was in receipt of the following report NOVEMBER 4, 2002 from Norman Gardner, Chairman:

Subject:       RESPONSE TO RECOMMENDATION 3 OF THE CITY AUDITOR'S  
REPORT: AUDIT OF THE TORONTO POLICE SERVICE'S PUBLIC  
COMPLAINTS PROCESS – BOARD WEB SITE

Recommendation:

It is recommended that: the Board receive this report.

Background:

At its meeting on October 24, 2002, the Board requested that I provide a report to the November 21, 2002 Board meeting responding to recommendation no. 3 in the City Auditor's report entitled, *Audit Of The Toronto Police Service's Public Complaints Process* (Board Minute 265/02 refers).

In response to the City Auditor's recommendation, the Toronto Police Services Board Internet web site has been reconfigured to include a direct link to the Toronto Police Service web site that provides information on the public complaints process. The matter of providing public complaint forms on the web site is currently under review and will be reported to the Board in a future report.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P294.           RESPONSE TO RECOMMENDATION No. 3 OF THE CITY AUDITOR'S  
REPORT – SERVICE WEBSITE**

The Board was in receipt of the following report NOVEMBER 4, 2002 from Julian Fantino, Chief of Police:

Subject:       AUDIT OF THE TORONTO POLICE SERVICE'S PUBLIC COMPLAINTS  
PROCESS

Recommendation:

It is recommended that the Board receive this report for information.

Background:

At its meeting on October 24, 2002, the Toronto Police Services Board requested that Chief Fantino provide a report to the Board in response to recommendation no. 3 in the City Auditor's report and that it be submitted for the November 21, 2002 meeting. (Board Minute No. P265/02 refers).

Recommendation No. 3, proposes that the Chief of Police include public complaint forms on the Toronto Police Service web site and that such information be available in languages other than English. The availability of the complaint form would enable the downloading of the forms, and would facilitate easy access by members of the general public.

In response to this recommendation, interim measures have been taken to notify all divisional commanders to ensure that brochures on the complaint process are easily accessible and available to the general public at the front counter of all stations. A request has been sent out to all divisional commanders to identify the most common languages spoken in their respective divisions and communicate this information to Professional Standards.

The Ontario Civilian Commission on Police Services advises that brochures on the complaint process are available in a variety of different languages at no cost to the Service. Once determined which languages are the most prevalent, brochures will be ordered and supplied to each police division.

The portion of this recommendation that the complaint forms be included on the Toronto Police Service web site is currently being studied for implementation as well as a hyperlink to the web site of the Ontario Civilian Commission on Police Services, which is currently under construction. These measures will afford the public easy accessibility to information on the public complaint process.

Staff Superintendent David Dicks, Professional Standards, will be in attendance to answer any questions the Board may have in regard to this matter.

**Acting Staff Superintendent Roy Pilkington, Professional Standards, was in attendance and responded to questions by the Board about this report.**

**A/Staff Supt. Pilkington agreed to investigate whether the complaint form which is produced by the province can be placed directly onto the Board's and Service's websites and will provide a response to the Board for its next meeting.**

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P295.            REVIEW OF THE NEW *MUNICIPAL ACT***

The Board was in receipt of the following report OCTOBER 8, 2002 from Julian Fantino, Chief of Police:

Subject:        REPORT REGARDING THE NEW *MUNICIPAL ACT*, S.O. 2001, c. 25, TO  
                  COME INTO FORCE JANUARY 1, 2003

Recommendation:

It is recommended that:

1. the Board receive the following report regarding the new *Municipal Act*, S.O. 2001, c. 25;
2. the Board submit a recommendation to the City of Toronto, to enact a by-law concerning the excessive fortification of premises; and
3. the Board forward a copy of this report to the City of Toronto, for consideration.

Background :

In recent years, municipalities have asked for a modern, streamlined *Municipal Act* (hereinafter the *Act* or in relation to the new *Municipal Act*, the new *Act*) that allows for flexibility to react quickly to local economic, environmental and social changes. In response to this request, the Government drafted a new *Act* in an effort to build a better, more constructive relationship between the province and the municipalities. The new *Act* will give municipalities broader authority to deliver services and more authority to make their communities safer.<sup>1</sup>

In concert with City Councillors and individuals from the community, the Toronto Police Service identified several areas of concern that relate directly to the new *Act*. In particular the need for increased powers to assist in street level drug enforcement, the rise in the number of outlaw motorcycle gang clubhouses in the GTA and issues surrounding parking enforcement were highlighted. These issues were brought to the attention of the Police Services Board through a series of deputations and Board reports (Board Minutes P110/01, P157/01 and P197/01, refer).

The new *Act* has received Royal Assent and is scheduled to come into force on January 1, 2003. The new *Act* appears to effectively address issues relating to the excessive fortification of premises, as well as drug enforcement and other areas of public concern such as body rub and adult entertainment parlours. The new *Act* however, requires modification in one area relating to parking enforcement on private property and this is being addressed by a Bill currently before the legislature.

### Fortification of Premises:

A recent influx of outlaw motorcycle gang (OMG) activity within the Province of Ontario has stirred the concerns and frustrations of the law enforcement community and civilians alike. Historically, and despite empirical evidence of criminal activity, access to heavily fortified OMG 'bunkers' by police has been difficult to say the least. Unfortunately, in the past, the *Building Code Act*, S.O. 1992, c. 23, as amended, prevented municipalities from enacting by-laws to control the excessive fortification of premises.

Today, although the new *Act* does not come into force until the new year, a provision has been added to both the existing *Act* (section 217)<sup>2</sup> and the new *Act* (section 133)<sup>3</sup>, enabling municipalities to regulate and prohibit the excessive fortification of premises. This provision became effective on December 12, 2001, when the Bill received Royal Assent. The sections provide, in part, that municipalities that are responsible for the enforcement of the *Building Code Act* may regulate protective elements that are applied to land and prohibit the excessive fortification of land.

The new provision not only limits the use of protective elements to a premise, but also provides in section 217 of the current *Act* (section 133 of the new *Act*) the following, which impacts a municipality's ability to police the by-law:

- (6) A municipality may, at any reasonable time, enter and inspect any land to determine whether a by-law or order under this section is being complied with.<sup>4</sup>

The Ontario Association of Chiefs of Police – Police Legal Advisors Committee, in consultation with a number of municipalities, has provided a generic Fortification of Premises by-law which, with minor modifications, has been enacted in several municipalities surrounding the Toronto region. It is recommended that the Board submit a recommendation to the City of Toronto to follow-suit and enact a similar by-law. A copy of the generic by-law has been appended to this report for consideration (Appendix "I" refers).

### Drug Enforcement and Public Nuisances:

The issue of drug enforcement has been an ongoing concern in many neighbourhoods throughout the City of Toronto. Specifically, the reciprocal relationship between the drug trade and other nuisances such as raves, crack houses and prostitution have been a constant issue for councillors, constituents and the police. In response to these concerns, a provision was added to the existing *Act* (section 329.1)<sup>5</sup> and the new *Act* (section 433)<sup>6</sup> placing an onus on the building owner and, in certain specified instances, authorizing municipalities to apply for a court order to close premises for up to two years, if activities on the premises constitute a public nuisance.

According to the provision, a public nuisance is defined as activities or circumstances that have a detrimental impact on the use and enjoyment of property in the vicinity of the premises, where the owner knew or ought to have known that those activities or circumstances were occurring, yet failed to take adequate steps to remove the problem(s). The activities or circumstances that constitute a public nuisance include, but are not limited to:

- (i) trespass on property,
- (ii) interference with the use of highways and other public places,
- (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns,
- (iv) activities that have a significant impact on property values,
- (v) an increase in harassment or intimidation, or
- (vi) the presence of graffiti.<sup>7</sup>

In accordance with section 433(2) of the new *Act*, a municipality must consult with the Chief of Police for the area that includes the premise, prior to submitting an application to the court to close that premise. Under this provision, the Chief is required to consent unless, in his or her opinion, the application may impact on the operations of the police.<sup>8</sup> This provision not only protects the interests of the Service in ensuring the integrity and confidentiality of on-going police investigations, but also offers a constructive method of opening dialogue with regard to problem areas.

The provisions contained within the new *Act* offer a great deal of flexibility in respect of the identification, regulation and enforcement of nuisances. In general terms, section 128(1) of the new *Act* provides municipalities with the power to prohibit and regulate public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances.<sup>9</sup> Likewise, under the heading of “Health, Safety and Well-being”, municipalities are responsible for and are allowed greater latitude in protecting their communities, as provided by section 130, which states:

A municipality may regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality.<sup>10</sup>

Once nuisances or other concerns are identified, municipalities are provided with implements under the new *Act* to categorize, govern and regulate the said nuisance. At section 150(4), the new *Act* provides that municipalities must seek community input with regard to licensing by-law decisions, including the imposition of conditions on the licensees.<sup>11</sup> The businesses that may be licensed, regulated and governed by the municipality are defined under section 150(6)<sup>12</sup> of the new *Act* and may subsequently be divided into classes under the authority of section 150(8)<sup>13</sup>. It should be noted that with regard to licensing decisions, businesses are considered on an individual basis and the same conditions are not necessarily imposed upon all businesses within a particular class.

According to section 150(6) of the new *Act* the following businesses are subject to regulation:

- (a) trades and occupations;
- (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
- (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and

- (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.<sup>14</sup>

Consequently, raves, body rub and adult entertainment parlours are all subject to licensing under the new *Act*. As such, the provision effectively enables municipalities, citizens and the police to better manage these issues and exercise a greater degree of control with regard to overall public safety.

Upon review of the new *Act*, the proposed amendments appear to be not only sufficient, but also appropriate as they relate to the excessive fortification of premises and the control of various public nuisances and other safety concerns. Within the context of these areas, the new *Act* is structured such that it invites input from the community it seeks to protect and provides a solid base upon which this protection can be enforced.

#### Parking Enforcement:

In relation to parking enforcement within the City of Toronto, there is one area in the new *Act* that, if left unamended, may jeopardize the parking enforcement program for private and municipal property. The Province however, has been responsive to the concerns of municipalities and has tabled Bill 177, which, if passed, will effectively address these matters.

#### *Authority for By-laws Regulating or Prohibiting Parking on Private Property:*

At present, section 210(131) of the *Act* provides that councils may pass by-laws prohibiting the parking on private or municipal property without the consent of the owner or occupant of the property. It further provides that an owner or occupant of a property may post signs stating conditions on which a vehicle may be parked or prohibited from parking on the property. Parking contrary to the conditions on the posted signs is then prohibited.<sup>15</sup> Once the by-law is passed, parking on any private or municipal property without consent is prohibited. Furthermore, under the existing *Act*, a municipal by-law applies to every property, but if an owner or occupant does not want to make use of the by-law, then they have the discretion not to ask for enforcement on their property. There is no need to exempt the property from the by-law.

As it currently stands, for a by-law made under section 100 of the new *Act* to apply to privately owned land, the owner would have to file with the municipality a written consent to the application of the by-law to the land and have a sign posted at each entrance to the land clearly indicating the regulation or prohibition.<sup>16</sup> Section 100 of the new *Act* leads to two obvious problems: (1) how would a person, parking on property, know if the owner had filed a written consent to the municipality and therefore, whether the by-law applied to a particular property? (2) For the by-law to apply and be enforced, every driveway on a residential street would require a sign at the entrance to the driveway. This would ultimately lead to sign pollution.

Bill 177, which passed its second reading on October 7, 2002, and was ordered referred to the Standing Committee on General Government, alleviates both of the aforementioned concerns. Section 100.1, seeks to amend section 100 of the new *Act*, by providing that a local municipality may, without the requirement of signs being posted, regulate or prohibit the parking or leaving of motor vehicles without the consent of the owner of the land, except when that land is being used as a parking lot.<sup>17</sup> If the land is being used as a parking lot then, as now, signs would be posted.

With respect to the transition between the existing *Act* and the new *Act*, either amended by Bill 177 or not, a reprieve is offered under section 457 of the new *Act*. This section states that if a municipality no longer has the authority to pass a by-law or resolution, then any by-laws or resolutions in existence prior to December 31, 2002, will continue to be in force until their repeal or January 1, 2006, whichever occurs first.<sup>18</sup> In this case however, provided Bill 177 is passed, a reprieve will not be necessary as the proposed section 100.1 of the new *Act* will better provide for a municipality's regulation and prohibition of parking on privately owned land.

Therefore, I recommend that the Board receive this report; that the Board recommend to the City of Toronto to enact a by-law concerning the excessive fortification of premises; and that the Board forward a copy of this report to the City of Toronto, for consideration.

Staff Superintendent David Dicks of Professional Standards will be in attendance to answer any questions concerning this report.

**The Board approved the foregoing.**

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APPENDIX "A"



CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002

RSO 1990 cM.45 s217  
[eff December 12, 2001 to ]

**R.S.O. 1990, c. M.45**

**Municipal Act**

**PART XVII  
POWERS TO PASS BY-LAWS**

**SECTION 217**

*Fortification of land*

217. (1) A municipality that is responsible for the enforcement of the Building Code Act, 1992 may,

- (a) regulate in respect of the fortification of and protective elements applied to land in relation to the use of the land; and
- (b) prohibit the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land.

*Definitions*

(2) In this section,

“land” means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or on or in any structure on the land; (“bien-fonds”)

“municipality” includes a regional municipality, a district municipality and the County of Oxford; (“municipalité”)

“protective elements” include surveillance equipment. (“éléments protecteurs”)

*Scope of by-law*

(3) A by-law under this section,

- (a) may exempt land or classes of land, on such conditions as may be specified in the by-law;
- (b) may require the owner of land, at the owner’s expense, to perform remedial work in respect of the land so that it is in conformity with the by-law;
- (c) may require remedial work under clause (b) to be done even though the fortifications or protective elements to which the by-law applies were present on the land before the by-law came into force.

*By-law v and b uilding code*

**QUICKLAW**



(4) A permit shall not be issued under the Building Code Act, 1992 if the proposed building or construction or use of the building will contravene a by-law under this section.

*Conflict*

(5) Despite section 35 of the Building Code Act, 1992, if there is a conflict between the building code under the Building Code Act, 1992 and a by-law made under this section, the building code prevails.

*Power of entry*

(6) A municipality may, at any reasonable time, enter and inspect any land to determine whether a by-law or order under this section is being complied with.

*Order*

(7) If a municipality is satisfied that a contravention of a by-law under this section has occurred, the municipality may make an order requiring work to be done to correct the contravention and the order shall set out,

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and
- (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the municipality may have the work done at the expense of the owner.

*Period for compliance for existing fortifications*

(8) The period described in clause (7) (b) shall not be less than three months if the fortifications or protective elements were present on the land on the day the by-law is passed.

*Entry to do work*

(9) If the work required by an order under subsection (7) is not done within the specified period, the municipality may, at any reasonable time, enter upon the land to do the work.

*Dwellings*

(10) No person shall exercise a power of entry under this section to enter a place, or a part of a place, that is used as a dwelling unless,

- (a) the occupier of the dwelling consents to the entry, having first been informed of his or her right to refuse consent; or
- (b) if the occupier refuses to consent, the power to enter is exercised under the authority of a warrant issued under section 15 8 of the Provincial Offences Act.

**\*\* Quicklaw Table \*\***

Changes prior to Quicklaw Tables: R.S.O. 1990, c. M.45, s. 217; S.O. 1996, c. 1, Sched. M, s.

**QUICKLAW**



9, effective January 30, 1996 (R.A.). Please see other sources for in force dates.

| Provision | Changed by    | In force    | Authority |
|-----------|---------------|-------------|-----------|
| 217       | 2001 c25 s478 | 2001 Dec 12 | R.A.      |

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R.S.O. 1990, c. M.45, s. 217; S.O. 1996, c. 1, Sched. M, s. 9; S.O. 2001, c. 25, s. 478.

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## APPENDIX "B"

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CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC 2001 c25 s133

S.O. 2001, c. 25

Municipal Act, 2001

**PART III**

**SPECIFIC MUNICIPAL POWERS**

**HEALTH, SAFETY AND NUISANCE**

**SECTION 133**

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ENACTMENT NOT IN FORCE

NOTE: On January 1, 2003, the following is enacted (S.O. 2001, c. 25, s. 133 (Act, s. 485(1)):

Fortification of land

133. (1) A municipality that is responsible for the enforcement of the Building Code Act, 1992 may,
- (a) regulate in respect of the fortification of and protective elements applied to land in relation to the use of the land; and
  - (b) prohibit the excessive fortification of land or excessive protective elements being applied to land in relation to the use of the land.

Definitions

- (2) In this section,
- "land" means land, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structure on the land or on or in any structure on the land; ("bien-fonds")
- "protective elements" include surveillance equipment.

("elements protecteurs")

Scope of by-law

- (3) A by-law under this section,
- (a) may exempt land or classes of land, on such conditions as may be specified in the by-law;
  - (b) may require the owner of land, at the owner's expense, to perform remedial work in respect of the land so that it is in conformity with the by-law;
  - (c) may require remedial work under clause (b) to be done even though the fortifications or protective elements to which the by-law applies were present on the land before the by-law came into force.

By-law and building code

- (4) A permit shall not be issued under the Building Code Act, 1992 if the proposed building or construction or use of the building will contravene a by-law under this section.

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Conflict

(5) Despite section 35 of the Building Code Act, 1992, if there is a conflict between the building code under the Building Code Act, 1992 and a by-law made under this section, the building code prevails.

Power of entry

(6) A municipality may, at any reasonable time, enter and inspect any land to determine whether a by-law or order under this section is being complied with.

Order

(7) If a municipality is satisfied that a contravention of a by-law under this section has occurred, the municipality may make an order requiring work to be done to correct the contravention and the order shall set out,

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and
- (c) a notice stating that if the work is not done in compliance with the order within the period it specifies, the municipality may have the work done at the expense of the owner.

Period for compliance for existing fortifications

(8) The period described in clause (7) (b) shall not be less than three months if the fortifications or protective elements were present on the land on the day the by-law is passed.

Municipality not required to restore land or pay compensation

(9) Clause 431 (c) does not require the remedial work done under this section to be undone and clause 431 (d) does not require the municipality to provide compensation as a result of doing the remedial work.

S.O. 2001, c. 25, s. 133, NOT IN FORCE until January 1, 2003 (Act, s. 485(1)).

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APPENDIX “C”

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CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002

RSO 1990 c.M.45 s329.1  
[eff December 12, 2001 to ]

R.S.O. 1990, c. M.45

Municipal Act

**PART XIX  
PENALTIES AND ENFORCEMENT OF BY-LAWS**

**SECTION 329.1**

*Closing premises, public nuisance*

329.1 (1) Upon the application of a municipality, the Superior Court of Justice may make an order requiring that all or part of a premises within the municipality be closed to any use for a period not exceeding two years if, on the balance of probabilities, the court is satisfied that,

- (a) activities or circumstances on or in the premises constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises;
- (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the premises including, but not limited to, impacts such as,
  - (i) trespass on property,
  - (ii) interference with the use of highways and other public places,
  - (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns,
  - (iv) activities that have a significant impact on property values,
  - (v) an increase in harassment or intimidation, or
  - (vi) the presence of graffiti; and
- (c) the owner or occupants of the premises or part of the premises knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance.

*Consent*

(2) A municipality shall not make an application under subsection (1) with respect to a premises without the consent of the chief of police of the municipal police force or the detachment commander of the Ontario Provincial

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Police detachment that is responsible for policing the area which includes the premises and the consent shall not be refused unless, in the opinion of the chief of police or detachment commander, as the case may be, the application may have an impact on the operations of the police.

*Notice to Attorney General*

(3) After obtaining a consent under subsection (2) but before making an application under subsection (1), the municipality shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General.

*Resulting action*

(4) The following apply with respect to a notice given to the Attorney General under subsection (3):

1. If the Attorney General does not provide any comment to the municipality with respect to the application within the 15-day comment period, the municipality may proceed with the application.
2. If the Attorney General provides comments to the municipality supporting the application within the 15-day comment period, the municipality may immediately proceed with the application.
3. If the Attorney General provides comments to the municipality opposing the application within the 15-day comment period, the municipality may not proceed with the application.

*Action by Attorney General*

(5) The Attorney General may, at any time, take over or terminate an application under subsection (1) or be heard in person or by counsel on the application.

*Contents of notice*

(6) A notice under subsection (3) shall include a description of,

- (a) the premises with respect to which the municipality intends to make the application;
- (b) the activities or circumstances on or in the premises which, in the opinion of the municipality, constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises; and
- (c) the detrimental impact on the use and enjoyment of property in the vicinity of the premises which, in the opinion of the municipality, is caused by the activities or circumstances described in clause (b).

*Suspension of closing order*

(7) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may

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make an order suspending an order made under subsection (1) to permit such use, for such period and upon such conditions on the applicant, including the posting of security, specified by the court if, on the balance of probabilities, the court is satisfied that the use will not result in activities and circumstances constituting a public nuisance.

*Discharge of closing order*

(8) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order discharging an order made under subsection (1) if, on the balance of probabilities, the court is satisfied that circumstances have changed to the extent that after the discharge of the order the premises will not be used in a manner which will result in activities and circumstances constituting a public nuisance.

*Barring entry*

(9) If a closing order is made under this section, the police force responsible for policing in the municipality shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section.

*No stay of order*

(10) An application under this section does not stay an order under subsection (1).

*Municipality to be party*

(11) A municipality that obtains an order with respect to a premises under subsection (1) is entitled to be a party in proceedings under subsection (7) or (8) with respect to the premises and shall be served with a copy of the notice initiating proceedings in accordance with the rules of the court.

*Notice*

(12) Notice of an application under this section shall be served on the Attorney General who is entitled to be heard in person or by counsel on the application.

*Description of premises*

(13) For the purpose of an order under this section, the municipal address of the premises is a sufficient description of the premises or part of the premises affected by the order.

*Registration*

(14) An order under this section may be registered in the proper land registry office.

*Right not affected*

(15) Nothing in this section affects the Attorney General's right to bring an injunction in the public interest.

*Interpretation*

(16) In this section, "municipality" includes a regional and district municipality and the County of Oxford.

**\*\* Quicklaw Table \*\***

| Provision | Changed by | In force | Authority |
|-----------|------------|----------|-----------|
|-----------|------------|----------|-----------|

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329.1                      2001 c25 s478                      2001 Dec 12                      R.A.

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S.O. 2001, c. 25, s. 478.

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## APPENDIX "D"



CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC 2001 c25 s433

**S.O. 2001, c. 25**

**Municipal Act, 2001**

**PART XIV**

**ENFORCEMENT**

**SECTION 433**

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ENACTMENT NOT IN FORCE

NOTE: On January 1, 2003, the following is enacted (S.O. 2001, c. 25, s. 433 (Act, s. 485(1)):

Closing premises, public nuisance

433. (1) Upon the application of a municipality, the Superior Court of Justice may make an order requiring that all or part of a premises within the municipality be closed to any use for a period not exceeding two years if, on the balance of probabilities, the court is satisfied that,

- (a) activities or circumstances on or in the premises constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises;
- (b) the public nuisance has a detrimental impact on the use and enjoyment of property in the vicinity of the premises including, but not limited to, impacts such as,
  - (i) trespass on property,
  - (ii) interference with the use of highways and other public places,
  - (iii) an increase in garbage, noise or traffic or the creation of unusual traffic patterns,
  - (iv) activities that have a significant impact on property values,
  - (v) an increase in harassment or intimidation, or
  - (vi) the presence of graffiti; and
- (c) the owner or occupants of the premises or part of the premises knew or ought to have known that the activities or circumstances constituting the public nuisance were taking place or existed and did not take adequate steps to eliminate the public nuisance.

Consent

(2) A municipality shall not make an application under subsection (1) with respect to a premises without the consent of the chief of police of the municipal police force or the detachment commander of the Ontario Provincial Police

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detachment that is responsible for policing the area which includes the premises and the consent shall not be refused unless, in the opinion of the chief of police or detachment commander, as the case may be, the application may have an impact on the operations of the police.

Notice to Attorney General

(3) After obtaining a consent under subsection (2) but before making an application under subsection (1), the municipality shall give 15 days notice of its intention to make an application under subsection (1) to the Attorney General.

Resulting action

(4) The following apply with respect to a notice given to the Attorney General under subsection (3):

1. If the Attorney General does not provide any comment to the municipality with respect to the application within the 15-day comment period, the municipality may proceed with the application.

2. If the Attorney General provides comments to the municipality supporting the application within the 15-day comment period, the municipality may immediately proceed with the application.

3. If the Attorney General provides comments to the municipality opposing the application within the 15-day comment period, the municipality may not proceed with the application.

Action by Attorney General

(5) The Attorney General may, at any time, take over or terminate an application under subsection (1) or be heard in person or by counsel on the application.

Contents of notice

(6) A notice under subsection (3) shall include a description of,

(a) the premises with respect to which the municipality intends to make the application;

(b) the activities or circumstances on or in the premises which, in the opinion of the municipality, constitute a public nuisance or cause or contribute to activities or circumstances constituting a public nuisance in the vicinity of the premises; and

(c) the detrimental impact on the use and enjoyment of property in the vicinity of the premises which, in the opinion of the municipality, is caused by the activities or circumstances described in clause (b).

Suspension of closing order

(7) Upon the application of any person who has an interest in the premises, the Superior Court of Justice may make an order suspending an order made under subsection (1) to permit such use, for such period and upon such conditions on the applicant, including the posting of security, specified by the court if, on the balance of probabilities, the court is satisfied that the use will not result in activities and circumstances constituting a public nuisance.

Discharge of closing order

(8) Upon the application of any person who has an interest

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in the premises, the Superior Court of Justice may make an order discharging an order made under subsection (1) if, on the balance of probabilities, the court is satisfied that circumstances have changed to the extent that after the discharge of the order the premises will not be used in a manner which will result in activities and circumstances constituting a public nuisance.

Barring entry

(9) If a closing order is made under this section, the police force responsible for policing in the municipality shall bar entry to all entrances to the premises or parts of the premises named in the order until the order has been suspended or discharged under this section.

No stay of order

(10) An application under this section does not stay an order under subsection (1).

Municipality to be party

(11) A municipality that obtains an order with respect to a premises under subsection (1) is entitled to be a party in proceedings under subsection (7) or (8) with respect to the premises and shall be served with a copy of the notice initiating proceedings in accordance with the rules of the court.

Notice

(12) Notice of an application under this section shall be served on the Attorney General who is entitled to be heard in person or by counsel on the application.

Description of premises

(13) For the purpose of an order under this section, the municipal address of the premises is a sufficient description of the premises or part of the premises affected by the order.

Registration

(14) An order under this section may be registered in the proper land registry office.

Right not affected

(15) Nothing in this section affects the Attorney General's right to bring an injunction in the public interest.

S.O. 2001, c. 25, s. 433, NOT IN FORCE until January 1, 2003 (Act, s. 485(1)).

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APPENDIX "E"



CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC2001 c25 s128

S.O. 2001, c. 25

Municipal Act, 2001

**PART III**

**SPECIFIC MUNICIPAL POWERS**

**HEALTH, SAFETY AND NUISANCE**

**SECTION 128**

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ENACTMENT NOT IN FORCE

NOTE: On January 1, 2003, the following is enacted (S.O. 2001,  
c. 25, s. 128 (Act, s. 485(1)):  
Public

nuisances

128. (1) A local municipality may prohibit and regulate  
with respect to

public nuisances, including matters that, in  
the opinion of council, are or could become or cause

public  
nuisances.

Not subject to review

(2) The opinion of council under this section, if arrived  
at in good faith, is not subject to review by any court.

S.O. 2001, c. 25, s. 128, NOT IN FORCE until January 1, 2003  
(Act, s. 485(1)).

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APPENDIX "F"

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CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC 2001 c25 s130

**S.O. 2001, c. 25**

**Municipal Act, 2001**

**PART III**

**SPECIFIC MUNICIPAL POWERS**

**HEALTH, SAFETY AND NUISANCE**

**SECTION 130**

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**ENACTMENT NOT IN FORCE**

NOTE: On January 1, 2003, the following is enacted (S.O. 2001,  
c. 25, s. 130 (Act, s. 485(1)):  
Health, safety, well-being

130. A municipality may regulate matters not specifically  
provided for by this Act or any other Act for purposes related  
to the health, safety and well-being of the inhabitants of the  
municipality.

S.O. 2001, c. 25, s. 130, NOT IN FORCE until January 1, 2003  
(Act, s. 485(1)).

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APPENDIX “G”

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CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC 2001 c25 s150

**S.O. 2001, c. 25**

**Municipal Act, 2001**

PART IV

LICENSING AND REGISTRATION

SECTION 150

ENACTMENT NOT IN FORCE

NOTE: On January 1, 2003, the following is enacted (S.O. 2001, c. 25, s. 150 (Act, s. 485(1)):

General licensing powers

150. (1) Subject to the Theatres Act and the Retail Business Holidays Act, a local municipality may license, regulate and govern any business wholly or partly carried on within the municipality even if the business is being carried on from a location outside the municipality.

Purposes

(2) Except as otherwise provided, a municipality may only exercise its licensing powers under this section, including imposing conditions, for one or more of the following purposes:

1. Health and safety.
2. Nuisance control.
3. Consumer protection.

Explanation

(3) A by-law licensing or imposing any condition on any business or class of business passed after this section comes into force shall include an explanation as to the reason why the municipality is licensing it or imposing the conditions and how that reason relates to the purposes under subsection (2).

Notice

(4) Before passing a by-law under this section, the council of the municipality shall, except in the case of emergency,

- (a) hold at least one public meeting at which any person who attends has an opportunity to make representation with respect to the matter; and
- (b) ensure that notice of the public meeting is given.

Special case

(5) If a by-law is passed under this section in the case of an emergency without complying with subsection (4), the council shall, as soon as is practicable after its passage, hold the meeting and give the notice referred to in subsection (4) and may, after that meeting, amend or repeal the by-law without the requirement of a further meeting.

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Scope of power

- (6) Businesses that may be licensed, regulated and governed under subsection (1) include,
- (a) trades and occupations;
  - (b) exhibitions, concerts, festivals and other organized public amusements held for profit or otherwise;
  - (c) the sale or hire of goods or services on an intermittent or one-time basis and the activities of a transient trader; and
  - (d) the display of samples, patterns or specimens of goods for the purpose of sale or hire.

Exclusions

- (7) Subsection (1) does not apply to,
- (a) a manufacturing or an industrial business, except to the extent that it sells its products or raw material by retail;
  - (b) the sale of goods by wholesale; or
  - (c) the generation, exploitation, extraction, harvesting, processing, renewal or transportation of natural resources.

Powers re: licences

- (8) Without limiting subsection (1), the power to license, regulate and govern a business includes the power,
- (a) to prohibit the carrying on of or engaging in the business without a licence;
  - (b) to refuse to grant a licence or to revoke or suspend a licence;
  - (c) to fix the expiry date for a licence;
  - (d) to define classes of businesses and to separately license, regulate and govern each class;
  - (e) to impose conditions as a requirement of obtaining, continuing to hold or renewing a licence, including conditions,
    - (i) requiring the payment of licence fees,
    - (ii) restricting the hours of operation of the business,
    - (iii) allowing, at any reasonable time, the municipality to inspect the places and premises used for the business and the equipment, vehicles and other personal property used or kept for hire in the carrying on of the business,
    - (iv) prohibiting places or premises used for the business to be constructed or equipped so as to hinder the enforcement of the by-law;
  - (f) to impose special conditions on a business in a class that have not been imposed on all of the businesses in that class in order to obtain, continue to hold or renew a licence;
  - (g) to impose conditions, including special conditions, as a requirement of continuing to hold a licence at any time during the term of the licence;
  - (h) to license, regulate or govern the place or premises used for the business and the persons carrying it on or engaged in it;
  - (i) to regulate or govern the equipment, vehicles and other

QUICKLAW

- personal property used or kept for hire in connection with the carrying on or engaging in the business; and
- (j) to exempt any business or person from all or any part of the by-law.

