



**The following *draft* Minutes of the meeting of the Toronto Police Services Board held on November 13, 2003 are subject to adoption at its next regularly scheduled meeting.**

**The Minutes of the meeting held on October 16, 2003 and the telephone poll held on October 27, 2003 previously circulated in draft form were approved by the Toronto Police Service Board at its meeting held on November 13, 2003.**

**MINUTES OF THE PUBLIC MEETING** of the Toronto Police Services Board held on **NOVEMBER 13, 2003** at 1:30 PM in the Council Chambers, Metro Hall, 55 John Street, Toronto, Ontario.

**PRESENT:**

- Gloria Lindsay Luby**, Councillor & Acting Chair
- A. Milliken Heisey, Q.C.**, Member
- Allan Leach**, Member
- Frances Nunziata**, Councillor & Member

**ALSO PRESENT:**

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

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P309.           OUTSTANDING REPORTS - PUBLIC**

The Board was in receipt of the following report OCTOBER 29, 2003 from Gloria Lindsay Luby, Acting Chair:

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.

**Acting Chair Gloria Lindsay Luby asked Chief Fantino for the reasons for the delay of the two Air Support Service reports and the date when the reports would be submitted.**

**The Board was advised that the Progressive Conservative provincial government had promised to provide funds in the amount of \$1.0 Million towards the purchase of a helicopter and that the status of those funds was not known at this time due to the recent election of a Liberal government.**

**The Board received the foregoing and agreed that the two reports were no longer required.**

**Report that was expected for the November 13, 2003 meeting:**

Board Reference	Issue - Pending Reports	Report Status	Recommendation Action Required
#P240/02 #P325/02 #P345/02 #P11/03 #P201/03	<p><b>Air Support Unit</b></p> <ul style="list-style-type: none"> <li>• <u>Issue:</u> the financial plan and the financial impacts of the Air Support project and all agreements be provided to the Board for approval</li> <li>• on January 30/03 Chief advised that a full financial plan will be submitted for the July 17/03 meeting</li> <li>• report on Regional Air Support Program and response by Durham Regional PSB to coordinated air support</li> <li>• annual reporting of performance indicators to be submitted following commencement of new unit</li> </ul>	<p>Report Due: July 17/03            Extension Reqs'd: July 17/03            Extension Granted: Yes, July 17/03            Revised Due Date: Sept. 25/03  <b>Status:.....outstanding</b></p> <p>Report Due: Mar. 27/03            Extension Reqs'd:            Extension Granted:            Revised Due Date:  <b>Status:.....outstanding</b></p>	<p>Chief of Police</p> <p>Chief of Police</p>

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P310. TORONTO POLICE ASSOCIATION: ENDORSING CANDIDATES FOR  
ELECTED OFFICE**

The Board was in receipt of the following correspondence regarding the Toronto Police Association's recent endorsement of candidates in the November 10, 2003 municipal election:

- September 30, 2003 from Mr. Mark Wainberg, The Law Union of Ontario;
- October 23, 2003 from Mr. Ralph B. Steinberg, Criminal Lawyers' Association; and
- October 27, 2003 from Mr. Paul D. Copeland, The Law Union of Ontario

Copies of the correspondence are appended to this Minute for information.

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

- Mr. Howard F. Morton, The Law Union of Ontario \*
- Mr. Paul D. Copeland, The Law Union of Ontario \*
- Mr. Ralph Steinberg, Criminal Lawyers' Association

\* written submissions were also provided; copies are on file in the Board office.

The Board was also in receipt of the following written submissions; copies are on file in the Board office:

- November 13, 2003 from Mr. John Murphy
- November 09, 2003 from Mr. Vance Latchford, Latchford Associates

**Following a discussion about this matter with the deputants, the Board received the foregoing correspondence and the written submissions and approved the following Motions:**

- 1. THAT the Board send correspondence to the Minister of Community Safety & Correctional Services requesting that the province review the legislation pertaining to political activity immediately and establish very clear legislation which will apply to all police services boards and police associations across the province;**

cont...d

- 2. THAT the Board release the conclusions of the two legal opinions it received on whether or not police officers who are elected as members of the Board of Directors of the Toronto Police Association are considered to be police officers during the terms of their appointments to the Board of Directors; and whether they are permitted by the *Police Services Act* to endorse candidates for elected office;**
- 3. THAT the Board amend its Code of Conduct so that, in future, the elected members of the Board cannot seek or accept the endorsement of the Toronto Police Association;**
- 4. THAT the Board send a recommendation to the City of Toronto, through the Administration Committee, that the Code of Conduct governing members of Council be amended so that, in future, members of Council cannot seek or accept the endorsement of the Toronto Police Association; and**
- 5. THAT the Board request Mr. Albert Cohen, City of Toronto – Legal Services Division, to provide a report to the Board for its next meeting on a course of action to pursue in order to receive an interpretation of the *Police Services Act* and Ontario Regulation 554/91 from the courts on whether members of the Executive Board of Directors of the Toronto Police Association are police officers and are prohibited from endorsing candidates for elected office.**

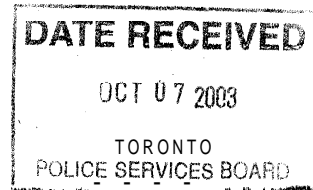
THE  
LAW UNION  
OF ONTARIO

Please address reply to:

Mark Wainberg  
1 Bedford Road  
Toronto, Ontario M5R 2J7

September 30, 2003

Members of the  
Toronto Police Services Board  
40 College Street  
Toronto, ON M5G 2J3



Dear Members of the Board:

On behalf of the Law Union of Ontario, I am enclosing a letter that the Law Union has sent to Chief Fantino.

Would you please keep us informed as to what steps, if any, Chief Fantino takes in regard to this matter.

We understand that the Association is intending to endorse candidates in the Toronto municipal campaign. We would ask the Board to take all appropriate steps to make sure that the Association does not endorse candidates in the municipal campaign and to ensure that the laws relating to the permitted activity of police officers are obeyed by the police officer members of the Association executive.

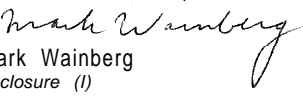
We understand that a legal opinion on this issue was provided to the Board by Ron Manes. Notwithstanding Freedom of Information requests, we have been unable to obtain a copy of Mr. Manes letter.

In the circumstances of this egregious violation of the provisions of the Police **Services Act** might we suggest that it would be appropriate for the Board to release the opinion provided to the Board by Mr. Manes.

We would also ask you to allow a representative of the Law Union an opportunity to appear before the Board in the near future in regard to this matter.

Yours truly,

THE LAW UNION OF ONTARIO

  
Mark Wainberg  
Enclosure (1)



THE  
LAW UNION  
OF ONTARIO

---

Please address reply to:

Mark Wainberg  
1 Bedford Road  
Toronto, Ontario M5R 2J7

October 2, 2003

Police Chief Julian Fantino  
Toronto Police Service  
40 College Street  
Toronto, ON M5G 2J3

Dear Chief Fantino:

In the newspapers on September 26<sup>th</sup>, 2003, there were reports that the Toronto Police Association had endorsed the Eves' Government for re-election in Ontario. On Saturday, September 27<sup>th</sup>, 2003, a full-page ad placed by the Toronto Police Association appeared in the Globe & Mail in which the Association endorsed the Eves' Government and candidates running for it.

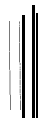
As you are aware, Section 46 of the *Police Services Act* prohibits municipal police officers from engaging in any political activity except as the regulations under the Act permit.

Regulation 554/91 allows some limited political activity but says that during a campaign, police officers cannot

“ . . . **express** views supporting or opposing:

- (i) a candidate in the election or a political party that has nominated a candidate in an election, or
- (ii) a position taken by a candidate in the election or a political party that has nominated a candidate in the election”.

I am enclosing a rather poor photocopy of a legal opinion dated September 19, 2000 prepared by Albert Cohen, who is now the City Solicitor for Toronto.





Mr. Cohen concluded that:

"The Regulation establishes the limited circumstances in which a municipal police officer may engage in political activity. It is likely that the Regulation applies to limit the political activities of members of the Association executive who are police officers".

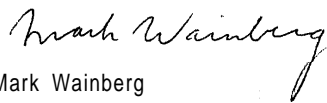
Members of the Law Union believe that the members of the Association executive who caused the ad to be placed in the *Globe & Mail*, and who advised the media that the Association was endorsing the Eves Government have violated the provisions of Section 46 of the Police Act. It appears to us that the most appropriate way to deal with the violation of the *Act* and Regulations is for discipline proceedings to be taken against the members of the Association executive who are police officers.

All residents of Ontario are directly affected by such violations of Section 46 of the Police Services Act. In a democracy, the police, like the armed forces, must be politically neutral.

We ask you to commence an investigation in regard to this matter. Will you please keep us informed of what steps you take and whether charges are laid against the police **officer** members of the Association executive.

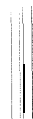
Yours truly,

THE LAW UNION OF ONTARIO



Mark Wainberg

Enclosure (1)



Kmb

 **TORONTO** STAFF REPORT

September 19, 2000

To: City Council  
From: City Solicitor  
Subject: Legislative Restrictions on Political Activity of Police Officers

Purpose:

The purpose of this report is to respond to a request from City Council for a report on the restrictions on the political activity of police officers under applicable legislation.

Financial Implications and Impact Statement:

There are no financial implications from receipt of this report.

Recommendations:

It is recommended that this report be received for information

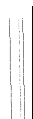
Background

At its meeting held on August 1, 2, 3 and 4, 2000, City Council adopted a motion, moved by Councillor Johnston and seconded by Councillor Miller, requesting the City Solicitor to report to the meeting of City Council scheduled for October 3, 2000, on the restrictions on political activity of police officers under applicable legislation.

Comments:

I. Applicable Legislative Restrictions

Section 46 of the Police Services Act (the "Act") prohibits municipal police officers from engaging in any political activity, except as the regulations made under the Act may permit. Ontario Regulation 554/91, as amended, (the "Regulation"), sets out the limited circumstances in which a municipal police officer can engage in political activity despite the general rule prohibiting-



participation in such activity. In summary form, the relevant portions of the Regulation provide as follows:

- i. Municipal police officers may
  - (i) vote in an election;
  - (ii) be members of a political party or an organization engaged in political activity; and
  - (iii) make contributions to a political party, other political organization or a candidate in an election.
  
- 2. Municipal police officers who are not on duty and who are not in uniform may:
  - (i) express views on issues *not* directly related to their responsibilities as police officers, provided there is no association of their positions as police officers with the issue or representation of the views expressed as those of the police service;
  - (ii) attend and participate in public meetings, including those with elected officials and candidates in an election;
  - (iii) attend and participate in meetings of a political party or other political organization;
  - (iv) canvass on behalf of a political party or other political organization or a candidate in an election, provided they do not solicit or receive funds on behalf of such organizations or candidates;
  - (v) act as scrutineers for a candidate in an election;
  - (vi) transport electors to a polling place on behalf of a candidate; and
  - (vii) engage in all other political activity, other than soliciting or receiving funds or activity that places or is likely to place the police officers in a position of conflict of interest.

As well, the Regulation provides that the expression of views in the course of activities (ii) through (vii) is subject to the restrictions set out in (i), above.
  
- 3. If authorized by the police services board or the chief of police, municipal police officers may, on behalf of the police service, express views on any issue, provided that during an election campaign the police officers do not express views supporting or opposing:
  - (i) a candidate in the election or the political party that has nominated a candidate in an election; or
  - (ii) a position taken by a candidate in the election or by a political party that has nominated a candidate in the election.



4. Provided it does not interfere with the police officers' duties as police officers. Or place or is likely to place police officers in a position of conflict of interest, municipal police officers may:
- (i) be appointed or be candidates for election to a local board, other than a police services board;
  - (ii) serve on a local board, other than a police services board; and
  - (iii) engage in political activity related to the aforementioned appointments, candidacies or service.
5. Municipal police officers, other than a chief of police or deputy chief of police, may stand as candidates in a federal, provincial or municipal election. Municipal police officers that propose to become candidates; in such an election must apply to the police services board for a leave of absence without pay for a period of not more than sixty days ending on the polling day of the relevant election. However, the board must approve any such application for a leave of absence. Municipal police officers on such leave of absence may engage in political activity related to the election and, if elected to the office sought in the election, must resign as police officers before serving in the office to which they have been elected.

In light of the foregoing provisions of the Regulation, it appears that, with respect to endorsing a candidate, municipal police officers may express views on the desirability of electing a candidate. However, when doing so, they must not be on duty and in uniform, must not associate their positions as police officers with their views, must not address issues directly related to their responsibilities as police officers or represent their views as those of the police service.

As well, police officers may express views on an issue on behalf of the police service if authorized to do so by the chief of police or the board. However, in those circumstances, they are explicitly prohibited from supporting or opposing a candidate in an election during the course of an election campaign.

Members of Council should note that there are arguments that can be raised that these legislative provisions contravene the terms of the *Canadian Charter of Rights and Freedoms*, particularly the right of freedom of expression. The matter has not yet been addressed by a court in relation to the Act and the Regulation. However, there are a number of strong arguments that can be raised that, given the limited scope of the restrictions on political activity and the significance of an independent and neutral police service, the legislative provisions are legally acceptable under the *Charter*.

## II. Application of Restrictions to Police Association Executive

Despite the legislative provisions, an issue arises respecting the application of these provisions to members of the Police Association executive who are police officers. It is my understanding that the executives are on leave of absence while serving on behalf of the Association and, obviously, are acting on behalf of their membership while on the executive. However, this does not alter the

- 4 -

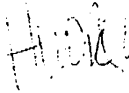
fundamental fact that the members of the executive who are police officers retain that status while on leave and, in my opinion, are still, subject to the legislative restrictions on political activity described above. Therefore, in expressing views on political matters, members of the Association executive must not address issues directly related to their responsibilities as police officers and must not associate their position as police officers with the issue. Arguably, by virtue of their status as members of the executive of the Association, in expressing support for a candidate in an election, members of the executive are associating their position as police officers with the candidate and are addressing issues directly related to their positions as police officers, i.e. the desirability of electing candidates considered suitable from a police and law enforcement perspective.

Conclusions:

The Regulation establishes the limited circumstances in which a municipal police officer may engage in political activity. It is likely that the Regulation applies to limit the political activities of members of the Association executive who are police officers.

Contact:

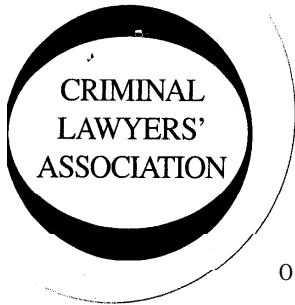
Albert Cohen  
Director, Litigation  
Tel: 392-8041  
Fax: 397-5634



H.W.O. Doyle  
City Solicitor

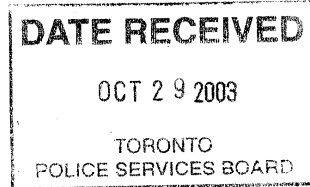
List of Attachments:

Ontario Regulation 554/91



CRIMINAL LAWYERS' ASSOCIATION  
 365 Bloor St. E., Suite 1807  
 Toronto, ON M4W 3L4  
 Tel: (416) 214-9875  
 Fax: (416) 968-6818  
 anthony@crimallawyers.ca

October 23, 2003



Members of the  
 Toronto Police Services Board  
 40 College Street  
 Toronto, Ontario  
 M5G 2J3

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Irwin Koziobrocki

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 R.J. Carter, Q.C.  
 The Hon. R.G. Thomas  
 E.J. Levy, Q.C.  
 B.H. Greenspan  
 The Hon. B. Durno  
 Alan Gold  
 The Hon. M.K. Fuerst

Dear Members of the Board:


I am enclosing a letter that the Criminal Lawyers' Association has forwarded to Chief Fantino. We are aware that the Law Union of Ontario has sought a similar investigation in regard to the endorsement by the Toronto Police Association of political candidates in the provincial election earlier this month.

I would appreciate being informed, as a representative of the Criminal Lawyers' Association, of the steps, if any, taken by Chief Fantino in regard to our request for an investigation.

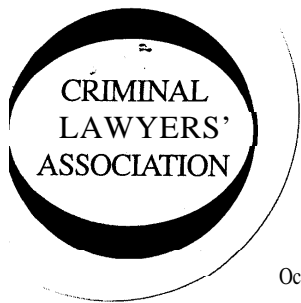
Further, the Criminal Lawyers' Association joins with the Law Union of Ontario in its request that the Toronto Police Services Board take all appropriate steps to ensure that the Toronto Police Association does not endorse candidates in the ongoing municipal campaign, and ensures that the laws relating to the permissible area of activity of municipal police officers are obeyed by the police officer members of the Association Executive.

The Criminal Lawyers' Association also seeks the release of the legal opinion provided to the Board by Mr. Manes on the issue of permissible political activity by municipal police officers.

Yours very truly,

  
 Ralph B. Steinberg  
 RBS:dmj

cc: Mark Wainberg  
 Law Union of Ontario



CRIMINAL LAWYERS' ASSOCIATION  
 365 BLOOR St. E., Suite 1807  
 Toronto, ON M4W 3L4  
 Tel: (416) 214-9875  
 Fax: (416) 968-6818  
[anthony@criminallawyers.ca](mailto:anthony@criminallawyers.ca)

October 23, 2003

**PRESIDENT**  
 Ralph B. Steinberg

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**PAST PRESIDENTS**  
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 The Hon. B. Dumo  
 Alan Gold  
 The Hon. M.K. Fuerst

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

Dear Chief Fantino:

The Criminal Lawyers' Association is aware of the correspondence forwarded to you by the Law Union of Ontario, which requested that you commence an investigation in regard to the endorsement by the Toronto Police Association of political candidates in the provincial election earlier this month. The Criminal Lawyers' Association, like the Law Union of Ontario, is concerned that the endorsements represent a violation of Section 46 of the *Police Services Act* and Regulation 554/91 of the *Police Services Act*. It is the view of the Criminal Lawyers' Association that the activity of the Toronto Police Association in endorsing political candidates is a violation that adversely affects the democratic process and must be addressed by you.

