



Toronto Police Services Board Report

December 30, 2021

To: Chair and Members
Toronto Police Services Board

From: Ryan Teschner
Executive Director and Chief of Staff

Subject: Toronto Police Services Board 2022 Operating Budget Request

Recommendation(s):

It is recommended that the Toronto Police Services Board (Board):

- (1) Approve the Board's 2022 net operating budget request of \$1,969,800 which is a 2.0% increase over the 2021 approved budget; and,
- (2) Forward this report to the City's Budget Committee for consideration and to the City's Deputy City Manager and Chief Financial Officer for information.

Financial Implications:

This Toronto Police Services Board 2022 operating budget request is a net amount of \$1,969,800, which represents an increase of 2.0% over the 2021 budget that included no increase.

In proposing a 2022 net operating budget that amounts to a 2.0% increase over 2021, considerations included:

- the need for all City agencies, boards and commissions to do their part to assist the City of Toronto in managing the continued financial impact of the COVID-19 pandemic, while
- maintaining the required resources to support the Board and Office of the Police Services Board in discharging its important statutory governance and oversight obligations during a time of considerable and ongoing police reform and other priorities.

A summary of the net operating budget request is as follows:

(\$000)	2021 Budget	2022 Request	Change	2023 Outlook	Change
Salaries & Benefits	1,330.3	1,354.4	24.1	1,373.4	19.0
Net Non-Salary Expenditures	600.8	615.4	14.6	615.4	0.0
Total Net Request	1,931.1	1,969.8	38.7	1,988.8	19.0

Purpose:

This report proposes a 2022 operating budget that will ensure the Board and Office of the Police Services Board is able to discharge its statutory police governance and oversight responsibilities in the context of a significant and evolving police reform agenda.

The proposed budget recognizes that the Board’s work and the work of its professional staff occurs in the country’s largest municipality, with Canada’s largest municipal police service. In her report, *Missing and Missed*, Judge Epstein detailed the role and work of the Board and the Office of the Police Services Board, recognizing its importance in maintaining public confidence in the Toronto Police Service. Commenting on the increasing complexity and significance of the work required to fulfil the Board’s statutory role, Judge Epstein recommended that the Board “should be allocated sufficient funding to ensure it can perform its extensive governance and oversight responsibilities under the *Police Services Act* and the new *Community Safety and Policing Act, 2019*.” Future budget requests will, as recommended by Judge Epstein, account for the governance impacts of the forthcoming *Community Safety and Policing Act, 2019*, as well as the continued evolution of the Office’s approach to modernizing the Board’s civilian police governance and oversight functions.

The proposed budget balances these needs with a recognition of the budgetary pressures experienced across the City of Toronto’s agencies, boards and commissions, as a result of the continued impact of the COVID-19 pandemic.

Background:

The Toronto Police Services Board is the seven member civilian body that governs and oversees the Toronto Police Service. The Board is dedicated to ensuring that Toronto’s police services are delivered in partnership with our communities, to keep the city the best and safest place to be.

Ontario's *Police Services Act* requires the Board to, among other things: generally determine the objectives and priorities for police services in the municipality; set policies for the effective management of the police force; recruit and appoint the Chief of Police and Deputy Chiefs of Police; direct the Chief of Police and monitor their performance; negotiate labour relations contracts with the two bargaining agents for the Service's members; and, determine the budget for the police service.

Discussion:

The Board's Legislative Responsibilities

Under the *Police Services Act*, the Board is responsible for ensuring the provision of adequate and effective police services in Toronto, including the development of policies for the effective management of the Service.

As the employer of all members of the Toronto Police Service, the Board is also responsible for negotiating all labour contracts and collective agreements, the hiring/appointment and termination of all members, and monitoring the Chief's administration of the complaints and disciplinary system. In addition, the Board is responsible for the recruitment and appointment of the Chief of Police, Deputy Chiefs, the Chief Administrative Officer and the Chief Information Officer.

Collaboration and Consultation as Key Tools for Effective Governance

Ontario's municipal policing model places independent civilian governance at its core. It is a responsibility taken very seriously by the Board and the small professional team that supports it. The Board and Office of the Police Services Board works closely with the Chief of Police to set the strategic vision for the Service, and provide evidence-based governance through policies and other legally binding direction. Importantly, the Board also creates opportunities for members of the public, government bodies and stakeholder groups to engage and provide their perspectives and input concerning contemporary policing issues.

Over the past year, the Board has continued to modernize its approach to governance, introducing practices that enhance the relationships of the Board with both internal and external stakeholders. These relationships are crucial to the effective development and implementation of initiatives that respond to the Board's reform agenda, including its 81 recommendations for policing reform approved in August 2020.