Licence fees

(9) The total amount of fees to be charged for licensing a class of business shall not exceed the costs directly related to the administration and enforcement of the by-law or portion of the by-law of the municipality licensing that class of business.

Types of allowable costs

(10) Without limiting subsection (9), costs directly related to the administration and enforcement of the by-law may include costs related to,

- (a) the preparation of the by-law;
- (b) inspections related to the by-law;
- (c) the enforcement of the by-law against a person operating a business without a licence;
- (d) prosecution and court proceedings; and
- (e) a reciprocal licensing arrangement under section 156.

Exercise of power

(11) The exercise of a power under clause (8) (b), (f) or (g) is in the discretion of council and council shall exercise its discretion,

- (a) upon such grounds as are set out in the by-law; or
- (b) upon the grounds that the conduct of any person, including the officers, directors, employees or agents of a corporation, affords reasonable cause to believe that the person will not carry on or engage in the business in accordance with the law or with honesty and integrity.

Limitation

(12) A municipality shall not refuse to grant a licence by reason only of the location of the business if the business was being carried on at that location at the time the by-law requiring the licence came into force.

Expiry of a by-law

(13) A by-law licensing a business under this Act expires five years after it comes into force or the day it is repealed, whichever occurs first.

Amendments

(14) Amendments to a by-law licensing a business do not affect the term of the by-law.  
S.O. 2001, c. 25, s. 150, NOT IN FORCE until January 1, 2003 (Act, s. 485(1)).



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APPENDIX "H"



CURRENT TO ONTARIO GAZETTE SEPTEMBER 28, 2002  
SC 2001 c25 s100

**S.O. 2001, c. 25**

**Municipal Act, 2001**

**PART III**

**SPECIFIC MUNICIPAL POWERS**

**PARKING, EXCEPT ON HIGHWAYS**

**SECTION 100**

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**ENACTMENT NOT IN FORCE**

NOTE: On January 1, 2003, the following is enacted (S.O. 2001, C. 25, s. 100 (Act, s. 485(1))):

Traffic on private land

100. A local municipality may regulate or prohibit the parking or leaving of motor vehicles on land not owned or occupied by the municipality or traffic on that land if,

- (a) the owner or occupant of the land has filed with the clerk of the municipality written consent to the application of the by-law to the land; and
- (b) a sign is erected at each entrance to the land clearly indicating the regulation or prohibition.

S.O. 2001, c. 25, s. 100, NOT IN FORCE until January 1, 2003 (Act, s. 485(1)).

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QUICKLAW



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APPENDIX “I”



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**AND WHEREAS** access to, and/or egress from land or buildings may be required by law enforcement officials in the lawful execution of their duties and/or emergency services personnel in the event of fire or other emergencies;

**AND WHEREAS** the fortification of land or the application of protective elements to land may hinder or prevent law enforcement officials and/or emergency services personnel, acting in the lawful course of their duties and/or in response to emergency situations, from gaining access to and/or egress from land;

**AND WHEREAS** the fortification of land or the application of protective elements to land is likely to pose a serious health, safety and welfare risk to law enforcement officials and/or emergency services personnel when confronted with such land when acting in the course of their lawful duties or in response to emergency situations and as well to the occupants of land whose ability to escape an emergency situation is or may be hindered or prevented;

**AND WHEREAS** the fortification of land or the application of protective elements to land is likely to pose a serious threat to the safety and integrity of adjoining and abutting land and as well the owners and occupiers of those lands by restricting, limiting or preventing law enforcement personnel and/or emergency services personnel from responding to emergency situations effectively and in a timely manner;

**NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN/CITY OF**  
\_\_\_\_\_ Enacts As Follows:

**SHORT TITLE**

1. This By-law may be cited as the "Fortification of Land By-law".

**DEFINITIONS AND INTERPRETATION**

2. In this By-law,
  - (1) "**Town/City**" means the **Corporation of the Town/City** of \_\_\_\_\_,
  - (2) "**Apply or Application**" means the erection, installation, extension or material alteration or repair of or application to **Land** and includes to **Construct**;
  - (3) "**Chief Building Official**" means the officer or his or her designate, appointed by Council as the **Chief Building Official** pursuant to Section 3 of the *Building Code Act*, S.O. 1992, c. 23, as amended from time to time;

- 
- (4) **“Construct”** means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and “construction” has a corresponding meaning;
- (5) **“Council”** means the Municipal council for the **Corporation of the Town/City** of \_\_\_\_\_ duly elected in accordance with the provisions of s.29 (5) & (6) of *the Municipal Act* of Ontario R.S.O., 1990, c. M.45.
- (6) **“Emergency Services Personnel”** means any individual employed by a Police Service, Fire Service (including volunteer Fire-fighters), or Ambulance Service in Ontario who is acting in accordance with the obligations imposed upon them (whether by statutory or common law duty) by their position and includes any person who is directed by an emergency services personnel to do or refrain from doing any thing and who acts on those directions;
- (7) **“Fortification and Fortify”** means the construction of devices, barriers, or materials in a manner designed to hinder, obstruct or prohibit access to or from **land** and includes **Excessive Fortification**.
- (8) **“Excessive Fortification and Excessively Fortify”** means the **Construction** of devices, barriers, or materials in a manner designed to hinder, obstruct or prohibit access to or from **land** and includes but is in no manner limited to:
- i) The application of steel plates, steel bars, bullet-proof shutters or heavy gauge wire mesh to window and other openings on any and all levels of any structures on land with the sole exclusion of basement windows or openings.
  - ii) The application of concrete block, brick, or other masonry or similar product to partially or completely obstruct or seal any doorway, window, or other exterior entrance or egress to land.
  - iii) The application of steel sheeting or plates or other similar products to the interior or exterior walls of land such as to reinforce walls or create a secondary wall such as to protect against firearms artillery, explosives, vehicle contact, shock, and the like.
  - iv) The application of laminated glass or any other form of break resistant/proof or bullet resistant/proof material to windows or doors.
  - v) Armour plated or reinforced doors (exterior or interior) designed to resist against impact of firearms artillery, explosives, battering rams, shock or vehicle contact.



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- vi) The construction of pillars, cones or barriers out of concrete, steel, or any other building material that are designed to obstruct, hinder, restrict, or deny access onto any **land** by conventional means of access or modes of transportation;
- vii) The construction of an observation tower designed to enable the visual observation of surrounding areas beyond the perimeter of the **land** actually owned or leased/rented by the occupant whether the tower is occupied by an individual or a surveillance camera or like equipment;
- (8) “**Land**” means **land**, including buildings, mobile homes, mobile buildings, mobile structures, outbuildings, fences, erections, physical barriers and any other structures on the **land**;
- (9) “**Property Standard Officer**” means an officer appointed pursuant to a by-law under s.15.1 of the *Building Code Act*, 1992, who may, upon producing proper identification, enter upon any property at any reasonable time without a warrant for the purpose of inspecting the property to determine:
- a) whether the property conforms with the standards prescribed in the by-law, or
- b) whether an order made under subsection (2) of the Act has been complied with. 1997, c.24, s. 224 (8);
- (10) “**Law Enforcement Officer**” includes a Police Officer appointed pursuant to Section 2 of the *Police Services Act*, R.S.O. 1990, Chapter P.15, as amended from time to time and a **Municipal Law Enforcement Officer** appointed pursuant to either paragraph 45 of Section 207 of the *Municipal Act*, R.S.O. 1990, Chapter M.45, as amended from time to time, or pursuant to subsection 15(1) of the *Police Services Act*, R.S.O. 1990, Chapter P.15, as amended from time to time, and a “**Chief Building Official**” appointed or constituted under sections 3 or 4; of the *Building Code Act*, 1992, as amended from time to time, and a “**Building Inspector**” appointed under section 3, 3.1, 4, 32 or 32.1 of the *Building Code Act*, 1992, as amended from time to time, and a “**Fire Inspector**” including the Fire Marshall, an assistant to the Fire Marshall or a Fire Chief for the purposes of Part VI s.18 (l) of the *Fire Protection and Prevention Act*, 1997, c.4; as amended from time to time and includes a **Property Standard Officer**.
- (l 1) “**Protective Elements**” means devices, objects, material components, or any contrivance designed to control, hinder, restrict or deny access to or from **land** and includes **Excessive Protective Elements**.

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(12) **“Excessive Protective Elements”** means devices, objects, material components, or any contrivance designed to control, hinder, restrict, or deny access to or from **land** and includes but is in no manner limited to:

- i) Perimeter warning devices such as “laser eyes” or other types of advanced warning systems be it electronic or otherwise designed to forewarn of the encroachment onto the perimeter of **land** from adjoining lands or roadways but excluding similar applications to forewarn of entry into a structure located on land.
- ii) Electrified Fencing or any similar perimeter barrier including hidden traps, electrified doors or windows, **land** mines or other explosive devices or any weapon or thing that may become a weapon when triggered or activated on encroachment to **land** whether designed to, or by application in such manner is, likely to cause death or serious injury.
- iii) The installation of visual surveillance equipment, including video cameras, ‘night vision’ systems, or electronic listening devices capable of permitting either stationary or scanned viewing or listening, by an operator or viewer or listener of that equipment, beyond the perimeter of the **land** actually owned, leased or rented by the occupant;

(13) **“Person”** means any natural person and any corporation registered pursuant to Section 2 (2) of the *Ontario Business Corporations Act*, R.R.O., 1990, Reg. 62 or Section 2 (1) of the *Canada Business Corporations Act*, R.S. 1985.

### GENERAL PROHIBITIONS

3. No person shall:

- (1) **Excessively fortify** or barricade any **land** for the purpose of restricting, obstructing or hindering access to that land;
- (2) **Apply excessive protective elements to land** such as to restrict, obstruct or hinder any person, including law enforcement officers and emergency services personnel, from accessing and/or exiting in a safe and timely manner, any **land**;
- (3) In any manner hinder, obstruct, or attempt to hinder or obstruct, **any** person exercising a power or performing a duty under this By-Law.

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### **ABSOLUTE EXEMPTIONS**

4. Section 3 above does not apply to:
- (1) Financial institutions as identified and listed in Schedules I, II, and III of the *Bank Act*, S.C. 1991, c. 46 as amended from time to time that is zoned for such use;
  - (2) Detention centres zoned for such use or otherwise permitted by law;
  - (3) Lands, wherever situated, owned or occupied by the Ontario Provincial Police or an Ontario Municipal Police Service in accordance with the *Ontario Police Services Act*;
  - (4) Lands, wherever situated, owned or occupied by the Federal Department of Defence; and
  - (5) Lands, wherever situated, owned or occupied by the Royal Canadian Mounted Police.

### **SCOPE AND LIMITATION OF BY-LAW**

5. Section 3 does not operate to prohibit;
- (1) The use or application of commercially marketed household security devices designed and applied to provide reasonable fortification and protection from theft or other criminal activity against the person or property of an individual;
  - (2) The use of **protective elements** such as "laser eye" or other advanced warning devices on windows or doors of a dwelling house for the purpose of providing a warning to the occupants of that dwelling house or structure or to dispatch **Emergency Services Personnel** where an actual entry into a dwelling house has occurred;
  - (3) Common household alterations or renovations where the location or style of a door or window may be altered for purely aesthetic reasons and meets local Building Code and Fire Code requirements and have received any permit required to complete such alteration or renovation.

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### **APPLICATION FOR PARTIAL OR COMPLETE EXEMPTION**

6. Any person wishing to make application for partial or complete exemption from the provisions of this By-law shall file with the **Chief Building Official** the following:
  - 1) An application for partial or complete exemption from any provision(s) of this By-Law shall be signed and in writing and directed to the **Chief Building Officer**;
  - 2) Complete details of the location of the property, including Municipal address, type, number, and nature (residential, commercial, farm), and a recent survey of the **land** and structures shall accompany the application;
  - 3) A detailed explanation shall be included of the exemption(s) requested and the rationale for requesting such an exemption(s). This should include details of proposed **fortification** or application of **protective elements** being considered along with an explanation of how that **fortification** or application of **protective elements** is rationally connected to the purpose for which the exemption is being sought.
7. All applications will be reviewed by the office of the **Chief Building Official** who may make any further inquiries deemed necessary and relevant and may require the provision of any additional information that shall be provided at the expense of the applicant, including, but not limited to;
  - 1) Requests for further details or documentation from applicant,
  - 2) Requiring the provision of any further or other documents considered by the **Chief Building Official** to be necessary or relevant to the investigation of the application,
  - 3) Making inquiries of any department of local, Provincial, or Federal Government considered necessary and/or relevant to the investigation of the application,
  - 4) Making inquiries and requesting input from local Police, Fire, and Ambulance Services, or any other department that may have an interest, issue, or concern with the application.
8. Any decision to authorize a partial or complete exemption will be based on the results of those inquiries and investigations set out in paragraph 7 and will be based on consideration of the guiding principles of this By-Law as set out in the Pre-amble.
9. An authorized partial or complete exemption provided to a successful applicant will reference this By-law and bear the signature of the **Chief Building Official** and the Seal.
10. A true copy of any authorization issued under paragraph 9 shall be forwarded immediately by the office of the **Chief Building Official** to the attention of the Chief of Police, the Chief of Fire, and the Director of Ambulance Services.



15. The period described in section 12 (2) shall not be less than three months if the **excessive fortification** or **excessive protective elements** were present on the **land** on the day this by-law is passed.

#### DWELLINGS

16. No person shall exercise a power of entry under this by-law to enter a place, or a part of a place, that is being used as a dwelling unless:
- (1) The occupier of the dwelling consents; or
  - (2) If the occupier refuses to consent, a warrant issued pursuant to Section 158 of the *Provincial Offences Act* is obtained.

#### PENALTY AND ENFORCEMENT

17. Every person who contravenes any provision of this by-law is guilty of an **offence** and upon conviction is liable to the penalties specified in accordance with the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended or any successor legislation thereto.
18. The **Chief Building Officer** shall be responsible for the administration of this by-law and persons who are employed or appointed as **Law Enforcement Officers, Property Standards Officers, or Building Inspectors**, and the **Chief Building Officer** are all deemed appointed and entitled to enforce the provisions of this by-law.

#### CONFLICT

19. Subject to section 20, where a provision of this by-law conflicts with the provision of any other by-law of the City or any applicable government regulation, the provision that establishes the higher standard to protect the health, safety and welfare of the general public shall prevail.
20. Notwithstanding section 19, and despite Section 35 of the *Building Code Act*, 1992, if there is a conflict between the Building Code under the *Building Code Act*, 1992 and this by-law, the Building Code prevails.



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**SEVERABILITY**

21. Should a court of competent jurisdiction declare a part or whole of any provision of this by-law to be invalid or of no force and effect, the provision or part is deemed severable from this by-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

**EXEMPTION LIMITED BY ACT OF LAW**

22. Any exemption authorized by this bylaw in any manner shall in no way be construed or interpreted as an exemption, limitation or excuse from a person's requirement to abide by and comply with any other Federal, Provincial or Municipal Law.

**ENACTMENT**

23. This by-law shall come into force and effect on the date of enactment.

**ENACTED and PASSED** this                      day of                      , 2002, A.D.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P296. SPECIAL CONSTABLES – TORONTO COMMUNITY HOUSING CORP.  
– PROPOSED EXTENDED PILOT PROJECT & EVALUATION PLAN**

The Board was in receipt of the following report SEPTEMBER 26, 2002 from Julian Fantino, Chief of Police:

Subject: TORONTO COMMUNITY HOUSING CORPORATION (TCHC) –  
PROPOSED SPECIAL CONSTABLE EXTENDED PILOT PROJECT AND  
EVALUATION PLAN

Recommendation:

It is recommended that:

- (1) the Board receive the proposed TCHC special constable extended pilot project and evaluation plan for information;
- (2) the Board approve an eighteen-month extension of the appointments of the TCHC special constables, subject to the approval of the Ministry of Public Safety and Security (the “Ministry”);
- (3) the Board notify the Ministry of the TCHC special constable re-appointments; and,
- (4) the Board authorize the Board Chairman to execute an agreement with TCHC in respect to the special constables for the period of the extension of the appointments, in a form acceptable to the City Solicitor.

Background :

It is important to recognize the responsibility of the Board relative to the responsibilities of the TCHC regarding law enforcement and security services. The Board is responsible for the provision of police services and law enforcement in the City of Toronto. The TCHC is responsible for providing public housing in the City of Toronto and has established its own Security Services Section. The TCHC provides security functions in relation to its property and operations through several security components that include: community patrol officers, security officers, parking enforcement officers, dispatchers and special constables.

The Board has the authority pursuant to Section 53 of the Police Services Act (the “Act”) to appoint Special Constables for such purposes and with such powers as it sees fit, subject to the approval of the Ministry. The powers, duties and responsibilities of special constables are subject to the limitations set out in the agreement between the Board and TCHC, formerly known as the Metropolitan Toronto Housing Authority (MTHA).

For many years, the Service and the TCHC’s Security Services Section have enjoyed mutually supportive, effective and efficient co-operation in law enforcement and security matters in relation to the property and operations of TCHC.

On March 8, 2000, the Board entered into an agreement with the former Metropolitan Toronto Housing Authority, now called the Toronto Community Housing Corporation (“TCHC”), for the appointment of special constables (Board Minute 414/99, refers). The Ministry approved the request of the former MTHA to have some of its security officers appointed by the Board as Special Constables, pursuant to section 53 of the Act, upon certain amendments to the agreement.

On October 26, 2000, the Board approved the requested amendment to the agreement to limit the number of appointments to a maximum of 55 applicants and authorized the chairman to execute the necessary agreements (Board Minute 480/00, refers).

At the request of the Ministry, the appointments of the TCHC special constables were made for a limited period of time, for the purpose of allowing an evaluation of the appointments and a determination of whether to renew the appointments. At the end of the first twelve months an evaluation of the pilot project took place. The TCHC hired Robert Hann & Associates Limited and Research Management Consultant’s Inc. to conduct an evaluation of the pilot project. The consultant’s report was completed in March 2002, and submitted to the TCHC Board.

In February 2002, the Ministry formed a Review Team, which consisted of representatives from the Ministry, the Service and the Toronto Transit Commission, Corporate Security. This Review Team analysed the consultant’s report and met to discuss the pilot project.

In March 2002, the Service’s Special Constable Liaison conducted an audit of the TCHC special constable program. At that time, the TCHC was found to be in compliance with all aspects of the agreement with the Board.

Subsequently, the Review Team held a focus group regarding the pilot project and heard from tenant representatives as well as police officers.

In April 2002, the TCHC sent a letter to the Ministry indicating a desire to meet with the Review Team. Due to a labour dispute involving the Ontario Public Service Employees Union, Ministry staff did not review the letter until mid-May, 2002.

In light of the delay caused by the labour dispute, the Review Team required additional time to complete the analysis of the pilot project, provide its findings and make recommendations to the Board.

To accommodate the Review Team's request for additional time, the Board, on May 30, 2002, approved a six-month extension of the appointments of special constables then employed by the TCHC (Board Minute P153/02, refers). The TCHC special constable status will expire November 30, 2002. In addition, the Board authorized the Chair of the Board to execute an agreement with TCHC with regard to the special constables for the period of the re-appointments, in a form acceptable to the City Solicitor.

The Review Team determined that a final assessment of the pilot project could not be completed since the evaluation criteria and the identification of the data, which needed to be tracked, were not built into the original pilot project design. This made it difficult to attribute outcome data directly to the pilot project's operation.

Subsequently, the TCHC, in consultation with the Review Team, developed a detailed proposal regarding its continued use of special constables. The proposal includes a revised pilot project design that incorporates a strategy for deploying special constables. The evaluation criteria for the extended pilot project include identified data that needs to be accurately tracked and a communication strategy. The communication strategy is particularly directed to tenant involvement so that tenants understand the role of the TCHC special constables. The Service, through its participation on the Review Team, recognized the need for a comprehensive communication strategy that has been incorporated into the proposal.

The TCHC presently deploys 40 special constables as part of its 175 total security services personnel. As part of the proposed pilot project the TCHC plans to request the appointment of an additional 15 special constables, to bring their number up to the authorized maximum of 55.

During the proposed extended pilot project, monthly progress reports will be submitted to the Service's Special Constable Liaison for review. A final report will be provided to the Board prior to the expiration of the TCHC special constable status in May 2004. Based on the results of the final report, a recommendation will be provided to the Board regarding the future appointments of the TCHC special constables.

The Service's Special Constable Liaison has reviewed the TCHC proposal regarding the continued use of special constables and concurs with the need for the proposed extended pilot project and evaluation plan.

For the Board's information, a copy of the TCHC document, entitled "Special Constable Extended Pilot Project and Evaluation Plan at Toronto Community Housing Corporation" and a covering letter, dated September 25, 2002, from Derek Ballantyne, TCHC Chief Executive Officer, are attached to this report. The TCHC is seeking the approval of an eighteen-month extension of the appointments of the TCHC special constables so that TCHC can proceed with the extended pilot project.

It is therefore recommended, that the Board receive the proposed TCHC special constable extended pilot project and evaluation plan, that the Board approve an eighteen-month extension of the appointments of the TCHC special constables, subject to the approval of the Ministry, and that the Board notify the Ministry of the TCHC special constable re-appointments. In addition, it is recommended that the Board authorize the Board Chair to execute an agreement with the TCHC in respect to the special constables for the period of the extension of the appointments, in a form acceptable to the City Solicitor.

This report has been reviewed by staff at City Legal who are satisfied with its content.

Ms. Terry Skelton, Director, TCHC Security Services, will be in attendance to respond to any questions that the Board may have regarding this matter.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to respond to any questions that the Board may have.

**The Board approved the foregoing.**

Toronto Community  
Housing Corporation  
365 Bloor St E.  
8<sup>th</sup> Floor  
Toronto, ON M5B 1W2

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|-------------------------------|------------------|
| <b>TORONTO POLICE SERVICE</b> |                  |
| OFFICE OF THE CHIEF OF POLICE |                  |
| REGISTER #                    | <u>2919/2002</u> |
| PROCESSED BY #                | <u>JK</u>        |
| DATE                          | <u>02/10/04</u>  |



September 25, 2002

Chief Julian Fantino,  
Toronto Police Services  
40 College Street  
Toronto, Ontario  
M5G 2J3

|  |                       |
|--|-----------------------|
| <b>COMMUNITY POLICING SUPPORT<br/>UNIT</b> |                       |
| Date Received:                             | <u>02.10.04</u>       |
| Return By:                                 | <u>02.10.17</u>       |
| Assigned To:                               | <u>S/Sgt. Barratt</u> |
| <u>Julian Fantino</u><br>Unit Commander    |                       |

Dear Chief Fantino,

You will find attached a proposal for an Extended Pilot Special Constable Program for the Toronto Community Housing Corporation (TCHC ).

The Special Constable Program has been in place since December of 2000, across the former MTHC part of our housing portfolio, as a pilot within two designated communities and in a mobile response capacity.

An evaluation of the program was completed in March of 2002 and indicated that the program met with perceived success. The exact validation of its effectiveness in terms of data attributing increase safety in communities, and decreased police interventions to the presence of Special Constables was not possible. The initial design of the program did not prepare adequately for these measurements to take place.

We have held meetings with the Ministry of Public Safety and Security Special Constable Review Team to determine best methods to gather the data that will assist us in the future to evaluate the program more effectively. We have also clearly reaffirmed regular monitoring of the program practices. In this latter regard, we will be providing Toronto Police Services with monthly and final year end reports regarding TCHC's Special Constable work.

We have appreciated the support of the Ministry Review Team and the Toronto Police Service's Special Constable Liaison Officer in considering how best to redesign the pilot program in a way that will clearly determine the value of the program to TCHC communities and the Toronto Police Services.



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We submit this proposal to you for endorsement, and look forward to continued partnership work in this program with the Toronto Police Services.

Yours truly,



Derek Ballantyne  
Chief Executive Officer

c.c. R. Soegtrop  
T. Skelton  
G. Barrett

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## SPECIAL CONSTABLE EXTENDED PILOT PROJECT AND EVALUATION PLAN

at

### TORONTO COMMUNITY HOUSING CORPORATION

The Toronto Community Housing Corporation is proposing that a Special Constable Extended Pilot Program be given approval. This pilot would take place from December 2002 to June 2004, during which time a full evaluation of the program will be conducted.

#### BACKGROUND

TCHC Security is comprised of 197 staff, 40 of whom are sworn Special Constables. In December 2000, an **18-month** Special Constable pilot program commenced. At the end of the first 12 months an evaluation of the pilot program took place. A consultant was hired and conducted the evaluation. However, evaluation criteria and the identification of the data, which needed to be tracked, were not built into the original pilot project design. This made it difficult to attribute available outcome data (e.g. crime statistics in the TCHC communities) directly to the pilot project's operation.

The evaluation did not provide adequate details for the Toronto Police Services, who sponsor the pilot program, and the Ministry of Public Safety and Security, who provide approval, to fully consider and approve the Special Constable status as a permanent component of the TCHC Security Services. As well, a group of TCHC residents met with the Ministry to express their concern regarding communications of the program to all TCHC residents. This is due to the integration of the two former housing organizations (Toronto Housing Company and Metro Toronto Housing Corporation) to one organization (Toronto Community Housing Corporation). It was agreed that the pilot project should be extended to include a revised pilot project design, identify the program data to be tracked, and develop a comprehensive communication strategy. An overview of the history of the Special Constable Program is attached as **Appendix 1** to this report.

#### INTRODUCTION

It is important to recognize that an expanded role for this group of Special Constables does not mean a more restricted role for the police, who have the primary responsibility for policing TCHC communities. To the contrary, this model calls for a strong continued role for police (and other agencies) in supporting TCHC to address serious problems.

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Public housing security is faced with the task of improving the quality of safety for persons in areas of low-income multi-family housing for whom housing choice is severely limited, and who may, in certain cases, be living in an environment of fear and insecurity.

Levels of safety in a community (actual and *perceived*) are a result of a wide range of underlying factors. Threats to safety are rarely caused: *only* by economic conditions or only by demographic factors, or only by inadequate law enforcement or judicial responses, or *only* by the presence of particularly threatening persons or situations, etc .

Therefore, creating safe and secure communities requires an appropriate mix of different kinds of resources and strategies related to:

- **Direct security** - ranging from concierges to security officers to Special Constables.
- **Crime Prevention through Social Development (CPSD)** - both addressing the causes as well as the symptoms of threats to security using an approach which involves all stakeholders in a community in defining the problems, in choosing the mix of solutions and in providing certain parts of those solutions;
- **Physical design** - the design and maintenance of the physical environments within which communities exist.

Therefore, TCHC proposes an extended pilot project, which uses Special Constables as one prong of a strategy, which includes a mix of each of these three essential elements of an effective approach to creating safe, healthy communities.

## PROJECT JUSTIFICATION

In a time of scarce resources, there is a special need to be innovative. For the most severe problems, the use of Special Constables allows TCHC to target resources effectively - while also recognizing the need for a community development follow-up to develop longer term security plans with a particular focus on youth (since the majority of crimes at TCHC are associated with those under 25 years old).

TCHC has a history of innovation in developing new security strategies to support community members in developing a self-policing capacity. This project is part of this continuing commitment. As a landlord committed to its residents, TCHC managers have made a commitment to focus on more than “bricks and mortar” and to be a *social* landlord - with a corporate objective to create *healthy* communities.

A key **element** of a *healthy* community is a *safe* community. Yet some TCHC communities are experiencing serious security problems. Moreover, these problems can flare up quickly and demand an immediate security response by those with special powers such as Special Constables and the police. Police provide a level of resources to respond to the needs of some “higher need”

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TCHC communities, but they are faced with an avalanche of demands on their services – with increasingly scarce resources.

At the same time, residents and local property management staff cannot be expected to fulfil their responsibilities in creating healthy and secure communities without support. Groups such as the police and TCHC Security, with Special Constable powers, are important in assisting them to build the tools to strengthen the community.

### **THE PILOT PROGRAM**

This Pilot Project will monitor and evaluate the Special Constable Pilot Project within a new model of providing security services – a combination of *enforcement* and *crime prevention through social development* as part of a broader corporate strategy to create strong, healthy communities.

There is a crime prevention program element related to the Special Constable Program, it is essential follow-up to the work of the Special Constable Teams in order to help communities sustain and build on the gains made due to the interventions.

Each of these program parts are discussed below:

- (i) Community Response Team comprised of Special Constables
- (ii) Community Safety Consultants -non Special Constable members of the TCHC Security Services

#### **Community Response Team – Special Constables**

##### *Mandate*

Special Constables will operate as part of a special services unit which will be assigned to higher-risk communities and situations that require enhanced security resources on a short-term basis. The use of Special Constables will enable TCHC to move an especially well qualified group temporarily into situations that are particularly difficult. A particular focus of Special Constables' will be liquor and drug enforcement, utilizing their Peace Officers powers under the Criminal Code, Controlled Drugs and Substances Act, Trespass to Property Act, Liquor License Act, Provincial **Offences** Act and Mental Health Act, executing warrants and prisoner transport or charge and release.

The Special Constables will gather intelligence, provide assistance to the police (i.e., drug sweeps), exchange information with police and other enforcement agencies, investigate criminal activity, conduct trespass enforcement, consult with Community Housing Managers, as well as attending community meetings, participating in community events /activities and conduct dispute mediation and resolution.

Special Constables will also respect all the principles of good security, utilizing a full range of crime prevention and other security strategies as required and possible. This will be in addition to the intensive community oriented work of Community Safety Consultants (currently known as

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Regional Security Advisors), whose mandate will be to help communities develop longer-term crime prevention strategies.

*Deployment and Scheduling*

A team of 40 security staff with Special Constable status are actively involved in TCHC communities at this time. This group is made up of 22 Community Patrol Officers, 15 Supervisors (who also supervise other security staff), 1 Investigator (who acts as Special Constable Unit Complaint Coordinator) and 2 Managers. All of these staff currently have other duties assigned to them in addition to their Special Constable work. The specific makeup of the Community Response Teams and shifts will be negotiated, and set, on a site by site basis.

TCHC currently has agreement for up to 55 Special Constable positions. We intend to fill the 15 positions currently vacant.

**Appendix 2** attached provides additional details regarding security staff members assigned Special Constable status within their specific roles.

The extended pilot proposes that the Special Constables not be permanently attached to any particular community – but be moved from one site to another as required to attend to serious problems and to prevent problems from escalating. Under a number of scheduling options, the Community Response Teams will be targeted to high demand periods. Staff in this unit must be willing to be available for such emergency response functions within reasonable limits at times when they would normally be off duty.

It is proposed that the Special Constables within a Community Response Team be deployed in one of the following three ways:

- **Transition@ Response**

These Teams will be deployed to communities for short periods of time to address higher risk situations, and focus on threat reduction and to stabilize conditions in the community. The length of their assignment will vary from community to community, as negotiated with community staff and stakeholders. Should demand of their short-term service decrease they will be assigned to areas with issues that require longer-term assistance.