The Criminal Lawyers' Association therefore joins in the request of the Law Union of Ontario that you undertake an investigation in regard to this matter, and that you keep us informed of the progress and outcome of the investigation against the police officer members of the Association Executive.

Yours very truly,

Ralph B. Steinberg  
 RBS:dmj

cc: Mark Wainberg  
 Law Union of Ontario

THE  
**LAW UNION**  
OF ONTARIO

---

Please address reply to:

**Paul D. Copeland**  
**Barrister & Solicitor**  
31 Prince Arthur Avenue  
Toronto, ON M5R 1B2  
Tel: 416-964-8126  
Fax: 416-960-5456  
E-mail: paulcpe9@yahoo.com

October 27, 2003

Via Facsimile: **416-808-8082**

Toronto Police Services Board  
40 College Street  
Toronto, ON M5G 2J3

Dear Sir or Madam:

**RE: Toronto Police Association endorsing candidates**

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This will confirm that on October 27<sup>th</sup>, I spoke to Deidre Williams and advised her that a representative of the **Law** Union will be appearing before the Board to make a deputation in regard to the above-mentioned matter.

In Mr. Wainberg's letter of September 30<sup>th</sup>, 2003, he requested that the Board release the legal opinion provided to the Board by Mr. Ron Mains.

I am now given to understand that there is a second opinion which has been prepared for the Board on this subject and that that opinion has been distributed to Board members.

In order for the **Law** Union to make meaningful submissions to the Board, it is critical that we have an opportunity of seeing the legal opinions that the Board has obtained on this subject.

We believe that this matter is of such importance that limiting us to a **5-minute** deputation will make it virtually impossible for us to make a meaningful presentation to the Board. As you may recall the **Law Union was** before the Police Services Board in August 2000, dealing with the exact same issue. In that regard, I am enclosing a copy of a letter I received from the Regional Municipality of York Police Services Board dated January 30, 2001. That letter indicates **that** the Ontario Association of Police Services Board was addressing this issue on behalf of all Boards with the Ministry of the Solicitor General. I presume that the

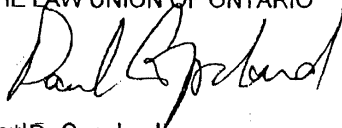


Toronto Police Services Board joined in the approach made to the Solicitor General by the Ontario Association of Police Services Boards.

For the purposes of making submissions to your Board, it is critical to us that we be made aware of the nature of the approach that was made by the Ontario Association of Police Services Board to the Solicitor General. Would you be prepared to provide us with that material?

Yours truly,

THE LAW UNION OF ONTARIO

A handwritten signature in black ink, appearing to read "Paul D. Copeland", written over the typed name.

Paul D. Copeland  
PDC/ct  
*Enclosure (1)*



**Regional Municipality of York Police Services Board**

17250 Yonge Street, Newmarket, Ontario, Canada L3Y 4W5  
(905) 830-0303 or Toronto line (905) 773-1222 (Ext. 7906)  
Fax: (905) 895-5249 E-mail: [psb@police.york.on.ca](mailto:psb@police.york.on.ca)

*The Benchmark of Excellence in Policing*

, January 30, 2001

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Mayor

Vice-Chair  
**David Barrow**  
Regional Councillor

Members  
**Robert B. Callow**  
Provincial Appointee

**Ricky Chan**  
Provincial Appointee

**Mario Cortellucci**  
Provincial Appointee

**Bill Fisch**  
Regional Chair

**Vic Wilson**  
Regional Council  
Appointee

Executive Director  
**Connie Mahaffy**

Mr. Paul D. Copeland  
Copeland, Duncan  
31 Prince Arthur Avenue  
Toronto, Ontario  
M5R 1B2

RECEIVED  
FEB 06 2001

Dear Mr. Copeland:

The Regional Municipality of York Police Services Board has reviewed your November 15, 2000 correspondence with respect to the endorsement of political candidates by police associations.

Mayor Margaret Black, Chair of the Police Services Board, has advised that the Ontario Association of Police Services Boards is addressing this issue on behalf of all Boards with the Ministry of the Solicitor General.

Thank you for bringing your concerns to the Board's attention.

Yours truly,

Connie Mahaffy  
Executive Director

c. Mayor Margaret Black, Chair



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P311. REQUEST FOR REVIEW OF A COMPLAINT ABOUT POLICE POLICY  
(TPS FILE No. 2003-EXT-0357) – ROAD-SIDE ALCOHOL SCREENING  
TESTS**

The Board was in receipt of the following report OCTOBER 07, 2003 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR REVIEW OF A COMPLAINT ABOUT POLICE POLICY  
(TPS FILE NO.2003-EXT-0357)

Recommendation:

It is recommended that:

- (1) The Board review the policy complaint summarized in this report.
- (2) The Board determine whether it will concur with the decision that no further action be taken with respect to the complaint.
- (3) The complainants are notified of the outcome of the Board's review.

Background:

Legislative Requirements:

Section 61 of the Police Services Act (PSA) deals specifically with complaints about the policies of, or services provided by a municipal police force. Subsection 61(7) allows for a complainant to request a review of the investigation into the policy complaint by the Board.

Nature of the Complaint:

- The policy complaint emanates from a traffic fatality investigation that occurred on Friday, October 11, 2002, at about 10:35 p.m. at Richmond Street West within the City of Toronto.
- On Friday, October 11, 2002, Traffic Services (TSV) conducted an investigation into a fatality collision involving the operator of a motor vehicle, and two pedestrians, a 28 year old male, who sustained injuries and a 24 year old female, now deceased.
- The collision occurred at 10:35 p.m., 14 Division officers arrived on the scene within minutes, assisted the victims, secured the scene, determined the operator's identity, interacted with him and seized the ignition keys for his motor vehicle.

- No officers and/or civilian witnesses made any observations, or voiced any suspicions or concerns of alcohol consumption by the involved operator.
- A Police Constable (P.C.) from TSV was dispatched at 11:30 p.m. to attend the location and arrived on the scene at 11:38 p.m. He was subsequently designated as the investigating officer for the collision investigation.
- The investigating officer's subsequent conversation and sensory observations of the operator did not detect any odour of an alcoholic beverage on his breath.
- The issue of the operator's alcohol consumption came to light only upon his own admission of consuming 1 ¾ beers with appetizers at a restaurant prior to the collision.
- In overview, this collision occurred at 10:35 p.m. A P.C. from TSV, arrived on scene at 11:38 p.m., 63 minutes after the collision had occurred. In total, 78 minutes had elapsed since the time of the collision and when the P.C. from TSV first engaged in conversation with the operator.
- On November 11, 2002, the operator was charged with Careless Driving, Contrary to Section 130 of the Highway Traffic Act (HTA).
- Officers from TSV met with the complainants and discussed the investigation.
- A Barrister/Solicitor represented the complainants and initiated correspondence with the TPS on their behalf.
- Correspondence was exchanged between the complainants' counsel and the Toronto Police Service (TPS) that had resulted in the Policy complaint being assigned to Corporate Planning for review on June 23, 2003.
- On August 17, 2003, the report of investigation and the accompanying covering letter was sent to the complainants' counsel.
- The Toronto Police Services Board received a request on Friday, September 12, 2003, to review the disposition that "no further action will be taken in this matter," pursuant to Section 61 of the PSA.

Nature of the Chief's Decision:

The complainants alleged that:

- the practice of the TPS not to administer an approved screening device test at collision scenes is flawed;

- the TPS failed to enforce provisions of the Criminal Code of Canada; specifically, Traffic Services (TSV) conducted an inadequate “Fatality Investigation” by failing to demand an “Approved Screening Device” test at the collision scene.

The Corporate Planning Unit investigated the policy complaint.

As a result of the investigation and careful review of the procedures, it was concluded that Service procedures “*give sufficient direction to our officers in the use of a road-side alcohol screening device and the administration of such a test. Likewise, they give appropriate direction to members regarding serious injury/fatality and alcohol-related investigations and reflect training received by officers.*”

Contrary to the complainants’ allegation, the Service does not employ a practice whereby screening devices are never used at collision scenes. Rather, these devices are used when specific circumstances exist. As identified in the Report of Investigation, Procedure (07-08) “Approved Screening Device” identifies the circumstances in which such a device may be used. The Procedure directs that “*an approved screening device is to be used only when the investigating officer has a reasonable suspicion that the operator or the person having care or control of a motor vehicle has consumed alcohol*”. This procedure reflects and is in line with the provisions of Section 254(2) of the Criminal Code of Canada.

Furthermore, Service procedure (07-08) directs that the approved screening device (ASD) is not to be administered to a person with obvious signs of impairment. In investigations where the driver is exhibiting obvious signs of impairment, Service procedures direct that the officer must comply with Procedure (07-06) “Ability Impaired/Over 80 Investigation”. This Procedure directs that an officer shall arrest pursuant to Procedure (01-01) “Arrest” when sufficient evidence has been obtained for an ability impaired offence. This is consistent with Criminal Code requirements and the best practices of this Service.

A review of the related TPS Procedures reinforces that our Service provides adequate direction to our members to ensure a professional and comprehensive fatality/alcohol related investigation is conducted.

Finally, Service procedures give sufficient direction to officers investigating collisions and the appropriate lawful use of the ASD.

#### Complainant Request for Review:

In the request for review of the policy complaint decision, the complainants identified and requested review of three additional issues:

- 1) *Are the police properly trained with respect to providing information and explanations to grieving families or are many victims simply left in the dark due to police indifference?*

- 2) *Are the police properly trained in the law relating to roadside breath testing and what is the operational policy with respect to investigating a fatal accident when TSV does not respond to the accident in a prompt manner?*
- 3) *When can a proper estimate of pre-collision speed be made and are officers properly trained to make this calculation?*

Response to the Complainants' Review Issues:

Issue #1:

*Are the police properly trained with respect to providing information and explanations to grieving families or are many victims simply left in the dark due to police indifference?*

The TPS works in partnership with the Victim Services Program Inc. (Victim Services Program) to provide assistance to victims of all types of incidents. TPS front-line officers are trained and encouraged to effectively utilize this front-line support initiative in dealing with victims of crime and/or circumstances.

At present, C.O. Bick College has incorporated tactical communication and compassionate messaging within its training curriculum. The TPS continues to enhance officer training in this vital area and this commitment is entrenched within Procedure (04-08) "Compassionate Messages" and (04-31) "Victim Services Program". Also, TPS officers are aware of the effective and integral role that the Victim Services Program plays in their providing of information, explanations, and comfort to a victim and/or next of kin.

Additionally, officers may call upon trained members of the Victim Services Program (twenty-four hours a day and seven days a week) to attend and/or assist police with incidents involving sudden death (traffic fatality) and its related psychological or physical trauma. Case Managers ensure additional assistance is obtained through the Victim Services Program when necessary.

Issue #2:

*Are the police properly trained in the law relating to roadside breath testing and what is the operational policy with respect to investigating a fatal accident when Traffic Services does not respond to the accident in a prompt manner?*

Roadside Breath Test Training:

In response to the first part of the question, yes, all officers are trained in the law relating to roadside breath testing and their responsibilities. Furthermore, since 1993 all new TPS officers receive training and materials as prescribed by the Recommended Standards and Procedures of the Canadian Society of Forensic Science Alcohol Test Committee, (Appendix 'A' refers). Officers are well prepared to deal with any operational eventualities that may arise.

The second part of the above question “*what is the operational policy with respect to investigating a fatal accident when Traffic Services does not respond to the accident promptly*” requires explanation of the process of any major investigation requiring specialist investigators such as those from TSV, Homicide Squad, Hold Up Squad or Sex Crimes Unit.

The procedural responsibility for an investigation starts with the first officer on the scene and only when a specialist officer or supervisor/detective attends is the accountability for the overall investigation transferred. The investigation commences and progresses continually from the moment the first officer arrives until concluded by the assigned specialist unit or squad.

In keeping with this model of investigative response, the time of arrival of a specialist investigator (in this case TSV) is not as critical as the time of arrival of the first officer responding to the incident to commence the investigation. In collisions in which a TSV investigator is required, e.g. all fatal and life threatening injury collisions (per Procedure 07-03), the dispatched or first officer on the scene retains responsibility for the investigation until the arrival of the TSV investigator.

In order to ensure appropriate first response, all officers are trained in the probable dynamics of “*at scene*” collision investigation. Officers consider the following in their investigation:

- Preservation of life and prevention of further injury
- Identification and elimination of hazardous situations
- Complexities of collision investigation and alcohol/drug use
- Gathering and preservation of evidence
- Taking appropriate enforcement action

TPS officers must contact TSV for all serious “life threatening” collision investigations, but are directed to continue with the investigation and consider it their own until relieved by a TSV specialist. The immediate attendance of TSV at life-threatening and fatality investigations is contingent upon demands for service and the availability of their specialist officers. TPS training, in conjunction with Service Procedures, directs that an investigation will continue in a thorough and professional manner until its conclusion.

TPS Procedure (07-01) reinforces the criteria, collision scene responsibilities, and process for investigation.

### Issue #3:

*When can a proper estimate of pre-collision speed be made and are officers properly trained to make this calculation?*

TSV Reconstructionists are adequately trained to determine pre-collision speeds for many different scenarios contingent on the availability of required data.

Through this training and experience, these specialist officers make the determination of whether or not an accurate estimate of pre-collision speed can be made.

It should be noted, however, that each situation is unique and variables exist that impact directly upon obtaining accurate pre-collision speed estimates. Minute changes in these variables can dramatically affect estimates of pre-collision speed and periodically the final result is left undetermined.

TPS is dedicated to providing superior fatality investigation and this is best exemplified through the development of its specialized TSV Collision Reconstructionist Squad. This squad consists of twelve designated collision reconstructionists and four apprenticeship positions. At present, a one-year apprenticeship program exists within TSV. This program monitors and scrutinizes an officer's training and reports on ability development. Each and every report must pass a detailed two-part review process and is subject to final review via a Reconstructionist Supervisor prior to any civil or criminal proceedings.

TPS training is thorough and consistent with established North American standards.

#### Summary:

TPS Procedures:

- provide sufficient direction and guidance to officers in the use and administration of the alcohol screening device;
- give appropriate direction and assistance to officers regarding serious injury/fatality and alcohol-related investigation;
- ensure that officers are alerted to the importance of utilizing the expertise of Victim Services and providing support to grieving families;
- ensure that adequate direction and support is given to officers enabling them to enforce the laws and put the appropriate charges before the courts.

Finally, it is important to note that the complaint was classified as a policy complaint and for that reason forwarded to Corporate Planning with the expectation that all relevant Service procedures and policies would be reviewed in light of the allegations. I am satisfied that the relevant procedures were thoroughly reviewed and that they give sufficient and appropriate direction to our officers as they relate to the complainants' allegations.

Therefore, based on the information available, it is my decision that no further action is to be taken.

In reviewing a policy or service complaint, the Board has procedural options. The Board may:

- review the complaint and take action, or no action, in response to the complaint, as it considers appropriate; or
- appoint a committee of at least three Board members who will review the complaint and provide recommendation to the Board; or



- hold a public meeting with respect to the complaint.

To assist the board in reviewing this matter, Board members will receive confidential information about this investigation at its confidential meeting.

Conclusion:

Pursuant to the notification of the status and determination of the complaint from the TPS, the complainant requested that the Board review my decision. It is the Board's responsibility to review my reasons and determine whether it is satisfied that my decision to take no further action is reasonable.

Therefore, I recommend that:

- (1) The Board review the policy complaint summarized in this report.
- (2) The Board determine whether it will concur with the decision that no further action be taken with respect to the complaint.
- (3) The complainants are notified of the outcome of the Board's review.

Mr. Frank Chen, CAO – Policing, Corporate Support Command, will be in attendance to answer any questions that the Board members may have.

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

- **Mr. Owen Mathias \***
- **Mr. Zbigniew Gryc \***

**\* written submissions were also provided; copies are on file in the Board office.**

**The Board approved the following Motions:**

- 1. THAT the deputations and written submissions be received;**
- 2. THAT, with regard to the foregoing report, the Board concurred with the Chief's decision that no further action be taken with respect to the complaint; and**
- 3. THAT the Board send correspondence to the Chief Coroner of Ontario recommending that he consider conducting an inquest into the death that occurred as the result of the traffic collision.**

## Appendix 'A'

### RECOMMENDED STANDARDS AND PROCEDURES OF THE CANADIAN SOCIETY OF FORENSIC SCIENCE ALCOHOL TEST COMMITTEE

#### 2. Screening Device Users

- a. Initial Qualifications - shall be peace officers engaged in general law enforcement and/or traffic law enforcement.
- b. Training - shall be provided by appropriately qualified Screening Device Calibration Technicians authorized for this purpose by the Training Course Director.
- c. Training Course - Minimum Standards.
  - i. Two hours of lectures including:
    - principles of breath tests for alcohol;
    - principles of mouth alcohol absorption;
    - interfering substances and false positive readings;
    - significance of Screening Device readings as compared with Approved Instrument results;
    - appropriate aspects of law and presentation of evidence;
    - department policy including frequency of battery recharging and/or replacement, frequency of calibration, and use of data forms and logs.
  - ii. One hour of individual practical training including:
    - basic operation procedure(s);
    - use of accessories;
    - sampling techniques;
    - performing breath tests on human subjects to develop the proper technique for collection of breath samples;
    - storing, handling and transporting.

As part of this training officers are given the following manuals and materials to assist with Drink/Drive investigations:

1. Drinking and Driving Law: An Investigator's and Breath Tech's Guide by Greg Barker, Assistant Crown Attorney
2. Toronto Police Service: Screening Device Guidelines
3. How To Prosecute A Blood Sample Case by James T. McKeachie, Assist. Crown Attorney
4. Article on Low Level Alcohol Consumption and Driver's Performance.
5. Intoxication Chart for Ethanol
6. Symptomatology Chart for Drugs
7. A Detection Guide for Drinking Drivers
8. Investigative Notes: Alcohol Related Driving Offences, A step by step report that can be used and filled out by all officers guiding them through the investigation.