Throughout 2021, the Board has engaged extensively with regulatory bodies, different levels of government, community organizations, academic experts, subject-matter experts within the Service, the Board's own Anti-Racism and Mental Health and Addictions Advisory Panels, and the public as a whole, on a series of issues and initiatives related to policing reform and improved services. Several of these initiatives have come to fruition in 2021, while others will be implemented in the coming year. These ongoing consultations, meetings, and conversations ensure that we remain

current in matters of community safety and well-being and ensure that we deliver comprehensive civilian governance and oversight.

Key Successes and Ongoing Work

Building on the roadmap for reform established by the Board in 2020, work in the past year has focused on implementing the recommendations approved by the Board, and developing new initiatives and approaches that enhance the effective governance of policing in Toronto. Some key accomplishments in 2021 include:

- Adherence to pandemic guidelines while being innovative in hosting publicly-accessible virtual Board meetings since the beginning of the restrictions on public gatherings
- Continuing to work with the Service on the implementation of the 81 recommendations on comprehensive policing reform in Toronto – a body of work that other police boards and commissions in Canada have relied on and used to guide their own work
- An expansion of the Service’s Neighbourhood Community Officer Program from within the existing police budget to ensure a higher presence of NCOs across more neighbourhoods
- Continuation of close working relationship with the City as it develops SafeTO and an Alternative Community Crisis Support Service
- Ongoing work with the Board’s two advisory panels, the Board’s Anti-Racism Advisory Panel (ARAP) and the Mental Health and Addictions Advisory Panel (MHAAP), including the selection of a new membership of ARAP that represents the diverse communities and lived experiences of the residents of Toronto
- Providing Anti-Black racism training for Board Members and Board Office Staff, and developing an on-going training process to ensure Board Members and Staff continue to receive up-to-date training on matters related to police governance in a diverse city
- The implementation of new policies based on best practices and good governance principles, and a continued review of all current Board Policies to modernize and remain responsive to changing legislative requirements, strategic direction, and the need for effective oversight, including the new *Budget Transparency Policy* and the *Recruitment, Appointments and Promotions for Uniform and Civilian Members of the Toronto Police Service Policy*, which replaced several Policies
- Launching and conducting policy consultative processes on proposed policies of public interest, including on artificial intelligence in policing
- Conclusion of Phase I: Public Consultation portion of the ongoing work on the Chief of Police selection process, and the launching of Phase II: Executive

Search which will conclude at the end of 2022 with the appointing of the next Chief of Police

- Approval of a new Memorandum of Understanding with the City's Auditor General, and working to establish a new Memorandum of Understanding, and accompanying work plan, to engage the City of Toronto's Ombudsman to enhance transparent and accountable oversight
- Continued governance and oversight for the implementation of *The Way Forward* and all related initiatives
- Improved availability and accessibility of information through the Board's website, including accessible versions of the Board's Policies
- Participation in professional forums to profile the innovative practices developed by Board Office Staff, and to contribute to modern civilian police governance approaches in Canada
- Continued engagement with the Province on the regulatory development process led by the Ministry of the Solicitor General ahead of the coming into force of the *Community Safety and Policy Act, 2019*, including providing commentary on and proposals concerning new regulations
- Continuation of the implementation of a Memorandum of Understanding with Midaynta Community Services (Mending a Crack in the Sky [MCIS]), developing sustained links with Neighbourhood Community Officers located within the west end Divisions (22, 12, 13, 23) and the Service's Community Partnerships & Engagement Unit. The focus of this work has been to foster mutual understanding between the Service and the Somali Communities in the west end of Toronto. In addition, the Board Office has supported MCIS in various successful grant applications

Key Challenges and Risks

The Board and Office of the Police Services Board:

- must continue its high degree of engagement with diverse communities on significant policing issues;
- continue to modernize its civilian governance and oversight structures, processes, policies and approaches to maintain its position as a leader in this space, and in the midst of the most significant legislative changes to Ontario's policing environment in decades;
- maintain transparency and accessibility to its work and governance processes as the world slowly emerges from pandemic-related restrictions; and,
- address the many and wide-ranging priorities, initiatives, and projects that are currently being implemented or that are forecasted to be addressed in 2022, in manner that maintains public confidence in Toronto's police governance and

oversight, while ensuring Board members and Board Office Staff can respond to unanticipated events.

Key Priorities for 2022

There are many priorities, initiatives, and projects that are currently being implemented or that are forecasted to be addressed in 2022 that will require Board members and Board Office Staff to be nimble, engaging, and accessible to the public. For example:

- Continued collaboration with the Service in the implementation of the Board's 81 Recommendations on Police Reform and 151 Recommendations from the Missing and Missed report concerning missing persons investigations
- Completing a Chief of Police Selection Process with enhanced public engagement and transparency
- Addressing findings from ongoing reviews by the Ontario Human Rights Commission and the Independent Workplace Wellness and Harassment Review
- Continued virtual Board meetings, and developing new online opportunities for the Board and Office of the Police Services Board to engage directly with the public (e.g., social media, Board website, virtual public consultation, etc.), as well as regular engagement with key policing stakeholders
- Continued work with City of Toronto partners on the SafeTO: Community Safety and Well-Being Plan and the development of the City's Alternative Community Crisis Support Service
- Providing input into the development of regulations under Ontario's forthcoming *Community Safety and Policing Act, 2019*
- Continued work to streamline, modernize and improve the Board's governance approaches through a review of all Board Policies (e.g., adequacy standards, Use of Force) and the development of new leading police governance policies in Canada (e.g., AI Technologies Policy)
- Increase the amount of information and level of analysis on the effectiveness and the impacts of the Service's various initiatives, that is made available to the Board and the public

Throughout 2022, the Board will continue this and other work in a transparent and consultative spirit, with the goal of ensuring effective governance and fair and accountable policing in Toronto.