- **Site Enhanced**

These Teams will be similar to the Transitional Teams; however, their placement in communities will be longer term in nature.

At Finch/Birchmount and Regent Park communities where TCHC currently has Special Constables on site on long-term assignments, the Corporation will be working with these communities to move the Special Constables towards a more transitional service model. From time to time, some communities will require a longer term Special Constable presence based on needs.

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- **Mobile Back-Up**

Special Constables assigned to this deployment area will be available to support and assist stationary security or community staff as higher risk situations arise during daily operation of their duties. They will also respond to “special attention” situations as determined by community office staff.

Standards, performance indicators and tracking methods of the data to measure performance outcomes have been developed related to Special Constables assigned to all three methods of deployment.

**Appendix 3** outlines the deployment plan for all Teams. As well, the standards, performance indicators and data gathering methods related to the work are noted within this document.

#### *Assigning the Transitional Response Team*

When a request for intervention by the Community Response Team is made by a Community Housing Manager (CHMgr.), an assessment will be conducted in a collaborative effort between the Community Housing Manager, TCHC Security management, residents, and local stakeholders (e.g. police). This assessment will demonstrate a need for such an intervention using a pre-established set of criteria. These criteria will include:

- *number of recent serious incidents in the community*
- *discussions and input from local police division resources*
- *number of police interventions*
- *a clear indication of fear – and increasing levels of fear*
- *number and type of concerns expressed to the Community Housing Manager (CHM) by local agencies*
- *number of occurrences recorded by the Security Services Unit – with a focus on drug and liquor offences*
- *information that a serious anti-social event is likely to occur*
- *demographic and geographic factors*

Requests will be prioritized and a determination will be made about which are the higher-risk communities based on these criteria. TCHC Security management will be responsible for assigning Special Constables to a Transitional Response Team.

#### *Monitoring and Evaluation*

Before being dispatched, the Community Response Teams will work with the Community Housing Manager (CHM) to develop a Baseline Status Report of the current security situation in the community. The Team will develop this baseline through an initial set of compulsory steps. These steps will include:

- *review of the request of by the Community Housing Manager for an intervention by the Community Response Team*
- *interviews with staff*

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- *discussions with police*
  - *review of occurrence data*
  - *information from resident meetings*

Situational-specific objectives will be set by the Community Response Team in conjunction with Community Housing Managers for interventions in their communities. These objectives will be about what the Team is expected to achieve and the expected length of the intervention. The Team will be evaluated on how well they meet these objectives.

In addition to meeting the set objectives the expected results of the interventions include:

- Creating improved levels of safety and security in communities
- Reducing risks of actual victimization
- Dealing appropriately with offenders, and
- Being open, accountable and responsive to the communities served (including helping to make way for crime prevention efforts, which advance the ability of residents to build a long term plan to enhance community safety).

An Interim Status Report will be completed and submitted to Community Housing Managers when the Community Response Team is withdrawn from the community. The success of each intervention will be evaluated separately. These Interim Special Constable Status Reports will also provide a basis for future community planning.

#### *Internal Monitoring and Evaluation*

Throughout the duration of the Pilot Program the management of the TCHC Security Service Unit will closely monitor and control the appropriate use of the Special Constable staff resources to ensure the integrity of the service is protected.

An overall internal Monthly Special Constable Status Reports will be prepared for TCHC Security management. These will provide management with status updates for all work initiated, work that is underway or work completed, and allow for careful monitoring.

Based on these Monthly Reports, steps will be taken to ensure that any required refinements of the approaches used within the program are effected in order to ensure optimum success.

These reports will be made available to the Toronto Police Services for information and review.

#### **Community Safety Consultants**

The TCHC Security Services Unit will be undergoing organizational changes over the years 2003 and 2004. Increased use of private security resources as required will be seen, as well a much heavier focus on safety promotion work at the community level. In addition, Special Constable personnel will be utilized in conjunction with Community Safety Consultants (formerly Regional Security Advisors) and other non-Special Constable security personnel. This blend of resource staff is seen as a vital element of the future security delivery system at TCHC. While it is acknowledged that social development efforts can accomplish a great deal, emerging

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difficulties within social housing communities will require from time to time the support from staff with additional authorities to address the concerns. As noted above, the presence of Special Constables, who have additional authorities, can be increased or decreased in a community as appropriate.

While the Security Services Unit will have specialized resource staff (Community Safety Consultants) that will focus on community safety promotion, the TCHC also has permanently assigned community development staff who work with communities within long term relationships to help residents and resident groups sustain and promote activities to build healthy communities.

### EVALUATION OF EXTENDED PILOT PROGRAM

Interim and Final Evaluation Reports on the Special Constable Extended Pilot Project will be completed. Data collected in these evaluations of this project will:

- *Identify the types of situations where Special Constables are effective; and*
- *Assess the overall effectiveness for TCHC communities of Special Constables as part of a broader community safety strategy.*

However, there are other important by-products of this pilot project. For example, a critical question that must be addressed relates to the definition of what is an “adequate” or “effective” level of security at TCHC. In a practical sense, there seems to be general agreement among staff and residents that effective security incorporates a number of dimensions, which include:

- *The physical and psychological well-being of residents and staff; and*
- *The acceptance of other public agencies (and elected officials) that TCHC provides a good level of protection within communities.*

One of the by-products of the pilot project is to explore ways to develop more precise qualitative and quantitative measures of what is adequate security.

### COMMUNICATIONS PLAN

An integral part of the project will be a full communications plan, which will need to begin in advance of the extended pilot project and continue throughout the pilot period. A draft Communications Plan is attached as **Appendix 4**.

Part of the communications strategy will be internally directed (e.g. the Board of Directors, Executive team, staff at all levels, residents) while other parts will target external partners including the Ministry of Public Safety and Security, the police, social agencies, media and elected officials.

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## **REQUIREMENTS FOR THE PROGRAM**

1. Recommendation for the approval of extended pilot appointment of TCHC Special Constables by the Toronto Police Services Board, and approval by the Ministry of Public Safety and Security.
2. TCHC Security Services Unit Budget Funds to:
  - a) hire an external contractor to evaluate the project at interim and final points
  - b) operate the pilot project, including implementation of the Communications Plan
  - c) train Special Constables
  - d) maintain level of resources to enable proposed deployment (Toronto Police Services and Ministry of Public Safety and Security will be notified of any changes)
3. Ability to make program changes due to operational needs ( i.e. changes in level of resources), with pre-notification to Toronto Police Services Board and Ministry of Public Safety and Security.

## **ATTACHMENTS:**

- Appendix 1 - TCHC Special Constable Program History
- Appendix 2 - Special Constable Role Chart and Sample Shift Schedule
- Appendix 3 - Extended Pilot Program Standards and Performance Measures
- Appendix 4 - Communication Plan

Appendix 1

**TCHC SPECIAL CONSTABLE PROGRAM HISTORY**

|                                |   |
|--------------------------------|---|
| <b>November 1997</b>           | Initial review of Special Constable concept at MTHA   |
| <b>November 1998</b>           | MTHA Board of Members approved the concept. A decision was made to proceed as pilot project initially to allow for evaluation of the impact of the program.   |
| <b>January 1999</b>            | Project Team in place to develop the Implementation Plan  |
| <b>October 1999</b>            | Toronto Police Services Board approves MTHA Business Case.  |
| <b>November 1999</b>           | MTHA Board of Members approves specific Special Constable "authorities" to be included for MTHA needs   |
| <b>Feb./March 2000</b>         | TCHC Special Constable candidates trained at CO Bick Police College by Toronto Police Services (TPS) staff. TPS Employment Unit conducted background checks on candidates to Special Constable standards.   |
| <b>January 2000</b>            | MTHA Tenant News article advising all MTHA residents about Special Constable Pilot Program  |
| <b>March 8, 2000</b>           | TPS and MTHA sign the operating agreement. MTHA is to be part of TPS Public Complaints process and the process included as part of Operating Agreement.   |
| <b>March 30, 2000</b>          | Meeting held with Resident Advisory Council, Security group to discuss Special Constable program.   |
| <b>April 7, 2000</b>           | Presentation of Special Constable program given to Property Managers  |
| <b>April 12 &amp; 19, 2000</b> | Community consultation meetings held at Regent Park and Finch and Birchmount communities regarding Special Constable staff assigned to their community  |
| <b>May 2000</b>                | MTHA Tenant News article advising all MTHA residents about Special Constable Pilot Program  |
| <b>November 2000</b>           | Media Conference held at TPS Headquarters; written material available; print, television and radio coverage resulted  |
| <b>December 2000</b>           | Special Constable pilot started with 6 Special Constables working with other TCHC security staff in Regent Park. 2 Special Constables were assigned to the Finch-Birchmount community; remaining Special Constables were assigned to mobile support and supervisory or support functions. |
| <b>August 2001</b>             | Interim Evaluation of the TCHC Special Constable Pilot program completed by TCHC staff  |
| <b>March 2002</b>              | Final Evaluation of TCHC Special Constable Pilot Program completed by Robert Hahn and Associates  |

Proposal – Appendix 1  
September 23, 2002

<sup>1</sup> Ministry of Municipal Affairs and Housing, News Release "Harris Government Delivers Promised Municipal Act [Bill 111, 2001]" (October 18, 2001).

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- <sup>2</sup> *Municipal Act*, R.S.O. 1990, c. M.45, s.217. Appended "A".
- <sup>3</sup> *Municipal Act*, S.O., 2001, c.25, s.133. Appended "B".
- <sup>4</sup> *Ibid.* s.133(6).
- <sup>5</sup> *Municipal Act*, R.S.O. 1990, c. M.45, s.329.1. Appended "C".
- <sup>6</sup> *Municipal Act*, S.O., 2001, c.25, s.433. Appended "D".
- <sup>7</sup> *Ibid.*
- <sup>8</sup> *Ibid.*
- <sup>9</sup> *Ibid.* s.128(1). Appended "E".
- <sup>10</sup> *Ibid.* s.130. Appended "F".
- <sup>11</sup> *Ibid.* s.150(4). Appended "G".
- <sup>12</sup> *Ibid.* s.150(6).
- <sup>13</sup> *Ibid.* s.150(8).
- <sup>14</sup> *Ibid.* s.150(6).
- <sup>15</sup> *Municipal Act*, R.S.O. 1990, c. M.45, s.210(131).
- <sup>16</sup> *Municipal Act*, S.O., 2001, c.25, s.100. Appended "H".
- <sup>17</sup> Bill 177, *Municipal Statute Law Amendment Act*, 3<sup>rd</sup> Sess., 37<sup>th</sup> Parl., Ontario, 2002 (1<sup>st</sup> reading 27 September 2002), s.100.1(1) & s.100.1(2)
- <sup>18</sup> *Ibid.* s.457(1)(a).

SPECIAL CONSTABLE ROLE CHART AND SAMPLE SHIFT SCHEDULE

| Positions With Special Constable Status   | Role   | Proposed Deployment for Special Constables   |
|---|--|--|
| <p>Community Patrol Officers with Special Constable status (22)</p> <p>This number will be increased by 15.</p> | <p>A. Transitional Response: Assigned to higher-risk communities requiring increased security resources on a short-term basis.</p> <p>B. Site Enhanced: Combined with other on-site officers, with backup to team to provide enhanced Sp. Cst. authority.</p> <p>C. Mobile Back-Up: Special "higher risk" attention, with backup to team to provide enhanced Sp. Cst. authority.</p> | <p>A. 2 Sp. Cst. per team (5 teams) = <b>10 Sp. Cst.</b><br/>2 Sp. Cst. teams per 10 hr shift (during peak hrs, arranged per assignment)</p> <p>B. <u>Regent Park</u>: 2 Sp. Cst. per 12 hr shift (combined with other security staff)<br/><b>Total = 6 Sp. Cst.</b></p> <p><u>Finch/Birchmount, Sheppard/Birchmount, and Chester Le (1 group)</u>:<br/>1 Sp. Cst per 10 hr shift (peak hrs, combined with other security Staff)<br/><b>Total = 2 Sp. Cst.</b></p> <p>C. 2 Sp. Cst. Mobile Units (2 Sp. Cst. per 10 hr. shift, during peak hrs, eg. 6 to 4 am)<br/><b>Total = 4 Sp. Cst.</b></p> |
| Supervisor (15)   | To Supervise Special Constable and non-special constable staff to ensure daily operational requirements are met.<br>(There are 16 Supervisor positions however we are currently short 1)   | A minimum of 2 Supervisors per shift.  |
| Manager (2)   | To manage all aspects of the Special Constable program and the daily operation of the non-special constable staff  | Both Managers work days but are available 24/7 to give direction in emergency situations. Managers also take part in operational events such as drug sweeps, etc.  |
| Investigator (1)  | To obtain information through official channels and also to act as Unit's Complaint Co-ordinator   | Investigator works days.   |
| Total complement with Special Constable status = <b>40</b>  | (When the Special Constable number is increased by 15 the total complement will be 55)   |  |

The total Special Constable complement is 55, of which 15 need to be assigned to the Community Response Teams.

**SPECIAL CONSTABLE STAFF SAMPLE SHIFT SCHEDULE**

Note: All shifts below reflect a Monday - Sunday schedule, unless indicated otherwise.

**TYPE OF SPECIAL CONSTABLE**

**\* COMMUNITY RESPONSE TEAMS**

|  | 00:00 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 |
|--|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| <b>Transitional Response - Sample Community</b><br>2 Special Constables on-site (1600-0200)                              |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Site Enhanced - Regent Park</b><br>2 Special Constables on-site (0700-1900)   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Site Enhanced - Finch/Birchmount, Sheppard/Birchmount, Chester La</b><br>1 Special Constable with vehicle (1600-0200) |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>Mobile - Various communities</b><br>Special Constable Mobile Unit #1 (1600-0400)                                      |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| Special Constable Mobile Unit #2 (1600-0400)   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>* SUPERVISORS</b>   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 2 Supervisors (0700-1900)  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 2 Supervisors (1900-0700)  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 2 Supervisors (1600-0200)  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 2 Supervisors (Mon-Fri 0700-1500)  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>* MANAGERS</b>  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 2 Managers (Mon-Fri 0800-1600)   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| <b>* INVESTIGATOR (UNIT COMPLAINT CO-ORDINATOR)</b>  |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |
| 1 Investigator (Mon-Fri 0800-1600)   |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |       |

SPECIAL CONSTABLE ■ COMMUNITY RESPONSE TEAMS  
 Extended Pilot Program, Standards and Performance Measures

| Type  | Role   | Deployment  | Standards  | Performance Indicators   | Tracking methods (Data Gathering)  |
|---|--|---|--|--|--|
| Method 1<br>Transitional<br>Community<br>Response | <ul style="list-style-type: none"> <li>Assigned to higher-risk communities requiring increased security resources on a short-term basis.</li> <li>Well-qualified group capable of temporarily moving into situations that are particularly difficult.</li> <li>Enforcement of liquor License Act drug enforcement, utilizing their Peace Officer powers of arrest under the Criminal Code</li> <li>Executing warrants and prisoner transport or charge and release.</li> <li>Using a full range of crime prevention and other security strategies as required</li> </ul> | <ul style="list-style-type: none"> <li>2 staff per team</li> <li>5 teams †</li> <li>Total = 10 Sp. Cst.</li> <li>2 Special Constables per 10 hr shift (during peak hrs, eg. 4 pm to 2 am)</li> <li>arranged per assignment = fluid deployment</li> <li>† Currently we can staff 5 teams. The full-authorized complement of 55 Special Constable positions will be filled within the extended pilot period. Some of the current administration positions with Sp. Cst status will be removed and will be given to front line staff. This will increase the number of Transitional Community Response teams available.</li> </ul> | <ol style="list-style-type: none"> <li>Timely response to service</li> <li>More effective deployment of police resources</li> <li>Reduce crime</li> <li>Increased perception of safety by community</li> </ol> | <ol style="list-style-type: none"> <li>15 min. (when on assignment in a community)</li> <li>Number of transports to Toronto Police (persons and Evidence)</li> <li>Number of releases (Form 9)</li> <li>Number of complaints about Special Constables</li> <li>Number of Toronto Police occurrences</li> <li>Number of incidents of violent crime</li> <li>Number of calls for Sp. Cst. service</li> <li>Provincial Offences Notices issued</li> <li>Number of arrests</li> <li>Number of cautions</li> <li>Reduce perception of victimization</li> <li>Staff satisfaction</li> <li>Tenant satisfaction</li> </ol> | <ol style="list-style-type: none"> <li>Special Cst. Statistical Report*</li> <li>Special Cst. Statistical Report*</li> <li>Special Cst. Statistical Report<sup>†</sup></li> <li>Number and type of complaints from Complaints process (about Sp. Cst.)**</li> <li>Special Cst. Statistical Report*</li> <li>TCHC Dispatch &amp; Security Database<sup>††</sup></li> <li>Special Cst. Statistical Report*</li> <li>Tenant and staff surveys<sup>^^</sup> (both staff and tenant surveys will be done at the beginning and near the end of the pilot project)</li> </ol> |

\* Special Constable Statistical Reports will be prepared by TCHC Security Unit and submitted quarterly to the Toronto Police Service.

† \* Complaints regarding Special Constables will be tracked by TCHC's Special Constable Unit Complaints Co-ordinator (Investigator).

†† TCHC's Security Information Analyst will track the number of Special Constable calls for service on a daily basis.

^^ TCHC will hire an external consultant to develop and conduct tenant and staff surveys to gauge their satisfaction with the Special Constable program and perception of community safety.

| Type  | Role  | Deployment  | Stand&s.  | Performance Indicators  | Tracking methods (Data Gathering)   |
|---|---|---|---|---|---|
| Method 2<br>Site<br>Enhanced<br>(same methodology as Transitional Response but for a longer term) | <ul style="list-style-type: none"> <li>Combined with other On-site officers, with backup to team to provide enhanced Sp. Cst. authority.</li> <li>Some core duties, with special focus on enhance Sp. Cst. Authorities</li> <li>Assigned to higher-risk communities</li> </ul>  | <u>Regent Park</u><br>2 Special Constables per 12 hr shift (combined with other security Staff)<br>• Total = 6 Sp. Cst.   | 1. Timely response to service   | a. 15 min. (when on assignment in a community)  | a. Special Cst. Statistical Report†   |
|   |   | <u>Finch/Birchmount, Sheppard/Birchmount, and Chester Le.</u> (1 group):<br>• 1 Special Constable per 10 hr shift (peak hrs.)<br>• (combined with other security Staff)<br>Total = 2 Sp. Cst. | 2. More effective deployment of police resources  | a. Number of transports to Toronto Police (persons and Evidence)<br>b. Number of releases (Form 9)<br>c. Number of complaints about Special Constables<br>d. Number of Toronto Police occurrences | a. Special Cst. Statistical Report†<br>b. Special Cst. Statistical Report†<br>c. Number and type of complaints from Complaints process (about Sp. Cst.)** |
|   |   |   | 2. Reduce crime   | a. Number of incidents of violent crime<br>b. Number of calls for Sp. Cst. service<br>c. Provincial Offences Notices issued<br>d. Number of arrests<br>e. Number of cautions                      | a. Special Cst. Statistical Report†<br>b. TCHC Dispatch & Security Database†<br>c. Special Cst. Statistical Report†                                       |
|   | 3. increased perception of safety by community  | a. Reduce perception of victimization<br>b. Staff satisfaction<br>c. Tenant satisfaction  | a-c. Tenant and staff surveys** (both staff and tenant surveys will be done at the beginning and near the end of the pilot project) |   |   |
| Method<br>Mobile<br>Back-Up   | <ul style="list-style-type: none"> <li>Special "higher risk" attention</li> <li>Enforcement of liquor License Act, drug enforcement, utilizing their Peace Officer powers of arrest under the Criminal Code</li> <li>Executing warrants and prisoner transport or charge and release.</li> <li>Back up support</li> <li>Higher risk community response</li> </ul> | 2 Sp. Cst. Units<br>2 Special Constables per 10 hr. shift (during peak hrs, eg. 6 pm to 4 am)<br>• Total = 4 Sp. Cst.   | 1. Timely response to service   | a. 15 min. (when on assignment in a community)  | a. Special Cst. Statistical Report†   |
|   |   |   | 1. More effective deployment of police resources  | a. Number of transports to Toronto Police (persons and Evidence)<br>b. Number of releases (Form 9)<br>c. Number of complaints about Special Constables<br>d. Number of Toronto Police occurrences | a. Special Cst. Statistical Report†<br>b. Special Cst. Statistical Report†<br>c. Number and type of complaints from Complaints process (about sp. Cst.)** |
|   |   |   | 2. Reduce crime   | a. Number of incidents of violent crime<br>b. Number of calls for Sp. Cst. service<br>c. Provincial Offences Notices issued<br>d. Number of arrests<br>e. Number of cautions                      | a. TCHC Dispatch & Security Database†<br>b. Special Cst. Statistical Report†  |

† Special Constable Statistical Reports will be prepared by TCHC Security Unit and submitted quarterly to the Toronto Police Service.

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\*\* Complaints regarding Special **Constables** will be tracked by TCHC's Special Constable Unit Complaints Co-ordinator (Investigator).

A TCHC's Security Information Analyst will track the number of Special Constable calls for service on a daily basis.

^^ TCHC will hire an external consultant to develop and conduct tenant and staff surveys to gauge their satisfaction with **the** Special Constable program and perception of community safety.

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COMMUNICATIONS PLAN  
TCHC SPECIAL CONSTABLE EXTENDED PILOT PROGRAM  
August 2002

Appendix "4"

| Audience   | Purpose  | Activity   | Deadlines  | Responsible Lead                    |
|--|--|--|------------|-------------------------------------|
| CEO and Board                                      | Information about Extension of Pilot Program   | Board Information Paper<br>Periodic Updates  | Oct. 2002  | RS/TS                               |
| Executive Team                                     | Approval of Extended Pilot Program   | Document for review and approval<br>Review of Next Steps   | Sept. 2002 | RS/TS                               |
| Special Constables                                 | Full orientation of Program Changes<br>Review of next steps<br>Training on Baseline Assessment and development of objectives | Special meetings<br>Training Sessions (at outset and throughout pilot)<br>Sample materials   | Oct. 2002  | TS/SSU Sr. Mgrs.                    |
| SSU Managers and Supervisors                       | Full orientation of Program Changes<br>Review of Next Steps<br>Training on Baseline Assessment and development of objectives | Fact Sheet about Program<br>Training Sessions (at outset and throughout pilot)<br>Sample materials   | Sept. 2002 | TS/SSU Sr. Mgrs.                    |
| Community Housing Managers ( Focus Group and all ) | Information about Program<br>Clarification of CHMgr. Role related to Program   | CHMgrs. Security Focus<br>Group discussion<br>Special meeting<br>Participation in Baseline Assessment Reporting, development of Objectives, monitoring progress and evaluation | Oct. 2002  | TS with Property management support |
| Labour Leadership                                  | Information regarding changes in the Program   | Briefing at special meeting<br>Fact Sheet  | Oct. 2002  | TS/SSU Sr. Mgrs.                    |
| SSU Staff  | Information about program objectives   | Fact Sheet<br>Briefing at staff meetings   | Oct. 2002  | TS/SSU Sr. Mgrs.                    |

| <b>Audience</b>  | <b>Purpose</b>  | <b>Activity</b>  | <b>Deadlines</b> | <b>Responsible Lead</b>       |
|--|---|--|------------------|-------------------------------|
| <b>All Employees</b>   | Knowledge about program   | Article in Staff Connections   | Nov. 2002        | TS with Comm. support         |
| Resident Representatives<br>(Resident <b>Advisory</b> Council, City-Wide Tenant Council, known groups and building reps. ) | Provide detailed information about program and related work (e.g. access to Canadian Police Information Centre (C.P.I.C.))<br>Request input<br>Raise and address key issues | Special information meetings<br>Focus groups<br>Fact Sheet   | Nov. 2002        | TS with TCS support           |
| All Residents  | Provide information about nature of program<br>Gather input<br>Raise and address key issues   | Fact sheet or special letter to all residents<br>Agenda item at regular community meetings                                     | Nov. 2002        | TS with TCS and Comm. Support |
| Law enforcement Partners ( local divisions )   | Information about Pilot Program Pilot Changes   | Fact Sheet and overview of pilot program to local police divisions jointly from TCHC and TPS Special Constable liaison officer | Oct./Nov. 2002   | TS with GB (TPS) support      |
| Community Agencies and Services<br>City Councillors  | Information about Pilot Program Changes and Special Constable Program   | Fact Sheet on Special Constable designation<br>Overview of How Pilot Program is being delivered                                | Nov./Dec. 2002   | TS with TCS support           |
| Media  | Provide information about program ( on request )  | Fact sheets on TCHC, Security Services and Special Constable Program Pilot   | Nov./Dec. 2002   | TS/RS with Comm. support      |

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P297.           RESPONSE TO THE CITY OF TORONTO COMMUNITY SERVICES  
COMMITTEE REGARDING THE INQUEST INTO THE DEATHS OF  
GILLIAN AND RALPH HADLEY**

The Board was in receipt of the following report OCTOBER 11, 2002 from Julian Fantino, Chief of Police:

Subject:        **RESPONSE TO THE COMMUNITY SERVICES COMMITTEE FROM THE  
INQUEST INTO THE DEATH OF GILLIAN AND RALPH HADLEY**

Recommendation:

It is recommended that:

- (1) the Board approve this response to the Community Services Committee from the inquest into the death of Gillian and Ralph Hadley
- (2) the Board Administrator forward a copy of this report to the Community Services Committee and the Chief Coroner for Ontario.

Background:

On 2000 June 20, Gillian Hadley was shot and killed by her estranged husband, Ralph Hadley, at her home in the City of Pickering, Ontario. Shortly afterward, Ralph Hadley committed suicide inside the home.

As a result of these deaths, the Coroner called for an Inquest into the matter. On 2002 February 08, after a 52 day inquest, the coroner's jury returned 58 recommendations, 9 of which were directed to the Police.

Although this incident did not occur within the jurisdictional boundaries of the Toronto Police Service, we have reviewed our practices in light of the jury recommendations. Further, in a letter dated 2002 March 27, the City of Toronto Community Services Committee directed that the Toronto Police Services Board be requested to report to the appropriate Committee following its review of the Jury's recommendation under its purview.

## Response to Coroner's Jury Recommendations

### Recommendation # 2

*We recommend that the Ministry of the Solicitor General conduct audits of police services to monitor compliance with the Model Police Response to Domestic Violence.*

In the year 2000, the Ministry of the Solicitor General (now known as the Ministry of Public Safety and Security), to whom this recommendation is directed, issued legislation and guidelines in regard to Domestic Violence Investigations as part of the Adequacy and Effectiveness of Police Services Regulation of Ontario (O/R 03/99).

The Toronto Police Service has reviewed and revised its procedure and continues to monitor and revise its response to domestic violence. A monthly audit entitled the Domestic Violence Quality Control Report (DVQCR) is conducted. The DVQCR has been developed for the express purpose of determining the outcome of domestic-related calls for service and to ensure that the appropriate reports are submitted, as required by Service Procedure 05-04 (Domestic Violence).

### Recommendation #3

*We recommend that the Ministry of the Solicitor General enhance the curriculum for recruit training at the Ontario Police College in order to produce a qualified domestic violence investigator at graduation in every case. No fewer than forty (40) hours should be spent on domestic violence investigative training.*

This recommendation is directed at the Ministry of Public Safety and Security. The Toronto Police Service does not support this recommendation for the following reasons.

Uniform front line officers employed by the Toronto Police Service may not case manage or lead domestic violence investigations. Very few large Ontario police services designate front line patrol officers as Domestic Violence Investigators. Because of their complexity, the Toronto Police Service designates such investigations to trained and experienced criminal investigators. There are no plans to change this policy.

The training recruits currently receive at the Ontario Police College is compliant with Section 6 of LE-024 of the Adequacy Standards Regulation, which states that "Where a police service decides to meet its obligations under paragraph 2 by one of the methods set out in paragraph 5(b)-(d), it should also ensure that its patrol officers receive the required training accredited by the Ministry on the police response to domestic violence occurrences."

This Ministry accredited police response training was delivered to all serving front-line officers by Live-link and Roll Call training.

It would make little sense to train recruits to undertake investigations that most large services, including Toronto, would not permit them to investigate. Our procedures and training are consistent with the requirements of the Provincial Adequacy Standards Regulation, Section LE-024 (Domestic Violence Occurrences), and with the Toronto Police Service Criminal Investigation Management Plan.

#### Recommendation #4

*We recommend that the Ministry of the Solicitor General emphasize the importance of and encourage police services to use the Domestic Violence Supplementary Report Form when investigating domestic violence incidents.*

Although directed at the Ministry of Public Safety and Security, it is noteworthy for the Board that the Toronto Police Service procedure on domestic violence mandates the use of the Domestic Violence Supplementary during the investigation of all domestic violence occurrences.

#### Recommendation #5

*We recommend that the police services examine the use of continuously repeating audible signals on their in-car computer terminals.*

The stated rationale for this recommendation was that the police officers responding to the 911 call on 2000 June 20, had difficulty hearing radio messages because of an audible signal emanating from the vehicle's computer terminal.

The terminals in Toronto Police Service scout cars, both Mobile Workstations (MWS) and Mobile Data Terminals (MDT), do have an audio annunciator for inbound messages and errors; however, these devices do not generate sufficient amplitude to overcome the audio of the mobile radio. At speed in a vehicle, engine noise is typically louder than the audible indicator on the terminal; thus, unless the mobile radio is turned down to a whisper level, it is not possible to drown the radio out with the terminal.

In any event, officers have the capability to view call information on the MWS or MDT to verify the information received, such as addresses and details of the call.

We are satisfied that the audible signal produced by the MDT or MWS terminal in our scout cars does not adversely affect an officer's ability to hear radio transmissions, and there are no plans to discontinue their use.

#### Recommendation #6

*We recommend that police services change the classification of complaints status on domestic violence call assignment as recorded on the CAD System in order that police response is "without delay".*

The Toronto Police Service is compliant with this recommendation. By default, domestic events create a Priority 2 classification in our CAD system. Our Communications policy dictates that Priority 2 calls are events that require immediate police attendance. Furthermore, where an immediate danger to life or the safety of the person exists, the classification may be upgraded to Priority 1, which invokes a 'hotshot' command. Likewise, the classification may be downgraded where no danger to the victim exists. Although both Priority 1 and Priority 2 calls require immediate response, the hotshot command is a verbal cue, which further emphasizes the urgency of the situation.

#### Recommendation #7

*We recommend that investigating officers who respond to domestic violence complaints conduct their investigations without requiring the complainant to obtain statements from others or to gather evidence as a means of completing the investigation.*

The Toronto Police Service is compliant with this recommendation. The victim/complainant is not responsible for obtaining statements from others or for gathering evidence as a means of completing the investigation.

#### Recommendation #9

*We recommend that the Ministry of the Solicitor General direct all police services by written policy that release directly from a police service with undertakings and conditions on charges stemming from an incident of domestic violence is not an acceptable practice.*

The Toronto Police Service recognizes that Domestic Violence is a serious problem, and is committed to doing whatever we can to protect victims from their abusers. Recommending Detention Orders is one, but not the only aspect to be considered when creating a safety plan. Furthermore, issues of release or detention by a police officer and the criteria to be applied are regulated by the Criminal Code, and officers cannot arbitrarily create a policy that may contravene this legislation. Each case must be looked at individually, and judged based on the facts presented. A police officer must be able to justify seeking a detention order based on the specific facts of the case and the law. In order to comply with this recommendation, an amendment to the Criminal Code would be required.