These précis's and form are given to all officers to be kept and used at their discretion.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P312. PEDESTRIAN SAFETY**

The Board was in receipt of the following report OCTOBER 16, 2003 from Julian Fantino, Chief of Police:

Subject: PEDESTRIAN SAFETY

Recommendation:

It is recommended that:

- (1) The Board receive this report for information;
- (2) The Board send a request to the Ministry of Transportation (MTO) to amend the Highway Traffic Act (HTA) with regard to increasing the minimum fine and the number of demerit points associated with offences relating to both pedestrian crossovers and pedestrian crosswalks;
- (3) The Board send a request to Toronto City Council to amend the Metropolitan Toronto Uniform Traffic By-law 32-92, Section 10, Pedestrian Fail to Yield to Vehicle When Crossing the Roadway, to increase the current fine to \$50.00, the maximum allowable for pedestrian offences under the Highway Traffic Act.

Background

At the Board meeting held on August 14, 2003, a discussion took place with respect to the increasing number of pedestrians who have been killed or injured in traffic related incidents this year (Board Minute P232/03 refers). The Board requested a report be prepared, in partnership with the General Manager, City of Toronto-Transportation Services, containing recommendations for the Board to approve and forward, where necessary, requests for amendments to the legislation in order to improve safety for all pedestrians in Toronto.

The Toronto Police Service (TPS) has identified traffic safety, particularly a focus on pedestrian safety, as a Service Priority for 2002-2004. Historically, approximately 50% of fatal collisions in the City of Toronto involve pedestrians attempting to cross the roadway. Analysis of these collisions over the past five years clearly indicates the leading victim action attributed to pedestrian fatalities is victims crossing roadways with no controls (i.e. mid-block) followed by contact with motor vehicles turning at intersections. Analysis of pedestrian crossover collisions indicates 1 or 2 fatalities occur per year at pedestrian crossovers.

While any traffic related death is unacceptable, by comparison, Toronto has one of the lowest total fatality and pedestrian fatality rates compared with cities of similar size within North America. At the writing of this report, there have been 62 traffic fatalities, 33 have involved pedestrians. Compared to other cities with a population base over one million, Toronto remains the safest city in North America with a pedestrian fatality rate of 1.29 per 100,000 population.

### Awareness, Education and Enforcement

The Traffic Services Unit (TSV) has consistently addressed the concerns for pedestrian safety through corporate and localized traffic safety campaigns. With pedestrian safety being a year round concern, a component to address offences committed by both pedestrians and motorists has been included in each of the monthly corporate traffic safety campaigns since 2000. In addition, campaigns such as *Operation Ped-Safe*, provide an opportunity to raise awareness for pedestrian safety and profile the Service's commitment to enforcing offences that place pedestrians at risk.

Members of TSV actively participate in a number of community interest groups that regularly deal with pedestrian safety as a priority agenda item. These groups include the Toronto Pedestrian Committee; the Toronto Cycling Committee; the Road Safety Coalition of Greater Toronto; and the Traffic Services Community Police Liaison Committee. In addition to community partnerships, meaningful corporate partnerships have also been forged with representatives from the MTO, City of Toronto-Transportation Services and the Toronto Transit Commission to review and make recommendations with respect to traffic safety.

Many community and corporate partners also contribute to the educational component by providing valuable input, insight and tangible resources to a variety of pedestrian programs such as *DAREDEVIL*. This program is a one-hour presentation delivered to high risk seniors groups by both police officers and staff from Sunnybrook and Women's Health Science Centre that provides safety tips for senior pedestrians. Notably, since the inception of the *DAREDEVIL* program in 1996, there have been no recorded fatalities among the groups that have been exposed to the program content.

### Fines and Deterrence Effect

Many motorists and pedestrians continue to ignore some of the basic rules of the road. Rigorous police enforcement serves as a visible deterrent and is a key element toward changing both driver and pedestrian attitude. Motorists who disobey traffic laws designed to protect pedestrians entering crossovers and crosswalks should be dealt with more severely than other general offences. Currently, motorists face a fine of \$110 and the loss of 2 demerit points for offences pertaining to pedestrian crossovers and a fine of \$110 coupled with the loss of 3 demerit points for offences pertaining to crosswalks at signalised intersections. This fine increases to \$190 if the violation occurs within a community safety zone without an increase in demerit points. However, it should be noted that many crossovers and crosswalks are not located within community safety zones.

This report recommends the Board send a request to the MTO, with a recommendation to amend the current fine and demerit point structure with respect to offences committed by motorists that endanger pedestrians under sections 140 (pedestrian crossovers) and 144.7 (pedestrian crosswalks at signalized intersections) of the HTA. It is recommended that the Ministry increase both the minimum fine and the number of demerit points upon conviction, to a level which will more appropriately reflect the seriousness of this offence.

The careless actions of pedestrians crossing city streets, without taking advantage of designated pedestrian crossing areas controlled by traffic signals or marked crossovers, continues to be the leading cause of pedestrian collisions. Of the pedestrian fatalities so far this year, over 50% have involved individuals who disregarded their own safety and attempted to cross a street in mid-block. The current offence for a pedestrian failing to yield to traffic is found in the Uniform Traffic By-law and carries an \$8.75 out of court fine. This minimal fine is not a strong enough deterrent to discourage pedestrians from committing this offence. This report recommends the Board send a request to Toronto City Council with a recommendation to amend the Uniform Traffic By-law with respect to pedestrians failing to yield to traffic by increasing the out of court fine to \$50, the maximum currently allowable in the HTA for offences committed by pedestrians.

### Pedestrian Crossovers

There are a total of 596 marked crossovers located throughout the city. The original objective for the pedestrian crossover was to provide an economical, efficient and safe means for pedestrians to cross streets without experiencing or causing unreasonable delays and where traffic control signals could not be justified.

The current design for pedestrian crossovers is prescribed in the HTA, Regulation 615, Section 20. The design consists of overhead illuminated signs with flashing amber beacons, regulatory signs at and approaching the crossover and pavement markings on the roadway. Toronto Transportation Services has begun a program of conducting safety audits of all pedestrian crossovers and replacing them with standardized traffic signals where justified. Replacement is based on the criteria that if conditions are such that a pedestrian crossover would not be effective, and more positive control is required, a traffic control signal should be considered.

With the existing pedestrian crossover operation, there is a dual responsibility for safety that is shared by the pedestrian and motorist. The presence of a pedestrian waiting at a crossover alerts a motorist of his or her requirement to yield. The pedestrian, before proceeding across the road, must then ensure that the motorist has seen them.

The motorist is required to yield when the pedestrian enters the half of the roadway upon which the vehicle is travelling or when the vehicle is close enough to endanger the pedestrian. The pedestrian is required to wait at the curb or other place of safety and not step onto the roadway into the path of a vehicle that is so close, it is impracticable for the driver of the vehicle to yield the right of way.

The issue then becomes one of driver-pedestrian relationship, which relies strongly upon the premise of both the motorist and pedestrian being both vigilant and aware of their shared responsibilities.

### Working with Toronto Transportation

In an effort to attain workable solutions toward reducing pedestrian collisions, the Service is committed to continuing discussions with Toronto's Transportation Services Division with a view to implementing additional safety measures and piloting proposals designed to address pedestrian safety issues. Of the points discussed below, some have been targeted for implementation in 2003 and 2004, while others such as consideration for changing the current flashing beacon system at pedestrian crossovers, require further research to determine effectiveness and risk factors.

Recently, the City's Transportation Services Division launched an educational safety poster program entitled, '*We're All Pedestrians*'. This program is also intended to evaluate and implement new techniques and emerging technologies that improve pedestrian safety. This program will test three different techniques for reducing pedestrian-motor vehicle collisions as follows:

- (1) additional pavement markings for pedestrian crossovers. Similar to the European design of 'zebra stripes', the actual walking area of the roadway would be painted in this fashion to make the crossing more visible to approaching motorists as well as giving the pedestrian a clear indication of the safest route to cross the street;
- (2) providing advanced walk signals for pedestrians at intersections controlled by automatic traffic signals;
- (3) devices that detect pedestrians within the crosswalk area of signalized intersections that would delay the changing of the signal allowing the pedestrian additional time to cross the roadway.

In addition to this program, the Transportation Services Division has embarked on a 10-year infrastructure project entitled the '*Essential Sidewalk Links Program*'. The goal of this program is to install 130 kilometres of 'missing sidewalks', on the arterial and collector road network.

From a prevention perspective, it is important to realize that the efforts of one agency are not the sole solution to any given problem. The collaborative efforts of all stakeholders form a more practical solution. The Service will continue to work with its partner agencies to explore ongoing and new initiatives such as:

- (1) replacing the current signage at pedestrian crossovers with signs and or lighting that produce higher visibility, similar to those currently being used in school zones;
- (2) consult with the Ontario Association of Chiefs of Police, Traffic Committee in order to obtain their support with respect to the items contained in this Board report;

- (3) members of the Service will continue to work with media representatives from the Greater Toronto Area to ensure all road users remain aware of their shared responsibility for ensuring Toronto's roadways remain safe;
- (4) specialty traffic safety enforcement programs such as *Operation Ped-Safe*, will continue to be profiled semi-annually (Scheduled for November 2003, this important enforcement campaign targets a time of the year when pedestrians are most vulnerable to collisions due to a combination of early darkness during the evening peak period and seasonal inclement weather);
- (5) continue broad-based enforcement strategies utilizing all front line members of the Service, augmented by the recently created Strategic Traffic Enforcement Measures team.

### Conclusion

The Service remains committed to traffic safety as a priority and to working with all our community partners to achieve safer streets and an improved quality of life for all citizens.

To assist in furthering this commitment it is recommended that the Board send a request to the Ministry of Transportation to amend the Highway Traffic Act with regard to increasing the minimum fine and the number of demerit points associated with offences relating to both pedestrian crossovers and pedestrian crosswalks. Additionally, it is recommended that the Board send a request to Toronto City Council to amend the Metropolitan Toronto Uniform Traffic By-law 32-92, Section 10, Pedestrian Fail to Yield to Vehicle When Crossing the Roadway, to increase the current fine to \$50.00, the maximum allowable for pedestrian offences under the Highway Traffic Act.

This report has been prepared in consultation with the General Manager, City of Toronto-Transportation Services Division.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance at the Board meeting to answer questions with respect to this report.

**The Board noted that, based upon the current provisions of the *Highway Traffic Act*, motorists are not required to yield to pedestrians at crossovers when the illuminated signs are flashing amber beacons until a pedestrian actually begins to cross and enters the half of the roadway upon which the vehicle is travelling.**

**The Board approved the foregoing report and the following Motion:**

**THAT the Board send correspondence to the Ministry of Transportation recommending that the *Highway Traffic Act* be amended by indicating that operators of motor vehicles, travelling in both directions, are required to stop at pedestrian crossovers as soon as the overhead illuminated signs begin to flash amber beacons.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P313. COLLECTIVE AGREEMENT INFORMATION SYSTEM (CAIS)**

The Board was in receipt of the following report OCTOBER 23, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: COLLECTIVE AGREEMENT INFORMATION SYSTEM (CAIS)

Recommendation:

It is recommended that

1. The Board notify the Ontario Association of Police Services Boards (OAPSB) of its intent to participate in the development and utilisation of the Collective Agreement Information System (CAIS),
2. The Board approve the acquisition of a CAIS licence at a cost not to exceed \$1,500.00, excluding tax, for 2003-2004,
3. The Board agree to protect the integrity of the CAIS by restricting access to the system to Board-authorized representatives; and,
4. The Board designate Ms Maria Ciani, Manager, Labour Relations to act as the contact for the Board's CAIS licence.

Background:

Up until 2001, the Ontario Association of Police Services Boards (OAPSB) contracted with a consulting firm to develop and maintain a labour relations database. Difficulties were encountered with this arrangement and the OAPSB Board of Directors ended the contract

In April of 2002 OAPSB became aware of a database for collective agreements called the Collective Agreement Information System (CAIS) under development at the Province. The system was developed by the Management Board Secretariat as an on-line strategic planning and management tool that significantly supports and enhances the collective bargaining process and the development of labour relations' policies. The system is designed to:

- Facilitate information exchange among professionals in Labour Relations and related fields
- Reduce the time spent to research pertinent labour relations and inter-jurisdictional information
- Support and enhance decision-making

The database currently maintains searchable documents such as: collective agreements, labour legislation, human resource-related policies, grievance and arbitration settlements, wage settlement trends, summaries of recent settlements, summaries of compensation surveys, to name just a few. The database allows for custom queries and includes a number of common queries to simplify the search for information.

The system is relatively new, and is continuously growing in terms of capacity. The Management Board Secretariat has welcomed additional partners in this initiative and will allow the system to be customised depending on users needs. With that in mind, the OAPSB has established a working group to partner with Management Board Secretariat and to customise CAIS to make it relevant to a policing environment. The Working Group is mandated to ensure that CAIS will serve as a useful tool to police employers through tasks such as, compiling uniformed and civilian collective agreements, and assisting in defining the naming standards that will be used by CAIS. The Toronto Police Services Board is currently represented on the Working Group.

The usual cost of a license for this system is \$1,500.00 however, depending on the number of police services boards agreeing to participate, the OAPSB may be in a position to subsidise the licence fee, bringing the cost down to \$1200.00.

### Conclusion

The OAPSB has identified CAIS as a viable, and significantly less costly, alternative to its previous labour relations database and one that would effectively meet the needs of police employers. I therefore recommend that the Board approve participate in CAIS as outlined in 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 13, 2003**

**#P314. PROMOTIONAL PROCESS: TO THE RANK OF STAFF  
SUPERINTENDENT**

The Board was in receipt of the following report OCTOBER 24, 2003 from Julian Fantino, Chief of Police:

Subject: STAFF SUPERINTENDENT PROMOTIONAL PROCESS

Recommendation:

It is recommended that: the Board approve an amendment to Service Procedure 14-11 to include the promotional process for the rank of Staff Superintendent.

Background:

The Board, at its meeting on October 26, 2000 (Minute No. 444 refers) approved a revised process for promotion for the ranks of Staff Inspector and Superintendent (Service Procedure 14-11). The Staff Superintendent rank did not exist when this procedure was approved. As the promotional process for the rank of Staff Superintendent needs to be formalized into a Service Procedure, we are requesting that this process be incorporated into Service Procedure 14-11. There are no changes to the eligibility requirements. The same interview format and recommendation methodology will be utilised for all three senior officer ranks. Appended is a copy of the amended procedure.

The current procedure for promotion to the ranks of Staff Inspector and Superintendent has been applied on two occasions with successful results. This procedure has been designed to allow for greater flexibility in determining the most appropriate candidate(s) for promotion, taking into account the constantly changing environment of police management.

It is hereby recommended that the Board approve an amendment to Service Procedure 14-11 to include the promotional process for the rank of Staff Superintendent.

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.**

DRAFT 2

PERSONNEL

**14 – 11 Uniform Promotion Process to Staff Inspector, Superintendent and Staff Superintendent**

New  Amended  Reviewed – No Amendments

Issued: RO 2003.xx.xx-xxxx

Replaces: RO 2000.11.14-2282

**Rationale**

This process has been designed to allow Command Officers greater flexibility in determining the most appropriate candidate for promotion, taking into account the constant changing environment of police management.

**Governing Authorities**

Federal N/A

Provincial Police Services Act, Revised Regulations of Ontario, 1990, Regulation 926

**Associated Policies or Procedures**

Number	Name
13-08	Suspension from Duty- Police Officer
14-22	Conflict of Interest Involving Related Members

**Forms**

Number	Name	Authorization Level
TPS 649	Internal Correspondence	Candidate

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## **Procedure**

This promotion process consists of two steps: application and interview.

### **A. Application**

#### **Eligibility Requirements**

Police officers may apply for promotion provided they:

- hold the rank of Inspector or above at the time of application
- have successfully met the requirements contained in the Regulation entitled "Equipment and Use of Force" (Revised Regulations of Ontario, 1990, Regulation 926)
- have not been convicted of a Criminal **Offence** for which a pardon has not been obtained
- have at least two years with a clear discipline record from the date of any finding by a hearing tribunal as a result of being found guilty of misconduct under the Police Services Act
- are not the subject of an appeal against a penalty or finding of guilt imposed by a Hearing Tribunal with respect to misconduct under the Police Services Act
- are not under suspension pursuant to the Procedure entitled "Suspension from Duty - Police Officer" (13-08)
- must have conformed, presently conform and continue to conform to the Core Values of the Toronto Police Service
- have any additional requirements as outlined in the correspondence advertising the position

### **B. Interview**

Candidates who have met the eligibility requirements may be required to attend an interview. The interview panel shall be comprised of the following:

The Chief of Police and two Deputy Chiefs of Police.

### **C. Recommendation for Promotion**

Recommendation for promotion will be subject to verification of all information provided by the candidate. Further, candidates must continue to conform with the eligibility requirements and not be the subject of a criminal investigation or charge, a charge of misconduct pursuant to the Police Services Act or a Public Complaint or a Harassment Complaint.

## **Candidate**

1. When applying as a candidate for a promotional process shall complete an Internal Correspondence (TPS 649) and Resume and forward both to the Unit Commander - Human Resources.
2. When notified shall attend the interview on the date, time and location specified.

**Unit Commander – Human Resources**

3. When directed by the Chief of Police to initiate a promotional process for Staff Inspector, Superintendent or Staff Superintendent, shall prepare correspondence to potential candidates outlining
  - the eligibility requirements
  - the application process
4. Upon receipt of a TPS 649 and Resume from a member applying to enter the promotional process shall determine whether or not the candidate meets the eligibility requirements.
5. If the candidate meets the eligibility requirements shall forward the information to the Chief of Police and schedule interviews as directed.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P315. SPECIAL CONSTABLES: UNIVERSITY OF TORONTO -  
APPOINTMENT OF SPECIAL CONSTABLES**

The Board was in receipt of the following report OCTOBER 15, 2003 from Julian Fantino, Chief of Police :

Subject: APPOINTMENT OF SPECIAL CONSTABLES FOR THE UNIVERSITY OF  
TORONTO POLICE (U of T) POLICE

Recommendation:

It is recommended that: the Board approve the appointment of the individuals listed in this report as special constables for the University of Toronto (U of T) Police, subject to the approval of the Minister of Public Safety and Security.