Salary and Benefit Accounts

The Board Office's approved staffing complement is 7.5 staff, which comprises: an Executive Director and Chief of Staff; Senior Advisor, Policy and Communications;

Senior Advisor, Strategic Analysis and Governance; Advisor, Strategic Policy & Stakeholder Relations (a role for which a reclassification is in progress at the time of writing this report); Board Administrator; Executive Assistant to the Chair; Executive Assistant to the Executive Director; and Part Time Administrative Assistant. Together, these staff members provide all of the professional support in a wide range of areas associated with the Board's statutory function, including: policy development, labour relations, budget development and support, Board meeting work, public engagement, research and analysis, communications, government relations and administrative support. The work performed by the small team of professional staff is essential to the Board's ability to provide adequate and effective police services to the communities we serve. Although the scope and approach to the Board's work – premised on a modernized understanding of the police governance function – continues to expand to encompass more proactive and strategic work, and a more significant volume of work, the Board's staffing complement remains the same.

The budget request in the Board's salary and benefit accounts, totalling \$1,354,400 includes salary/benefits for its approved staff complement. In August 2019, the Board negotiated a new collective agreement with the Senior Officers Organization, and, at its meeting of October 22, 2019, approved a recommendation to ratify the same monetary settlement to Excluded staff, which includes members of the Board Office staff (Min. No P205/19 refers). As a result, the 2022 impact of the settlement, amounting to \$22,000 has been added to reflect the collective bargaining agreement. This request also includes the Council-established Board Member remuneration.

Non-Salary Expenditures

While this requested budget will allow for the continued implementation of police reform and other strategic initiatives, the increase in the budget requests reflects the proactive allocation of funds for a job reclassification process in progress, as well as honouraria for community members on the Board's Advisory Panels. These honouraria are in line with the City's established approach to honouraria for participants in consultative bodies, as well as the approach the Service has taken for the members of its Police and Community Engagement Review (PACER) Advisory. Providing honouraria reflects a respect and appreciation of the deep knowledge, insights and advice these community volunteers contribute to the success of the Board in carrying out its oversight and governance roles.

A portion of the non-salary accounts has also been allotted to training and development for the Office of the Police Services Board. The Office Staff are critical to delivering professional, best-in-class services to support the Board's various functions. The Office must be able to function as a fully independent policy, quality assurance, evaluation, communications, stakeholder engagement and government relations centre of excellence. Staff are better equipped to perform these key functions through accessing specific and topical professional development training programs and learning opportunities to keep their skills relevant. Additionally, members of the Office Staff frequently contribute to, and are featured at professional development conferences, seminars and other forums hosted by the Canadian Association of Police Governance,

the Ontario Association of Police Services Boards, and other organizations focused on police governance, oversight and contemporary policing topics.

The majority of the non-salary costs are for arbitrations/grievances. It is not possible to predict or control the number of grievances filed or referred to arbitration, as filings are at the discretion of bargaining units. In order to deal with this uncertainty, the 2022 budget includes a \$424,800 contribution to a Legal Reserve for the costs of independent legal advice – an amount that is unchanged from the 2021 budget. Fluctuations in legal spending will be dealt with by increasing or decreasing the budgeted reserve contribution in future years' operating budgets so that the Board has funds available in the Reserve for these variable expenditures.

Without the Legal Reserve, funds will not be available in the event that the Board requires legal advice other than that which is available from the City of Toronto Legal department. Similarly, no funds will be available should the Board require any additional external consulting advice or professional services.

Expenditures within the proposed legal services accounts are difficult to predict as they are often incurred in response to an action or event. Recent settlement statistics related to labour disputes and grievances do indicate that fewer matters proceed to a hearing; the matters that do proceed to hearings are increasingly complex.

The remaining portion of the proposed non-salary budget is for the running of the day-to-day operations of the Office, and includes funding for long-standing memberships in the Ontario Association of Police Services Boards and the Canadian Association of Police Governance.

Conclusion:

The budget proposed in this report is founded on the Board's continued commitment to meet its legislative mandate in a manner that inspires public confidence is meaningful to those we serve, and is fiscally responsible. The Board and Office of the Police Services Board will deliver modern independent police governance that continues to lead the country.

Respectfully submitted,

Ryan Teschner
Executive Director and Chief of Staff