#### Recommendation #11

*We recommend that police services establish a victim bail notification system that will inform victims as to the date and time of the accused's bail hearing.*

The Toronto Police Service is compliant with this recommendation. Our current procedures require that the case manager, when seeking a detention order or judicial interim release, inform the victim of the right to attend the bail hearing. Furthermore, when an accused is charged with a domestic violence related offence, the Officer in Charge (OIC) must ensure the victim is immediately notified of all bail conditions and the next court date of the accused. (This applies to releases from the station by the OIC and releases from court by a Justice.)

## Recommendation #12

*We recommend that the Ministry of the Attorney General work with the Ministry of the Solicitor General to develop a specialized domestic violence bail program. Components would include a designated specially trained Crown Attorney and police officer in each court jurisdiction to:*

- be contacts for other Crown Attorneys and police officers*
- provide guidance, and*
- provide other strategic advice on bail hearings.*

This recommendation is directed at the Ministries of the Attorney General and Public Safety and Security. The Toronto Police Service is not in a position to implement this recommendation; however, we will work in co-operation with these ministries if they choose to implement such a program.

## Conclusion:

After reviewing the jury recommendations from this inquest, I am satisfied that our current procedures adequately address the recommendations that are directed to the police.

It is recommended that the Board approve this response to the Community Services Committee from the inquest into the death of Gillian and Ralph Hadley, and that the Board Administrator forward a copy of this report to Community Services Committee and the Office of the Chief Coroner.

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

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P298. UPDATE REGARDING THE YOUTH ADVISORY GROUP TO THE  
CHAIRMAN**

The Board was in receipt of the following report NOVEMBER 4, 2002 from Norman Gardner, Chairman:

Subject: YOUTH ADVISORY TO THE CHAIRMAN

Recommendation:

It is recommended that:

- (1) The Chief be requested to provide an update to the Youth Advisory Group on the issues raised by Councillor Shaw as identified in the body of this report;
- (2) The Youth Advisory Group to the Chairman report back to the Board on Recommendation 3 contained in the March 27, 2002, report from the Chief, dated October 18, 2001, entitled "Progress Report: Recommendations Of The Toronto Police Services Youth Advisory Group And Youth And Police Action Committee (Board Minute P72/02); and
- (3) The Chairman invite Board members to attend all future meetings of the Youth Advisory Group to the Chairman.

Background :

At its meeting on March 27, 2002, the Board received a report from Julian Fantino, Chief of Police, dated October 18, 2001, entitled "Progress Report: Recommendations Of The Toronto Police Services Youth Advisory Group And Youth And Police Action Committee (Board Minute P72/02 refers). The Board also received two additional reports from Julian Fantino, Chief of Police, dated February 4, 2002, and February 15, 2002, with respect to meetings held with Councillors Olivia Chow and Sherene Shaw. Written submissions, dated February 25, 2002, from Councillor Sherene Shaw, City of Toronto; and February 18, 2002, from Councillors Olivia Chow and Sherene Shaw, City of Toronto; Ryan Teschner, Toronto Youth Cabinet & Youth and Police Action Committee; and Sandy Adelson, former Member, Toronto Police Services Board, and Co-Chair, Youth and Police Action Committee were received by the Board. The following persons were in attendance and made depositions to the Board: Ryan Teschner, Sandy Adelson, and Councillor Sherene Shaw.

**The Board received the deputations and approved the following Motions:**

- 1. THAT the foregoing reports from Chief Fantino and the written submissions be received and referred to the Chairman with the intent of establishing an Advisory Group to the Chairman and that Councillors Sherene Shaw and Olivia Chow, Former Member Sandy Adelson, Ryan Teschner and any other interested persons be invited to participate in this Advisory Group;**
- 2. THAT the Chief of Police, or a representative on his behalf, also participate in the Advisory Group; and**
- 3. THAT the Advisory Group review these reports and report on the recommendations and implementation process; the report, to be provided by the Chairman in six months, should also include the following:**
  - identify how the recommendations can be kept alive**
  - develop on-going community outreach to ensure that the community is updated on the recommendations which have been approved and the status of the implementation of each of the recommendations**
  - whether the Community Police Liaison Committees (CPLC's) can be expanded to include a youth component to deal with youth issues at the local level.**

On September 23, 2002, I hosted the first meeting of the Youth Advisory Group to the Chairman. In attendance were Councillor Olivia Chow, Councillor Sherene Shaw, Detective Sergeant Dave Saunders, Toronto Police Service Youth Crime Coordinator and Mr. Kehinde Bah, Chairperson, Toronto Youth Cabinet. Also invited but unable to attend were Sandy Adelson and Ryan Teschner.

Detective Sergeant Saunders provided the participants with a verbal update on the actions taken to date with respect to the Toronto Police Youth Strategy, which was presented to the Board in March 2002 (Board Minute P71/01 refers).

Councillor Sherene Shaw requested an update report on a number of recommendations contained in the Toronto Police Services Board Youth Advisory Group (Board Minute 249/99 refers). These recommendations included Diversity Training, Communications, Outreach, Mentoring Initiatives, the establishment of a Youth Advisory Committee and the timelines for the implementation of these recommendations.

Due to the limited time available for the participants to discuss the report before them, it was agreed that the report would be discussed at a future meeting of the Youth Advisory Group to the Chairman.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P299. REQUEST FOR ADDITIONAL FUNDS – INTERNATIONAL ASSOC.  
CHIEFS OF POLICE (IACP) CIVIL RIGHTS AWARD IN LAW  
ENFORCEMENT**

The Board was in receipt of the following report NOVEMBER 1, 2002 from Norman Gardner, Chairman:

Subject: REQUEST FOR ADDITIONAL FUNDS - INTERNATIONAL ASSOCIATION  
CHIEFS OF POLICE (IACP) CIVIL RIGHTS AWARD IN LAW  
ENFORCEMENT

Recommendation:

It is recommended that the Board approve additional funding for expenses incurred, for air travel in the amount of \$1,600.00, from the Board's Special Fund which allowed two community representatives to participate at the ceremony of the IACP Civil Rights Award in Law Enforcement Ceremony at its annual conference.

Background :

The Board at its meeting held on September 26, 2002 approved an expenditure in the amount, not to exceed, \$2,200.00 (\$CDN) for the cost of travel expenses to allow Ms. Tam Goosen and Mr. Julian Falconer, community members, to attend at the 2002 IACP's Annual Conference Civil Rights Award Ceremony which was held in Minneapolis, Minnesota (Board Minute #P255/02 refers). The community representatives attended as co-chairs of a community conference, which produced a conference report, entitled "The Alternatives to Lethal Force by Police".

With respect to air travel for Ms. Goosen and Mr. Falconer, the cost could only be estimated pending Board approval. The anticipated expenditure was underestimated and the intent of the Board was to continue to promote support and show goodwill to the primary organizers of the conference by providing them with the opportunity to attend the award ceremony.

Hence, I hereby recommend that the Board approve the additional expenditure, in the amount of \$1,600.00 (\$CDN) from the Board's Special fund to make payment in full for all air travel expenses.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P300. HUMAN RESOURCES STRATEGY: 2003 - 2007**

The Board was in receipt of the following report NOVEMBER 6, 2002 from Julian Fantino, Chief of Police:

Subject: HUMAN RESOURCES STRATEGY - 2003 to 2007

Recommendation:

It is recommended that: The Board approve this report for inclusion in the Service's 2003 Operating Budget submission to Toronto City Council.

Background :

The Board at its meeting on December 13, 2001 (Minute No. P335) was in receipt of a report on the Human Resources Strategy for the period 2002 to 2006. The Board was also in receipt of a further report on the Strategy at its meeting on May 30, 2002 (Minute No. P136) and approved several initiatives and adjustments, based on the experience accrued to that date.

The following report is an update on our experience to the end of August, and the recommended Strategy for the next five year period, from 2003 to 2007. Several issues have occurred this year which have been taken into account in the development of the new Strategy, including the following:

- ratification of the new Collective Agreement on July 12, 2002
- delay of recruit deployments in 2002 due to the OPSEU strike
- implementation of a "staggered" recruit class schedule at the Ontario Police College for 2003
- continuing phase out of the OMERS reduced pension factors
- the Uniform Position Review
- the Civilian Staffing Review and Occurrence Re-engineering project

**cont...d**

## UNIFORM STAFFING

### Target Strength

In its Strategy report last year, the Service moved to a deployment model whereby new recruits are counted as additions to the uniform strength not on their date of hire as cadets-in-training, but upon their appointment as 4<sup>th</sup> Class Constables and assignment to police duties at a division. This model conveys a more realistic indication of the support level for service delivery throughout the year, and provides a more accurate gauge of our hiring requirements.

As indicated on the attached spreadsheet (Appendix "A"), the current deployed target strength of the Service is 5,255 uniform personnel. Several new initiatives proposed in the 2003 Operating Budget would increase the target by 64 to 5,319, if approved. These include: 18 officers for a Race Relations Office, 3 for the Sex Crimes Unit to address child exploitation, 11 for a Traffic Enforcement Safety Team, 8 strategic intelligence investigators, 6 for computer crime investigations, and 18 to meet enforcement needs related to the Woodbine Casino. Additional details relating to these requests are contained in the report being submitted separately on the 2003 Operating Budget.

A review of the uniform positions in the specialized units has been conducted this year to ensure optimal deployment of the Service's sworn personnel. The review has not identified any additions to the uniform establishment beyond the new initiatives noted above, but has considered potential opportunities for civilianization. It is expected that this review will be completed by the end of the year, and should any tasks be proposed for transferral to the civilian branch, the Board will be updated accordingly.

The Service has also continued to utilize the 60/40 model for staffing the divisional stations. Although a strict fulfillment of the model would involve an increase to the uniform establishment, service requirements are being addressed through a system of prioritized deployment to the stations at this time.

### Target Hiring

The Service began the year with 5,007 deployed officers and planned an aggressive hiring strategy to address the high rate of separations resulting from the OMERS retirement incentive program and resignations to other police services. A total of 399 hires are projected by year end, including 30 lateral entries and 72 new recruits to be hired in late December for the January, 2003 intake class at the Ontario Police College.

Hiring is geared to achieving the deployed strength target, taking into account training capacity limitations and the fluctuating rate of separations during the year. Projected hiring for next year, based on an estimated 300 separations, includes 360 new recruits and 13 lateral entries, for a total of 373 new hires.

To accommodate the increased demand for recruit training spaces, the Ontario Police College has decided to implement a “staggered” class schedule on a pilot project basis for the year 2003. In effect, this will increase their number of intakes for the year from three to six. The Service will continue to enrol as many recruits as possible at the O.P.C. toward achieving the deployed target.

### **Projected Separations**

Separations to the end of 2002 are now projected to reach 325. A very high rate of separations occurred at the beginning of the year, resulting in a revised projection to 425 as reported to the Board in May (Min. No. P136 refers). With the ratification of the new Collective Agreement in July, however, our experience has subsided very significantly.

Eligibility for an unreduced OMERS pension increases from the 77 Factor to the 79 Factor next year. It is expected that this incentive program will continue to attract a large number of officers, but our experience may be moderated by the new Collective Agreement which has increased members’ immediate compensation and also includes provisions which monetarily recognize accumulated experience. These considerations, and a correspondingly more modest outflow of resignations, have resulted in a projected separation total of 300 for 2003. In 2004, the OMERS reduced factor program is scheduled to close, and accordingly, a much higher rate of 425 is projected for that year. For the remainder of the Strategy period, a rate closer to our experience prior to the incentive program is reflected.

### **Year 2002 Experience to August 31<sup>st</sup>**

#### **Hires**

The Service has hired 297 new recruits this year as of the end of August. A class of 153 members hired in April will be deployed in early October, and a second class of 144 recruits will be deployed at the beginning of next year. In addition, hiring has included 15 officers from other police services (“lateral entries”) and one re-hire of a former TPS officer. These officers receive two weeks of training at the C.O. Bick College before being deployed to front-line duties.

The deployment schedule of the Service was affected this year by the OPSEU strike. This work stoppage resulted in the suspension of training at the Ontario Police College on March 13<sup>th</sup>, about three weeks prior to course completion for 144 of our recruits hired in late December, 2001. Extensive discussions were held with the Solicitor General’s Ministry and the OPC as to the Service being granted certification to finish this training, but the strike was ultimately resolved and the recruits returned to Aylmer on May 8<sup>th</sup>, completed their course on May 30<sup>th</sup>, and were deployed in June. A class hired in mid-April was similarly delayed in its deployment from September to early October. During their absence from the OPC, the recruits received additional training and field experience at the TPS.

In the report submitted to the Board in May, several initiatives were put forward to assist the Service in its hiring program and to maintain its front-line service. A longer period of time will be required to assess the impact of the decisions to reimburse recruits for their training fees and grant lieu time to lateral entries and re-hires, but some comment may be made on the proposals to hire former officers on a part-time or contract basis. Interest in returning to the Service for part-time work has been very low. This may be due to the “on-call” nature of such work, the fact that demand would normally be highest in the summer, and especially for officers who live outside the city, reporting to work for a short number of hours is not viable. A pilot project to hire former, qualified officers on contract to assist in doing pre-employment background checks has been more successful. Their involvement has helped to address a very high workload situation, avoiding the need to assign additional serving members who would otherwise be available for front-line duties. A separate report has been submitted to continue this program and the required funding has been requested in the 2003 Operating Budget.

### Overall Separations

Separations, including retirements scheduled to occur by year end, totalled 287 as at August 31<sup>st</sup>. These include 181 retirements, 99 resignations, and 7 deaths. This compares to a total of 392 separations by the end of August last year.

### Resignations

Seventy-six of the resignations experienced within this period have been officers who have left to join another service. As reported in May, it is difficult to counteract the factors that influence such resignations, which usually relate to lower house prices, shorter commute times, and expected differences in workload. In addition, this experience is regulated by the hiring demands made by the other services, which is an unknown factor when making projections. However, the salary improvement and recognition of experience in the new Collective Agreement, together with our own lateral entry hiring and training fee reimbursement programs, may work to offset some of these losses in the future.

### Retirements

Uptake of the OMERS incentive continues to be the primary force behind the separations being experienced by the Service. As noted above, the eligibility factor (age + service) for an unreduced pension will rise to 79 in 2003. As the factor, minimum age, and penalty provisions are scheduled to increase again in 2004, the closing year for the program, retirement will continue to be attractive as an option for those who qualify in 2003.

## CIVILIAN STAFFING

### Establishment

The civilian establishment and strength set out in the Strategy pertain to the permanent, full-time complement of the Service, exclusive of certain members who are budgeted for separately: members of the Parking Enforcement Unit; part-time personnel; and temporaries, other than those assigned to Corporate Information Services, who have been hired pending implementation of Occurrence Re-engineering.

For the new Strategy period, the following issues have been taken into account:

#### *Civilian Staffing Review*

The review of the civilian staffing of the Service has been completed and a report is pending before the Command. The review has identified a number of opportunities for re-alignment to support greater efficiency, but the changes under consideration at this time will not involve a revision to the overall civilian establishment.

#### *Occurrence Re-engineering - eCOPS*

Development of the Electronics Computerized Occurrence Processing system (eCOPS) is near completion, with an expected rollout in April, 2003. This application will allow police officers to enter occurrence data immediately on to the system and provide a single point of access for such information. This will result in a more efficient records management system, faster turnaround for police records, and a reduced need for paper documents. The current implementation schedule assumes the reduction of 106 civilian positions. The staff no longer required will be released on a gradual basis, which will be achieved in part through attrition of temporary personnel.

#### *New Initiatives in the 2003 Operating Budget Request*

New positions identified in the 2003 Operating Budget include one position requested to support the child exploitation investigative team, and two positions for the proposed Race Relations Office. Although not a "new" initiative, 18 additional court officers are also being requested to meet increased requirements for court security. The Toronto Police Service is mandated by the Police Services Act to provide security in the courts, and these personnel are required for new courts at Osgoode Hall and Superior Court.

### Hiring

Hiring for next year includes planning for the additional court officer hires. Other hires will be for replacement purposes, except for the positions deleted as a result of Occurrence Re-engineering.

## **Separations**

For the purposes of the Strategy, civilian separations include not only those members who leave the Service, but also those who become cadets-in-training, those who join Parking Enforcement, and those who move to part-time or temporary positions. As of the end of August, 33 civilians left the Service through retirement, 29 left through resignation, and there were no deaths. The remaining separations included 4 members who became cadets-in-training, 2 who took part-time positions, and 1 who took a temporary position.

Separations projected for next year have been based on our resignation and retirement experience this year, the phase out of the OMERS reduced retirement factor program, and the potential impact of the new Collective Agreement.

## **BUDGET IMPACT**

The budget impact of the foregoing Strategy will be included in separate submissions to the Board regarding the proposed 2003 Operating Budget.

Charts setting out the statistical changes for the uniform and civilian personnel for this Strategy period are attached as Appendices "A" and "B".

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

**The Board approved the foregoing.**

**UNIFORM STAFFING STRATEGY  
2002 TO 2007  
Deployed Model**

Appendix A

| Month         | 2002            |                   |                 |                   |                             | 2003            |                   |                 |                   |                             | 2004            |                   |                 |                   |                             |
|---------------|-----------------|-------------------|-----------------|-------------------|-----------------------------|-----------------|-------------------|-----------------|-------------------|-----------------------------|-----------------|-------------------|-----------------|-------------------|-----------------------------|
|               | In-year Changes |                   | Totals          |                   |                             | In-year Changes |                   | Totals          |                   |                             | In-year Changes |                   | Totals          |                   |                             |
|               | Separations     | Deployed Officers | Deployed Target | Deployed Strength | Variance to Deployed Target | Separations     | Deployed Officers | Deployed Target | Deployed Strength | Variance to Deployed Target | Separations     | Deployed Officers | Deployed Target | Deployed Strength | Variance to Deployed Target |
| Start of year |                 |                   | 5,255           | 5,007             | -248                        |                 |                   | 5,255           | 5,097             | -158                        |                 |                   | 5,255           | 5,242             | -13                         |
| JAN           | -72             | 124               | 5,255           | 5,058             | -196                        | -19             | 144               | 5,255           | 5,222             | -33                         | -26             | 72                | 5,255           | 5,288             | 33                          |
| FEB           | -34             | 7                 | 5,255           | 5,032             | -223                        | -28             |                   | 5,255           | 5,184             | -61                         | -47             | 72                | 5,255           | 5,313             | 58                          |
| MAR           | -46             | 1                 | 5,255           | 4,967             | -288                        | -22             |                   | 5,255           | 5,172             | -83                         | -29             | 14                | 5,255           | 5,298             | 43                          |
| APR           | -29             |                   | 5,255           | 4,958             | -297                        | -28             |                   | 5,255           | 5,144             | -111                        | -43             |                   | 5,255           | 5,256             | 1                           |
| MAY           | -28             | 6                 | 5,255           | 4,939             | -316                        | -28             | 72                | 5,255           | 5,188             | -67                         | -43             |                   | 5,255           | 5,212             | -43                         |
| JUN           | -33             | 110               | 5,255           | 5,016             | -239                        | -30             | 72                | 5,255           | 5,230             | -25                         | -38             |                   | 5,255           | 5,174             | -81                         |
| JUL           | -21             |                   | 5,255           | 4,995             | -260                        | -31             | 3                 | 5,255           | 5,202             | -53                         | -47             | 14                | 5,255           | 5,141             | -114                        |
| AUG           | -9              |                   | 5,255           | 4,965             | -289                        | -26             |                   | 5,255           | 5,177             | -78                         | -34             |                   | 5,255           | 5,107             | -148                        |
| SEP           | -17             |                   | 5,255           | 4,969             | -286                        | -24             | 72                | 5,255           | 5,225             | -30                         | -34             | 144               | 5,255           | 5,217             | -38                         |
| OCT           | -15             | 153               | 5,255           | 5,107             | -148                        | -19             | 72                | 5,255           | 5,278             | 23                          | -24             |                   | 5,255           | 5,193             | -62                         |
| NOV           | -15             | 14                | 5,255           | 5,108             | -149                        | -23             | 10                | 5,255           | 5,265             | 10                          | -30             | 14                | 5,255           | 5,177             | -78                         |
| DEC           | -8              |                   | 5,255           | 5,097             | -158                        | -23             |                   | 5,255           | 5,242             | -13                         | -30             |                   | 5,255           | 5,147             | -108                        |
| End of year   | -325            | 291               | 5,255           | 5,097             | -158                        | -300            | 445               | 5,255           | 5,242             | -13                         | -126            | 330               | 5,255           | 5,147             | -108                        |

**year 2002**

OMERS 77 Factor applies this year

**Projected Hiring**

**Cadet Hire Dates**

|          |            |             |
|----------|------------|-------------|
| April    | 153        | (Actual)    |
| August   | 144        | (Actual)    |
| December | 72         | (Projected) |
|          | <u>369</u> |             |

**Laterals**

|         |           |             |
|---------|-----------|-------------|
| January | 8         | (Actual)    |
| June    | 10        | (Actual)    |
| October | 14        | (Projected) |
|         | <u>32</u> |             |

**Total Hires 399**

**year 2003**

OMERS 79 Factor applies this year

**Projected Hiring**

**Cadet Hire Dates**

|           |            |             |
|-----------|------------|-------------|
| January   | 72         | (Projected) |
| April     | 72         | (Projected) |
| May       | 72         | (Projected) |
| August    | 72         | (Projected) |
| September | 72         | (Projected) |
|           | <u>360</u> |             |

**Laterals**

|          |           |             |
|----------|-----------|-------------|
| March    | 0         | (Projected) |
| July     | 3         | (Projected) |
| November | 10        | (Projected) |
|          | <u>13</u> |             |

**Total Hires 373**

**year 2004**

Separations projected to increase as OMERS reduced factor program closes this year

OMERS 80 Factor applies this year

**Projected Hiring**

**Cadet Hire Dates**

|        |            |             |
|--------|------------|-------------|
| April  | 144        | (Projected) |
| August | 144        | (Projected) |
|        | <u>288</u> |             |

**Laterals**

|          |           |             |
|----------|-----------|-------------|
| March    | 14        | (Projected) |
| July     | 14        | (Projected) |
| November | 14        | (Projected) |
|          | <u>42</u> |             |

**Total Hires 330**

January-Sept 2002 Separations/Deployed Officers numbers are Actuals

UNIFORM STAFFING STRATEGY  
2002 TO 2007  
Deployed Model

| Month          | 2005        |                   |                 |                   |                             | 2006        |                   |                 |                   |                             | 2007        |                   |                 |                   |                             |
|----------------|-------------|-------------------|-----------------|-------------------|-----------------------------|-------------|-------------------|-----------------|-------------------|-----------------------------|-------------|-------------------|-----------------|-------------------|-----------------------------|
|                | In-year     | Changes           | Totals          |                   | Variance to Deployed Target | In-year     | Changes           | Totals          |                   | Variance to Deployed Target | In-year     | Changes           | Totals          |                   | Variance to Deployed Target |
|                | Separations | Deployed Officers | Deployed Target | Deployed Strength |                             | Separations | Deployed Officers | Deployed Target | Deployed Strength |                             | Separations | Deployed Officers | Deployed Target | Deployed Strength |                             |
| Start of year: |             |                   | 5,255           | 5,147             | -108                        |             |                   | 5,255           | 5,242             | -13                         |             |                   | 5,255           | 5,242             | -13                         |
| JAN            | -9          | 144               | 5,255           | 5,282             | 27                          | -9          |                   | 5,255           | 5,233             | -22                         | -9          |                   | 5,255           | 5,233             | -22                         |
| FEB            | -14         |                   | 5,255           | 5,268             | 13                          | -14         |                   | 5,255           | 5,219             | -36                         | -14         |                   | 5,255           | 5,219             | -36                         |
| MAR            | -9          |                   | 5,255           | 5,255             | 0                           | -9          |                   | 5,255           | 5,210             | -45                         | -9          |                   | 5,255           | 5,210             | -45                         |
| APR            | -13         |                   | 5,255           | 5,242             | -13                         | -13         |                   | 5,255           | 5,197             | -58                         | -13         |                   | 5,255           | 5,197             | -58                         |
| MAY            | -13         |                   | 5,255           | 5,230             | -25                         | -13         | 55                | 5,255           | 5,239             | -16                         | -13         | 55                | 5,255           | 5,239             | -16                         |
| JUN            | -12         | 7                 | 5,255           | 5,223             | -32                         | -12         | 10                | 5,255           | 5,227             | -28                         | -12         | 10                | 5,255           | 5,227             | -28                         |
| JUL            | -14         |                   | 5,255           | 5,213             | -42                         | -14         |                   | 5,255           | 6,223             | -32                         | -14         |                   | 5,255           | 5,223             | -32                         |
| AUG            | -10         | 67                | 5,255           | 5,270             | 15                          | -10         | 55                | 5,255           | 5,268             | 13                          | -10         | 55                | 5,255           | 5,268             | 13                          |
| SEP            | -10         |                   | 5,255           | 5,252             | -3                          | -10         |                   | 5,255           | 5,258             | 3                           | -10         |                   | 5,255           | 5,258             | 3                           |
| OCT            | 8           |                   | 5,255           | 5,260             | 5                           | 8           | 10                | 5,255           | 5,260             | 5                           | 8           | 10                | 5,255           | 5,260             | 5                           |
| NOV            | -9          |                   | 5,255           | 5,251             | -4                          | -9          |                   | 5,255           | 5,251             | -4                          | -9          |                   | 5,255           | 5,251             | -4                          |
| DEC            | -9          |                   | 5,255           | 5,242             | -13                         | -9          |                   | 5,255           | 5,242             | -13                         | -9          |                   | 5,255           | 5,242             | -13                         |
| End of year:   | -130        | 81                | 5,255           | 5,242             | -13                         | -130        | 130               | 5,255           | 5,242             | -13                         | -130        | 130               | 5,255           | 5,242             | -13                         |

year 2005

year 2006

year 2007

OMERS 85 Factor applies this year

OMERS 85 Factor applies this year

OMERS 85 Factor applies this year

Projected Hiring

Projected Hiring

Projected Hiring

| Cadet Hire Dates |            |             |
|------------------|------------|-------------|
| April            | 67         | (Projected) |
| December         | 55         | (Projected) |
|                  | <b>122</b> |             |

| Cadet Hire Dates |            |             |
|------------------|------------|-------------|
| April            | 55         | (Projected) |
| December         | 55         | (Projected) |
|                  | <b>110</b> | (Projected) |

| Cadet Hire Dates |            |             |
|------------------|------------|-------------|
| April            | 55         | (Projected) |
| December         | 55         | (Projected) |
|                  | <b>110</b> | (Projected) |

Laterals

|         |           |
|---------|-----------|
| June    | 5         |
| October | 5         |
|         | <b>10</b> |

Laterals

|         |           |
|---------|-----------|
| June    | 10        |
| October | 10        |
|         | <b>20</b> |

Laterals

|         |           |
|---------|-----------|
| June    | 10        |
| October | 10        |
|         | <b>20</b> |

Total Hires 132

Total Hires 130

Total Hires 130

January-Sept. 2002 Separations/Deployed Officers numbers are Actuals

CIVILIAN STAFFING STRATEGY  
2002-2007

Appendix 5

| Month          | 2002            |           |                      |                 |                    | 2003            |           |                      |                 |                    | 2004            |           |                      |                 |                    |
|----------------|-----------------|-----------|----------------------|-----------------|--------------------|-----------------|-----------|----------------------|-----------------|--------------------|-----------------|-----------|----------------------|-----------------|--------------------|
|                | In-year changes |           | Totals               |                 |                    | In-year changes |           | Totals               |                 |                    | In-year changes |           | Totals               |                 |                    |
|                | Separations     | Hires     | Target Establishment | Actual Strength | Variance to Target | Separations     | Hires     | Target Establishment | Actual Strength | Variance to Target | Separations     | Hires     | Target Establishment | Actual Strength | Variance to Target |
| Start of year: |                 |           | 1,864                | 1,682           | -182               |                 |           | 1,864                | 1,682           | -182               |                 |           | 1,864                | 1,682           | -182               |
| JAN            | -13             | 30        | 1,864                | 1,699           | -165               | -4              | 4         | 1,864                | 1,682           | -182               | -4              | 4         | 1,864                | 1,682           | -182               |
| <b>FEB</b>     | -13             | <b>14</b> | 1,864                | 1,700           | -164               | -11             | 11        | 1,864                | 1,682           | -182               | -12             | 12        | 1,864                | 1,682           | -182               |
| MAR            | -5              | 1         | 1,864                | 1,696           | -168               | -7              | 7         | 1,864                | 1,682           | -182               | -6              | 6         | 1,864                | 1,682           | -182               |
| APR            | -6              | 1         | 1,864                | 1,691           | -173               | -6              | 6         | 1,864                | 1,682           | -182               | -6              | 6         | 1,864                | 1,682           | -182               |
| MAY            | -4              | 9         | 1,864                | 1,696           | -168               | -9              | 9         | 1,864                | 1,682           | -182               | -9              | 9         | 1,864                | 1,682           | -182               |
| JUN            | -9              | 1         | 1,864                | 1,688           | -176               | -6              | 6         | 1,864                | 1,682           | -182               | -8              | 8         | 1,864                | 1,682           | -182               |
| JUL            | -10             | 1         | 1,864                | 1,678           | -186               | -9              | 9         | 1,864                | 1,682           | -182               | -11             | 11        | 1,864                | 1,682           | -182               |
| AUG            | -5              | 1         | 1,864                | 1,674           | -190               | <b>-10</b>      | 10        | 1,864                | 1,682           | -182               | -10             | <b>10</b> | 1,864                | 1,682           | -182               |
| SEP            | -7              | 8         | 1,864                | 1,675           | -189               | -10             | <b>10</b> | 1,864                | 1,682           | -182               | -10             | <b>10</b> | 1,864                | 1,682           | -182               |
| OCT            | -7              | 8         | 1,864                | 1,676           | -188               | -6              | 6         | 1,864                | 1,682           | -182               | -6              | 6         | 1,864                | 1,682           | -182               |
| NOV            | -5              | 8         | 1,864                | 1,679           | -185               | -5              | 5         | 1,864                | 1,682           | -182               | -6              | 6         | 1,864                | 1,682           | -182               |
| DEC            | -5              | 8         | 1,864                | 1,682           | -182               | -7              | 7         | 1,864                | 1,682           | -182               | -7              | 7         | 1,864                | 1,682           | -182               |
| End of year:   | -89             | 89        | 1,864                | 1,682           | -182               | -90             | 90        | 1,864                | 1,682           | -182               | -95             | 95        | 1,864                | 1,682           | -182               |

year 2002

OMERS 82 Factor applies this year

year 2003

OMERS 84 Factor applies this year

Planned hiring will include 18 court officers above replacement for mandated court security

year 2004

OMERS 85 Factor applies this year

**CIVILIAN STAFFING STRATEGY  
2002-2007**

Appendix B

| Month          | 2005            |       |                      |                 |                    | 2006            |       |                      |                 |                    | 2007            |       |                      |                 |                    |
|----------------|-----------------|-------|----------------------|-----------------|--------------------|-----------------|-------|----------------------|-----------------|--------------------|-----------------|-------|----------------------|-----------------|--------------------|
|                | In-year changes |       | Totals               |                 |                    | In-year changes |       | Totals               |                 |                    | In-year changes |       | Totals               |                 |                    |
|                | Separations     | Hires | Target Establishment | Actual Strength | Variance to Target | Separations     | Hires | Target Establishment | Actual Strength | Variance to Target | Separations     | Hires | Target Establishment | Actual Strength | Variance to Target |
| Start of year: |                 |       | 1,864                | 1,682           | -182               |                 |       | 1,864                | 1,682           | -182               |                 |       | 1,864                | 1,682           | -182               |
| JAN            | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               |
| FEB            | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               |
| MAR            | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               |
| APR            | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               |
| MAY            | -7              | 7     | 1,864                | 1,682           | -182               | -7              | 7     | 1,864                | 1,682           | -182               | -7              | 7     | 1,864                | 1,682           | -182               |
| JUN            | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               | -5              | 5     | 1,864                | 1,682           | -182               |
| JUL            | -7              | 7     | 1,864                | 1,682           | -182               | -7              | 7     | 1,864                | 1,682           | -182               | -7              | 7     | 1,864                | 1,682           | -182               |
| AUG            | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               |
| SEP            | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               | -9              | 9     | 1,864                | 1,682           | -182               |
| OCT            | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               |
| NOV            | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               |
| DEC            | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               | -4              | 4     | 1,864                | 1,682           | -182               |
| End of year:   | -72             | 72    | 1,864                | 1,682           | -182               | -72             | 72    | 1,864                | 1,682           | -182               | -72             | 72    | 1,864                | 1,682           | -182               |

year 2005

year 2006

year 2007

OMERS 90 Factor applies this year

OMERS 90 Factor applies this year

OMERS 90 Factor applies this year



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P301.           ENGAGING FORMER MEMBERS**

The Board was in receipt of the following report OCTOBER 8, 2002 from Julian Fantino, Chief of Police:

Subject:       Engaging Former Members

Recommendation:

It is recommended that: the Board approve the following amendments to Service Procedure 14-30:

- 1) add a new provision to allow the Service to engage the services of retired police officers to augment the permanent complement to clear up a backlog of work in support functions other than front-line;
- 2) replace the predetermined period of time requirement with a provision to allow the engaging of retired police officers for a maximum period of six months in a one year period; and,
- 3) delete the provision requiring Board approval to engage former members on contract.