Background:

Under Section 53 of the Police Services Act of Ontario, the Board is authorized to appoint special constables subject to the approval of the Minister of Public Safety and Security.

Pursuant to this authority, the Board entered into an agreement with the U of T for the administration of special constables. The special constables are appointed to enforce the Criminal Code and other federal and provincial legislation on U of T property within the City of Toronto (Board Minute 571/94, refers).

At its meeting on January 29, 1998, the Board approved that requests for appointment of special constables, who are not members of the Service, be forwarded to the Board with the Chief's recommendation, for the Board's consideration (Board Minute 41/98, refers).

The U of T Police has requested that the following individuals be appointed as special constables for a five-year term:

1. BATES, Dale
2. BORGES, Gary
3. GONCALVES, Antonio
4. KINSMAN, Kevin
5. PRICE, Dylan

The agreement between the Board and the U of T requires that background investigations be conducted on individuals recommended for appointment as special constables. The Service's Employment Unit completed background investigations on the individuals and there is nothing on file to preclude any of the individuals from becoming special constables.

The U of T Police advise that the individuals meet the U of T Police hiring criteria and have completed the U of T special constable training.

It is therefore recommended that the Board approve the appointment of the individuals listed in this report as special constables for the U of T Police, subject to the approval of the Minister of Public Safety and Security.

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.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P316. SPECIAL CONSTABLES: UNIVERSITY OF TORONTO –  
TERMINATION OF SPECIAL CONSTABLE STATUS**

The Board was in receipt of the following report OCTOBER 14, 2003 from Julian Fantino, Chief of Police:

Subject: TERMINATION OF SPECIAL CONSTABLE STATUS FOR THE  
UNIVERSITY OF TORONTO (U of T) POLICE

Recommendation:

It is recommended that:

- (1) the Board receive the letter advising the Service that Terry Carew is no longer employed with the University of Toronto (U of T) Police at Scarborough; and
- (2) that the Board notify the Minister of Public Safety and Security of this termination.

Background:

At its meeting on January 29, 1998, the Board requested a report with the appropriate recommendations from the Chief of Police for the Board's consideration and approval to appoint persons as special constables, who are not employed by the Service (Board Minute 41/98, refers).

At its meeting on June 19, 2003, the Board approved a request to appoint Terry Carew as a special constable with the U of T (Board Minute #170/03, refers).

Appended to this report is a letter dated September 16, 2003, from Mr. Darcy A. Griffith, Manager, U of T Police (Scarborough), advising the Service that Terry Carew is no longer in the employ of the U of T.

The appointing document specifies that the special constable appointment is valid for a specific period or until the individual is no longer in the employ of the U of T Police. Accordingly, the special constable status for Terry Carew terminated effective September 16, 2003.

It is therefore recommended that the Board receive the letter advising the Service that Terry Carew is no longer employed with the University of Toronto Police at Scarborough and that the Board notify the Minister of Public Safety and Security of the termination of his special constable status.

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

**The Board approved the foregoing.**



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## University of Toronto at Scarborough

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### University Police Services

1265 Military Trail, Scarborough  
Ontario, Canada M1C 1A4

Tel: (416) 287-7398  
Fax: (416) 287-7641  
E-mail: [police@scar.utoronto.ca](mailto:police@scar.utoronto.ca)  
Website: <http://www.scar.utoronto.cd-police>

16 September 2003

Gord Barratt  
Staff Sergeant  
C.P.S.U. Special Constable Liaison Section  
Toronto Police Service  
40 College Street  
Toronto, ON  
M5G 2J3

Re: Removal of Special Constable from University of Toronto Police at Scarborough

Dear S/Sgt. Barratt,

Effective immediately Terry Carew is no longer employed with the University of Toronto Police at Scarborough.

As such, could you please rescind his Special Constable status and amend your records to reflect this change of status.

Thank you in advance for your assistance with this matter. Should you have any questions or need any additional information please contact me at 416-287-7398.

Sincerely,

Darcy A. Griffith  
Manager  
Police and Parking Services  
University of Toronto Police at Scarborough



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P317. AWARD FOR “VENDORS OF RECORD” STATUS FOR THE SUPPLY  
OF CONSTRUCTION SERVICES**

The Board was in receipt of the following report OCTOBER 15, 2003 from Julian Fantino, Chief of Police:

Subject: AWARD FOR “VENDORS OF RECORD” STATUS FOR THE SUPPLY OF  
CONSTRUCTION SERVICES

Recommendation:

It is recommended that: the Board approve the awarding of “Vendors of Record” status to the following five Contractors for the exclusive provision of construction services for a three year period commencing December 1, 2003 and terminating, November 30, 2006. The agreement includes two 1-year extensions at the discretion of the Police Services Board. The recommended “Vendors of Record” are:

1. A. G. Reat Construction Company Ltd.
2. West Metro Contracting Inc.
3. J. Cafiso Renovations
4. Cloke-Kirby Builders Ltd.
5. DPI Construction Management

Background:

At present, the TPS has as “Vendors of Record”: (i) Alpeza General Contracting Inc., (ii) A.G. Reat Construction Company Ltd., (iii) J. Cafiso Renovations, (iv) Michael Thomas Construction Company Ltd., and (v) West Metro Contracting Inc. (Brd. Min. #P384/00 refers). The current agreement expired at the end of August 2003. On May 15, 2003, the City of Toronto, Management Services, Purchasing and Materials Supply Division, on behalf of the Toronto Police Service (TPS), issued “Request for Pre-Qualification of General Contractors” (RFP #3907-03-5107) for the provision of general construction services in TPS facilities. City Purchasing invited one hundred forty (140) firms to participate. The TPS received eighteen (18) responses to the RFP.

The intent of this RFP was to identify five contractors who can provide the TPS with its minor construction and renovation needs, on a competitive basis, for a three-year period commencing December 1, 2003. This pre-qualification process permits the TPS to avoid administration expenses and project delays associated with a general tender call. The projects to be completed by the pre-qualified contractors generally do not exceed \$100,000 in value and are funded from either the TPS Operating Budget or Capital Budget State of Good Repair account. Historically,

the Service spends approximately \$500K annually in work performed by the approved Vendors of Record. Consistent with the Service's Financial Control By-law No. 147, any project amount in excess of \$500K will be submitted to the Board for approval. The establishment of "Vendors of Record" will streamline the process and reduce related costs, while maintaining the competitive process. The TPS currently acts under a "Vendors of Record" agreement, and has done so for the past five years.

The appropriate TPS personnel (Manager, Facilities, Manager, Purchasing and Facilities Project Supervisors) have reviewed the RFP submissions. The submissions were evaluated independently using a weighted matrix format, and were evaluated based on the following criteria:

1. Qualifications and experience of staff
2. Past history with the TPS and City
3. Experience with similar projects
4. Scheduling methodology
5. Size of company
6. Compliance with financial requirements
7. References

The five firms with the highest average ranking are recommended as "Vendors of Record". The final average ranking of the various proponents were:

1. A.G. Reat Construction Company Ltd.	277.8
2. West Metro Contracting Inc.	271.5
3. J. Cafiso Renovations	257.3
4. Cloke-Kirby Builders Ltd.	234.3
5. DPI Construction Management	219.5
6. The Atlas Corporation	214.3
7. Kara Consultants Inc.	209.0
8. Joe Pace & Sons Contracting Inc.	204.5
9. HN Construction Ltd.	200.5
10. J. McBride & Sons Ltd.	200.5
11. M. J. Dixon Construction Ltd.	194.3
12. CS Bachly Builders Ltd.	187.3
13. Builtron Ltd.	186.3
14. Alpeza General Contracting Inc.	170.0
15. Amaida Construction Ltd.	168.3
16. Morocas General Contracting Ltd.	165.5
17. Gen-Pro	143.0
18. Land Construction Company Ltd.	137.5

Therefore, the TPS recommends the five highest ranked firms as those best able to meet the needs of the TPS.

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

**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 13, 2003**

**#P318. SPECIAL FUND REQUEST: TORONTO JUNIOR BLUES HOCKEY  
ASSOCIATION BUDGET 2003-2004**

The Board was in receipt of the following report OCTOBER 17, 2003 from Julian Fantino, Chief of Police:

Subject: THE TORONTO JUNIOR BLUES HOCKEY ASSOCIATION BUDGET 2003-2004

Recommendation:

It is recommended that: the Board approve an expenditure from the Special Fund for an amount not to exceed \$22,000.00 for the 2003-2004 budget for the Toronto Junior Blues Hockey Association.

Background:

In the fall of 1990, the Toronto Police Service joined with the Toronto Community Housing Corporation (TCHC), the Toronto Maple Leaf Hockey Club, and the then City of North York Department of Parks and Recreation to develop a hockey program for disadvantaged youth (boys and girls seven to nine years of age). Communities served by 12, 23, 31 and 32 Divisions were the first to become involved in the program. In the fall of 1999 two additional communities served by 11 and 33 Divisions joined the program. Since inception, the annual funding for the program has been primarily supplied through the Board's Special Fund.

Each year one hundred and twenty children have an opportunity to participate in this Canadian pastime. While hockey skills are taught, the emphasis of the program remains focused on advocating a healthy, positive lifestyle (free of drug use) while encouraging respect for oneself and others.

The overall evaluation of each youth's performance goes beyond hockey skills. It includes a comprehensive assessment within the program, and at their respective schools in regard to social skills, attitude, attendance, care of equipment and sportsmanship.

Support of this program by the Board is critical. The TCHC provides staff, transportation and coaching assistance. The City of Toronto Department of Parks and Recreation provides the rink facilities at no cost, while the officers from the local Divisions (11, 12, 23, 31, 32 and 33) teach and coach the children. All coaching staff is, or will be, trained and accredited by the 3M National Coaching Certificate Program. However, none of this would be possible without funding from the Board, which provides for the equipment, transportation, training and awards for the final Awards Day Games.

The Board has supported this program in the past (1998 - \$22,000, 1999 - \$20,000, 2000 - \$25,000, Board Minute No's P480/97, P400/99 and P385/00 refers). In 2001 and 2002 TCHC provided all of the required funding for the program but, they can no longer sustain this substantive contribution.

For the current 2003 – 2004 season TCHC's involvement of staffing, equipment, and supplies equates to \$23,000. Parks and Recreation's donation of ice time equals \$2600.

The following is the proposed budget for the Service's 2003 – 2004 portion of the program cost:

Equipment/Transportation	\$17,070.00
Training	\$ 2700.00
Trophies/plaques/pictures	\$ 1115.00
Awards Day	<u>\$ 1115.00</u>
Total	\$22,000.00

I understand that this request does not meet the Board's Special Fund criteria, however, this worthwhile venture provides disadvantaged children with a program that, through a sport, advocates a healthy, positive lifestyle and encourages respect for oneself and others.

It is therefore recommended that the Board approve an expenditure from the Special Fund for an amount not to exceed \$22,000.00 for the 2003 – 2004 budget for the Toronto Junior Blues Hockey Association.

Deputy Chief Michael Boyd, Policing Support Command, will be available to answer questions concerning this report.

**The Board approved the following Motions:**

- 1. THAT the Board approve the foregoing report and request Chief Fantino to consider the feasibility of extending the Toronto Junior Blues Hockey program across the city in addition to the divisions noted in the report; and**
- 2. THAT Board staff review the status of the moratorium and the criteria for authorizing expenditures from the special fund and submit a report to the Board on the results of the review and any recommendations that may be appropriate.**



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P319. COURT SCHEDULING AND POLICE ATTENDANCE IN COURT**

The Board was in receipt of the following report OCTOBER 05, 2003 from Julian Fantino, Chief of Police:

Subject: POLICE ATTENDANCE IN COURT

Recommendation:

It is recommended that:

1. The Board receive this report for information, and
2. That the Board forward a copy of this report to the Policy and Finance Committee for its information.

Background:

The City of Toronto 'Council Recommendations TPS 2003 Operating and Capital Budget' Report, Item RR (128), recommends that the Chair, Toronto Police Services Board, be requested to:

- (ii) provide statistics on the Police Officers court attendance;
- (iii) approach the Provincial Integrated Justice representative to suggest the following;
  - (a) a method of determining at the beginning of a trial as to whether a Police Officer's presence is necessary; and,
  - (b) whether the attendance of one Police Officer in court would suffice even though additional Police Officers were in attendance when an occurrence took place.

Recommendation Item RR128 (ii)

In order to provide an accurate statistical assessment of police officer court attendance a review was conducted of the Computer Aided Scheduling of Court (CASC) system to determine the number of court cards that were submitted when officers attended court.

Appendices A, B, and C (attachments refer) provide a detailed breakdown of the statistics for the full years 2001 and 2002 and from January to July 2003. In summary, the information depicts the following general trends:

- Total court appearances (criminal and non-criminal court combined) were 106,510 in 2001 and 101,344 in 2002.
- Total court appearances (criminal and non-criminal) for January to July, 2003 were 65,420.
- Over 60% of appearances were in criminal court (61% in 2001 to 65% in 2002).
- Over 35% of appearances were in non-criminal court (39% in 2001 to 35% in 2002). Non-criminal court includes all provincial statute prosecutions, by-law court, inquests and any other quasi-judicial matter requiring testimony from a Service member.
- 72% of all court appearances (criminal and non-criminal) occurred when members were on regularly scheduled days off or off duty.
- 22% of all court appearances involve on duty appearances.
- 6% of all court appearances occurred off duty, when members were on annual leave, court elect, lieu day off and other.

To assist with understanding, the following information provides a description of the categories referred to under 'Duty Status' on the appendices:

Duty Status	Description	Information
Annual Leave	The courts have chosen a date for trial when a key police witness is on leave.	The courts are advised of the police leave dates for each matter. Officers may not change their leave to a date where a matter is scheduled for trial.
Court Elect	May choose to claim additional credit when court is assigned within three hours of the commencement or completion of duty.	This option was phased out in July 2003 as a result of the last Collective Agreement.
Lieu Day Off	Assigned court when using a day off from the lieu bank.	Limited occurrence.
Off Duty	Attend court while off duty but on the same date as a regularly scheduled shift.	Travel time is not covered under the Collective Agreement.
On Duty	Attend court while working a regular shift.	Can result in overtime.
Other Status	Retired, maternity or other leave of absence	Limited occurrence.
Regular Day Off	Attend court on a regularly assigned day off.	Travel time is not covered under the Collective Agreement.

### Recommendation Item RR128 (iii)(a)

When addressing Recommendation Item RR 128 (iii)(a) and (b) the remainder of this report examines criminal court matters only, as this is where there are greater instances of multiple officer attendance.

The Service maintains an on-going relationship with the major stakeholders in the judicial process. As a result, agreements have already been reached to ensure that the issue of police witnesses is considered, not only at the beginning of a trial, but throughout the entire judicial process.

This multi-level review of required witnesses begins at the initiation of the case, at the unit. The Service has Rules & Procedures in place to assist in controlling the number of officers that attend court. Service Rule 4.12.1, 'Court Attendance', controls when a member may attend court. The Service Procedure entitled, 'Confidential Crown Envelope' (12-01) dictates when a case manager can direct a member to attend court. Further, it instructs detective sergeants to remove unnecessary witnesses from the witness list.

In addition, as of January 6<sup>th</sup>, 2003, a detective sergeant has been assigned to each of the five major court locations within the City of Toronto to liaise with the Crown and members of the Judiciary. The Crown Liaison detective sergeants have offices situated within the Crown office enabling them to have constant interaction with the Crown. This interaction ensures that the issue of police witness attendance is consistently brought forward and considered.

The Crown Liaison Detective Sergeant Program assists in ensuring that the issue of police witnesses is considered during the entire judicial process, by all the stakeholders.

There are two steps in the judicial process, prior to a trial, that take into consideration the need to have police witnesses attend court, the Crown Pre-trial and the Judicial Pre-trial (JPT).

#### Crown Pre-trial

A Crown pre-trial is a meeting held between the assistant crown attorney and the defence counsel prior to a Judicial Pre-trial. A number of items are discussed during the Crown pre-trial including:

- If the disclosure is complete, or, if further disclosure is required.
- The possibility of resolution.
- The number of witnesses, including police witnesses, required.
- The estimate of court time to be scheduled, based on the number of witnesses and their anticipated evidence.

## Judicial Pre-trial

A JPT includes a judge, an assistant crown attorney, the defence counsel(s), the case manager and/or the Crown Liaison detective sergeant. The rules for when a JPT takes place varies from courthouse to courthouse. In general, a JPT takes place when it has been decided at the Crown pre-trial that the matter will take longer than a half a day in court. The purposes of a JPT is as follows:

- To discuss disclosure issues.
- To ask the presiding Justice to rule on a disagreement regarding the need to disclose certain information/items.
- To determine what witnesses, including police, are required.
- For the judge to estimate the length of time to set aside for trial.
- To attempt to resolve the case without going to trial, i.e. plea, peace bond, etc.

The Crown Liaison detective sergeants participate in every aspect of a JPT and they ensure that the issue of police witnesses is addressed during this hearing. When advised of a JPT, the Crown Liaison detective sergeant reviews the crown envelope for any issues that are outstanding, primarily, those that may assist in an early resolution of the case. An assistant crown attorney will indicate which officers they wish to hear from in order to prosecute their case. If the defence wishes to hear from additional officers listed in the disclosure/witness list, then subpoenas can be applied for. In either event, Service members must attend when required.

## Recommendation Item RR128 (iii)(b)

As previously noted, there is a process of due diligence in place that examines the need for police witnesses while, at the same time ensures that the best evidence and all necessary facts are presented during the judicial process. The Canadian judicial system ensures that the accused has every opportunity to prove their innocence. Therefore, it is not possible to have a blanket rule that allows for only one officer to attend court.

Judges, the Crown and defence counsels often require additional police witnesses to attend court in order to ensure that the rights of the accused have been protected. These stakeholders in the judicial process have their own needs when considering if a police witness is required to give evidence in cases where more than one officer has attended the same occurrence:

1. Judges consider that every person present at an incident may perceive the event in a different and unique way from any other person that attended the same incident.
2. The Crown often has a need to provide corroborating evidence to strengthen the case.
3. Defence counsels hope to hear conflicting evidence, and, if a witness is not going to be called by the Crown, they are free to subpoena the witness, including police witnesses, to give testimony.

The question of which officers are required to attend court to give similar evidence on the same matter is discussed, and potentially resolved, at either the Crown pre-trial or the Judicial pre-trial. However, there are legal reasons why more than one officer may be required to attend court. The rights of the accused, that are entrenched in numerous Federal Acts including the Canadian Charter Of Rights And Freedoms, the Criminal Code of Canada and case law, may over-ride police wishes to limit the number of witnesses attending court.

Deputy Chief Michael Boyd, of Policing Support Command, will be in attendance to respond to any questions.

**The Board received the foregoing report and agreed to forward a copy to the City of Toronto – Policy and Finance Committee for information.**

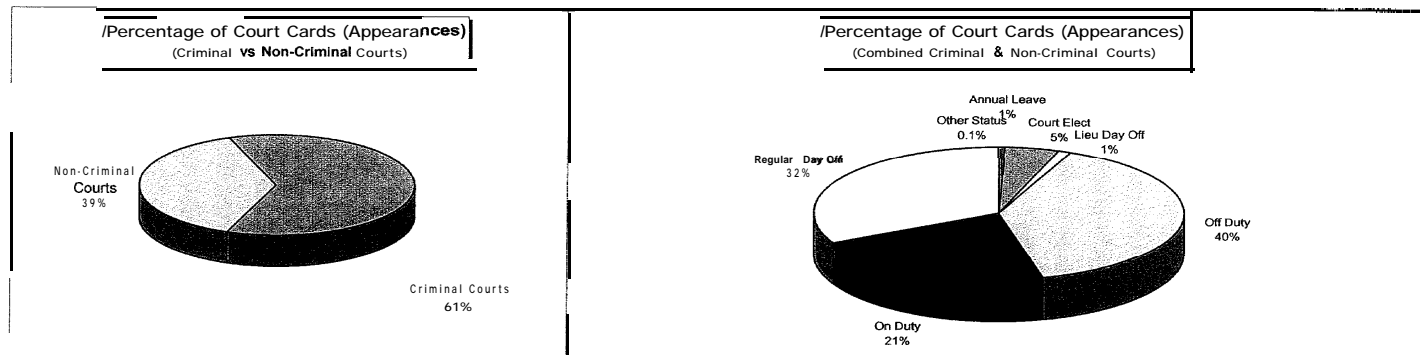


APPENDIX 'A' STATISTICS OF COURT ATTENDANCE REPORT

2001 January - December

Court Cards as per Duty Status (Court Appearances) - Criminal & Non-Criminal Courts

	Annual Leave	Court Elect	Lieu Day Off	Off Duty	On Duty	Regular Day Off	Other Status	Total No. of Court Cards
Criminal Courts	534	4050	475	28647	9763	21761	117	65347
Non-Criminal Courts	29	1081	649	13635	13034	12714	21	41163
Total	563	5131	1124	42282	22797	34475	138	106510

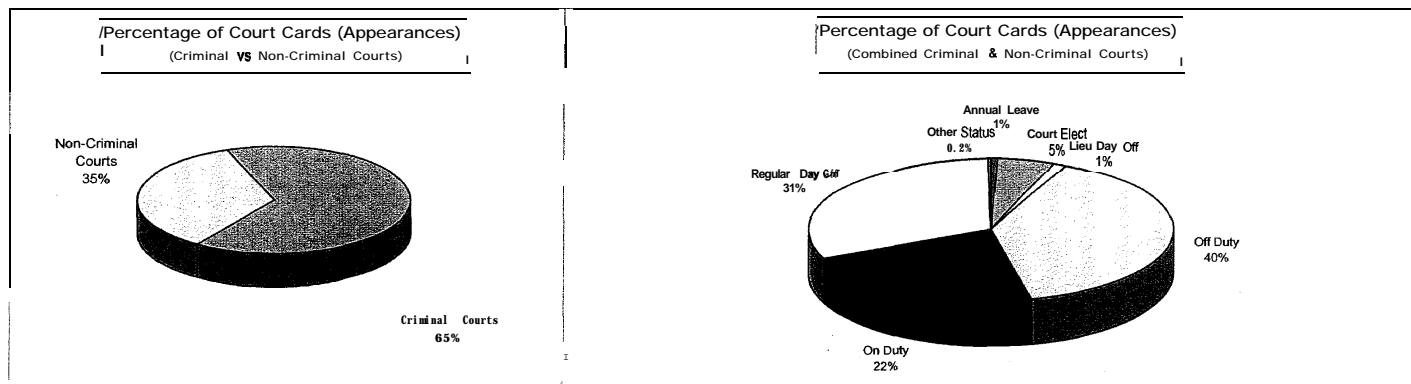


**APPENDIX 'B' STATISTICS OF COURT ATTENDANCE REPORT**

**2002 January - December**

Court Cards as per Duty Status (Court Appearances) - Criminal & Non-Criminal Courts

	Annual Leave	Court Elect	Lieu Day Off	Off Duty	On Duty	Regular Day Off	Other Status	Total No. of Court Cards
Criminal Courts	560	4023	557	28809	9517	22250	142	65658
Non-Criminal Courts	32	887	581	11477	12896	9591	22	35486
<b>Total</b>	<b>592</b>	<b>4910</b>	<b>1138</b>	<b>40286</b>	<b>22413</b>	<b>31841</b>	<b>164</b>	<b>101344</b>



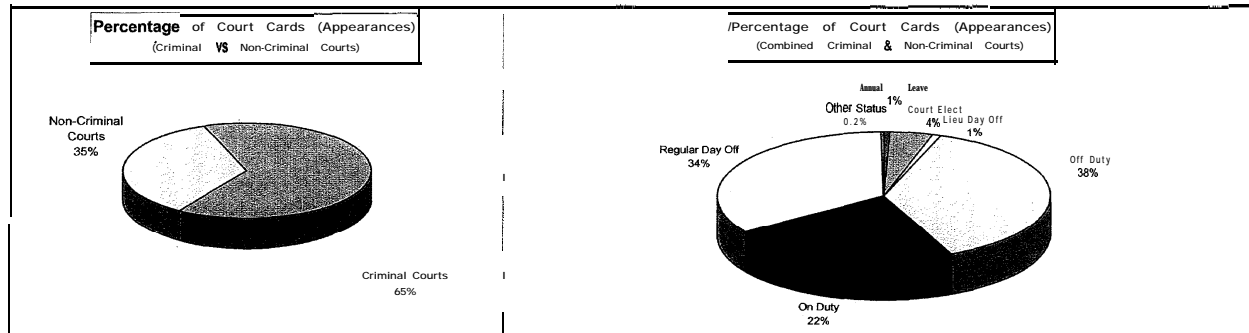


APPENDIX 'C' STATISTICS OF COURT ATTENDANCE REPORT

2003 January - July

Court Cards as per Duty Status (Court Appearances) - Criminal & Non-Criminal Courts

	Annual Leave	Court Elect	Lieu Day Off	off Duty	On Duty	Regular Day Off	Other Status	Total No. of Court Cards
Criminal Courts	338	2216	290	17593	6365	15427	90	42319
Non-Criminal Courts	21	446	361	7062	8239	6945	27	23101
Total	359	2662	651	24656	14604	22372	117	65420



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P320. TRAFFIC SERVICES: STRATEGIC TRAFFIC ENFORCEMENT  
MEASURES (S.T.E.M.)**

The Board was in receipt of the following report OCTOBER 16, 2003 from Julian Fantino, Chief of Police:

Subject: STRATEGIC TRAFFIC ENFORCEMENT MEASURES (S.T.E.M.)  
CONSOLIDATED REPORT FOR THE 1ST AND 2ND QUARTER - APRIL,  
MAY AND JUNE, 2003 AND JULY, AUGUST AND SEPTEMBER, 2003

Recommendation:

It is recommended that:

- (1) The Board receive this report for information, and;
- (2) That a copy be forwarded to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee.

Background:

The Budget Advisory Committee at its meeting held on February 14, 2003, during consideration of the 2003 Capital and Operating Budgets for the Service requested:

- (b) the Chair, Toronto Police Services Board, to:
  - (i) provide a quarterly report to the Policy and Finance Committee regarding the Traffic Enforcement Test initiative, such report to include an update on the number of traffic safety infractions, issued weekly as well as how the program, if successful, would impact on the resource requirements dedicated to the program.

The Toronto Police Service (TPS) identified traffic safety as a Service Priority for 2002-2004. To address this important issue, the Service developed a road safety strategy designed to reduce the unacceptable number of traffic deaths and injuries occurring as the result of collisions, poor driving behaviour and the careless actions of pedestrians.

In 2002, Traffic Services (TSV) implemented the Traffic Enforcement Safety Team (T.E.S.T.) pilot project. The 15-week T.E.S.T. project operated from August 26, 2002 to December 6, 2002, and was staffed with personnel dedicated solely to the initiative. The team produced a significant volume of enforcement activity as part of the corporate 'Calm Down-Slow Down' campaign. Utilizing collision data officers focused their enforcement activities in high risk

locations such as school zones, community safety zones, continuous complaint areas, high collision locations, and areas where excessive speed was an issue.

The T.E.S.T. project created public awareness of traffic safety and that poor driving behaviour would not be tolerated and was subject to strict enforcement. Upon the completion of the 'Calm Down-Slow Down' campaign and the T.E.S.T. project, the Service developed a business case outlining a dedicated Strategic Traffic Enforcement Measures team (S.T.E.M.) which would be a permanent element at TSV.

On April 1, 2003 the S.T.E.M. team was created, adding one sergeant and ten constables to TSV. Similar to the T.E.S.T. project, the S.T.E.M. team relies on collision data to strategically deploy its resources to high-risk locations.

### Enforcement Results

To date, there have been two quarterly reporting periods, April 1 to June 30, 2003 and July 1 to September 30, 2003. The following tables report the enforcement activity for these periods:

REPORTING PERIOD 2003	OFFENCE NOTICES	WEEKLY AVERAGE
April 1 – June 30	9,562	735
July 1 - September 30	11,034	820
Total	20,596	775

An analysis of the enforcement totals for the first two reporting periods indicate the following breakdown in percentages:

OFFENCE TYPE	% OF TOTAL
LASER OR RADAR SPEED ENFORCEMENT	82.6
GENERAL H.T.A.	15.0
INSURANCE OFFENCES	2.4

The trend for the first two weeks of October 2003 indicates laser and/or radar enforcement continues to be a predominant component of the overall total. To date the S.T.E.M. team has been operational during months of favourable driving conditions. As we move into the winter months there may be an impact on the weekly average based on the severity of the winter climate as people do not drive as aggressively in inclement weather. Historically in the winter, driving speeds go down resulting in the issuance of fewer offence notices.

The original business case projected an annual enforcement level of 1250 offence notices issued per week, however, an analysis of the first six months of operation indicate a number of staffing issues had an impact on the team's operational effectiveness. While the S.T.E.M. team focused on their primary function, operational detractors have impacted the team's ability to maintain 100% staffing on a regular basis. The most notable factors are:

- annual leave
- sick leave

- lieu time days off
- mandatory and legislated training requirements
- court

The full impact of on-duty court will not be realized until the early months of 2004 as offence notices issued by the S.T.E.M. team have not come to trial.

### Program Expenditures

The business case put forward to the City of Toronto Budget Advisory Committee and the Policy and Finance Committee to inaugurate the S.T.E.M. team, identified initial capital costs and ongoing operational costs.

The following information is representative of the capital and operational costs projected to 2005:

CAPITAL COSTS		
COST ELEMENT	2003	2004
5- Police Vehicles - Stealth Class	\$155,000 (\$31,000 per vehicle)	\$ 0
Decals & Emergency lighting	\$10,000 (\$2,000 per vehicle)	\$ 0
5- Police Radios & Mobile Work Stations	\$82,500 (\$16,000 per vehicle)	\$ 0
5 Lidar (laser) Speed Measuring Units	\$42,500 (\$8,500 per unit)	\$ 0
5- Dual Head Moving Radar Units	\$35,000 (\$7,000 per unit)	\$ 0
<b>Total Cost Elements</b>	<b>\$325,000</b>	<b>\$ 0</b>

OPERATIONAL COSTS		
COST ELEMENT	2003 (9 months)	2004
Salary- Sergeant (1)	\$55,229	\$75,848
Benefit package @ 21% of salary	\$11,598	\$15,928
Salary- Constable (10)	\$484,447	\$665,307
Benefit package @21% of salary	\$101,733	\$139,714
Premium Pay @10% of Constable salary level	\$48,500	\$66,500
<b>Total Cost Elements</b>	<b>\$701,507</b>	<b>\$963,297</b>

### Measuring Effectiveness

Since the inception of the S.T.E.M. team enforcement levels at TSV have risen by 37% and by 17% Service wide. Enforcement is a key component to achieving a reduction in deaths and injuries caused through preventable collisions and poor driving behaviour. However, the success

or failure of any traffic enforcement strategy cannot be measured solely on the volume of offence notices issued.

Collision statistics are a better indicator that highly visible directed enforcement is a more effective method of preventing collisions and changing driver behaviour. The following table notes comparative statistics for the same period (April 1 to September 30) for both 2002 and 2003:

COLLISION TYPE	2002	2003	+/- % CHANGE
FATAL	55	42	-23.6
INJURY (life threatening)	51	64	+20.3
INJURY (non-life threatening)	8,013	6,032	-24.7
PROPERTY DAMAGE	19,893	16,138	-18.9

Collision statistics recorded in the six month period indicate enforcement programs including initiatives such as S.T.E.M. conducted by Service officers have had a positive impact with respect to reducing traffic deaths, non-life threatening injuries and collisions.

### Projections

An analysis of enforcement data confirms speeding violations as the predominant offence. The fine for a speeding violation is dependent upon the offending motorist's speed as measured by the officer. As the differential between the posted speed and the measured speed increases, the associated fine also increases incrementally.

The majority of speeding violations are for 15km/h over the posted limit representing a minimum fine of \$42.50. As this offence carries no loss of demerit points, the majority are paid without disputing the charge. Motorists charged with higher speed violations face fines up to and including \$299.00 and often apply to have the matter dealt with at trial. Generally, most other Highway Traffic Act (HTA) offences carry a fine of \$90.00, which can be paid out of court or dealt with at trial.

The table below represents the projected issuance of provincial offence notices based on 82.5% issued for speeding, 15% issued for general HTA and 2.5% issued for insurance offences and related fines.

OFFENCES	PROJECTED WEEKLY AVERAGE	PROJECTED YEARLY AVERAGE	BASE FINE AMOUNT	PROJECTED MINIMUM ANNUAL FINES
Speeding @ 82.5%	640	33,280	\$42.50	\$1,414,400
General HTA @ 15%	115	5,980	\$90.00	\$538,200
Insurance Infractions @ 2.5%	20	1,040	\$55.00	\$57,200
Total	775	40,300	N/A	\$2,009,800

RECONCILIATION	2003 (9 months)	2004
Capital Budget	-\$325,000	\$ 0
Operational Budget	-\$701,507	-\$963,297
Fines	\$1,464,450	\$2,009,800
Differential	\$437,943	\$1,046,503

### Conclusion

The S.T.E.M. program, combined with other traffic safety initiatives, is resulting in a change of driver, cyclist and pedestrian attitude and behaviour as indicative of the collision statistics for 2003. In an all out effort to make our roads safer, traffic enforcement has been designated as a core responsibility for all police officers during the course of their daily duties. The Service's goal is to reduce collisions and incidents of poor driving behaviour, thereby reducing needless deaths and injuries occurring daily on Toronto's roadways. Through innovative initiatives such as S.T.E.M., the City's roadways will become safer and the quality of life for all Toronto's citizens will be significantly improved.

Deputy Chief Michael Boyd, Policing Support Command, will be in attendance at the Board meeting to answer any questions with respect to this 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 13, 2003**

**#P321. PARKING ENFORCEMENT UNIT: WORK PERFORMANCE  
EVALUATION PROCESS**

The Board was in receipt of the following report OCTOBER 14, 2003 from Julian Fantino, Chief of Police:

Subject: PARKING ENFORCEMENT UNIT - WORK PERFORMANCE EVALUATION  
PROCESS

Recommendation:

It is recommended that:

- (1) the Board receive this report for information; and
- (2) the Board forward a copy of this report to the City of Toronto, Policy and Finance Committee as requested.

Background:

On May 29, 2003, the Board received a report addressing the 'Parking Enforcement Unit – Work Performance Evaluation Process' (Board Minute P142/03 refers). The report was then forwarded to the City's Policy and Finance Committee for information.

At its meeting on September 11, 2003 the Policy and Finance Committee took the following actions:

- 1) deferred consideration of this matter to the next meeting of the Policy and Finance Committee to be held in January, 2004;
- 2) directed that in the interim, the Toronto Police Service be requested to provide the Policy and Finance Committee with a further report outlining the criteria used in evaluating the performance of Parking Enforcement Officers, including such elements as weighting of individual criteria, if any, etc.

The May 29, 2003 Board Report (Board Minute P142/03 refers), detailing the Parking Enforcement Unit's Work Performance Evaluation Process, outlined all criteria used to evaluate the performance of Parking Enforcement Officers. The criteria; Appearance, Attendance, Tag Issuance, Processability Rates, Tag Profiles, and Complaints are explained in the report. There is no weighting applied to the criteria, as all criteria selected are fundamental to ensuring the Parking Enforcement Unit functions properly.

The essence of the Work Performance Evaluation Process is to review officers on a longitudinal basis to ensure they meet or exceed performance goals on a continuous basis. Supervisors are required to review an officer's performance every thirty-five days. The objective of this review is to recognize above average performance and to analyze all occurrences of sub-standard performance.