Background :

At its meeting on May 25, 1999, the Board approved Service Procedure 14-30 entitled 'Re-employment of Former Members and Lateral Entries' (Board Minute 262/99 refers).

Under this Procedure, retired members may be engaged, on a contract basis, in a civilian capacity for a predetermined period of time with the approval of the Board, provided they meet the following criteria:

- The individual shall possess the expertise required for a vacant position and no other serving member has the qualifications/skills necessary for the job;
- The remuneration to be paid to the retiree is not greater than the individual's pension entitlement;
- The individual shall pass a background investigation conducted by the Employment Unit; and
- There has been a one-year waiting period immediately following his/her retirement date. Exceptional circumstances may be brought to the attention of the Board for its consideration and approval where the one-year waiting period has not expired.

In April of this year, the Employment Unit undertook a pilot project, which was approved by the Command, utilizing the services of retired police officers under contract. Under this initiative, retirees conducted background investigations on civilian applicant files so that police officers assigned to the unit could concentrate on the backlog of uniform applicant files. The pilot has been a success in that it has resulted in a more efficient turnaround time for civilian applicant files. The Toronto Police Association is aware that retired police officers have been utilized in the Employment Office and have not officially expressed their view on this matter. Due to its success, the Employment Unit is now recommending that this initiative be expanded to allow retired police officers to conduct background investigations on police applicant files, especially during peak hiring periods. This function is normally conducted by serving police officers; however, since there is a backlog of police applicant files requiring clearance, it would be more prudent to utilize the services of retired police officers instead of temporarily transferring serving officers from front-line duties to perform this task. Currently, the Procedure only allows the Service to engage retirees on contract to fill vacant positions. Therefore, it would be necessary to add a provision to Procedure 14-30 to allow the Service to bring back retired police officers to augment serving members when needed to clear up a backlog of work. It must be noted that the Uniform Staffing Review, which is currently reviewing the functions performed by sworn members in specialized units, has completed its examination of the Employment Unit. The review team has indicated that it will recommend increasing the use of retired police officers as a means of increasing the efficiency of the Employment Unit.

Members who retired between 1997 to 2001 would be surveyed and those interested in a civilian contract position would be asked to include a resume with their completed survey. These retirees would all meet the one-year waiting period between their termination date and their start date in a contractual agreement as required in Procedure 14-30. The one-year waiting was established as Service policy to represent a meaningful separation. This period is still deemed as reasonable for members to make a full psychological and practical adjustment to retirement before considering re-entry to the workforce and for the organization to identify whether there is a need for their skills on a contract basis.

Candidates would be evaluated on the following selection criteria:

- previous human resource experience and/or relevant education;
- strong problem solving and investigative experience;
  
- a basic knowledge of the Service's computer systems for investigative and word processing functions; and
- the ability to multi-task and liaise with other units, while working under the pressure of deadlines.

**cont...d**

A background investigation would be conducted on successful candidates prior to bringing them back under contract in a civilian capacity. Retirees would be paid an hourly rate of \$25.00 (no benefit entitlement) as opposed to the hourly rate of \$36.47 (includes benefits) paid to first class constables. Although the difference would only be a soft savings, it would be more cost effective to utilize retirees and there would be no tax implications for the Service. It is envisioned that retired police officers could also be utilized in other areas of the Service, such as Training and Education and Court Services, during peak workload periods.

In accordance with Procedure 14-30, the Service may only engage retired police officers under contract for a predetermined period of time. During the pilot project, retirees have been engaged for periods of three to four months to meet the predetermined period of time provision and this time period has been deemed to be too short. It would be more beneficial to engage them for a period of six months as it takes at least a month and a half before retired police officers become fully proficient with the background investigation process.

Requests to engage the services of former members in a civilian capacity, on contract, must be approved by the Board. However, when a unit commander wishes to engage an individual under contract, who is not a former member, they are allowed to do so under the Purchasing and Service Expenditures Procedure and the signing authority levels pursuant to Procedure 14-13 entitled 'Contract Persons and Consultants'. Procedure 14-30 should be amended so that the process for engaging former members is consistent with the process for engaging other individuals on contract. Notwithstanding the foregoing, Board approval would still be required where a former member has not completed the one-year waiting period criteria as stipulated in Procedure 14-30.

It must be noted that the first two recommendations contained in this report pertain to retired police officers, as police officers who resign are only eligible to return to the Service on a permanent basis pursuant to Service Rule 2.2.10.

It is hereby recommended that the Board approve the following amendment to Procedure 14-30:

- add a new provision to allow the Service to engage the services of police officers retired to augment the permanent complement to clear up a backlog of work in support functions other than front-line;
- replace the predetermined period of time provision with a provision to allow the engaging of retired police officers for a maximum period of six months in a one-year period; and
- delete the provision requiring Board approval to engage former members on contract.

Subject to the Board approving these changes, the amendments will be incorporated into Procedure 14-30.

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

**Mr. Frank Chen, Chief Administrative Officer, was in attendance and responded to questions by the Board about this report.**

**The Board expressed concerns about former members of the Service who have retired and are receiving pensions being retained on a contractual basis to perform work that is normally conducted by active police officers.**

**Mr. Chen advised that the changes that would occur to the Board's policy regarding former members if the foregoing recommendations are approved would still not make the policy inconsistent with the City of Toronto By-Law governing the retention of former City members.**

**The Board approved the following Motions:**

- 1. THAT recommendations no. 1 and 2 be approved subject to a report from Chief Fantino confirming that the revised Board policy remains consistent with the City of Toronto By-Law governing the retention of former City members; and**
- 2. THAT recommendation no. 3 be received.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P302. LIFEGUARD SALARY RATES FOR 2003**

The Board was in receipt of the following report SEPTEMBER 30, 2002 from Julian Fantino, Chief of Police:

Subject: LIFEGUARD SALARY RATES FOR 2003

Recommendation:

It is recommended that: the Board approve the revised salary levels for lifeguards for the 2003 season.

Background:

Beginning in 2001 the Toronto Police Service became solely responsible for lifeguard services at designated beaches in the City of Toronto.

The Service has, in the past, always matched the City rates for lifeguards. Due to a collective bargaining agreement, lifeguard rates for the "old" City of Toronto will increase by 6% to \$11.39/hour for the Lifeguard classification, and \$13.04/hour for the Head Lifeguard classification. It is therefore requested that the Board increase the salary rates for lifeguards and head lifeguards as follows:

|                | <u>2002<br/>Hourly Rate</u> | <u>Recommended 2003<br/>Hourly Rate</u> |
|----------------|-----------------------------|---|
| Lifeguard      | \$10.75                     | \$11.39                                 |
| Head Lifeguard | \$12.30                     | \$13.04                                 |

It should be noted that there are still several different collective agreements governing lifeguards in the old cities/boroughs, which make up the new City of Toronto. Their rates for the lifeguard classification range from approximately \$9.00 per hour to \$13.00 per hour. These rates will likely be harmonized in the near future.

It should also be noted the Toronto Police lifeguards won the Provincial Lifeguarding Competition in 2002.

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

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P303. SEMI-ANNUAL REPORT: UPDATE ON THE IMPLEMENTATION OF  
THE CITY AUDITOR'S REPORT REGARDING THE INVESTIGATION  
OF SEXUAL ASSAULTS**

The Board was in receipt of the following report OCTOBER 28, 2002 from Julian Fantino, Chief of Police:

Subject: SEMI ANNUAL REPORT UPDATE ON THE IMPLEMENTATION OF THE  
CITY AUDITOR'S RECOMMENDATIONS

Recommendation:

It is recommended that:

- (1) the Board receive this report for information, and
- (2) a copy be forwarded to the City of Toronto Audit Committee.

Background:

At its meeting on April 19, 2001, the Board received a comprehensive report responding to the 57 recommendations from the City Auditor's Report entitled "Review of the Investigation of Sexual Assaults – Toronto Police Service." (BM #P121/01 refers).

On October 18, 2001, the Board received an update report on the status of outstanding and ongoing recommendations. (BM #P289/01) The Board received the most recent update at its meeting on April 25, 2002. (BM #P122/02 refers)

Current Status:

All of the recommendations, except recommendation #4 as outlined below, have been addressed by the Toronto Police Service and their status reported to the Board. (BM #476/00, BM #P121/01, BM #P289/01, BM #P122/02 refers)

Recommendation #4:

*The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the time frame outline in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.*

On October 23, 2002, the Director of Audit Services, City Audit, Mr. Tony Veneziano, attended the Executive Review Committee Meeting. During his update of their workplan, Mr. Veneziano indicated that the follow-up audit would commence during the last quarter of 2002 or the first quarter of 2003.

A letter dated October 23<sup>rd</sup>, has been forwarded to the Auditor's office requesting City Auditor, Jeffrey Griffiths conduct a follow-up audit (See Appendix A). The Toronto Police Service Sex Crimes Unit will assist the Auditor.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance to answer any questions the Board may have.

**Ms. Jane Doe was in attendance and made a deputation to the Board with regard to the foregoing report. Chairman Gardner requested that Ms. Doe not be filmed, taped, photographed or identified by name pursuant to court order.**

**Ms. Doe circulated copies of the written submission she originally provided to the Board at its meetings on April 19, 2001 and November 23, 2000. A copy is on file in the Board office.**

**The approved the following Motions:**

- 1. THAT the Board receive the foregoing report; Ms. Doe's deputation; and the written submission; and**
- 2. THAT the Board recommend to Ms. Doe that, in light of the concerns she has expressed about the Toronto Police Service's responses to the Auditor's recommendations, she consider presenting those concerns in the form of a deputation to the City of Toronto Audit Committee.**

Appendix 'A'



## Toronto Police Service

40 College Street, Toronto, Ontario, Canada. M5G 2J3  
(416) 808-2222 FAX (416) 808-8202  
Website: www.TorontoPolice.on.ca



Julian Fantino  
Chief of Police

File Number: .....

October 23, 2002

Mr. Jeffrey Griffiths, C.A.  
City Auditor  
Toronto Audit Services  
Metro Hall, 9th floor  
Toronto, Ontario  
M5V 3C6

Dear Mr. Griffiths:

in October of 1999 you produced a document entitled "Review of the Investigation of Sexual Assaults - Toronto Police Service". The Toronto Police Services Board received this document in November 1999. It was forwarded to the Chief of Police in January 2000. The Toronto Police Service has reviewed your document and has addressed all of the recommendations except Recommendation #4 which states:

*The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the time of such audit to be consistent with the time frame outlined in the report of the Chief of Police. The City auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.*

I understand the audit work-plan for 2002 indicates your intention to conduct this review in the last quarter of 2002. We are looking forward to assisting your team. If you have any questions, or require additional information, please do not hesitate to contact Staff Inspector Bruce Smollet who has recently been appointed Unit Commander, Sex Crimes Unit, directly at (416) 808-7475.

Yours truly,

A handwritten signature in cursive script, appearing to read "Michael Boyd".

Michael Boyd  
Acting Chief of Police

BS:gh



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P304. QUARTERLY REPORT: SPECIAL FUND STATEMENT:  
JULY – SEPTEMBER 2002**

The Board was in receipt of the following report OCTOBER 16, 2002 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND STATEMENT  
FOR THE PERIOD 2002 JULY 01 TO 2002 SEPTEMBER 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 2002 JULY 01 to 2002 SEPTEMBER 30.

As at 2002 September 30, the balance in the Special Fund was \$227,635. During the quarter, the Special Fund recorded receipts of \$56,926 and disbursements of \$136,737.

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.**



**THE TORONTO POLICE SERVICES BOARD SPECIAL FUND  
2002 THIRD QUARTER RESULTS WITH ADJUSTED PROJECTIONS**

|  |                  |                   |                        |                        |                         |                        | JAN 01 TO<br>DEC 31/02 | 2001     |  |
|--|------------------|-------------------|------------------------|------------------------|-------------------------|------------------------|------------------------|----------|--|
| PARTICULARS                            | INITIAL<br>PROJ. | ADJUSTED<br>PROJ. | JAN 01 TO<br>MAR 31/02 | APR 01 TO<br>JUN 30/02 | JUL 01 TO<br>SEPT 30/02 | OCT 01 TO<br>DEC 31/02 | TOTALS                 | ACTUAL   | COMMENTS   |
| <b>BALANCE FORWARD</b>                 | 109,485          | 109,485           | 109,485                | 136,500                | 307,446                 | 0                      | 109,485                | 90,651   | 2002 projected figures based on 2001 actuals for revenue.<br>Expenses as approved by PSB on April 25, 2002.                    |
| <b>REVENUE</b>                         |                  |                   |                        |                        |                         |                        |                        |          |  |
| <b>PROCEEDS FROM AUCTIONS</b>          | 208,000          | 165,225           | 24,187                 | 27,972                 | 41,766                  | 0                      | 93,925                 | 207,949  |  |
| LESS OVERHEAD COST                     | (48,000)         | (38,001)          | (5,563)                | (5,828)                | (7,936)                 | 0                      | (19,327)               | (47,828) | Commission of 19% and 23% of the gross auction proceeds were paid in the first, second and third quarters of the current year. |
| LESS RETURNED AUCTION PURCHASE         | 0                | 0                 | 0                      | 0                      | 0                       | 0                      | 0                      | 0        |  |
| <b>UNCLAIMED MONEY</b>                 | 33,000           | 150,000           | 4,530                  | 126,134                | 19,114                  | 0                      | 149,778                | 33,285   |  |
| LESS RETURN OF UNCLAIMED MONEY         | (100)            | (2,000)           | (683)                  | (471)                  | 0                       | 0                      | (1,154)                | (44)     |  |
| <b>EVIDENCE AND HELD MONEY</b>         | 7,900            | 0                 | 0                      | 0                      | 0                       | 0                      | 0                      | 7,850    |  |
| <b>INTEREST</b>                        | 3,900            | 3,900             | 605                    | 917                    | 1,849                   | 0                      | 3,371                  | 3,843    |  |
| LESS ACTIVITY FEE                      | (100)            | (70)              | (25)                   | (9)                    | (14)                    | 0                      | (48)                   | (32)     |  |
| LESS CHEQUE ORDER                      | 0                | (190)             | 0                      | 0                      | (138)                   | 0                      | (138)                  | 0        |  |
| <b>SEIZED LIQUOR CONTAINERS</b>        | 1,800            | 1,800             | 0                      | 1,082                  | 2,284                   | 0                      | 3,366                  | 1,737    |  |
| <b>OTHER</b>                           | 0                | 50,421            | 421                    | 50,000                 | 0                       | 0                      | 50,421                 | 0        | The amount of \$50,000 was paid back by the 2001 IACP conference fund to the Board Special Fund.                               |
| <b>TOTAL REVENUE</b>                   | 206,400          | 331,085           | 23,472                 | 199,797                | 56,926                  | 0                      | 280,195                | 206,762  |  |
| <b>BALANCE FORWARD BEFORE EXPENSES</b> | 315,885          | 440,570           | 132,957                | 336,297                | 364,372                 | 0                      | 389,680                | 297,413  |  |



|  |         |         |         |         |         |   |         |         |   |  |
|--|---------|---------|---------|---------|---------|---|---------|---------|---|--|
| <b>DONATIONS</b>                           |         |         |         |         |         |   |         |         |   |  |
| IN MEMORIAM                                | 14,000  | 500     | 100     | 0       | 200     | 0 | 300     | 50      |   |  |
| OTHER                                      | 0       | 150     | 0       | 0       | 100     | 0 | 100     | 0       |   |  |
|  |         |         |         |         |         |   |         |         |   |  |
| <b>DINNER TICKETS (RETIREMENTS/OTHERS)</b> | 0       | 0       | 0       | 0       | 0       | 0 | 0       | 3,120   |   |  |
|  |         |         |         |         |         |   |         |         |   |  |
| <b>OTHER</b>                               | 0       | 13,350  | 0       | 0       | 13,350  | 0 | 13,350  | 21      | The Board Special Fund paid 50% of the cost in hosting the reception following the funeral of PC Laura Ellis. |  |
|  |         |         |         |         |         |   |         |         |   |  |
| <b>GST REBATE</b>                          | (1,500) | (1,500) | 0       | 0       | 0       | 0 | 0       | (1,495) |   |  |
|  |         |         |         |         |         |   |         |         |   |  |
| <b>TOTAL DISBURSEMENTS</b>                 | 204,200 | 206,900 | (3,543) | 28,851  | 136,737 | 0 | 162,045 | 187,927 |   |  |
|  |         |         |         |         |         |   |         |         |   |  |
| <b>SPECIAL FUND BALANCE</b>                | 111,685 | 233,670 | 136,500 | 307,446 | 227,635 | 0 | 227,635 | 109,486 |   |  |

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P305. TORONTO POLICE SERVICES BOARD – 2002 OPERATING BUDGET  
VARIANCE AS AT SEPTEMBER 30, 2002**

The Board was in receipt of the following report OCTOBER 30, 2002 from Norman Gardner, Chairman:

Subject: 2002 OPERATING BUDGET VARIANCE FOR THE TORONTO POLICE SERVICES BOARD, AS AT SEPTEMBER 30, 2002

Recommendation:

It is recommended that:

- 1) the Board receive this report, and
- 2) the Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the 2002 Toronto Police Services Board Operating Budget at a net amount of \$1,291,000, an increase of 2.4% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services.

2002 Operating Budget Variance

As at September 30, 2002, the Board is projecting a zero variance. This is unchanged from the variance reported for August.

STAFFING

The staffing budget for the Board office is \$726,900, or 56.3% of the total net budget. No variance is anticipated in this category.

The recent Association contract settlement has had a minimal impact on the Board office budget (less than \$5,000). When all outstanding salary settlements have been determined for 2002, a recommendation will be made to request a draw from the City's Accounts to the Board office through an in-year budget adjustment.

## NON-SALARY ACCOUNTS

The non-salary budget for the Board office is \$564,100. The majority of the Board's costs are related to arbitration and grievance hearings. No variance is anticipated in these accounts at this time.

**The Board received the foregoing and agreed to forward a copy to the City Chief Financial Officer and Treasurer for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P306. TORONTO POLICE SERVICE – 2002 OPERATING BUDGET  
VARIANCE AS AT SEPTEMBER 30, 2002**

The Board was in receipt of the following report OCTOBER 30, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO  
POLICE SERVICE AS AT SEPTEMBER 30, 2002

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance Committee (P&F).

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Toronto Police Service (TPS) Operating Budget at a net amount of \$587.2 Million (M), an increase of 1.5% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services. The budget also provides additional funding for the creation of an Anti-Gang Unit in the amount of \$0.7M as well as funding for costs related to the City taking over Provincial Offences Act courts. In addition to the approved budget, City Council also approved one-time funding for World Youth Days at a net amount of \$2.7M bringing the Service's total operating budget to \$589.9M.

At its August 20, 2002 meeting, the Board approved a request to increase the TPS budget by \$18.8M, to reflect the Association salary settlement, bringing the total 2002 net budget to \$608.7M.

2002 Operating Budget Variance

As at September 30, 2002, the Service is projecting a year-end surplus of \$0.8M. This surplus is \$0.3M more than that reported in the August 31, 2002 variance report.

## STAFFING

Net savings of \$0.5M are projected for salaries to year-end (which is \$0.3M more than last month).

The Service continuously evaluates staffing data and the related impact on the Service's expenditures. The projected uniform separations for 2002 is currently estimated at 325. As at September 30, 2002 there were 285 separations compared to 376 at the same point in time last year. The Service will continue to evaluate data as it becomes available and any impact on separation figures will be reported in future variance and Human Resource strategy reports. At this time, the gross savings as a result of separations is estimated at \$5.2M. These gross savings are unchanged from those reported last month.

As identified in previous variance reports, the Service has embarked on in-year strategies to cope with the staffing shortfall (as compared to the approved target strength). These strategies include the increased use of overtime and callbacks, and the granting of fewer days off. In addition, the Service is attempting to increase the number of lateral entries through aggressive recruiting, incentives to attract and retain new hires (e.g. lieu time credits) and the hiring of part-time police officers. These actions result in a projected 2002 cost of \$4.9M (unchanged from last month). Details of separations and hiring along with staffing strategies were provided in the Human Resource Strategy report at the Board meeting of May 30, 2002 (Board Minute #P136 refers).

The Service has incurred additional salary expenses related to policing protests at the PC Convention and providing increased resources during the OPSEU strike (for a total cost of \$0.6M). However, costs related to policing World Youth Day have proven to be somewhat less than originally expected. Final calculations are now complete and show that a \$0.8M savings was realized, up from the previous estimate of \$0.5M. These events result in a net savings of \$0.2M.

The net impact of the above on the staffing budget is a \$0.5M favourable variance.

## BENEFITS

A net savings of \$0.3M is projected in the benefits category to year-end, also unchanged from last month. As a result of cost containment initiatives initiated during 2001, the Service has continued the favourable trend in medical and dental costs and is projecting a \$0.8M favourable variance for benefits. However, additional costs for WSIB in the amount of \$0.5M result in a net savings of \$0.3M.

## SALARY SETTLEMENT IMPACT

As discussed in previous variance reports, the City set aside \$14.6M to cover any TPS salary increases. The cost of the Toronto Police Association salary settlement is \$18.8M, leaving a \$4.2M shortfall compared to the funding set aside by the City. The City has requested that the Service absorb the \$4.2M variance. All attempts have been made to maximize the Service surplus and it is the Service's position that further cost reductions cannot be made without

significantly affecting operations (details were provided at the September Board meeting, minute P246/02 refers). At this time, the Service is projecting a \$0.8M surplus which can be applied to the \$4.2M variance. The Service will continue to control costs where possible and return any year-end surplus funds to the City to help offset the above variance.

The \$4.2M variance does not include outstanding 2002 potential salary settlements for Senior Officers, Command Officers and Excluded staff. These could amount to an additional variance of \$0.6M.

### SUMMARY

As at September 30, 2002 a favourable variance of \$0.8M is projected. The Service continues to monitor and control expenditures and any further impact on the surplus will be reflected in future variance reports.

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 and agreed to forward a copy to the City Chief Financial Officer and Treasurer for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P307. TORONTO POLICE SERVICE – 2002-2006 CAPITAL VARIANCE  
REPORT AS AT SEPTEMBER 30, 2002**

The Board was in receipt of the following report OCTOBER 30, 2002 from Julian Fantino, Chief of Police:

Subject: 2002-2006 CAPITAL VARIANCE REPORT FOR THE TORONTO POLICE  
SERVICE AS AT SEPTEMBER 30, 2002

Recommendation:

It is recommended that:

- (1) The Board receive this report; and
- (2) The Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

Background:

The City of Toronto Council approved the Toronto Police Service's 2002-2006 Capital Budget, consisting of twenty-five projects in 2002, with a total expenditure of \$24.9 million (M). The 2002 expenditure includes \$21.1M for previously approved projects and \$3.8M for land (43 and 23 Division) and start-up costs for 43 Division. This report provides details regarding the capital budget variance for year 2002 as of September 30, 2002.

Summary of Capital Projects:

The following table provides a summary of the twenty-five projects in 2002, of which twenty-two projects are continuing from 2001, and three projects commencing in 2002. Capital projects are managed within a total approved project amount that spans over several years, and any unspent budget allocation from previous years is carried forward to future years. The carry forward amount prior to 2002, not included in the \$24.9M, is \$11.1M and therefore, the available expenditure for 2002 is \$36.0M (\$24.9M + \$11.1M).

**cont...d**

| (\$000s)  |                                   |   |                              |  |
|---|-----------------------------------|---|------------------------------|--|
| <u>Project Name</u>                                     | <u>Available to Spend in 2002</u> | <u>YTD Actual + Commitment as at September 30, 2002</u> | <u>2002 Projected Actual</u> | <u>Year-End Variance (Over)/ Under</u> |
|   | (1)                               | (2)   | (3)                          | (4)=(1)-(3)                            |
| <u>Continuing Projects with Cash flow Carry forward</u> |                                   |   |                              |  |
| Occurrence Re-Engineering                               | 1,122.1                           | 1,122.1   | 1,122.1                      | <b>0</b>                               |
| Long Term Facilities - 51D                              | 7,573.5                           | 5,388.0   | 7,073.5                      | <b>500.0</b>                           |
| Security Control  | 59.9                              | 42.6  | 59.9                         | <b>0</b>                               |
| State of Good Repair-Police                             | 1,063.6                           | 1,005.7   | 1,063.6                      | <b>0</b>                               |
| State of Good Repair-Corporate                          | 6,684.8                           | 4,590.2   | 6,684.8                      | <b>0</b>                               |
| Emergency Generators                                    | 481.8                             | 410.2   | 481.8                        | <b>0</b>                               |
| Professional Standards Information Sys.                 | 384.1                             | 50.4  | 75.4                         | <b>308.7</b>                           |
| Time Resource Management System                         | 3,111.7                           | 2,192.2   | 2,822.2                      | <b>289.5</b>                           |
| E-Mail Replacement                                      | 187.2                             | 107.8   | 187.2                        | <b>0</b>                               |
| Boat Replacement  | 98.8                              | 98.8  | 98.8                         | <b>0</b>                               |
| Bail & Parole (Reporting Ctr.)                          | 490.0                             | 463.1   | 490.0                        | <b>0</b>                               |
| Video Tape Storage & Processing                         | 3,033.0                           | 137.1   | 1,517.0                      | <b>1,516.0</b>                         |
| MDT Replacement   | 1,355.8                           | 391.0   | 1,355.8                      | <b>0</b>                               |
| Long Term Facility - Division 43                        | 1,790.0                           | 480.2   | 480.2                        | <b>1,309.8</b>                         |
| 43 Division -land cost                                  | 1,600.0                           | -   | 1,600.0                      | <b>0</b>                               |
| TPS Headquarters Renovation Program                     | 333.6                             | 330.0   | 333.6                        | <b>0</b>                               |
| Automated Vehicle Location System                       | 1,929.7                           | 1,075.1   | 1,929.7                      | <b>0</b>                               |
| Centralized Drug Squad/Study                            | 1,450.0                           | 1,115.7   | 1,450.0                      | <b>0</b>                               |
| 11 Division   | 600.0                             | 11.7  | 11.7                         | <b>588.3</b>                           |
| Emergency Services Video Dist. System                   | 35.8                              | 25.3  | 35.8                         | <b>0</b>                               |
| 23 Division –Land Cost                                  | 1,600.0                           | -   | 1,600.0                      | <b>0</b>                               |
| <u>Projects Commencing in 2002</u>                      |                                   |   |                              | -                                      |
| Livescan Fingerprinting System                          | 300.0                             | -   | 0                            | <b>300.0</b>                           |
| Police Integration System                               | 250.0                             | 130.0   | 250.0                        | <b>0</b>                               |
| Firearms Def Tactics-Applicant Testing                  | 500.0                             | -   | 500.0                        | <b>0</b>                               |
| <b>TOTAL:</b>   | <b>36,035.4</b>                   | <b>19,167.1</b>   | <b>31,223.1</b>              | <b>4,812.3</b>                         |

Based on the above, the Service is projecting a year-end expenditure of \$31.2M against the \$36.0M available spending amount. This provides an under-expenditure of \$4.8M that is projected to be carried forward to 2003.

#### Variiances

The following explanations are provided for 2002 projects reflecting a variance when compared to the available spending amount.

- Long Term Facilities – 51 Division

The project is well underway; demolition is approximately 95% complete. Historical restoration is in progress and new construction has started for the parking structure and extension to existing structure. Work is on schedule and is expected to be complete in 2003. The 2002 unspent amount of \$0.5M will be carried forward to the year 2003.

- Professional Standards Information system

Expenditure realised to date is \$0.05M, and there will be an additional \$0.03M required for user training, contract award and customization. The delay in this project is due to on-going negotiations regarding statement of work. The 2002 unspent amount of \$0.3M will be carried forward to the year 2003.

- Time Resource Management System

This is an on-going project that will conclude in 2003. Funding of \$3.1M has been provided for the project. Actual payments and commitments to date are \$2.2M with a projected additional spending of \$0.6M for contractual obligations. The project is on schedule and the completion date has not changed; however, a major vendor is being paid only on deliverables, and the payment schedule has changed slightly. The 2002 unspent amount of \$0.3M will be carried forward to the year 2003.

- Video Tape Storage and Processing

The RFP process has been reissued due to revised requirements and a new tender is in process for a system designer and the roll out of equipment. It is anticipated that only half of the available funds will be spent this year. This project will be completed by the first half of 2003. The 2002 unspent amount of \$1.5M will be carried forward to the year 2003.

- 43 Division

The site for the new 43 Division is on City-owned land, which has been transferred to the Service. The City has valued the land at \$1.6 M, and this amount is included in the approved budget and has also been reflected as completely spent. The Service has been working with the Ambulance Department to make the new 43 Division a joint TPS/Ambulance facility. The Ambulance Department is committed to the joint facility and although they do not have capital funding for their share of the cost, they will be identifying a request for this in their 2003-2007 capital program. At this time, the Service is projecting to spend \$0.5M of the \$1.8M in 2002. The project commitments are being deferred until the City identifies full funding.