When analyzing a case of sub-standard performance, supervisors review individual performance and look for any systemic problem that might be a contributing factor. After completing this analysis supervisors are required to take necessary actions (eg. - training, ride-alongs, developing and reviewing set officer performance plans, or documentation) to assist the officer to meet performance goals or to make recommendations to correct problems. In the case of sub-standard work performance, supervisors are required to work closely with officers in reviewing all aspects of daily, weekly, and thirty-five day Compressed Work Week Cycle (CWW) performance.

The aim of the Unit's Work Performance Evaluation Process is to ensure all officers are contributing to the success of the Parking Enforcement Unit in meeting its stated purpose (Appendix "A" refers) and performance targets.

To aid in the ongoing monitoring of the performance of Parking Enforcement Officers and unit operations, the following forms are completed and reviewed every CWW:

Appendix "B" – Area Supervisor Divisional Activity Report – Used to report the effectiveness of initiatives within a given area/division.

Appendix "C" – Platoon Performance Report – A management tool to provide an efficient overview of satisfactory and unsatisfactory work performance in several categories: Processability, Tag Issuance, Tag Profile (balance), Attendance, Vehicle Operations/Collisions and Complaints.

Appendix "D" – Officer Performance Status Report – Officer performance status report completed each cycle based on above (App. "C") criteria (Platoon Performance Report) and reviewed with employee.

Appendix "E" – Unit Performance Review – Details of Unit parking tag issuance, including, statistics and graphs depicting officer performance, availability, absenteeism, and Injured On Duty (IOD), including platoon and unit breakdowns.

Appendix "F" – (Sample) Platoon Tag Profile Report for CWW 6 (June 30 to August 3). Displays officer performance by type of offence, i.e. No Parking, No Standing, Meter, Disabled Offences, etc.

Appendix "G" – (Sample) Platoon Processability Figures for CWW 6. Displays percentage of processable tags for each officer.

Appendix "H" – (Sample) Platoon Sick Report for CWW 6, including 12 and 24 month history.



Appendix “I” – (Sample) Platoon Daily Absence Report for CWW 6, (reveals absenteeism patterns).

Appendix “J” – (Sample) Officer Absence by Month Report for CWW 6 including all categories, i.e. Sick, Dependent Sick, Annual Leave, Time Off, and other.

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

**The Board received the foregoing.**

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## Appendix A

### UNIT PURPOSE

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,
- Provide operational support to the Toronto Police Service.



**Appendix B. Area Supervisor Activity Report**  
 \_\_\_\_\_  
 Division



<i>Area Supervisor</i>	<i>Phone</i>
	808 -
<i>Reporting period</i>	
<i>from:</i>	<i>to:</i>

Area Concerns and Initiatives	
<b>Concern/Initiative</b>	
<b>Actions Taken</b>	
<b>Results</b>	
<b>Recommendations</b>	
<b>Concern/Initiative</b>	
<b>Actions Taken</b>	
<b>Results</b>	
<b>Recommendations</b>	
<b>Concern/Initiative</b>	
<b>Actions Taken</b>	
<b>Results</b>	
<b>Recommendations</b>	
<b>Concern/Initiative</b>	
<b>Actions Taken</b>	
<b>Results</b>	
<b>Recommendations</b>	

*Area Supervisor Activity Report*  
 Distribution: Supt., S/Sgt., Sgt.

*Update and submit for each Division at end of each C. W. W. cycle.*

| | |

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Area Concerns and Initiatives, cont.	
Concern/Initiative	
Actions Taken	
Results	
Recommendations	

Concern/Initiative	
Actions Taken	
Results	
Recommendations	

Concern/Initiative	
Actions Taken	
Results	
Recommendations	

Concern/Initiative	
Actions Taken	
Results	
Recommendations	

Concern/Initiative	
Actions Taken	
Results	
Recommendations	

|

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**Meetings**

*(Includes Crime Management, CPLC, BIA, Councillor, City Depts, Community, Ratepayers, Special Events, etc.)*

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	

<b>Date and Location</b>	
<b>Name of group or type of meeting</b>	
<b>Purpose</b>	



Meetings, cont.	
Date and Location	
Name of group or type of meeting	
Purpose	
Date and Location	
Name of group or type of meeting	
Purpose	
Date and Location	
Name of group or type of meeting	
Purpose	
Date and Location	
Name of group or type of meeting	
Purpose	
Date and Location	
Name of group or type of meeting	
Purpose	
If extra space is needed to record meeting information, use this section.	

Joint Projects / Special Events				
<i>(List any project/tactic worked on with other parking/police units or the community)</i>				

Platoon Parade Visits				
<i>(List all dates and platoons, parking and divisional units, visited for the purpose of exchanging information)</i>				
Platoon	Unit/Division	Date	Time	Remarks
Additional Comments				

**PLATOON PERFORMANCE REPORT**  
**TOP 5 PERFORMERS FOR CWV ■ XX/O3**

#	PROCESSIBLE RATE			TAG ISSUANCE			TAG PROFILE*		
	NAME	BADGE	RATE	NAME	BADGE	% ABOVE	NAME	BADGE	TRAFFIC FLOW PROFILE
1									
2									
3									
4									
5									

**TOP 5 PERFORMERS FOR YEAR TO DATE**

#	PROCESSIBLE RATE			TAG ISSUANCE			TAG PROFILE*		
	NAME	BADGE	RATE	NAME	BADGE	% ABOVE	NAME	BADGE	TRAFFIC FLOW PROFILE
1									
2									
3									
4									
5									

\* TAG PROFILE ■ TRAFFIC FLOW AND SAFETY ISSUES  
 (No Stopping, No Standing, Fire Route, Disabled, and Intersection Tags)

**REASONS FOR THESE OFFICERS PERFORMANCE LEVELS**




**LOWEST PERFORMERS FOR CWW - XX/03**

PAGE

<u>PROCESSIBLE RATE</u>				<u>TAG ISSUANCE</u>			<u>TAG PROFILE</u>		
TOP 5 THOSE NOT MEETING STANDARD				TOP 5 THOSE NOT MEETING STANDARD			LOWEST 5		
#	NAME	BADGE	RATE	NAME	BADGE	% BELOW	NAME	BADGE	TRAFFIC FLOW PROFILE
1									
2									
3									
4									
5									

**LOWEST PERFORMERS FOR YEAR TO DATE**

<u>PROCESSIBLE RATE</u>				<u>TAG ISSUANCE</u>			<u>TAG PROFILE</u>		
TOP 5 THOSE NOT MEETING STANDARD				TOP 5 THOSE NOT MEETING STANDARD			LOWEST 5		
#	NAME	BADGE	RATE	NAME	BADGE	% BELOW	NAME	BADGE	TRAFFIC FLOW PROFILE
1									
2									
3									
4									
5									

**OFFICER IMPROVEMENT PLAN (for this CWW)**

#	REASON	ACTION TAKEN / PLAN
1		
2		
3		
6		
8		

# PLATOON PERFORMANCE REPORT

## TOP 5 PERFORMERS FOR **CWW** - XX/O3

#	<u>ATTENDANCE</u>			<u>COLLISIONS</u>			<u>COMPLAINTS</u>		<u>LOWEST 5</u>	
	NAME	BADGE	DAYS AWAY	NAME	BADGE	count	NAME	BADGE	Conduct	Service
1										
2										
3										
4										
5										

## TOP 5 PERFORMERS FOR YEAR TO DATE

#	<u>ATTENDANCE</u>			<u>COLLISIONS</u>			<u>COMPLAINTS</u>		<u>LOWEST 5</u>	
	NAME	BADGE	DAYS AWAY	NAME	BADGE	count	NAME	BADGE	Conduct	Service
1										
2										
3										
4										
5										

### REASONS FOR THESE **OFFICERS** PERFORMANCE LEVELS


**LOWEST PERFORMERS FOR CWW , XX/03**

OP 5 #	ATTENDANCE THOSE NOT MEETING STANDARD			COLLISIONS THOSE HAVING FREQUENT COLLISIONS			COMPLAINTS HIGHEST COMPLAINTS			Conduct	Service
	NAME	BADGE	DAYS AWAY	NAME	BADGE	count	NAME	BADGE			
1											
2											
3											
4											
5											

**LOWEST PERFORMERS FOR YEAR TO DATE**

OP 5 #	ATTENDANCE THOSE NOT MEETING STANDARD			COLLISIONS THOSE HAVING FREQUENT COLLISIONS			COMPLAINTS HIGHEST COMPLAINTS			Conduct	Service
	NAME	BADGE	DAYS AWAY	NAME	BADGE	count	NAME	BADGE			
1											
2											
3											
4											
5											

**OFFICER IMPROVEMENT PLAN (for this CWW)**

#	REASON	ACTION TAKEN / PLAN
1		
2		
5		
6		
7		
8		

Appendix D

**PARKING ENFORCEMENT UNIT**

**OFFICER PERFORMANCE STATUS REPORT**

Officer name: \_\_\_\_\_ Badge: \_\_\_\_\_ P l t n : U n i t :

**INSTRUCTIONS:**  
  
INSERT P.I.N.S. AND TAG  
SUMMARY INTO FOLDER  
  
COMPLETE FORMS AS  
INDICATED BELOW.

**FORM I**

**OFFICER PERFORMANCE STATUS FOR THE PERIOD** \_\_\_\_\_ / \_\_\_\_\_  
C.W.W.      YEARS

(Check A or B)

- A \_\_\_\_\_ PARKING OFFICER MET STANDARD LEVELS  
(Complete Forms I & II and IV See "Awards" below)
- B \_\_\_\_\_ PARKING OFFICER DID NOT MEET STANDARD LEVEL(S)  
(Complete Forms I & III)

**ELIGIBILITY FOR AWARD(S)**

\_\_\_\_\_ PARKING OFFICER EXHIBITS SUPERIOR WORK PERFORMANCE  
AND REMAINS ELIGIBLE FOR "MONTHLY" or "ANNUAL" AWARD.  
(Complete Forms I & II (above) and Form IV-"Awards")



**INTERVIEW RECORD**

**Officer:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Pltn:** \_\_\_\_\_ **U n i t :** \_\_\_\_\_

**FORM II**

(Complete when officer meets or exceeds all standards/levels for the period.)

**Criteria for Award**

<b>Tag Issuance (Total)</b>	Exceeds Standard
<b>Processability (Rate)</b>	Exceeds Standard
<b>Enforcement Profile</b>	Appropriate to area
<b>Vehicle Operation</b>	Acceptable
<b>Complaints - Conduct (Civility)</b>	Acceptable
<b>Service (Errors)</b>	Acceptable
<b>Uniform Standards</b>	Acceptable

*To be eligible for an award, candidates must also demonstrate adherence to Service Core Values and the Unit Code of Conduct (Y or N)* \_\_\_\_\_

**Award Recommendation (Part IV) completed: (Y or N)** \_\_\_\_\_

**Officer Comments:**

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ **Date Interviewed:** \_\_\_\_\_

**PEO Signature:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **P l t n:** \_\_\_\_\_ **U n i t:** \_\_\_\_\_

**S/Supvr. Signature:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Pltn:** \_\_\_\_\_ **U n i t :** \_\_\_\_\_



**COUNSELLING RECORD AND ACTION PLAN**

**Officer:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Pltn:** \_\_\_\_\_ **U n i t :** \_\_\_\_\_

**FORM III**

(Complete when the officer failed to meet one or more standard/level for the period)

**DESCRIPTION OF STANDARD(S) NOT MET:**

<b>Tag Issuance (Total)</b>	Exceeds Standard	Did <u>Not</u> Exceed Standard
<b>Processability (Rate)</b>	Exceeds Standard	Did <u>Not</u> Exceed Standard
<b>Enforcement Profile</b>	Appropriate to area	Skewed
<b>Vehicle Operation</b>	Acceptable	Unacceptable
<b>Complaints - Conduct (Civility)</b>	Acceptable	Unacceptable
<b>Service (Errors)</b>	Acceptable	Unacceptable
<b>Uniform Standards</b>	Acceptable	Unacceptable

**PROGRESS SINCE LAST PERFORMANCE REVIEW**

**Comments:** Indicate if First Review

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ACTION PLAN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date Counseled:** \_\_\_\_\_ **Date set for Review:** \_\_\_\_\_