- 11 Division

City Real Estate is in active negotiations with the current landowner. The site has been identified as a former TTC site on Lansdowne. The delay in acquiring the site has resulted in project delays, and \$0.6M will be carried forward to the year 2003.

- Livescan Fingerprinting System

The Service is in receipt of the statement of work from the vendor. A contract is to be signed with Printrak, a Motorola Company, at the end of the 4<sup>th</sup> quarter of 2002. Anticipated testing of electronic fingerprinting system will be during the first quarter of 2003. No funds have been used to date on this project; the total amount of \$0.3M will be carried forward in 2003, with payment of funds to be determined upon contract agreement.

#### SUMMARY

The Toronto Police Service is projecting a 2002 year-end under-expenditure of \$4.8M. This under-expenditure will be carried forward into 2003. Projects continue to be monitored closely to ensure that they 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 may have.

**The Board received the foregoing and agreed to forward a copy to the City Chief Financial Officer and Treasurer for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P308. PAID DUTY RATES – JANUARY 1, 2003**

The Board was in receipt of the following report NOVEMBER 1, 2002 from Norman Gardner, Chairman:

Subject: PAID DUTY RATES - JANUARY 1, 2003

Recommendation:

It is recommended that the Board receive the attached notification from the Toronto Police Association with respect to an increase in paid duty rates effective January 1, 2003.

Background:

Article 20:01 entitled “Special Service Pay” of the Uniform Collective Agreement stipulates the following with respect to paid duty rates:

*The rate to be paid to each member for special services requested of the Service for control of crowds or for any other reason, shall be determined by the Association and the Board shall be advised by the Association of the said rate when determined or of any changes therein.*

Board records indicate that the paid duty rates were last adjusted January 1, 2002; effective that date, the rate for all classifications of constables was \$47.00 per hour with a three hour minimum. The attached correspondence establishes a new rate of \$49.00 per hour for constables.

I recommend that the Board receive the attached notification from the Toronto Police Association with respect to an increase in paid duty rates effective January 1, 2003.

**The Board received the foregoing.**



**TORONTO  
POLICE  
ASSOCIATION**

100 Yorkland Boulevard,  
Toronto, Ontario,  
Canada M2J 1R5

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Dennis Ewaniuk  
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Don Courts  
*Director  
Administrative  
Civilian Services*

Doug Corrigan  
*Director  
Civilian Field Services*

Rick McIntosh  
*Director  
Administrative  
Uniform Services*

Allan Olsen  
*Director  
Uniform Field Services*

Andrew Clarke  
*Director  
Uniform Field Services*



October 31, 2002

Ms. Christine Bortkiewicz  
A/Executive Director  
Toronto Police Services Board  
40 College Street  
Toronto, ON M5G 2J3

Dear Ms. Bortkiewicz:

**Re: Paid Duty Rates - 2003 Increase**

In conformance with Article 20.01 of the Uniform Collective Agreement, we are advising the Toronto Police Services Board of an increase in the hourly paid duty rates to take effect as follows:

**January 1, 2003**

**Constables** (All classifications) \$49.00  
(minimum \$147.00)

**REQUIREMENT FOR PAID DUTY SUPERVISION IS AS FOLLOWS:**

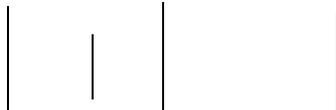
**Sergeants:** (When in charge of 4 or more police officers) \$55.00  
(minimum \$165.00)

**Staff Sergeants:** (When in charge of 10 or more police officers) \$60.00  
(minimum of \$180.00)

**Staff Sergeants:** (When in charge of 15 or more police officers) \$62.00  
(minimum of \$186.00)

Partial hours (beyond a minimum of three hours) that an officer performs at such paid duty is paid out at the established hourly rate.

The Association will forward this information to all Units today. We trust the Police Services Board will have the rates reflected on Routine



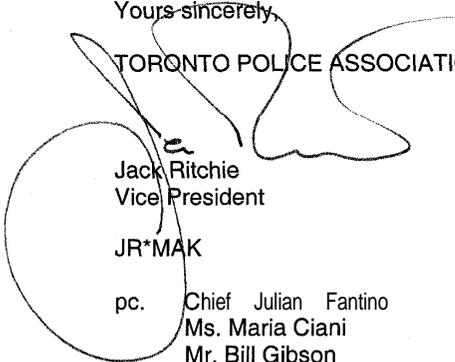
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Ms. Christine Bortkiewicz  
October 31, 2002  
Page 2

Orders in a timely fashion and that Unit Commanders are advised accordingly. It would be appreciated if this information is published on Routine Orders by November 30, 2002 to inform our members so that they, in turn, can inform the paid duty users.

Yours sincerely,

TORONTO POLICE ASSOCIATION



Jack Ritchie  
Vice President

JR\*MAK

pc. Chief Julian Fantino  
Ms. Maria Ciani  
Mr. Bill Gibson  
TPA Board of Directors

MISC\PAID DUTIES\2003

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**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P309. UPDATE ON THE OCCURRENCE RE-ENGINEERING PROJECT**

The Board was in receipt of a report, dated October 31, 2002, from Julian Fantino, Chief of Police, with regard to the progress of the Occurrence Re-Engineering Project.

**The Board deferred consideration of the foregoing report to its December 11, 2002 meeting.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P310. CLARIFICATION OF ANNUAL MAINTENANCE FOR NETWORK  
EQUIPMENT**

The Board was in receipt of the following report OCTOBER 29, 2002 from Julian Fantino, Chief of Police:

Subject: CLARIFICATION OF ANNUAL MAINTENANCE FOR NETWORK  
EQUIPMENT

Recommendation:

It is recommended that: the Board receive this report.

Background:

The Board approved a Network Lifecycle Plan for the replacement of network equipment on November 15, 2001 (Minute #P311 refers). In that Board letter, recommendation # 1 requests that the Board approve:

*“A six-year lease with GE Capital for the replacement of the network hardware at an annual cost of \$397,100 (including all taxes) commencing December 1, 2001, and annual maintenance of the above equipment at \$252,811 (including all taxes).”*

The City Solicitor, in reviewing the maintenance contract, has requested that a report be forwarded to the Board to clarify the previously approved lease and maintenance of the network hardware.

The Board recommendation was based on an RFQ (#3412-01-3212), requesting a quote for the purchase and lease of CISCO network equipment and a quote for a CISCO “Smartnet” maintenance plan for the leased equipment. GE Capital was the lowest bid meeting the specifications.

The City Solicitor has requested clarification to the Board regarding the relationship between GE Capital and CISCO. GE Capital is an authorized reseller of CISCO equipment and CISCO “Smartnet” maintenance services. CISCO does not deal directly with customers but rather uses third party re-sellers of its equipment and maintenance services. As is the case with third party relationships, the Board pays GE Capital for the “Smartnet” Service and GE Capital pays CISCO for the delivery of the service. The financial obligations of the Service remain with GE Capital, as stated in the Board letter.

The other point of clarification requested is in regard to the length of the maintenance contract. Typically, maintenance costs are an ongoing budget requirement for as long as the equipment is in productive use. The RFQ requested maintenance costs for a one, three and a five year period. The annual maintenance quoted in the Board letter (*\$252,811 including all taxes*) is the annual cost based on a three year maintenance plan which was assessed as the most advantageous to the Service. Therefore, the maintenance is for a three year period while the lease is for a six year period.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance at the Board meeting to respond to any questions in this respect.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P311. CLARIFICATION OF 2002 LEASE PAYMENT FOR IBM SERVERS**

The Board was in receipt of the following report OCTOBER 29, 2002 from Julian Fantino, Chief of Police:

Subject: CLARIFICATION OF 2002 LEASE PAYMENT FOR IBM SERVERS

Recommendation:

It is recommended that: the Board receive this report.

Background:

The Board approved a lease for IBM Servers on July 31, 2002 (Minute #P215 refers). In reviewing the contract, the City solicitor requested that a report be forwarded to the Board to clarify the following sentence "The 2002 payment is \$104,400", in the following paragraph contained within Minute #P215. "The recommendation is for a five-year lease with IBM Global Financing at an annual cost of \$208,717. The 2002 payment is \$104,400. The maintenance cost for these servers is expected to be minimal in 2002 – in line with the Service's Gold Card Maintenance Program with IBM."

The intent of that sentence was to identify the 2002 prorated cost for the lease, which was planned to commence on July 1, 2002.

Mr. Frank Chen, Chief Administrative Officer, will be in attendance at the Board meeting to respond to any questions in this respect.

**The Board received the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P312.           RESPONSES –CO-ORDINATED AIR SUPPORT UNIT**

The Board was in receipt of the following attached correspondence in response to the development of a co-ordinated air support unit:

- November 4, 2002 from Connie Mahaffy, Executive Director, Regional Municipality of York Police Services Board
- October 30, 2002 from Jim Murray, Acting Chair, Regional Municipality of Peel Police Services Board

**The Board received the foregoing.**



**Regional Municipality of York Police Services Board**

17250 Yonge Street, Newmarket, Ontario, Canada L3Y 4W.5  
(905) 830-0303 or Toronto line (905) 773-1222 (Ext. 7906)  
Fax: (905) 895-5249 E-mail: psb@police.york.on.ca

*The Benchmark of Excellence in Policing*

**Chair**  
*David Barrow*  
Regional Councillor

**Vice-Chair**  
*Robert B. Callow*  
Provincial Appointee

**Members**  
*Ricky Chan*  
Provincial Appointee

*Mario Cortellucci*  
Provincial Appointee

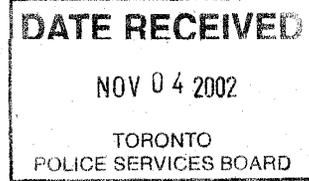
*Bill Fisch*  
Regional Chair

*Danny Wheeler*  
Regional Councillor  
and Deputy Mayor

*Vie Wilson*  
Regional Appointee

Executive Director  
*Connie Mahaffy*

Mr. Norman Gardner  
Chair, Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M5G 2J3



Dear Mr. Gardner:

Thank you for your October 15, 2002 correspondence to Chair David Barrow requesting that the Regional Municipality of York Police Services Board consider your air support proposal for the Greater Toronto Area.

In consultation with Chair Barrow, your correspondence will be placed on the public agenda of the November 27, 2002 Board meeting. Furthermore, a copy of your correspondence has been forwarded to Chief Robert Middaugh for his review.

If you have any questions about this correspondence, please contact me.

Your truly,

Connie Mahaffy  
Executive Director

c. Chair David Barrow  
Chief Robert Middaugh



Printed on recycled paper



*The Regional Municipality of Peel*  
**POLICE SERVICES BOARD**  
10 PEEL CENTRE DR., BRAMPTON, ONTARIO L6T 4B9

TELEPHONE: (905) 458-1340  
FACSIMILE: (905) 458-7278



(25-A)

October 30, 2002

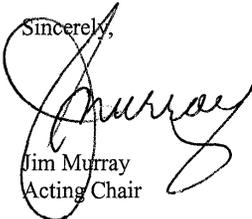
Mr. Norman Gardner  
Chair  
Toronto Police Services Board  
40 College Street  
Toronto, ON M5G 2J3

Dear Mr. Gardner:

I am in receipt of your correspondence dated October 15, 2002 notifying the Regional Municipality of Peel Police Services Board of the Toronto Police Services Board's proposal to establish an Air Support Unit and enquiring if our Board has an interest in establishing a shared air support unit.

I will be discussing your proposal with the Peel Police Services Board and will apprise you of the Board's decision regarding this issue in the near future.

Sincerely,

  
Jim Murray  
Acting Chair

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P313. TORONTO POLICE SERVICES BOARD – 2003 OPERATING BUDGET  
SUBMISSION**

The Board was in receipt of the following report NOVEMBER 11, 2002 from Norman Gardner, Chairman:

Subject: 2003 OPERATING BUDGET SUBMISSION FOR THE TORONTO POLICE  
SERVICES BOARD

Recommendation:

It is recommended that the Board approve the following 2003 net operating budget request of \$1,308,100.

Background:

In accordance with Section 39(1) of the Police Services Act, the Board is required to:

*....submit operating and capital estimates to the municipal council that will show, separately, the amounts that will be required, (a) to maintain the police force and provide it with equipment and facilities; and (b) to pay the expenses of the board's operation other than the remuneration of board members.*

This report addresses part (b) of the abovenoted.

The following is a summary of the 2003 operating budget request (in thousands).

|                      |                              |
|----------------------|------------------------------|
| Salaries/Benefits    | \$737,000                    |
| Supplies/Equipment   | 7,800                        |
| Services             | <u>562,600</u>               |
| TOTAL NET REQUEST    | \$1,308,100 (1.3% over 2002) |
| 2002 Approved Budget | \$1,291,000                  |

The requested net increase over 2002 is \$17,100.

Salaries/Benefits

The increase to the board's budget is primarily the salary and benefit improvements for bargaining unit board staff. Currently, all outstanding salary settlements, including benefits, for excluded personnel and the uniform senior officer have yet to be determined for 2002 and future years.

### Supplies/Equipment

There is no change over 2002.

### Services

There is a slight increase due to the changeover of the existing single workstation in the board office from dial-up to a high speed Internet connection. The Board is committed to being able to improve communications with the community and expand on its current web site. The Board is dedicated to promoting its governance role and with new technology sees it as a required tool moving forward.

### Summary

The Board's 2003 operating budget request represents an increase of \$17,100 (1.3 %) over the 2002 budget. This is a modest increase and is necessary for the operations of the board office.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P314. RACE RELATIONS - RESPONSE FROM THE TORONTO STAR**

The Board was in receipt of the following report NOVEMBER 14, 2002 from Norman Gardner, Chairman:

Subject: RACE RELATIONS - RESPONSE FROM THE TORONTO STAR

Recommendation:

It is recommended that the Board consider correspondence dated November 5, 2002 from Mr. John Honderich, Publisher of The Toronto Star newspaper.

Background :

The Board at its meeting on October 24, 2002 approved several motions in response to articles that were printed in The Toronto Star with respect to an investigation undertaken by the newspaper into race and crime, including the following:

*THAT the Board request the Toronto Star to provide the Board with a copy of the report of the complete statistical analysis of the data it received from the Toronto Police Service and that the Toronto Star also identify the expert or experts it consulted;*

(Board Minute P283/02 refers).

Please find attached for consideration the response from Mr. Honderich, Publisher of The Toronto Star.

**The Board received the foregoing report and approved the following Motions:**

- 1. THAT the Board agree to meet with Mr. Honderich of The Toronto Star to discuss matter; and**
- 2. THAT the Board members provide dates when they are available to meet with Mr. Honderich to the Board office in order to schedule the meeting.**

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**THE TORONTO STAR**

Toronto Star Newspapers Limited  
One Yonge Street  
Toronto, Canada M5E 1E6



Office of the Publisher

November 5, 2002

Mr. Norman Gardner  
Chairman  
Toronto Police Services Board  
40 College Street  
Toronto, Ontario  
M4G 2J3

Dear Chairman Gardner:

I wish to acknowledge receipt of your letter of October 25<sup>th</sup>.

While I appreciate your desire to have a complete look at all our work in advance, I feel the offer we put to you is not only fair but appropriate.

We do have a desire that you be made fully aware of our process. If after that session, you want to come back with more questions or comments, I feel such could be accommodated.

As you are probably aware, we have been served with a libel writ by the Police Association. Since our work may come under legal scrutiny, we have additional reason to make sure our work and position are protected.

I await your reply as to next steps.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Honderich".

John A. Honderich

[www.thestar.com](http://www.thestar.com)



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P315. MOTIONS BY TORONTO CITY COUNCIL REGARDING POLICING  
AND RACE RELATIONS**

The Board was in receipt of the following report NOVEMBER 14, 2002 from Norman Gardner, Chairman:

Subject: MOTIONS BY TORONTO CITY COUNCIL REGARDING POLICING AND  
RACE RELATIONS

Recommendation:

It is recommended that the Board consider the Motions by Toronto City Council that are appended to this report.

Background:

At its meeting held on October 29, 30 and 31, 2002, Toronto City Council adopted a number of Motions with respect to policing and race relations issues in the City of Toronto as the result of newspaper articles that were recently published in The Toronto Star.

The Board had an opportunity to review a copy of the draft Motions at its in-camera meeting held on November 4, 2002 and, at that time, agreed to place the final version of the Motions before the Board for consideration as soon as they are forwarded by the City Clerk (Min. No. C211/02 refers).

A copy of the Motions forwarded in correspondence, dated November 7, 2002, from the City Clerk is appended to this report for consideration.

**The Board was also in receipt of correspondence, dated November 20, 2002, from Councillor Sherene Shaw, Diversity Advocate and Chair, Community Advisory Committee on Race Relations, City of Toronto. A copy is on file in the Board office.**

**The Board approved the following Motions:**

- 1. THAT the information gathered from the race relations community consultations be forwarded to a joint working group between the Board and the Chief to identify the areas where action may be required and develop draft recommendations for public comment prior to final Board approval;**
- 2. THAT the foregoing report be forwarded to the joint working group noted in Motion No. 1 for consideration; and**
- 3. THAT the correspondence from Councillor Shaw be received.**



**DATE RECEIVED**  
NOV 13 2002  
TORONTO  
POLICE SERVICES BOARD

City Clerk's Office  
City Hall, 2<sup>nd</sup> Floor West  
100 Queen Street West  
Toronto, Ontario M5H 2N2

Ulli S. Watkiss  
City Clerk  
Tel: (416) 392-8016  
Fax: (416) 392-2980  
clerk@toronto.ca  
<http://www.toronto.ca>

**Ref: 2002-08-J(9)**

November 7, 2002

Chairman Norm Gardner  
Toronto Police Services Board  
40 College Street, 7th Floor  
Toronto, Ontario  
M5G 2J3

Dear Chairman Gardner:

City Council, at its meeting held on October 29, 30 and 31, 2002, adopted, as amended, the following Motion:

(9) **Principle of Zero Tolerance of Racial Profiling for Policing in the City of Toronto**

**Moved by: Councillor Shaw**

**Seconded by: Councillor Balkissoon**

**“WHEREAS** the City of Toronto has in place policies on non-discrimination, human rights and access and equity to ensure the equal treatment and full participation of all residents regardless of their ethno-racial, social and economic backgrounds; and

**WHEREAS** the Ontario Police Services Act (1990) requires that policing be provided in accordance with ‘safeguarding the fundamental rights guaranteed by the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code’; and

**WHEREAS** the Ontario Police Services Act (1990) requires that policing services ‘be sensitive to the pluralistic, multiracial and multicultural character of Ontario’; and

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**WHEREAS** in 1992, the Metro Toronto Review of Race Relations Practices of the Metropolitan Toronto Police Force by (then) Metro Toronto Auditor Allan Andrews recommended strategic directions for systemic changes in policing policies and practices; and

**WHEREAS** in 1995, the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System provided conclusions that members of the Black community are more at risk in Toronto of experiencing systemic discrimination in their dealings with the police and the criminal courts and made extensive recommendations for systemic changes in policing; and

**WHEREAS** reports from the Toronto Star investigative articles on October 19, 20 and 21, 2002, state that 'police have indeed been targeting black drivers in Toronto' and 'shows a disproportionate number of blacks ticketed for violations that routinely surface only after a stop has been made' (October 20, 2002, Page D1); and

**WHEREAS** this is only one of the growing bodies of evidence in Toronto that shows that members of the black community, as compared to whites, are at a higher risk in experiencing discretionary police traffic stops and searches; this evidence includes previous reports such as that of the Commission on Systemic Racism in the Ontario Criminal Justice System, the Metro Toronto Police audit, and recent research by University of Toronto criminologist Scot Wortley, regarding treatment by police officers; and

**WHEREAS** there have been many concerns and complaints that the current responses of denial and defensiveness to the Toronto Star articles, and the criticism of the messenger, the Toronto Star, is unwarranted and undermines the opportunity to truly address the agonizing concerns experienced by many Black families in our City;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Toronto recognizes the community crisis created by the findings of Toronto Star investigative articles regarding fairness, impartiality and credibility of policing activity in Toronto, and that there is an urgent need for all involved (Minister of Public Safety and Security, City of Toronto Council, Toronto Police Services Board, Canadian Race Relations Foundation, and other interested stakeholders) to come together to review this current situation and pursue positive, measurable, and corrective action in an open, sensitive and non-judgmental manner;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto adopt a principle of zero tolerance of racial profiling for policing within the boundaries of Toronto and the Toronto Police Services Board be requested to also adopt this principle;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto strongly request the Toronto Police Services Board immediately review its operational practices and guidelines; recruitment policies; promotional practices; and diversity training programs to ensure police officers have the appropriate skills and training for policing within our diverse communities in light of the changing demographics of our City; and

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto express its strong support for, and request the establishment of the Toronto Police Services Board Race Relations Policy Advisory Committee, reporting directly to the Toronto Police Services Board on policing issues within the Toronto Community, and that this Race Relations Policy Advisory Committee comprise members of the diverse communities, members of the Toronto Police Services Board, and members of Toronto City Council;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto direct the City Auditor, within his mandate to the Toronto Police Services Board, to undertake an updated audit of Police policies, procedures, programs and practices that impact on racial minorities similar to that undertaken by the former Metro Auditor, Allan Andrews, in 1992, including an audit of the implementation of recommendations made at that time, and to report back to the Council of the City of Toronto, through the Policy and Finance Committee, on its findings and request the Board's co-operation in this audit;

**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto express its concerns to the Ontario Public Safety Minister, The Honourable Bob Runciman, regarding the implementation of the recommendations of the Report of the Commission on Systemic Racism in the Ontario Criminal Justice System (1995) which reported the evidence that members of the black community are more at risk in Toronto of experiencing systemic discrimination in their dealings with the police and criminal courts;



**AND BE IT FURTHER RESOLVED THAT** the Council of the City of Toronto request that the Ontario Minister of Public Safety and Security, The Honourable Bob Runciman, review and amend existing legislation governing civilian complaints regarding police conduct, in light of the current audit conducted by the City of Toronto Auditor which was presented to the Toronto Police Services Board on October 24, 2002, noting that members of the public 'did not, for the most part, view the complaints process to be impartial or fair' and also noting that 'the lack of an investigative process independent of the Police is regarded as a significant impediment in regard to public confidence in the system' (Page 29);

**AND BE IT FURTHER RESOLVED THAT** City Council request the Dubin Inquiry, the Toronto Police Services Board and the former Lieutenant Governor Lincoln Alexander's Task Force to include, in their analysis, the education and training of officers in relation to the exercise of discretion;

**AND BE IT FURTHER RESOLVED THAT** the Chair of the Toronto Police Services Board be requested, with the co-operation of the Toronto Police Services Board, to submit a report to Council, through the Policy and Finance Committee, on:

- (1) the extent to which the Board has complied with the recommendations of the 1992 report of the Metro Auditor which documented systemic racism within the Toronto Police Force;
- (2) the extent to which the Board has complied with the 1975 report of the late Author Maloney to the Metropolitan Toronto Police;
- (3) the extent to which the Board has complied with the 1976 Morand Commission report on Metropolitan Toronto Police Practices;
- (4) the extent to which the Board has complied with the 1997 Walter Pitman report on incidents of conflict between Blacks and the Police;
- (5) the extent to which the Board has complied with the 1980 Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development by Dr. Reva Gerstein;
- (6) the extent to which the Board has complied with the 1989 Report of the Race Relations and Policing Task Force, chaired by Clare Lewis;

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- (7) the extent to which the Board has complied with the 1992 Stephen Lewis Report to the Premier on Race Relations;
- (8) the extent to which the Board has complied with the 1995 Studies for the Commission on Systemic Racism in the Ontario Criminal Justice System which found that Black men were particularly vulnerable to being stopped by the Police;
- (9) the extent to which the Board has heeded the 1999 research undertaken by Professor Scott Wortley; and
- (10) the extent to which the Board has taken into the account the 1999 Goldfarb Survey which indicated that only 38 percent of respondents in the Black community felt that their community had been treated fairly by the Police;

**AND BE IT FURTHER RESOLVED THAT:**

- (1) the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, in January 2003, summarizing the outstanding recommendations from the following studies and reports, as listed in the Backgrounder document prepared by staff of the Strategic and Corporate Policy Division, Healthy City Office, Chief Administrator's Office, and distributed to all Members of Council by Councillor Shaw, and the steps which can be taken to implement such recommendations:
  - (a) 1975 - The Ontario Human Rights Commission report, "The Black Presence in the Canadian Mosaic: A Study of Perception and the Practice of Discrimination Against Blacks in Metropolitan Toronto", (reported on discriminatory treatment by the police);
  - (b) 1975 - The report of the late Arthur Maloney to the Metropolitan Toronto Police;
  - (c) 1976 - The report to the "Royal Commission into Metropolitan Toronto Police Practices", conducted by Justice Donald R. Morand;

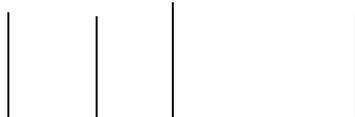
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- (d) 1977 - A number of incidents of conflict between Blacks and the police were documented and confirmed by Walter Pitman in his report, "Now Is Not Too Late", to the former Municipality of Metropolitan Toronto;
- (e) 1979 - The "Report to the Civic Authorities of Metropolitan Toronto", on race and policing, was submitted by Cardinal G. Emmett Carter;
- (f) 1980 - The "Report of the Task Force on the Racial and Ethnic Implications of Police Hiring, Training, Promotion and Career Development", by Dr. Reva Gerstein, for the Ontario Ministry of the Solicitor General addressed the issues of the credibility of the police to effectively provide fair and just services in their contacts with members of the Black community;
- (g) 1989 - The "Report of the Race Relations and Policing Task Force", chaired by Clare Lewis, was submitted to the Ontario Solicitor General;
- (h) 1992 - Allan Andrews, Metro Auditor, submitted his "Review of Race Relations Practices of the Metropolitan Toronto Police Force", to Metro Council;
- (i) 1992 - Clare Lewis submitted a further "Report of the Task Force on Race Relations and Policing", to the Government of Ontario;
- (j) 1992 - Stephen Lewis submitted his "Report to the Premier on Race Relations";
- (k) 1995 - Studies for the "Commission on Systemic Racism in the Ontario Criminal Justice System", found that Black men were particularly vulnerable to being stopped by the police. About 43 percent of Black male residents, but only 25 percent of White and 19 percent of Chinese male residents reported being stopped by the police in the previous two years;

- (l) 1999 - These results are also consistent with further research undertaken by Professor Scott Wortley, Centre for Criminology, University of Toronto who also found that when they are stopped, Black people are more likely to be subject to rude or hostile police treatment;
  - (m) 1999 - In a Goldfarb Survey undertaken for the Toronto Star, 83 percent of all Torontonians felt that they had been treated fairly by the police. However, only 38 percent of respondents in the Black community felt their community had been treated fairly by the police. The above evidence is an indication of why there exists solid grounds for this disturbingly low level of regard and trust for the police by members of the Black community; and
  - (n) 2002 - The present City Auditor (Audit of the Toronto Police Service's Public Complaints Process, September 10, 2002) notes that "discipline imposed against police officers is not being monitored. In two out of the ten files we reviewed where complaints were substantiated, discipline as adjudicated was not imposed". In addition, the impartiality of the Public Complaints Process is generally seen as being severely compromised (it entails the police investigating the police). The present City Auditor notes "that civilian oversight provides a more thorough and objective investigation of complaints than those conducted by the police".;
- (2) City Council request the Chairman of the Toronto Police Services Board to ensure that, at such time as this matter is debated by the Toronto Police Services Board, the meeting is held in public; and
  - (3) City Council instruct the representatives of the City of Toronto on the Toronto Police Services Board to identify what methods are currently in place respecting employment equity, given that the numbers of visible minority in the Toronto Police Service is 11 percent, and how the Toronto Police Services Board proposes to accomplish hiring the required number of Police officers to reflect the ethnic compilation of the City of Toronto;

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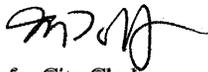
AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee on:

- (1) current youth initiatives, projects and programs, particularly with respect to effectiveness, equitable distribution and funding sustainability; and
- (2) current partnerships of the Federal and Provincial Governments in the area of youth programs;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Policy and Finance Committee, no later than January 2003, on the progress in implementing the Council-approved recommendations of the January 2000 Report of the Task Force on Access and Equity;

AND BE IT FURTHER RESOLVED THAT City Council, when making its appointments to the Toronto Police Services Board, give consideration to including representation of the entire community on the Toronto Police Services Board.”

Yours truly,

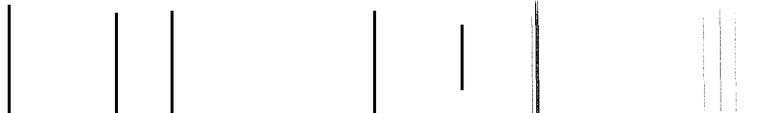


for City Clerk

M. Toft/cd

Sent to: Minister of Public Safety and Security  
The Honourable Lincoln M. Alexander, Chair, The Canadian Race  
Relations Foundation  
Chairman, Toronto Police Services Board  
Chief of Police  
Mr. Justice Charles Dubin  
Chief Administrative Officer  
City Auditor  
Mayor Lastman  
Councillor Lindsay Luby  
Councillor Nunziata

c. Administrator, Policy and Finance Committee  
Administrator, Appointments and Nominations



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P316. TORONTO POLICE SERVICE - PARKING ENFORCEMENT UNIT -  
2002 OPERATING BUDGET VARIANCE REPORT AS AT SEPTEMBER  
30, 2002**

The Board was in receipt of the following report OCTOBER 30, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO  
POLICE PARKING ENFORCEMENT UNIT AS AT SEPTEMBER 30, 2002

Recommendation:

It is recommended that:

- (1) The Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance Committee (P&F).

Background :

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Parking Enforcement Operating Budget at a net amount of \$26.5 Million (M) which is the same amount approved by the Toronto Police Services Board at its meeting of December 13, 2001. The Council-approved budget provides sufficient funding to maintain current services and also provides additional funding for the hiring of an additional 48 Parking Enforcement Officers.

At its August 20, 2002 meeting, the Board approved a request to increase the Parking Enforcement budget by \$0.8M to reflect the Association salary settlement, bringing the total 2002 net budget to \$27.3M.

As at September 30, 2002 no variance is projected.

Salaries & Benefits

Attrition is in line with what was projected during the budget process. Parking Enforcement has completed the approved staggered hire of 48 additional Parking Enforcement Officers.

Parking Tag Revenue

Budgeted revenue from parking tags is \$69.9M, which includes additional revenue of \$3.2M due to additional staff. As of September 30, 2002 no variance is projected.

### Salary Settlement Impact

As discussed in the June variance report, the City set aside \$0.5M to cover any Parking Enforcement salary increases. The cost of the Toronto Police Association salary settlement is \$0.8M, leaving a \$0.3M shortfall compared to the funding set aside by the City. The City has requested that Parking Enforcement absorb the \$0.3M variance. Parking Enforcement cannot reduce costs without negatively impacting revenues from parking tags. At this point Parking Enforcement is projecting no surplus. However, Parking Enforcement will continue to control costs where possible and return any year-end surplus funds to the City to help offset the above variance.

Deputy Chief Mike Boyd, Policing Support Command will be in attendance to answer any questions the Board may have.