**PEO Signature:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Pltn:** \_\_\_\_\_ **Unit:** \_\_\_\_\_

**S/Supvr. Signature:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Pltn:** U n i t : \_\_\_\_\_

**(S/) Sergeant:** \_\_\_\_\_ **Badge:** \_\_\_\_\_ **Unit:** \_\_\_\_\_





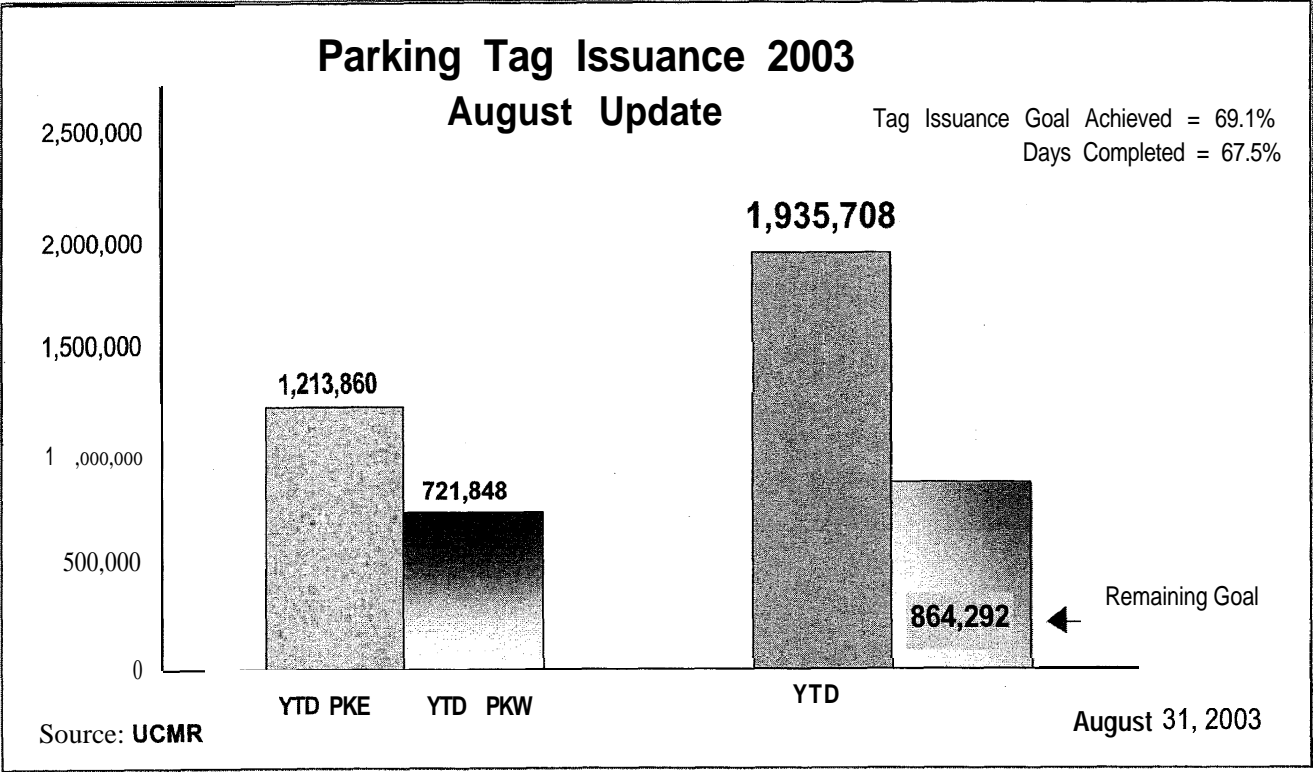


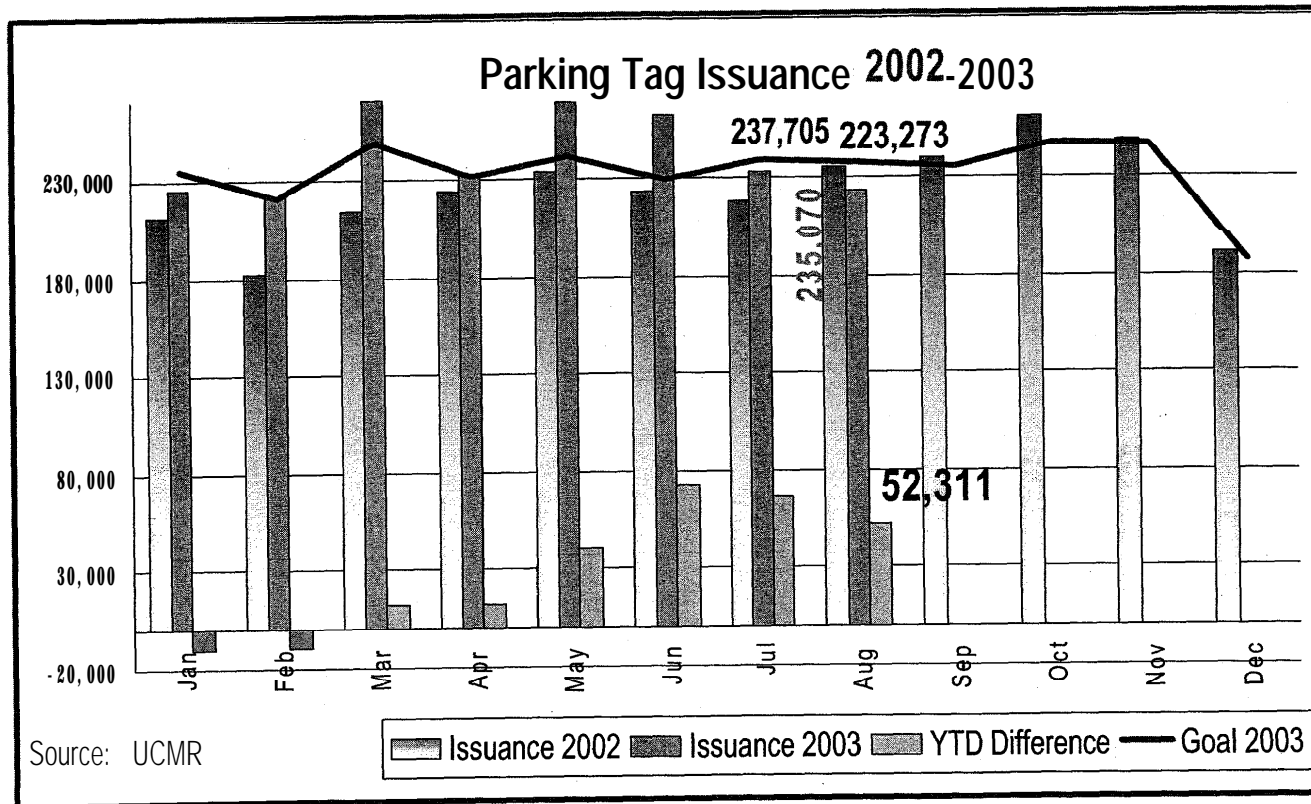


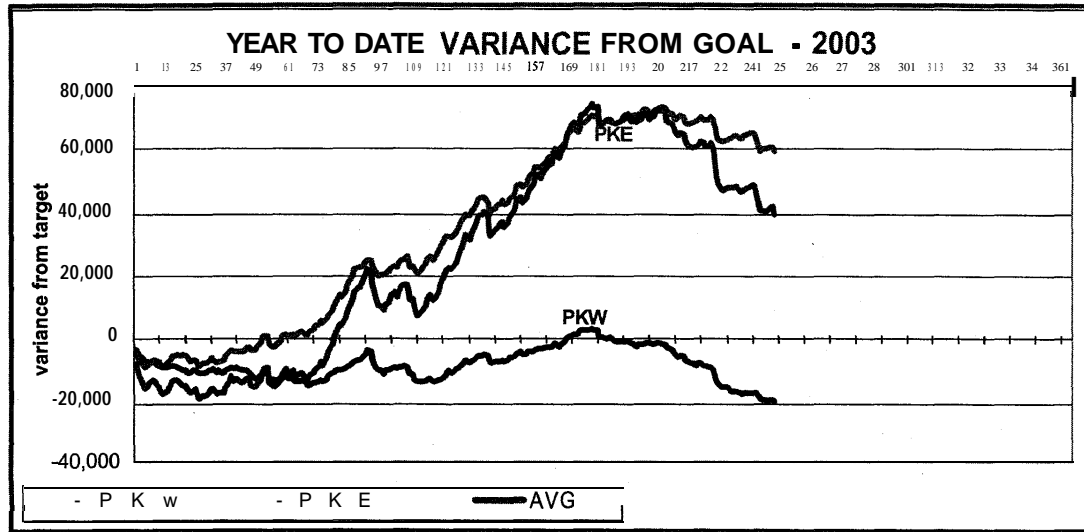
Appendix: E

**Parking Enforcement Unit  
Performance Review  
CWW 7, 2003**

September 25, 2003



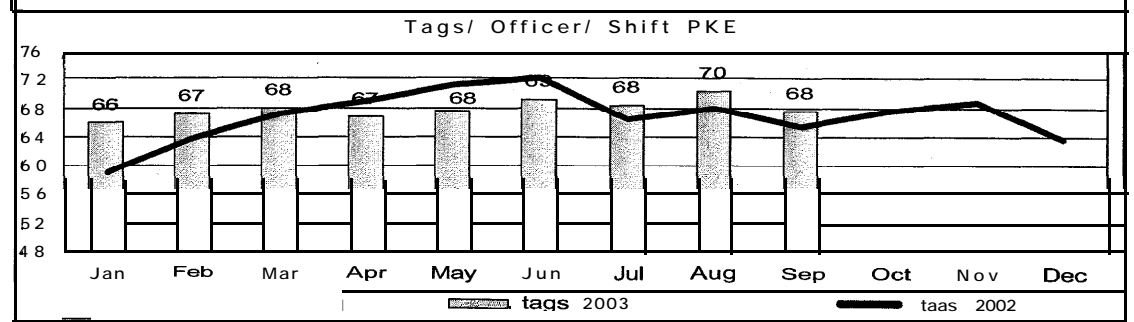
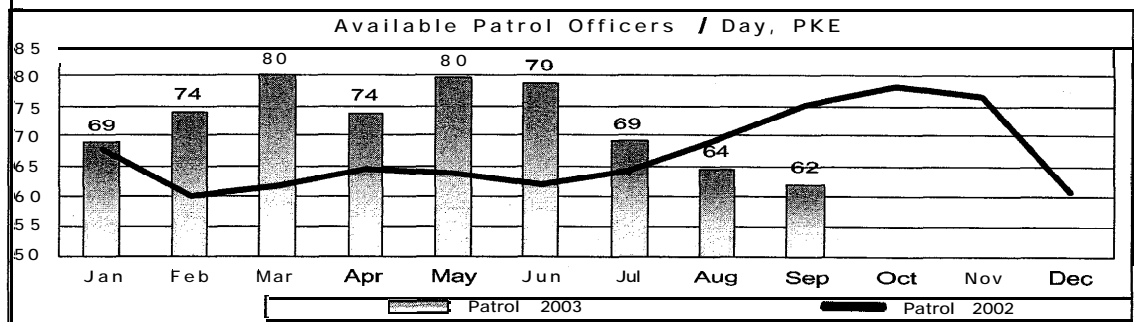
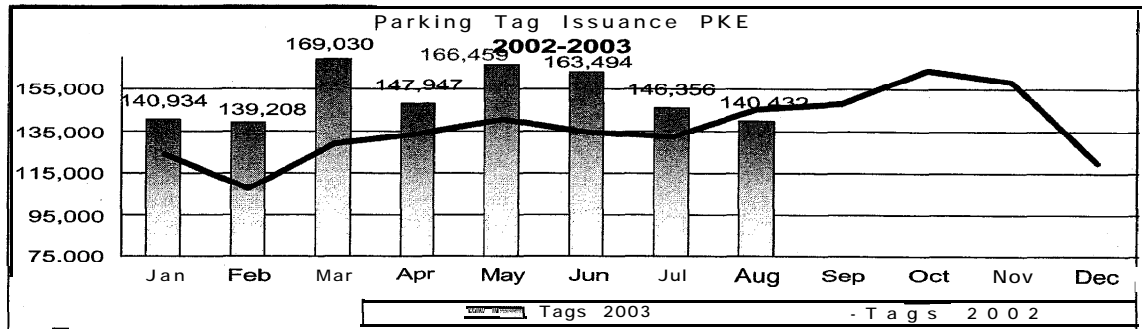


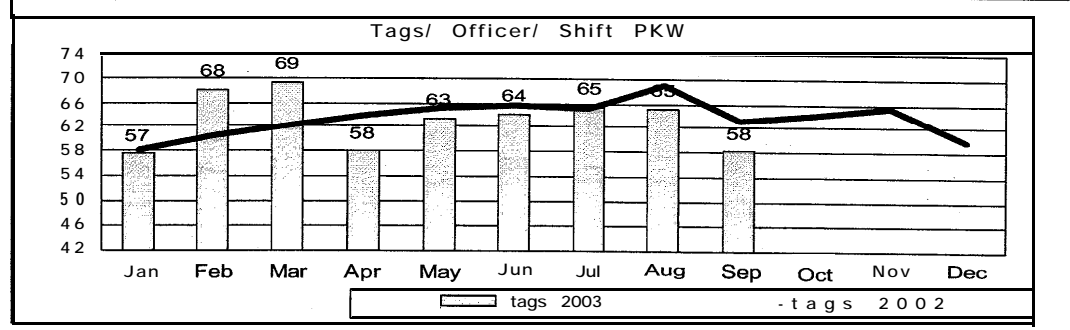
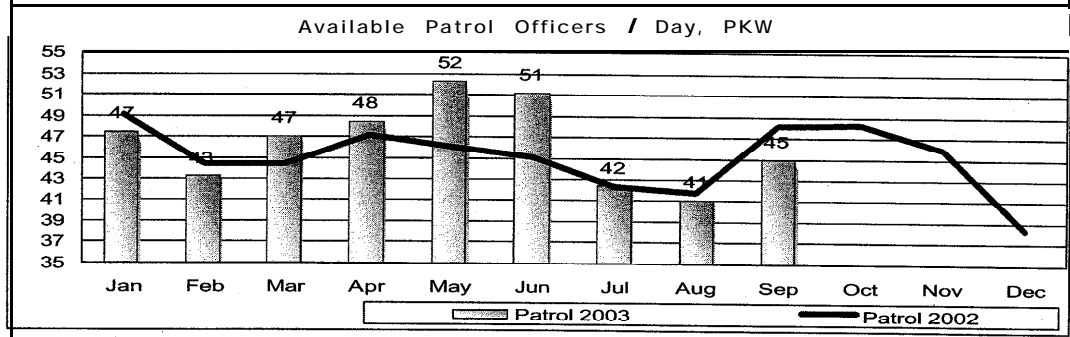
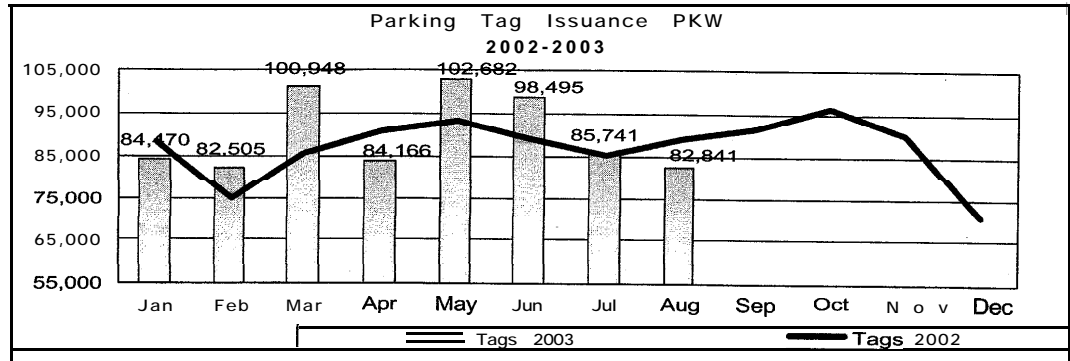


#### Issuance Summary

August 2003	Tags	PKE%	PKW%
Regular Duty+OT tags	201,319	65%	35%
Call Backs Tags	21,954	41%	59%
Total Tags	223,273	63%	37%
<b>Total YTD Tags</b>	<b>1,935,708</b>	<b>62.7%</b>	<b>37.3%</b>

Present average = 241,964 tags/month (Jan. – Aug.)  
 Assigned goal average = 235,425 tags/month (Jan. – Aug.)  
 Required average to meet goal = 216,073 tags/month (Sept. – Dec.)





## Tag Issuance/ Performance Goal For 2003

**2,800,000 TAGS**

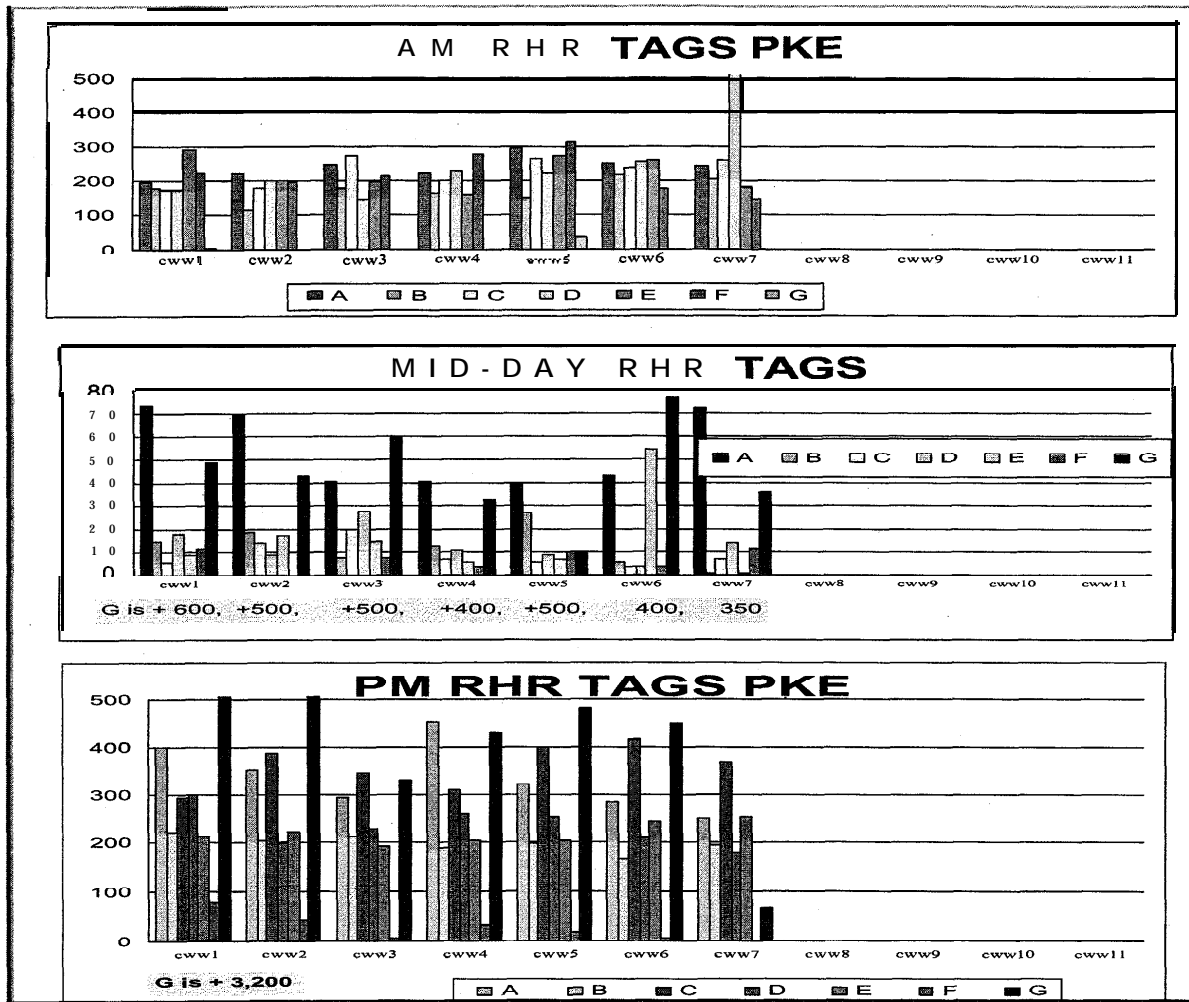
Tag issuance up to August	<b>1,935,708</b> Tags
Average issuance per month	<b>241,964</b>
Required Average / Month	<b>216,073</b>

Remaining Tag Issuance Goal		Required	Average / Month
<b>September - December</b>	PKE	491,340	122,635
	PKW	372,952	93,238
	<b>Total</b>	<b>664,292</b>	

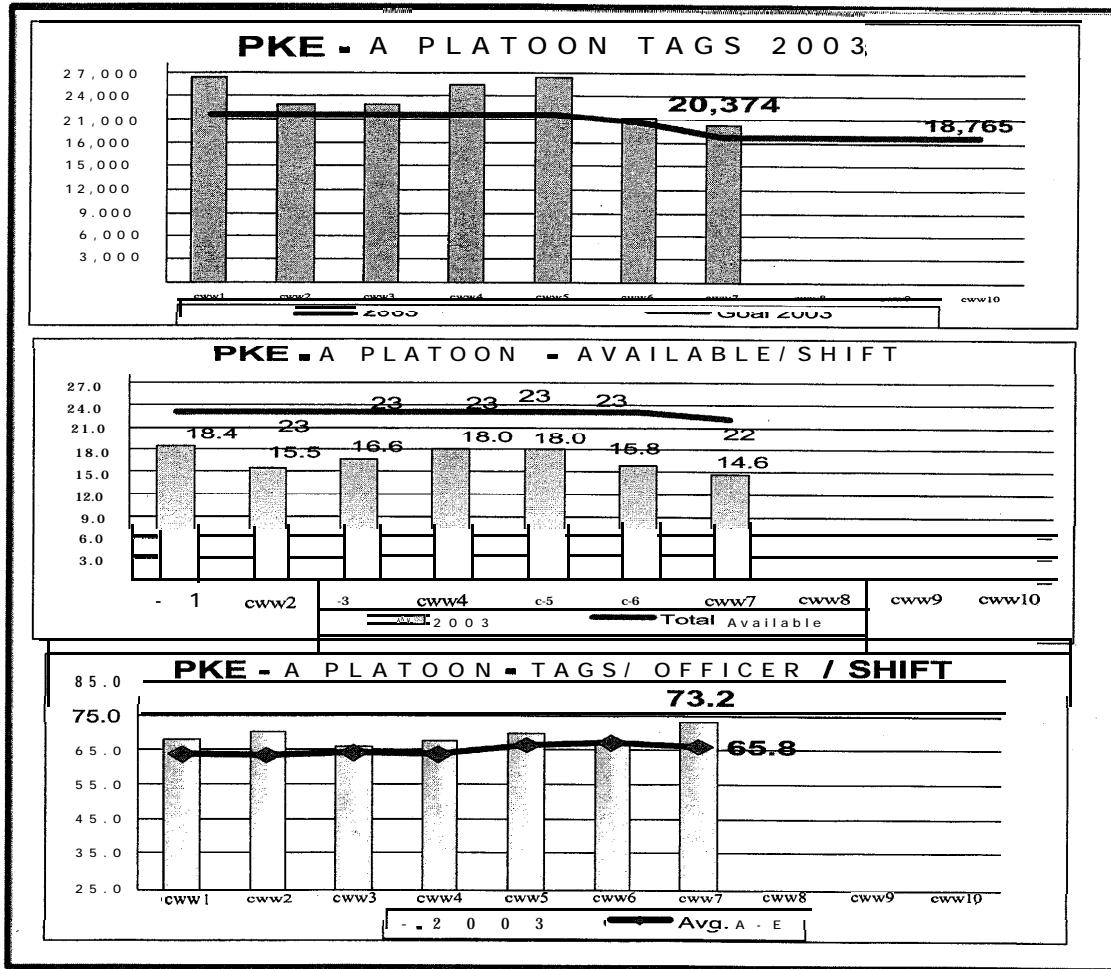
Total Remaining Days	=	122	
Holiday Enforcemnet (December)	=	5	
Sundays+ Holidays	=	22	
Saturdays	=	16	
Monday to Friday Days	=	79	