**The Board received the foregoing and agreed to forward copies to the City Chief Financial Officer and Treasurer and to the City Policy and Finance Committee for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P317. TORONTO POLICE SERVICE - PARKING ENFORCEMENT UNIT -  
2003 OPERATING BUDGET SUBMISSION**

The Board was in receipt of the following report NOVEMBER 15, 2002 from Julian Fantino, Chief of Police:

Subject: 2003 OPERATING BUDGET SUBMISSION FOR PARKING  
ENFORCEMENT UNIT

Recommendation:

It is recommended that:

1. The Board approve the 2003 net base budget of the Parking Enforcement Unit request of \$29.9 (million) M, an increase of \$2.7M (9.9%) over the revised 2002 net budget,
2. The Board authorise the Chairman to approve, subject to ratification by the Board, changes to the operating budget submission during the time between meetings of the Board, and
3. The Board forward this report to the Director of Budget Services, City Finance and to the Budget Advisory Committee for review and consideration.

Background :

The purpose of the Parking Enforcement Unit of the Toronto Police Service is to assist with the safe and orderly flow of traffic, respond to the parking concerns of the community, regulate parking, and provide operational support to the Toronto Police Service.

The Council approved 2002 net operating budget for the Parking Enforcement Unit was \$26.5M. At its August 20, 2002 meeting, the Board approved a request to increase the Parking Enforcement budget by \$0.8M to reflect the Association salary settlement, bringing the total 2002 net budget to \$27.2M.

The Parking Enforcement Unit's net operating budget request for the year 2003 is \$29.9M, an increase of \$2.7M.

The following provides detailed information regarding the budget development process, as well as specific increases and decreases.

Budget Development

Parking Enforcement's budget is developed using the same guiding principles as those used by the Service, namely:

1. Reallocate within existing budget wherever possible to accommodate pressures, thereby striving for a maintenance budget.
2. Budget for known plans including staffing requirements.
3. Defer service enhancements where risk of liability associated with deferral is low.
4. Maximize cost-recovery opportunities within the constraints of the Municipal Act to address pressures wherever possible by additional revenue.
5. Ensure all proposed service enhancements adhere to Board priorities.

Parking Enforcement was provided with a target equal to the previous year's budget, plus 2% inflation on materials and services for operating accounts. Parking Enforcement was also requested to provide justification for all zero-based accounts (membership dues, conferences, consulting, etc.).

The 2003 base budget calculation was based on the Council-approved 2002 Operating budget, with economic factors applied. City staff proposed a 2003 base budget for Parking Enforcement at \$29,972,000, which includes the Toronto Police Association salary settlement of \$891,000. The requested 2003 Parking Enforcement budget is \$29,922,000.

### Salaries

Regular pay, premium pay, and fringe benefits constitute 86% of the budget (or \$25.7M). Costs have increased by 9.5% (or \$2.6M) from the 2002 budget. This increase is mainly due to the annualization of City Council authorized 48 PEO (\$1.6M) hires and the impact of the Association salary settlement (\$0.9M).

### Annualized Impact of Initiative to Hire 48 Parking Enforcement Officers (Increase of \$1.6M)

In order to provide a more comprehensive service to the City of Toronto, the Board and City Council approved the staggered hire of an additional 48 Parking Enforcement Officers during 2002. The full year impact of the additional 48 Parking Enforcement Officers will result in an additional 300,000 parking tags being issued (as compared to the level of parking tags expected at original staffing levels) to a total of approximately 2,800,000 tags for 2003. This increase will result in a revenue increase of \$6.7M to a total of \$70.6M (as compared to original staffing levels). The total cost of the initiative is \$2.6M.

### Summary of Parking Tag Revenue (000s)

|                         | # to tickets |              | Gross Revenue \$ |                 |
|-------------------------|--------------|--------------|------------------|-----------------|
|                         | 2002         | 2003         | 2002             | 2003            |
| Base Ticket Level       | 2,500        | 2,500        | \$63,895         | \$63,895        |
| Increase re 48 PEOs     | <u>135</u>   | <u>300</u>   | <u>3,450</u>     | <u>6,721</u>    |
| Total Revenue Generated | <u>2,635</u> | <u>2,800</u> | <u>\$67,345</u>  | <u>\$70,616</u> |

Note: Based on the collection experience for the City (78%), 2003 net revenue would be \$55.1M. In addition, the City decreased the parking fines on private property with a resulting decrease in overall average fines as compared to the previous year.

Salary Settlement Impact (Increase \$0.9M)

The cost of the Toronto Police Association salary settlement in 2002 was \$0.8M, and is estimated to be a further \$0.9M in 2003.

Other Significant Changes (Increase of \$0.1M)

OMERS has recently announced an increase in rates for all members for 2003. The increase (\$60,000) has been introduced to offset future plan increases and is to coincide with the end of the OMERS contribution holiday. In addition, there is an increase in CPP (\$50,000) and a decrease in EI (\$12,000) rates for 2003. Total benefits impact in 2003 is \$0.1M.

Non Salary (Increase of \$0.1M)

Non salary accounts constitute 14% of the budget (or \$4.2M) and have increased by \$0.1M due to inflationary pressures.

Summary of 2003 Base Budget Request

|                                       |                 |
|---------------------------------------|-----------------|
| 2002 Base Budget                      | \$27.2 M        |
|                                       |                 |
| <u>Increase over 2002 Budget</u>      |                 |
| Annualization of 2002 hire of 48 PEOs | \$1.6M          |
| 2003 Salary Settlement                | \$0.9M          |
| Net Change in OMERS/ CPP/EI rates     | \$0.1M          |
| Non-Salary                            | \$0.1M          |
| Total Increases (1.3% increase)       | \$2.7 M         |
| <b>Total Budget Request</b>           | <b>\$29.9 M</b> |
| Agreed to base                        | \$30.0 M        |

In summary, it is recommended that the Board approve the 2003 Operating Budget of the Parking Enforcement Unit at a net amount of \$29.9M for a budget increase of \$2.7M.

A presentation will be made at the Board meeting, and Deputy Chief M. Boyd, Policing Support Command, will be present at the Board meeting to answer any questions.

**The Board approved the foregoing.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P318. TORONTO POLICE SERVICE - 2002 OPERATING BUDGET  
VARIANCE REPORT AS AT OCTOBER 31, 2002**

The Board was in receipt of the following report NOVEMBER 15, 2002 from Julian Fantino, Chief of Police:

Subject: 2002 OPERATING BUDGET VARIANCE REPORT FOR THE TORONTO  
POLICE SERVICE AS AT OCTOBER 31, 2002

Recommendation:

It is recommended that:

- (1) the Board receive this report; and
- (2) the Board forward this report to the City Chief Financial Officer and Treasurer, and to the City Policy and Finance (P&F) Committee.

Background:

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the Toronto Police Service (TPS) Operating Budget at a net amount of \$587.2 Million (M), an increase of 1.5% over the 2001 Net Operating Budget. The Council-approved budget provides sufficient funding to maintain current services. The budget also provides additional funding for the creation of an Anti-Gang Unit in the amount of \$0.7M as well as funding for costs related to the City taking over Provincial Offences Act courts. In addition to the approved budget, City Council also approved one-time funding for World Youth Days at a net amount of \$2.7M bringing the Service's total operating budget to \$589.9M.

At its August 20, 2002 meeting, the Board approved a request to increase the TPS budget by \$18.8M, to reflect the Association salary settlement, bringing the total 2002 net budget to \$608.7M.

2002 Operating Budget Variance

As at October 31, 2002, the Service is projecting a year-end surplus of \$1.2M. This surplus is \$0.4M more than that reported in the September 30, 2002 variance report, which is also before the Board at its November 21<sup>st</sup> meeting.

## STAFFING

Net savings of \$0.7M are projected for salaries to year-end (which is \$0.2M more than last month). This increased favourable variance is due mainly to a refinement of the estimated timing of separations during the remainder of the year.

The projected uniform separations for 2002 is currently estimated at 325. As at October 31, 2002 there were 296 separations compared to 410 at the same point in time last year.

## BENEFITS

A net savings of \$0.3M is projected in the benefits category to year-end, which is unchanged from last month.

## NON SALARIES

All attempts have been made to maximize the Service surplus. It is the Service's position that significant cost reductions cannot be made without significantly affecting operations as most non-salary accounts are either contractual in nature, have been fully committed or are a direct operating cost of the Service. However, after careful scrutiny of all expenditures, the Service has been able to defer \$0.2M in costs.

The net impact of the above is a favourable year-end variance of \$1.2M. The Service will continue to scrutinize all accounts, and any possible deferrals.

## SALARY SETTLEMENT IMPACT

As discussed in previous variance reports, the City set aside \$14.6M to cover any TPS salary increases. The cost of the Toronto Police Association salary settlement is \$18.8M, leaving a \$4.2M shortfall compared to the funding set aside by the City.

In response to the 2002 Operating Budget Variance Report for the Toronto Police Service as at July 31, 2002, the Budget Advisory Committee:

- (1) *requested that the Toronto Police Services Board be advised of the following:*
  - (a) *that there is no corporate contingency account available;*
  - (b) *as workforce separations are less than projected, the Toronto Police Service be requested to reduce its callback and overtime expenditures;*
  - (c) *that the City has adjusted the Toronto Police Service 2002 base budget to include a three percent salary increase and any variances must be found within the adjusted base budget; and*
  - (d) *senior officers, command officers and excluded staff increases are to be funded within the Toronto Police Service 2002 adjusted base budget.*

- (2) *requested the Chair of the Toronto Police Services Board to report to the Budget Advisory Committee on actual World Youth Day expenditures, noting that the World Youth Day funds are corporate and any under expenditures against this project must be returned to the City.*

It is the Service's position that the City should fund the full cost of the salary settlement. Historically all salary settlements have been funded by the City. It was necessary to enter into a salary settlement that was competitive with neighbouring police jurisdictions in order to maintain current staffing levels, maintain qualified staff and attract new qualified staff, thus maintaining the current level and standard of service.

With respect to use of callback and overtime, it is the policy of the Service to use overtime and callbacks only when emergent or mandatory operational circumstances exist, subject to the approval of a supervisor and daily update of the Unit Commander. I have reiterated this policy frequently by letter to all unit commanders, most recently on August 16, 2002. The Service will endeavour to reduce overtime and callbacks in the remaining months as much possible. However, the Service continues to experience further pressures on premium pays (a prime example is the recent increase in fatal shootings). Future variance reports will provide updated information on this category of spending.

The Service has already responded to the City's declaration that any variances must be absorbed within the Service budget. Details were provided at the September Board meeting (minute P246/02 refers). As described above, the Service has been able to defer \$0.2M in expenditures and will seek to defer other expenditures.

As stated in previous reports, the \$4.2M variance does not include outstanding 2002 potential salary settlements for Senior Officers, Command Officers and Excluded staff. These could amount to an additional variance of \$0.6M. Given the difficulty in absorbing the Association salary settlement, the Service will not be able to absorb any further salary settlements.

#### WORLD YOUTH DAY BUDGET

The World Youth Day net budget was \$2.8M. Total expenditures were \$2.0M, for a favourable variance of \$0.8M (full details will be provided in a subsequent board report). As identified in the September variance report, this favourable variance is included in the Service's overall variance.

#### SUMMARY

As at October 31, 2002, the total Service favourable variance is \$1.2M. This variance consists of \$0.8M World Youth Day savings and \$0.4M in other savings. Given BAC's decision (outlined above), only \$0.4M can be applied to the \$4.2M funding shortfall. The Service will continue to control costs where possible and return any year-end surplus funds to the City to help offset the above variance.

The above variances can be summarized as follows:

|                                     | <u>Savings</u>  |
|-------------------------------------|-----------------|
| • Staffing                          | \$0.7M          |
| • Benefits                          | \$0.3M          |
| • Non Salary                        | <u>\$0.2M</u>   |
| • Total Favourable Variance         | \$1.2M          |
| • Less WYD to be returned to City   | <u>(\$0.8M)</u> |
| • Contribution to Salary Settlement | <u>\$0.4M</u>   |

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 and agreed to forward copies to the City Chief Financial Officer and Treasurer and to the City Policy and Finance Committee for information.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P319. TORONTO POLICE SERVICE - 2003 OPERATING BUDGET  
SUBMISSION**

The Board was in receipt of the following report NOVEMBER 18, 2002 from Julian Fantino, Chief of Police:

Subject: 2003 OPERATING BUDGET SUBMISSION FOR THE TORONTO POLICE  
SERVICE

Recommendation:

It is recommended that:

1. The Board approve the 2003 net base budget request of \$648.9 million (M), an increase of \$40.1M (6.6%) over the revised 2002 net budget,
2. The Board approve the 2003 requests above base of \$4.4M (0.7% increase) over the revised 2002 net budget,
3. The Board authorise the Chairman to approve, subject to ratification by the Board, changes to the operating budget submission during the time between meetings of the Board, and
4. The Board forward this report to the Director of Budget Services, City Finance and to the Budget Advisory Committee for review and consideration.

Background:

The following report provides an overview and discussion of the significant issues and pressures pertaining to the 2003 Operating Budget submission of the Toronto Police Service (TPS).

2003 City of Toronto Budget Process

The City budget process required the City Budget Services Division and TPS to agree to a 2003 Base Budget amount. This base budget amount is the funding level required to maintain the 2002 level of service.

The 2003 Base Budget was arrived at by applying a variety of factors to the 2002 approved base (including the \$18.8M 2002 portion of the 2002-2004 collective agreement salary). These factors include annualization of salary costs, as well as any other decisions that had a part-year impact on 2002, inflation costs for specific non-salary accounts, and previously identified impact from Capital. The 2003 portion of the 2002-2004 collective agreement impact for Association members was also included.

In addition to the base amount, the Service has the opportunity to submit requests above the base (or new initiatives) that are determined to be required for 2003. This report provides details on the budget development, the 2003 Agreed-to Base and Requests above Base.

### 2003 Operating Budget Development and Details

The Toronto Police Services Board is responsible for overseeing the efficient and effective delivery of police services delivered by the Toronto Police Service. In light of on-going budget constraints, the 2003 Operating Budget of the Toronto Police Service was developed to allow the Board to achieve this objective with the minimum amount of resources. To achieve this, reallocations within the existing budget have been made wherever possible to cover financial pressures.

The development of the Service's 2003 Operating Budget has taken into consideration the 2002 experience and the Service's 2002 – 2004 Priorities. Reallocations within the existing budget have been made wherever possible to cover financial pressures, through the deferral of expenditures and the realisation of efficiencies. In addition, cost-recovery opportunities have been maximized within the constraints of the Municipal Act to assist in alleviating budget pressures.

The 2003 request has taken into consideration any expected or potential Federal / Provincial grants or other funding opportunities (e.g. Child Pornography, Computer Crime). During 2003, we will continue to monitor new funding opportunities and will report these back to the Board.

The core services or responsibilities of all police services within the Province of Ontario are set out in the Police Services Act and its accompanying regulations, including community-based crime prevention, emergency response, law enforcement, and assistance to victims. Each year the Service determines where, within the context of these mandated responsibilities and within the framework of the Service's own Vision and Mission Statements, our resources and activities will be focused. Our Priorities represent those areas within our mandated responsibilities to which we will give special emphasis. For the years 2002- 2004, these Priorities are:

- Youth violence and victimisation of youth,
- Organised crime,
- Traffic safety,
- Drug enforcement and education,
- Human resource development,
- Service infrastructure, and
- Community safety and satisfaction.

Many amounts included in the budget support the achievement of the goals identified within the priority areas. It should be noted; however, that with many initiatives, efforts to address the Service's Priorities result in no or few actual additional costs, and instead simply result in Service members focussing their work in those areas or being redeployed to new areas.

The 2003 requirements have been scrutinised by the respective Command areas, followed by a comprehensive review undertaken by the full Command to ensure that a corporate perspective was applied to the process. Moreover, we have also conducted two half-day working sessions with Board Members, City Budget Advisory Committee Members and City Finance staff, to discuss details of our 2003 budget request and obtain input and feedback. A meeting was also held recently with the Divisional CPLC members to inform them on the budget process, provide them with highlights of the 2003 budget request and obtain input from them. Finally, the preliminary 2003 budget request was presented to the Board at its special meeting of November 07, 2002.

The 2003 Budget Request is explained below.

### **2003 Agreed-to Base Budget**

#### (a) Agreement with City

As discussed above, TPS and City staff worked together to arrive at an agreed-to base budget. The Base Budget calculation is based on applying a variety of factors to the 2002 approved budget, with the intent of providing an estimate of costs in 2003 required to provide the same level of service existing in 2002.

The actual applied factors include:

- annualization of salary costs and any other decisions that had a part-year impact in 2002 and a complete year impact in 2003;
- 2003 impact of salary settlement for Police Association;
- expected benefit increases;
- economic factors, such as inflation costs (this year, the City provided a list of economic factors to be applied to specific accounts); and
- previously-identified impact from Capital.

Based on City criteria, a base budget of \$646.1M was agreed to initially with City Finance. Some changes have been identified subsequent to this agreement:

- The OMERS contribution rate was increased by 0.3 percentage points, to cover the future cost of pension benefits and to keep OMERS fully funded. The impact of this increased rate is \$1.1M;
- The City's Caretaking and Maintenance charges increased by \$0.8M, primarily due to the then-anticipated City salary settlement, and increases in utility costs;
- The court security requirements relating to 2 courts have increased by 18 court officers, with an associated cost of \$0.8M.

The OMERS and Caretaking and Maintenance changes are supported by City Finance, and TPS will be submitting a base change for the required court security.

The net impact of these changes is an increase to the agreed-to base budget of \$2.8M, for a revised base budget for 2003 of \$648.9M.

(b) Base Budget Highlights

The major components of change over the 2002 base funding level are the impact of the Human Resources strategy, continuing increases in benefits costs, the 2003 impact of the Association salary settlement, and required investment in technology. The total base budget change is \$40.1M and the following provides detail for areas with significant change.

Human Resources Budget Impacts (Increase of \$8.3M)

The Human Resource Strategy will be presented in a separate report to the Board at the November 21st meeting. The status quo budget request reflects the Human Resource strategy as it will be presented.

The Service is aggressively pursuing a deployed strength of 5,255 (the 2002 Board and City Council approved uniform staffing target). As a result, the Service is planning on hiring 373 officers in 2003. This number reflects the back filling of 300 officers projected to leave the Service (either through retirement or resignation), and the filling of vacancies from 2002. The net impact of this activity will result in a 2003 projected year-end deployed strength of 5,242. However, there will be times during 2003 where the target for deployed strength is attained.

The net impact of uniform staffing costs, including the annualization of 2002 activity and the hiring and separation scenario outlined above, is \$8.3M.

The net impact of civilian staffing costs, including annualization of Provincial Offences Act Court officers hired during 2002, the addition of Court Officers for required security levels in 2003, and the cost of increments, is \$2.4M (\$1.6M for civilian staff and \$0.8 for Court Officers). This increase is offset by a net decrease in premium pay (\$2.1M), as well as other minor decreases in various salary-related accounts (\$0.3M).

Benefits Changes (Increase of \$4.9M)

TPS continues to work to contain all benefit costs. However, many of these benefits have rate increases imposed, or cost increases related to cost of services or usage increase. Benefits that have specific rate changes, or that change as a percentage of salaries, include the Canada Pension Plan (CPP), Employment Insurance (EI), OMERS, the Employer Health Tax (EHT), and group life insurance. These categories of benefits are increasing by \$1.7M.

In 2002, the Service conducted a Request for Proposal (RFP) process to select an insurance carrier for benefits. The Board, at its meeting of October 24, 2002, approved Manulife as the new benefit carrier (Minute No. P276/02 refers).

Medical and dental costs, and the associated administration fees, are expected to increase due to the increasing cost of drugs, and the increasing number of eligible members. Based on the new contract with Manulife and projected industry trends, medical and dental costs are expected to increase by \$2.1M.

Costs related to the Workplace Safety Insurance Board (WSIB) are expected to increase by \$0.9M, due to trends of increased eligibility, as well as increasing administrative costs. Other minor benefit changes result in further increases of \$0.2M.

#### Technology Infrastructure (Increase of \$1.8M)

Within TPS, virtually every core Policing process has become dependent to varying extents on Information Technology (IT). Our Front-line uniformed officers use technology in many different ways throughout their normal daily activities. The Service has over 100 information systems which provide staff with access to and analysis of data related to crime patterns, fraud cases, evidence tracking, pawn shop activity, towed vehicles, firearms registration and many other policing activities. Increasingly, IT is being used in more sophisticated and strategic ways, such as crime analysis / prediction and major case management. The Service's budget includes significant investment in IT.

The technology budget reflects cost increases for existing lease and maintenance agreements, as well as operating impacts of capital. Cost increases for existing leases primarily arise from items exceeding their warranty life; other maintenance increases arise from increased support costs from the service provider. These costs total \$0.9M for 2003.

Several capital projects result in operational cost impacts of \$0.9M. These costs include the maintenance and server costs related to the new Time Resource Management System, as well as additional maintenance for eCOPS.

#### Other Significant Changes (Decrease of \$0.3M)

In addition to the expenditure areas outlined above, the Service has a myriad of accounts required to maintain on-going operations. Expenditures in these accounts include front-line equipment, contractual expenditures, City chargebacks, and other administrative costs. These accounts can vary from year to year.

As identified previously, City caretaking charges have increased by \$0.8M this year (largely due to the City salary settlement, and utility costs). The Service is also experiencing increases in telephone line costs of \$0.5M. Previously approved Capital projects have resulted in increased costs of \$0.3M related to the Centralized Drug Squad. These increases are offset by decreases in various accounts for a zero net impact.

Revenues have been reviewed taking into consideration historical trends and maximising grant funding. In 2003, the Service will experience the loss of some funding (e.g., \$0.4M reduction in the firearms grant; \$0.2M reduction in one-time World Youth Day revenues). However, other revenue sources will increase. For example, secondment revenues will increase as a result of the salary settlement; alarm fees revenues are expected to increase based on the increased charge. The net impact of these changes is an increase in revenue of \$0.3M.

The total impact of the above base changes is \$14.7M, or 2.4% over the 2002 revised budget of \$608.7M. It should be noted that the City would be comparing the 2003 request to a revised 2002 budget of \$604.5M (i.e., \$608.7M less the \$4.2M salary shortfall).

2002 – 2004 Salary Settlement Impact

The budget information provided above does not include the impact of the 2003 portion of the 2002 – 2004 Association Collective Agreement. There is an across-the-board salary increase of 3.5% for all Association members. In addition, this most recent Collective Agreement sought to increase retention of officers. As a result, there are additional costs related to “service pay” granted for more senior officers. Furthermore, there have been specific market-rate adjustments for individual categories of civilian staff, and a reduction in the time required for recruits to be promoted to 1st class constables. The cumulative effect of these items, offset somewhat by savings in the benefits category, is \$25.4M, or 4.2% over the 2002 revised budget of \$608.7M.

Collective agreement negotiations have not been concluded for Senior Officers, Command Officers, and Excluded members. As per City guidelines, no estimate has been included in the 2003 request for these staff. It is expected that the City will set aside an estimated amount in the City’s accounts, for future adjustments.

Summary of 2003 Base Budget Request

|   |                  |             |
|---|------------------|-------------|
| <b>2002 Revised Base Budget</b>                 | <b>\$608.7 M</b> |             |
| <b>INCREASE OVER 2002 BUDGET</b>                |                  |             |
| Impact of staffing, incl. add’l Court Officers  | \$8.3 M          |             |
| Increase in Benefits Costs                      | \$4.9 M          |             |
| Increase in Technology Costs                    | \$1.8 M          |             |
| Changes in other significant accounts           | (\$0.3 M)        |             |
| <b>Total Increase, before salary settlement</b> | <b>\$14.7 M</b>  | <b>2.4%</b> |
| <b>Salary settlement</b>                        | <b>\$25.4 M</b>  | <b>4.2%</b> |
| <b>Total Base Budget</b>                        | <b>\$648.9 M</b> | <b>6.6%</b> |

(c) Service Level Adjustments to reduce to 2002 Approved Funding Level

The City of Toronto budget process also calls for the Toronto Police Service to assess and determine how the Service would reduce expenditures, from the 2003 agreed-to base (which represents the funding required for a 2002 level of service) to a target of \$629.9M (4.3% over the 2002 Council approved budget of \$604.5M). A separate report before the Board at its November 21<sup>st</sup> meeting addresses this item.

In keeping with City guidelines, the City CAO has requested that I identify service reductions that would result in a 2003 budget request equal to the 2002 approved budget.

Subsequent to that request, the City CFO, Mr. Joe Pennachetti, has requested a reduction plan to arrive at a 2003 target budget of \$629.9M (a 4.2% increase over the 2002 Council-approved budget of \$604.5M).

### **2003 Requests Above Base, including Items for Consideration**

The Service has identified several initiatives that require funding over and above the 2003 base budget amount. These requests respond to operational needs, community input and the Service's 2002-2004 priorities. The net amount required in 2003 for these initiatives is \$4.4M (or a 0.7% increase over the revised 2002 budget).

In addition, there are two initiatives that would potentially reduce the Service's request. However, the Service's request has not been reduced, as the 2003 impact is unknown at this time, and dependent upon implementation plans and schedules.

Highlights of all Requests Above Base initiatives follow.

#### a) Requests Above Base

##### **Occurrence Re-engineering (Savings of \$0.2M in 2003)**

This major technology initiative, which will result in a more efficient Records Management system, is scheduled for roll-out to commence in April 2003. In conjunction with the use of mobile workstations, data will be immediately captured or retrieved from a single point of access. As a result, one of the cost saving benefits of the project was a reduction to the current staff levels. The staff reductions are possible as police officers will be generating their own reports. The current scenario proposed in this budget submission assumes a reduction of 84 Civilian staff in 2003. These staff reductions will occur on a gradual basis as ongoing field support is required until police officers adapt to the new application. The estimated net savings in 2003 are \$0.2M, annualising to \$3.6M in 2004.

##### **Child Exploitation and Computer Crime (\$0 in 2003)**

These two initiatives are combined due to the operational dependencies and the source of funding to initiate the programs in 2003. The Provincial Government recently announced a \$2M grant for the Service to fund these programs, on a pilot project basis, until the end of March 2004. As a result, there are no funding requirements in 2003. However, should the pilot project prove to be successful then continued funding of the program would be included in the Service's operating budget request. In 2004, an amount of \$0.5M would be required to continue the program and this would annualise to \$0.7M in 2005.

These initiatives involve an increase in staff (9 Uniform and 1 Civilian) to allow an enhanced focus on child pornography investigations on the Internet and an approach towards the prevention of child sexual abuse. Currently, the Service has 6 staff dedicated to Internet child pornography investigations and 2 staff to address computer crime. The proliferation of child exploitation and computer crime cannot be adequately addressed by the current staff levels and therefore the additional staff is critical. These initiatives will see a collaborative partnership between the Sex Crimes Unit, Intelligence Services and Victim Services, enabling the arrest of offenders, preventing further assaults on children and raising public awareness and community safety.

### **Traffic Enforcement Safety Team (\$0.7M in 2003)**

Traffic enforcement is a high priority for both the Service and the citizens of the City of Toronto. There is a critical need to address the rising number of traffic fatalities and the increase in aggressive habits by motorists, cyclists and pedestrians. The traffic enforcement team will be highly visible and pro-active, focusing on high collision locations, school zones, high volume intersections, high speed areas and any location where public safety is at risk. To accomplish this task, the Service is requesting an additional 11 Uniform staff (1 Sergeant and 10 Officers) and related equipment (including 5 cars) in 2003 at a total cost of \$0.7M and an annualised cost of the same amount.

The increased level of enforcement will also generate increased revenue for the City. Based on projected enforcement activity of 65,000 summons, it is estimated that \$6.5M in revenue would be generated for the City.

### **Strategic Intelligence Investigators (\$0.5M in 2003)**

This request would provide an increase of 8 Uniform staff to support intelligence-led policing in support of the Service priority to deal with organised crime. The focus of these staff will be on gathering intelligence information on various organised crime groups for the purpose of developing targeted enforcement projects. This information will assist the Service in the decision making process on where resources should be deployed. The total funding required in 2003 (staff and equipment) is \$0.5M with an annualised cost of \$0.7M in 2004.

During 2002 budget deliberation, Council approved this request above base, under the condition that funding be obtained. No funding was available; therefore, this request is before the Board again.

### **Lawfully-Authorized Electronic Surveillance (\$0.9M in 2003)**

The use of monitors to conduct lawfully-authorized electronic surveillance has resulted in the avoidance of several major crimes (including homicides) and the solving of other crimes. Historically, this electronic surveillance has not been performed to capacity, due to system requirements and funding restrictions. The system has been upgraded and therefore additional funds are required to hire monitors to meet demands. Monitors are part-time employees (can be hired and laid off as required) and therefore provide the Service with the most cost efficient method of staffing specific projects. The additional cost of \$0.9M is required on a continuing basis.

### **External Services – Employment Process (\$0.3M in 2003)**

The Service's Employment Unit has been experiencing unprecedented hiring pressures and this is expected to continue. Based on estimated hires, the Employment Unit would be required to conduct approximately 2,000 Uniform and 1,200 Civilian comprehensive background investigations. Officers usually conduct these investigations; however, given the number of background checks required, the backlog can be significant. This initiative would see the use of retired police officers on a contract basis to assist with the backlog of investigations. The cost of utilising external services is less expensive than having an officer perform this work, and the services can be acquired as needed.

### **Portable Radios – Court Services (\$0.4M in 2003)**

Over the past few years, the number of Court Officers and court locations has increased without a corresponding increase in portable radios. The Service requires an additional 47 portable radios in order to adequately provide on-site security, the safe movement of prisoners and the protection of persons conducting business at court locations. The deferral of this request would expose the Service to a level of risk that could result in serious injury or bodily harm to a Service member or the public. This is a one-time cost in 2003.

### **Reliant System Upgrade (\$0.5M in 2003)**

Lawfully-authorized electronic surveillance is an essential component of investigating organised crimes and without this, successful enforcement would be limited to the lower end of these hierarchies. Telephone technology is constantly changing, making current surveillance technology obsolete almost as quickly as it is introduced. Industry trends (such as migration to digital technology) create an ongoing challenge. As a result, the financing of annual upgrades for the required technology is necessary to allow the Service to complete investigations and gather sufficient evidence for prosecution. This proposal supports an amount of \$0.5M per year to provide funds to continually upgrade the equipment.

### **Race Relations Outreach Program (\$0.9M in 2003)**

This is a dedicated and permanent outreach program in minority communities. The recent escalation of violence in the black community and continuing tensions in the Tamil community highlight the necessity for a more proactive approach to police / community race relations.

The Unit will consist of an Inspector who will be assigned to the Office of the Chief of Police and deal with leaders in minority communities across Toronto on behalf of the Chief and advise the Chief directly on race relations issues.

In each of the sixteen Divisions, there will be a race relations liaison officer (Police Constable) who will liaise with local community leaders on behalf of the local Divisional Unit Commander and work with them to address community and policing issues. This position will also actively problem solve continuing issues and refer, where appropriate, issues to other service providers. This person will be assigned to the Community Response team at the divisional level.

The activities of the sixteen officers will be co-ordinated by a Sergeant who will be assigned to the Community Policing Support Unit. This position will be supported by a clerical support position and a Program Planner. The Program Planner will be responsible for researching best practices, developing, in concert with the liaison officers and any other resource deemed appropriate, strategies for addressing community and policing concerns. The total request is for 18 additional Uniform staff, 2 Civilian staff and related equipment for a cost of \$0.9M in 2003, annualising to \$1.3M in 2004.

### **Restoration of TPS Internal audit function (\$0.26M in 2003)**

On March 27, 2000, the Board approved the use of City Audit Services as the Board's and Service's principal internal auditor. At that time, the sum of \$0.32M representing salaries and benefits, was turned over to the City.

On April 03, 2002, the City Auditor notified TPS that they would be no longer able to perform internal audit work for the TPS.

On May 23, 2002, Toronto City Council approved the creation of the Auditor General's Office and a steering committee was set up to deal with transition issues under the direction of the City of Toronto's Chief Administrative Officer.

As a result of this change, the Toronto Police Service will now have to perform its own internal audit work once more. In order for the Toronto Police Service to fulfil this task in an effective and efficient manner, the 5 civilian positions that were deleted in 2000 will have to be re-instated and funding returned from the City of Toronto. These positions will cost \$0.26M in 2003, annualizing to \$0.34M in 2004. The supplement requested is meant to restore funding that previously existed within the operating budget of the Toronto Police Service to carry out the internal audit function. The City's Auditor General has indicated funds are not available in the Auditor's General budget; therefore, this request is before the Board today as an additional item.

### **Forensic Accountant (\$0.07M in 2003)**

The Service currently utilises a forensic accountant for fraud investigations. These investigations are very complex and cases could take from 6 months to 2 years to investigate. The courts now require forensic accountants to supply evidence relating to the financial aspect of these cases. The Financial Transactions and Report Analysis Centre (FINTRAC) of the Federal Government provides banking and information reporting relating to suspicious transactions and the identification of criminal assets. Forensic accountants are required to analyse this data provide by FINTRAC. The need for more assistance from forensic accountants is required and therefore the proposal to obtain these services amounts to an additional \$0.07M per year.

### **Lifeguard Program Expansion (\$0.04M in 2003)**

The Service is responsible for the Lifeguard program. Currently, there are beaches that are under staffed or have changed configuration and therefore require additional lifeguards to provide the required service. Lifeguards are temporary staff and are hired only for the time required. The additional request is to hire 7 lifeguards for Gibraltar Beach (3), for Kew Beach (2), for Sunnyside Beach (1) and for Marie Curtis Park (1) at a total cost of \$0.04M per year.

### **Woodbine Casino (\$0 in 2003 with cost recovery from the City)**

The request to increase staff due to the introduction of slot machines at the Woodbine Racetrack has been identified for a few years. The Service's position has been and remains that the funding for this request should come from the revenue received by the City from the slot machines. The revenue received by the City is estimated at over \$12M per year.

The introduction of slot machines at Woodbine has resulted in increased criminal activity, and an increase in traffic offences and road congestion. In order to address these issues, the Service has used resources from other Divisions for several special enforcement projects. However, these resources have been taken away from other communities and the needed enforcement in those areas. To properly police the additional requirements resulting from the slot machines, the Service is requesting an additional 18 Officers at a cost of \$0.3M in 2003 and annualising to \$1.1M in 2004. However, as mentioned above, these costs should be offset by revenue received by the City and therefore the Service request reflects no impact on funding.

#### **(b) Items for Consideration**

### **Outsourcing of Caretaking Services (potential savings in 2003)**

The Service currently obtains caretaking services from the City, at a (2003) cost of \$5.1M. TPS has conducted studies that indicate that the outsourcing of custodial services to a private provider would result in significantly reduced costs.

Immediate savings could be achieved through the contracting out of those positions currently held by temporary staff (estimated at \$600,000 annually). Long-term savings (if the entire service were to be contracted out) are estimated at \$2.7M. No savings have been attributed to this initiative, as this item will require Council approval, and implementation is not certain at this time.

### **Outsourcing of the School Crossing Guard program (potential savings in 2003)**

TPS has been administering the School Crossing Guard program since 1947. Toronto is one of the only municipalities where the Police administer the school crossing guard program. Police officers supervise the program, determine crossing locations, and relieve guards where necessary. Civilians are employed as crossing guards to assist children crossing at designated locations.

It is possible to outsource this program. Police involvement would be required only for determining crossing locations. The potential benefits of outsourcing include the redeployment of some officers (actual number to be determined). An RFI has been issued to obtain additional information. No savings have been attributed to this initiative at this time, as an implementation plan is unknown at this time.

#### Summary of Requests Above Base:

| <b>Requests Above Base</b>                   | <b>2003 Impact</b> | <b>2004 Impact</b> |
|--|--------------------|--------------------|
| Occurrence Re-Engineering                    | (\$0.23 M)         | (\$3.60 M)         |
| Child Exploitation & Computer Crime          | \$0.00 M           | \$0.47 M           |
| Traffic Enforcement Safety Team              | \$0.72 M           | \$0.68 M           |
| Strategic Intelligence Investigators         | \$0.48 M           | \$0.73 M           |
| Lawfully-Authorized Electronic Surveillance  | \$0.90 M           | \$0.90 M           |
| External Services – Employment Process       | \$0.30 M           | \$0.30 M           |
| Portable Radios- Court Services              | \$0.42 M           | \$0.00 M           |
| Reliant system upgrade                       | \$0.50 M           | \$0.50 M           |
| Race Relations Outreach program              | \$0.90 M           | \$1.17 M           |
| Restoration of TPS Internal Audit function   | \$0.26 M           | \$0.34 M           |
| Forensic Accountant                          | \$0.07 M           | \$0.07 M           |
| Lifeguard Program Expansion                  | \$0.04 M           | \$0.04 M           |
| Woodbine Casino                              | \$0.00 M           | \$0.00 M           |
| <b>Total Requests Above Base</b>             | <b>\$4.38 M</b>    | <b>\$1.70 M</b>    |
| <u>Additional items for consideration</u>    |                    |                    |
| Outsourcing of Caretaking Services           | TBD                | TBD                |
| Outsourcing of School Crossing Guard Program | TBD                | TBD                |

## Revised Human Resource Strategy

If the initiatives outlined above are approved, the uniform target strength will be increased by 64 members to 5,319, as follows:

|   |              |
|---|--------------|
| <b>Current Target</b>                   | <b>5,255</b> |
| Child Exploitation & Computer Crime     | 9            |
| Traffic Enforcement Safety Team         | 11           |
| Strategic Intelligence Investigators    | 8            |
| Race Relations Outreach Program         | 18           |
| Woodbine                                | 18           |
| <b>Revised Human Resources Strategy</b> | <b>5,319</b> |

In addition, the civilian establishment would decrease by 76 members, as follows:

|  |              |
|--|--------------|
| <b>Current establishment (budgeted)</b>    | <b>1,787</b> |
| Occurrence Reengineering                   | -84          |
| Child Exploitation & Computer Crime        | 1            |
| Race Relations Outreach Program            | 2            |
| Restoration of TPS Internal Audit Function | 5            |
| <b>Revised Civilian Establishment</b>      | <b>1,711</b> |

## Additional Information Requested by the Board

Throughout the year, several Board reports have referred to information that is to be captured within the 2003 Operating Budget request. This information is provided as follows:

### (a) 2002 Business Plan and Performance Measures

At the November 15, 2001 Board meeting, the 2002-2004 Business Plan was received and approved by the Board. Among other items, this business plan highlights the Service's operating and capital finances.

The TPS budget supports the overall delivery of policing services to the residents of the City of Toronto by detailing the organisational needs in financial terms. During the operating and capital budget development process, a detailed explanation outlining the need for all new initiatives is submitted. This explanation correlates back to Service Priorities, Adequacy Standards and organisational requirements. This approach supports the approved business plan. Corporate Planning prepares a report each year on performance measurements. The 2001 Service Performance Year-end Report was presented to the Board on June 27, 2002 (Board minute #P177/02 refers).

On October 3, 2000 the Province of Ontario announced the Municipal Performance Measurement Program (MPMP) requiring all municipalities to report on sixteen performance measures in nine service areas. TPS was required to provide details regarding:

- Operating costs for police services per \$1,000 of assessment, and
- Percentage of cases cleared for Statistics Canada categories of violent crimes and property crimes.

As requested by the City, this information is collected and provided for inclusion in the annual report which is prepared by the City Chief Administrative Officer (CAO). The performance measurements reported for the year 2001 are:

- Operating costs for police services per household, and
- Crime rate.

The information is summarized below:

|                                  | <b>2000</b> | <b>2001</b> |
|----------------------------------|-------------|-------------|
| TPS operating cost per household | \$676.11    | \$649.21    |

**Crime rate per 100,000 population**

|                | <b>2001</b> | <b>2002</b> |
|----------------|-------------|-------------|
| Violent Crime  | 1,396.9     | 1,437.3     |
| Property Crime | 3,786.2     | 3,822.2     |
| Youth Crime    | 4,624.5     | 4,271.8     |

**(b) Special Activities**

At the January 25, 2001 Board meeting, it was recommended that the Chief report on special activities as part of the annual operating budget submission (Board minute #P27/01 refers).

The 2003 Operating Budget submission includes a status quo level of funding for special events. Approximately \$0.7M is identified specifically for special events-related premium pay. Many special events, however, are policed by on-duty officers, and the cost of these events is embedded in the regular salary and benefit component of the budget. Board minute #P257/01 provides additional detail on on-going special events.

**(c) Police Reference Checks**

At the February 22, 2001 Board meeting, it was recommended that the Service review its position on police reference checks, and report back to the Board (Board minute #P46/01 refers). A review of the Police Reference Check Program was provided to the Board at its September 25, 2001 meeting (Board minute #P245/01 refers).

The 2003 Operating Budget request's revenue projections are based on the Service's current reference check policies.

(d) Opportunities to request funding from provincial and federal governments

The Board has also requested that the operating budget include opportunities for the Board to request funding support from the provincial and federal governments. The 2003 Operating Budget reflects any known funding from these levels of government, and any funding opportunities are pursued as they are announced. In addition, the Service actively approaches the federal or provincial government if TPS identifies programs that the governments may be interested in funding.

In efforts to maximize grant and other funding opportunities, the Service has established a process for the application for and administration of grants. A report summarizing all grant funding activity is provided to the Board on a semi-annual basis (the first report was before the Board at its October, 2002 meeting).

**SUMMARY:**

The Service requires a funding level of \$653.3M (base budget of \$648.9M and new initiatives of \$4.4M) in order to deliver and meet the core services and responsibilities set out in the Police Services Act and to focus on the Service's 2002 – 2004 Priorities. This funding level is \$44.5M (or 7.3%) more than the adjusted 2002 budget of \$608.7M. The 2003 base budget increase without the salary settlement impact is \$14.7M (2.4%). The total increase is detailed in Attachment A.

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

**The following Motion which had been deferred from the November 7, 2002 meeting was before the Board for consideration:**

**THAT the Board defer consideration of the Race Relations Outreach Program until the completion of all the information-gathering reviews and consultations and following an analysis of the results of those reviews in order to determine whether 18 additional officers and two civilian staff members are required, or more or less depending upon the analysis of those results.**

**(Minute No. P286/02 refers)**

**Chief Fantino advised the Board that he believed the establishment of a Race Relations Outreach Program was a very important initiative and considered it a very high priority.**

**The Board considered the above Motion and it failed.**

**The Board approved the foregoing report from Chief Fantino.**

**SERVICE VARIANCE ANALYSIS**  
**2002 APPROVED BUDGET TO 2003 REQUEST (in \$000s)**

Attachment A

|  | 2002<br>Approved<br>Budget | Impacts         | 2003 Request     | % inc. over<br>Appr. Budget |
|--|----------------------------|-----------------|------------------|-----------------------------|
| <b>TOTAL NET EXPENDITURES</b>                                | <b>608,747.6</b>           |                 |                  |                             |
| <b>ORIGINAL 2002 BUDGET</b>                                  | <b>589,918.4</b>           |                 |                  |                             |
| 2002 salary settlement                                       | 18,829.2                   |                 |                  |                             |
| <b>APPROVED 2002 BUDGET</b>                                  | <b>608,747.6</b>           |                 |                  |                             |
| <b>MAJOR CATEGORIES OF CHANGE:</b>                           |                            |                 |                  |                             |
| <b>Human Resource Strategy Impacts</b>                       |                            |                 |                  |                             |
| Uniform Annualization of 2002 hires and separations          |                            | 390.0           |                  |                             |
| Uniform Cost of reclass'ns (annual'n 2002, part-year 2003)   |                            | 7,780.0         |                  |                             |
| Uniform Net impact of 2003 hires and separations             |                            | 170.0           |                  |                             |
| Civilian staffing annualization and increments               |                            | 1,570.0         |                  |                             |
| Court officer costs  |                            | 822.0           |                  |                             |
| Premium Pay net changes                                      |                            | (2,101.4)       |                  |                             |
| Other minor changes  |                            | (283.1)         |                  |                             |
| <b>Increase in benefits</b>                                  |                            |                 |                  |                             |
| Medical / dental administration cost increase                |                            | 2,110.0         |                  |                             |
| OMERS rate increase  |                            | 1,110.0         |                  |                             |
| CPP and EI rate change, EHT costs, Group Life                |                            | 610.0           |                  |                             |
| Increase in WSIB cost  |                            | 920.0           |                  |                             |
| Other minor changes  |                            | 138.8           |                  |                             |
| <b>Increase in technology infrastructure</b>                 |                            |                 |                  |                             |
| Cost changes in contracts and upgrades                       |                            | 920.0           |                  |                             |
| Operating impacts from Capital                               |                            | 864.7           |                  |                             |
| <b>Other Significant changes</b>                             |                            |                 |                  |                             |
| Inter-department charges                                     |                            | 810.0           |                  |                             |
| Increase in telephone line costs                             |                            | 470.0           |                  |                             |
| Other various changes  |                            | (1,306.9)       |                  |                             |
| Revenue changes  |                            | (250.0)         |                  |                             |
| <b>TOTAL BASE BUDGET, before salary settlement</b>           | <b>0.0</b>                 | <b>14,744.1</b> | <b>623,491.7</b> | <b>2.4%</b>                 |
| <b>2003 Salary Settlement impact</b>                         |                            | <b>25,381.4</b> |                  | <b>4.2%</b>                 |
| <b>TOTAL BASE BUDGET</b>                                     | <b>0.0</b>                 | <b>40,125.5</b> | <b>648,873.1</b> | <b>6.6%</b>                 |
| <b>REQUESTS ABOVE BASE</b>                                   |                            |                 |                  |                             |
| Occurrence Reengineering                                     |                            | (225.0)         |                  |                             |
| Child Exploitation and Computer Crime                        |                            | 0.0             |                  |                             |
| Traffic Enforcement Safety Team                              |                            | 724.4           |                  |                             |
| Strategic Intelligence Investigators                         |                            | 481.9           |                  |                             |
| Lawfully-Authorized Electronic Surveillance                  |                            | 900.0           |                  |                             |
| External services - employment process                       |                            | 300.0           |                  |                             |
| Portable radios – Court Services                             |                            | 423.0           |                  |                             |
| Reliant system upgrade                                       |                            | 500.0           |                  |                             |
| Race Relations Outreach Program                              |                            | 902.9           |                  |                             |
| Restoration of Internal Audit Function                       |                            | 257.6           |                  |                             |
| Forensic Accountant  |                            | 70.0            |                  |                             |
| Lifeguard Program Expansion                                  |                            | 42.4            |                  |                             |
| Woodbine Casino (\$0.3M in 2003, \$1.1M in 2004)             |                            | 0.0             |                  |                             |
| <b>ITEMS FOR CONSIDERATION</b>                               |                            |                 |                  |                             |
| Outsourcing of Caretaking (-\$0.6M in 2003, -\$2.7M in 2004) |                            | 0.0             |                  |                             |
| Outsourcing of School Crossing (TBD)                         |                            | 0.0             |                  |                             |
| <b>REQUESTS ABOVE BASE</b>                                   | <b>0.0</b>                 | <b>4,377.2</b>  | <b>653,250.3</b> | <b>0.7%</b>                 |
| <b>TOTAL REQUEST</b>   | <b>608,747.6</b>           | <b>44,502.7</b> | <b>653,250.3</b> | <b>7.3%</b>                 |

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P320. TORONTO POLICE SERVICE – REDUCING THE 2003 BASE BUDGET  
REQUEST TO A TARGET OF \$629.9M**

The Board was in receipt of the following report NOVEMBER 15, 2002 from Julian Fantino, Chief of Police:

Subject: SERVICE OPERATING BUDGET - REDUCING THE 2003 BASE BUDGET  
REQUEST TO A TARGET OF \$629.9M

Recommendation:

It is recommended that:

1. The Board receive this report; and
2. The Board forward this report to the City Chief Administrative Officer for review and consideration.

Background:

The City's budget process is comprised of several steps. City and Toronto Police Service (TPS) staff develop an agreed-to base. The Service then prepares an operating budget "base" request (the budget level required in 2003 to provide a 2002 level of service). The Service is also requested to provide information on how a 2002 level of funding could be attained. Any new initiatives or service enhancements are submitted as "requests above base."

During preliminary budget discussions with City staff on November 8, 2002, the City CAO had requested that I provide a letter outlining the Service's strategies to achieve the 2002 approved funding level. At that time, TPS staff reiterated that the approved budget submission, along with any reduction strategies, would be provided after the November 21, 2002 Board meeting.

Subsequently, on November 15, 2002, our CAO, Mr. Frank Chen, received a letter from the City's CFO and Treasurer, Mr. Joe Pennachetti, on the subject of the 2003 Toronto Police Service Operating Budget Target. In that letter, Mr. Pennachetti notes that a listing of reduction strategies, required as part of the budget process guidelines, has not been submitted for discussion. Mr. Pennachetti further notes that, since the negotiated settlement for the Police results in an impact of 4.2%, he submits that TPS meet a target 2003 Operating Budget increase of 4.2% over the Council-approved budget (the letter is attached, for your information).

Toronto City Council, at its meeting of March 4 to 8, 2002, approved the TPS Operating Budget at a net amount of \$589.9 million, including one-time funding for World Youth Days. At its August 20, 2002 meeting, the Board approved a request to increase the TPS budget by \$18.8M, to reflect the Association salary settlement, bringing the total 2002 net budget to \$608.7M. However, Council approved an increase of only \$14.6M (the amount set aside by the City for an anticipated salary settlement). Therefore, the current Council-approved TPS Net Operating Budget is \$604.5M.

A 4.2% increase would result in a target of \$629.9M. The Service's base budget request, before the Board on November 21, 2002, is in the amount of \$648.9M (requests above base would add a further \$4.4M). In order to achieve a budget of \$629.9M, TPS would have to provide reduction strategies totalling \$19M.

The base budget request of \$648.9M represents the funding required to provide services equivalent to those provided in 2002. However, in response to City guidelines, and to Mr. Pennachetti's letter, I have prepared a letter outlining potential reduction strategies. This letter is attached for your information, and to forward to the City CAO in response to her request.

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

**The Board received the foregoing and agreed to forward a copy to the City of Toronto Chief Administrative Officer for review and consideration.**

November 22, 2002

Ms. Shirley Hoy  
Chief Administrative Officer, City of Toronto  
7<sup>th</sup> floor, East Tower, City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

Dear Ms. Hoy:

**Re: TORONTO POLICE SERVICE – REDUCING THE 2003 BASE BUDGET  
REQUEST TO A TARGET OF \$629.9M**

The Toronto Police Service (TPS) presented a 2003 base budget request of \$648.9 million (M) to the Toronto Police Services Board at its meeting of November 21, 2002. In keeping with City guidelines, you have requested that I identify service reductions that would result in a 2003 budget request equal to the 2002 approved budget.

Subsequent to your request, Mr. Pennachetti has written to Mr. Chen, our CAO, requesting a reduction plan to arrive at a 2003 target budget of \$629.9M (a 4.2% increase over the 2002 Council-approved budget of \$604.5M). This letter is in response to Mr. Pennachetti's request.

Before I provide any reduction strategies, I would like to note the inadequacy of the City's 2003 target of \$629.9M. The 2002 Council-approved budget of \$604.5M already includes a shortfall of \$4.2M for the Association salary settlement. Furthermore, there are increased costs related to salary, benefit and other mandatory expenditures for 2003. TPS' base budget of \$648.9M represents the funding required to maintain the same level of service as that provided in 2002. A target of \$629.9M does not even provide for the total cost of the negotiated salary settlement, and would result in a reduction of **\$19M** to our base budget request.

The Service has undertaken all due diligence in developing our 2003 base budget. The base budget request is in line with the base budget agreed-to with City staff, and takes into consideration the impact of 2002 decisions as well as contractual increases for 2003. As per City guidelines, our base budget request is the amount of funding required in 2003 to provide a 2002 level of service.

A large portion of the Service's budget is non-discretionary. 93% of the net budget funds salaries, premium pay and benefits, and the budget in these categories is required to attain the Board- and Council-approved uniform staffing level of 5,255 and to maintain current civilian staffing levels. The remaining expenditures amount to less than \$50M in total, and the majority of these expenditures (approximately \$41M) are fixed costs for the direct support of front-line police activities.

The following outlines possible avenues by which reductions could be attained. However, I do not recommend most of these due to the impact on my ability to deliver adequate policing.

### Outsourcing of Caretaking Services (Recommended)

For several years, TPS has identified an area of expenditures that could result in significant savings to the Service and the City. Currently, the City of Toronto provides caretaking services to TPS on a cost-recovery basis. TPS has conducted studies that indicate that the outsourcing of custodial services to a private provider would result in significantly reduced costs. In previous years, the City has been unwilling to provide approval for this initiative, due to the potential impact on other City services. The review of outsourcing has been referred to your office, and is still pending a response.

Immediate savings could be achieved through the contracting out of those positions currently held by temporary staff (estimated at \$600,000 annually). This item will require Council approval. Assuming approval was obtained, and implementation could be accomplished for April 1, 2003, \$0.45M could be saved in 2003. It should be noted that full outsourcing would result in savings of \$2.7M; however, this would involve reductions of permanent City staff and would require a longer period for implementation.

### Savings from Occurrence Re-Engineering (Recommended)

This major technology initiative, which will result in a more efficient Records Management system, is scheduled for rollout to commence in April 2003. The current scenario, proposed as a "new initiative" in the 2003 budget submission, assumes a reduction of 84 Civilian staff in 2003. These staff reductions will occur on a gradual basis, as ongoing field support is required until police officers adapt to the new application. The estimated net savings in 2003 of \$0.23M have not been included in the base budget, based on City guidelines. However, this item is available as a reduction item, in the amount of \$0.2M for 2003 (annualized savings in 2004 are estimated at \$3.6M).

### Reduction to non-staffing spending

As mentioned above, the net non-staffing, non-fixed budget is approximately \$9M. The accounts comprising this expenditure have undergone rigorous scrutiny over the last few years, and no reduction can be identified in these areas. In fact, we have deferred 2002 expenditures wherever possible, with the expectation that deferrals would be addressed in 2003.

The only potential area of reduction in non-staffing spending is to defer vehicle replacements in 2003. **This approach is not recommended.** During the mid-1990s, the Service was required to find reductions. This area was targeted at that time. Such reductions led to a significant deterioration in the condition of the Service's fleet, resulting in increased maintenance costs and increased issues regarding the safety of officers. It has taken several years to recover from this situation. However, \$4.8M could be reduced in the 2003 request if no vehicles were to be purchased next year (\$4.9M contribution to vehicle reserve, less an estimated \$0.1M increase in vehicle maintenance costs). Vehicle maintenance costs would continue to increase in 2004.

### Elimination of all 2003 Civilian Staff Replacements

Civilian positions are replaced on a one-to-one basis. The 2003 budget includes \$2.7M for the replacement of civilian staff as they leave the Service.

Many of the “civilian” positions in the Service are comprised of court officers, communication operators and station duty operators. Each position is required to be filled on an on-going basis, and even when vacant is filled with temporary staff.

The remaining civilian positions have undergone extensive review, and only those positions deemed essential to the Service have been maintained (with the exception of the Occurrence Reengineering implementation discussed above). No further reductions have been identified for civilian staff, although I commit to maintaining a high level of scrutiny for these positions.

Eliminating all civilian hiring in 2003 would save \$2.7M. However, the impact of these reductions would be significant **and this reduction is not recommended:**

- A reduction of Court Officers would impair the Service’s ability to provide adequate court security. Current levels of court security provide a minimum level of service; further reductions would result in complaints from the Justice system as well as place personnel and the public in greater danger. The Service, and I as its Chief, could be held in contempt if the service provided is determined to be inadequate.
- A reduction in the number of Communication Operators would reduce the Service’s ability to respond to 911 calls for service. A delay in responding to emergency calls would result in many difficulties, including potential loss of life.
- A reduction in the number of Station Duty Officers would require the redeployment of police officers to provide this role at each division.
- Reductions in other civilian staff areas would result in the loss of support to other areas of the Service. The areas affected would include staff providing direct support to core services such as our fleet, information technology, etc.

### Elimination of all 2003 uniform hiring

The 2003 budget for uniform hiring is \$11.8M. This is the salary, benefit and outfitting cost of hiring 373 officers. Eliminating all uniform hires in 2003 would save a gross amount of \$11.8M. However, the Service would lose a large portion of its Community Policing Partnership (CPP) funding. This provincial grant provides 50% funding for 251 positions, as long as the Service’s strength remains in excess of 5,180. Any loss of officers below this amount would begin to erode the grant, and any reduction below 4,929 would eliminate the grant. It is estimated that \$5.6M of grant funding would be lost if there was no hiring in 2003 (for a net budget reduction of only \$6.2M).

Uniform strength would fall from an expected year-end number of 5,242 to 4,869, and the impacts of such a change would be drastic. **This proposal is not recommended for the following reasons:**

- A staffing level of 4,869 is almost as low as the levels experienced in 1996 (the lowest period of staffing in the last decade). It was the impact of such low staffing levels that resulted in Council direction to maintain a target of (now) 5,255. Reductions to this level would directly impact the Service's ability to provide adequate policing services to the community, at a time when the City is facing increasing demands for policing services.
- It would take many years to recoup this loss of staffing. Hiring projections for the next years already assume maximum utilization of spaces at the Ontario Police College. Recapturing 373 officers on top of planned hiring would require many years of larger-than-normal class sizes.
- The TPS Board has recently signed a Collective Agreement with the Toronto Police Association for the period of 2002 – 2004. This Collective Agreement included significant changes to retention / service pay awards that strengthen the Service's retention of experienced officers. This change in the Collective Agreement was pursued in large part to offset the impact of increasing retirements on the Service's staffing levels. The additional costs related to the improved retention / service pay awards (estimated to be \$3.6M in 2003) will be of little value if hiring is reduced at the same time.

All programs currently delivered by TPS are important, and I am not prepared to eliminate any of them as a result of reduced staffing. The impact would be spread out among all programs, and the Service would be forced to move from a proactive policing mode to a reactive one. The Service will not be in a position to respond to all emergent situations. This may create significant difficulties in light of on-going challenges in the City of Toronto, as referenced by the unprecedented murder rate currently experienced. Furthermore, today's global situation may lead to additional pressures in the coming weeks and months (I refer you to the recent demonstrations experienced as a result of the circumstances occurring in Iraq).

#### Staff Lay-Offs

The above detail clearly identifies why I could not recommend any reductions to the 2003 base budget request. The above options would provide at most \$14.4M in reductions:

- Outsourcing of caretaking services - \$0.45M
- Savings from Occurrence ReEngineering - \$0.23M
- Reduction in vehicle purchases - \$4.8M (**not recommended**)
- Reduction of all 2003 civilian replacements - \$2.7M (**not recommended**)
- Reduction of all 2003 uniform hires - \$6.2M (**not recommended**)

The remaining reduction of \$4.6M could only be accomplished through staff lay-offs.

Apart from the fact that such layoffs would be completely untenable, the Ontario Civilian Commission on Police Services (OCCPS) must approve any staff reductions. This provincial body would require a solid case supporting these reductions (which I would not be able to provide). It is anticipated that a review by OCCPS, and their decision, would not be rendered within a year. Also, staff reductions would be accompanied by severance costs. No savings would be possible for 2003.

If lay-offs were to be imposed on the Service, and approved by OCCPS, future year annualized savings of \$4.6M would require the laying-off of approximately 70 staff (uniform and civilian). Annualized savings would not be realized earlier than 2005, and, severance costs of approximately \$1.2M would have to be funded from City reserves (or through a budget increase to the Service).

In summary, the 2003 budget request presented to the Board at its November 21, 2002 Board meeting represents a status quo budget, and is the minimum amount of funding required to provide a 2002 level of service. The 2003 request of \$648.9M includes the impact of the Association salary settlement as well as annualization costs related to 2002 hires and separations, and contractual increases such as benefit increases and impacts from capital. It adheres fully to City guidelines, and is in line with the base budget agreed-to by City staff.

A reduction to attain a target of \$629.9M is impossible, and would place the Service in jeopardy of not being able to meet the demands of the City of Toronto for policing services.

Yours truly,

Julian Fantino  
Chief of Police



Finance

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100 Queen St. West  
Toronto, Ontario, M5H 2N2

Joseph P. Pennachetti  
Chief Financial Officer & Treasurer

Tel: 416 3928773  
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November 13, 2002

Mr. Frank Chen  
Chief Administrative Officer  
Toronto Police Services  
40 College Street, 7<sup>th</sup> Floor  
Toronto, ON M5G 2J3

Dear Frank:

**Re: 2003 Toronto Police Service Operating Budget Target**

As you are aware, the public launch of the 2003 Consolidated Budget for the City of Toronto is scheduled for December 3, 2002. At that time, City Council will be informed of the operating budget pressures that the City programs are facing in 2003. As part of the launch, staff will also be putting forward a strategy for addressing these overall pressures.

A significant contributor to the 2003 Consolidated Operating Budget bottom line pressure is the Toronto Police Service with an increase of approximately \$45 million over the Council approved 2002 Police Services Operating Budget of \$604 million net. While background material relating to the operating pressures has been provided, a listing of reduction strategies required, as part of the budget process guidelines has not been submitted for discussion.

The major pressure facing the 2003 Toronto Police Service Operating Budget is the impact of the 2002 labour settlement. This is a similar theme throughout the directly operated City program where the settlement impact was 3%. As outlined at our 2003 budget discussions last week, City programs have submitted reductions resulting in an increase of less than 2%.

Since the negotiated settlement for the Police results in an impact of 4.2%, I respectfully submit that the Toronto Police Service meet a target 2003 Operating Budget increase of 4.2%. While this target is higher than City programs, we appreciate that in excess of 90% of the Police budget is salary and benefits related.

In order to meet our Council directed 2003 budget timeframe, we request the reduction plans that would be required in order to meet this target be provided no later than November 21, 2002.

Your co-operation in this regard is greatly appreciated.

Yours truly,

Joseph P. Pennachetti  
Chief Financial Officer & Treasurer

Three vertical lines for a signature or stamp.

11/15/02 11:21 FAX 416 397 5236

CITY OF TORONTO FINANCE

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cc: Shirley Hoy, City of Toronto, Chief Administrative Officer  
Bob Mavin, City of Toronto, Finance Department  
Al Horsman, City of Toronto, Finance Department

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P321. CORRESPONDENCE**

The Board was in receipt of a summary of the public correspondence received in the Board office between October 9, 2002 and November 4, 2002. A copy of the summary is on file in the Board office.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 21, 2002**

**#P322.       ADJOURNMENT**

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Norman Gardner  
Chairman