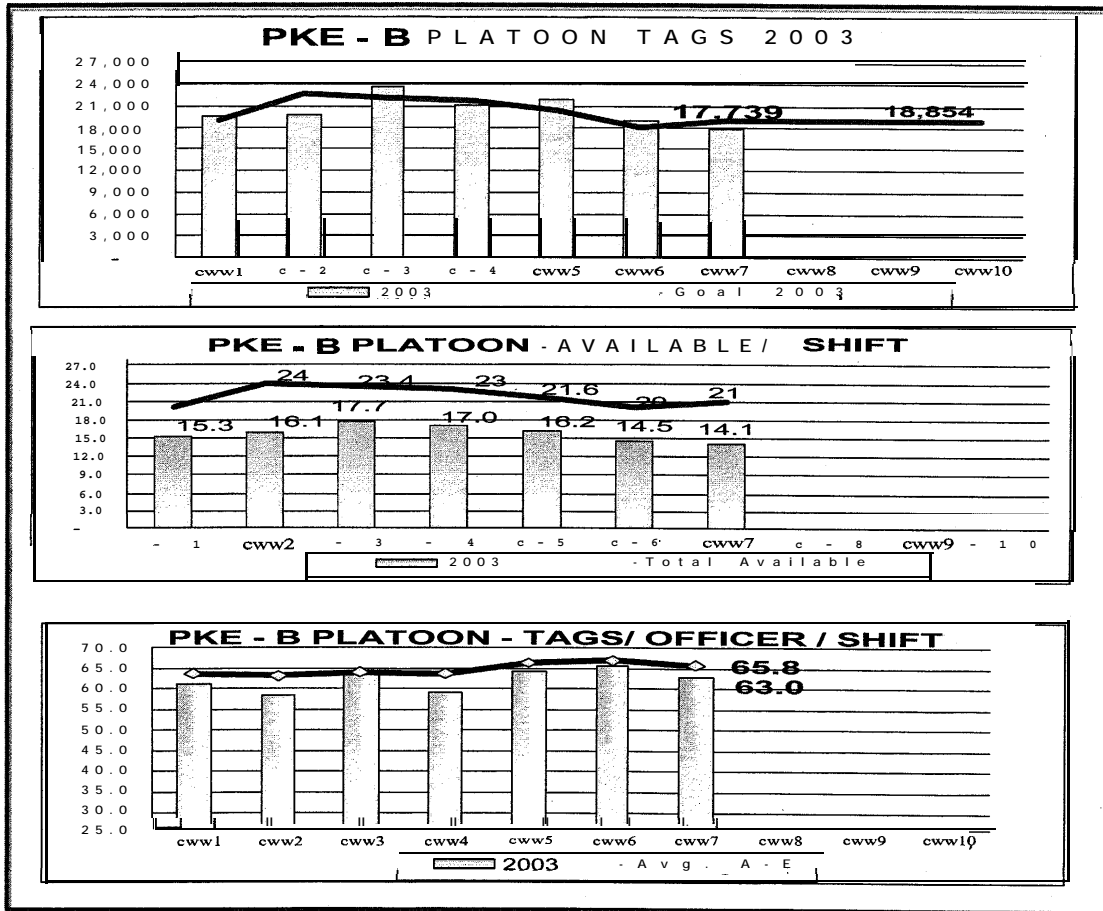
Daily Tag Issuance Goal, PKW	=		TOTAL
<small>Sundays Saturdays Monday to + Friday Holidays</small>	=	<small>3,760 2,766 4,682</small>	<small>60,160 6 1,292 369,888</small>

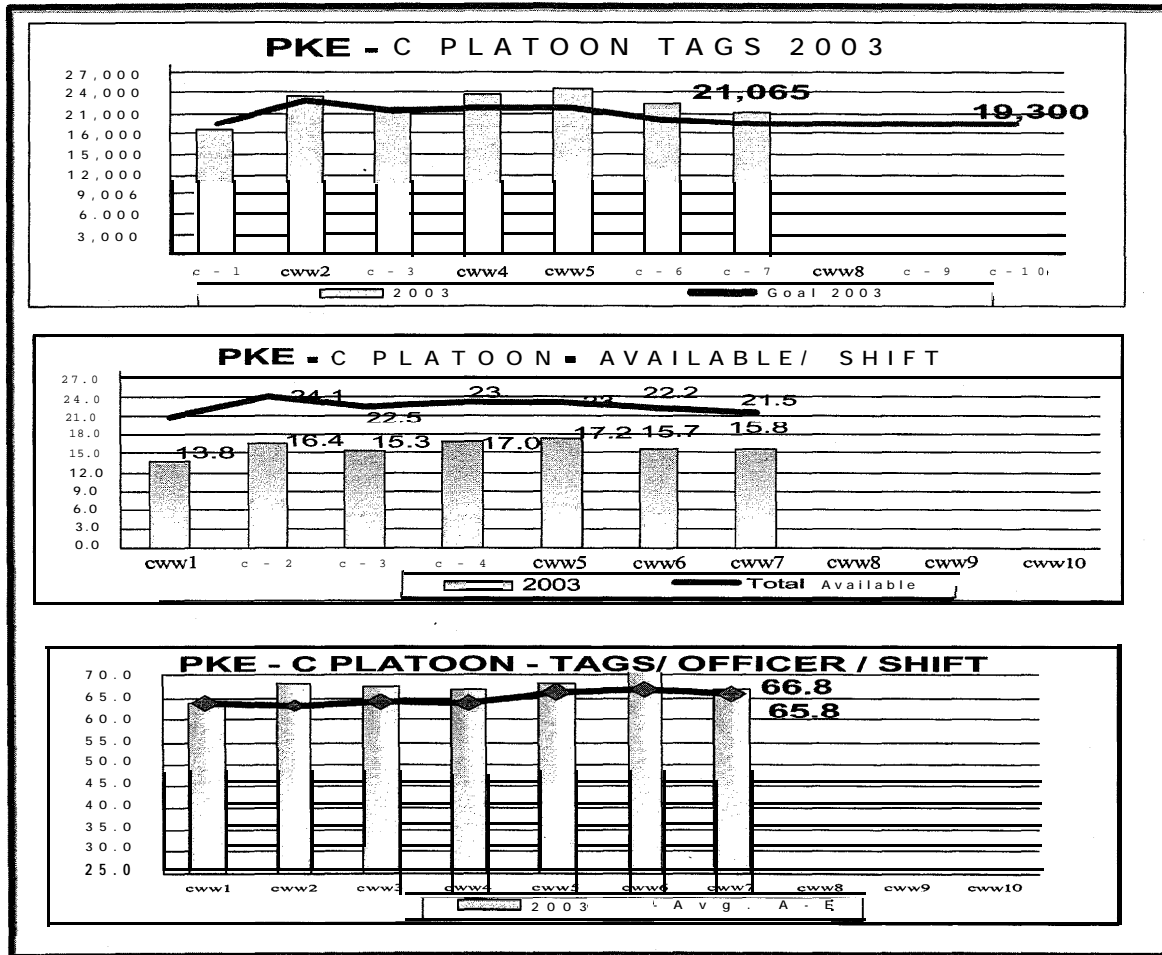
Daily Tag Issuance Goal, PKE	=		TOTAL
Saturdays	=	3,760	60,160
Sundays + Holidays	=	2,766	6 1,292
Monday to Friday	=	4,682	369,888
			<i>491,340</i>

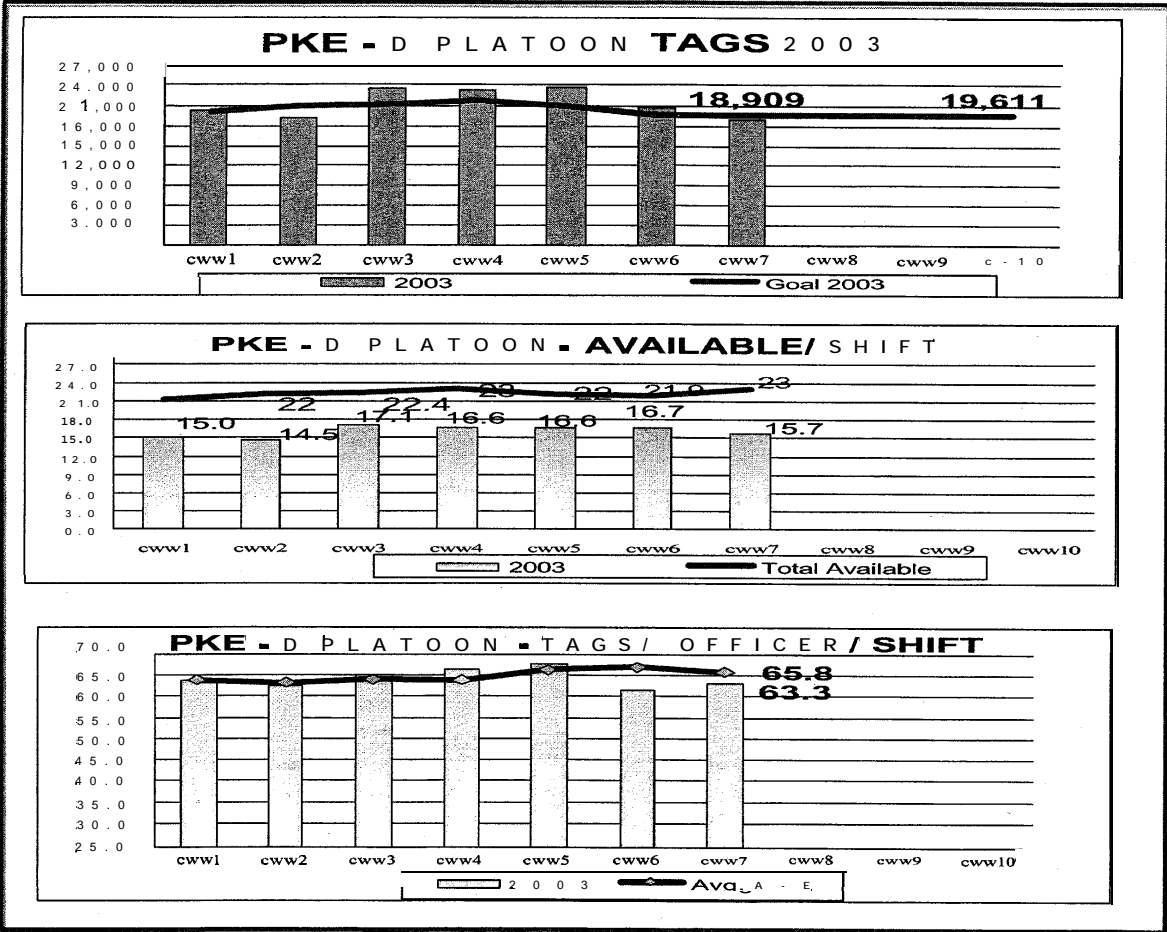


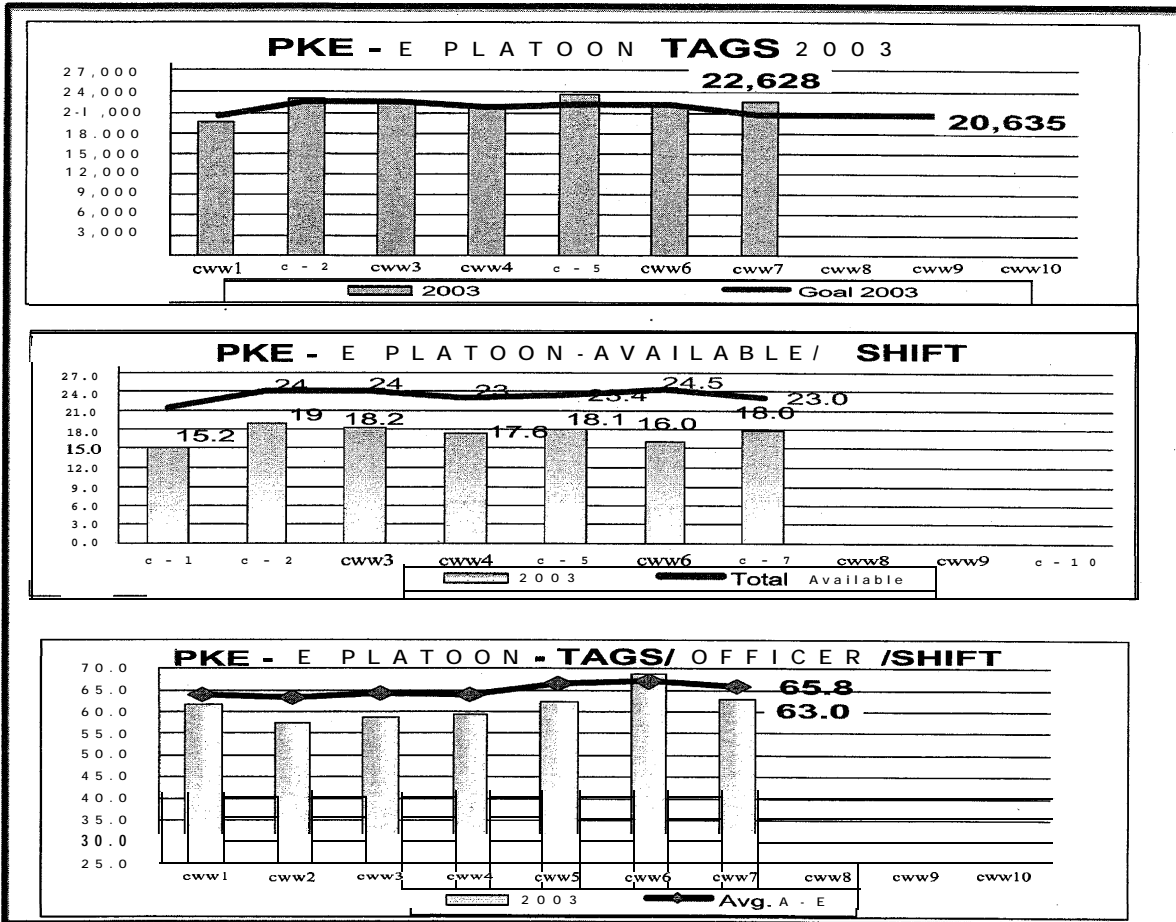


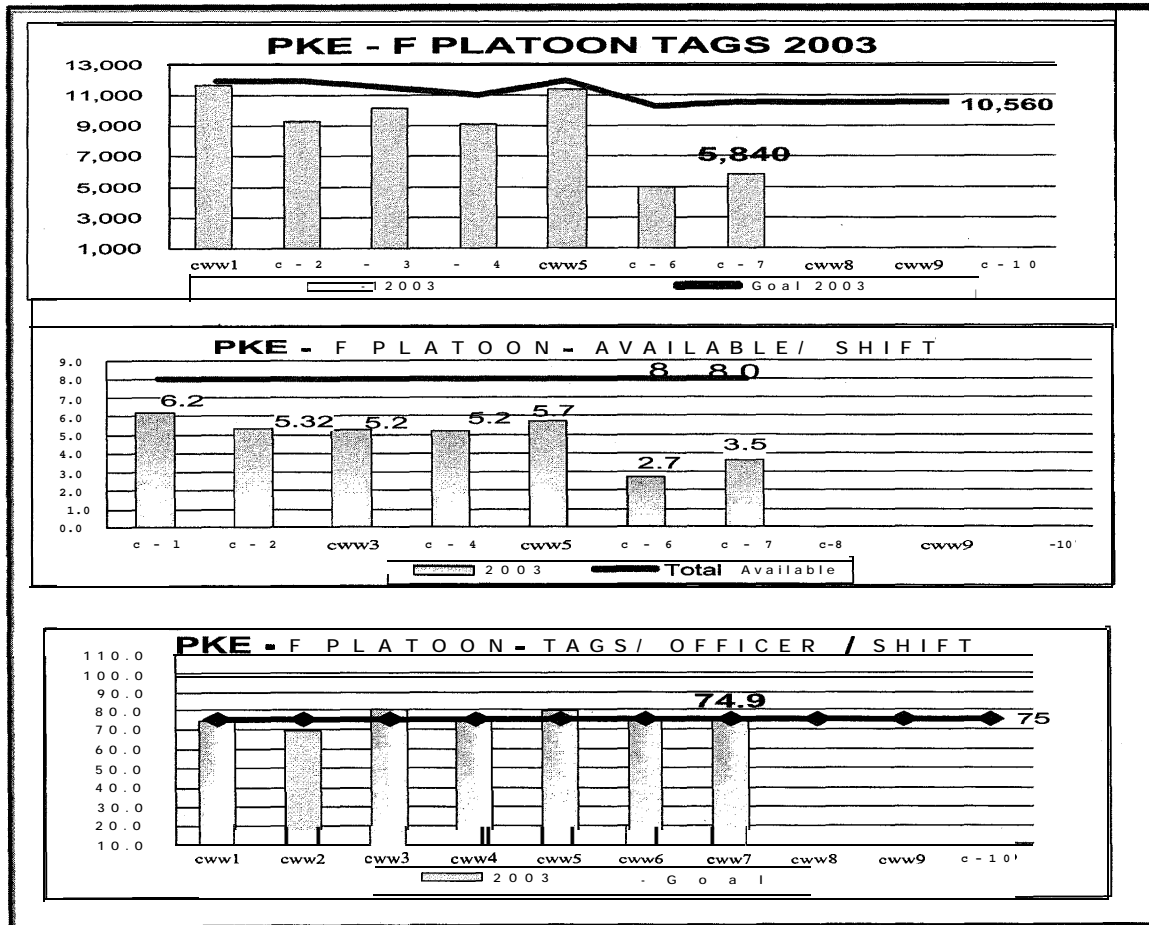


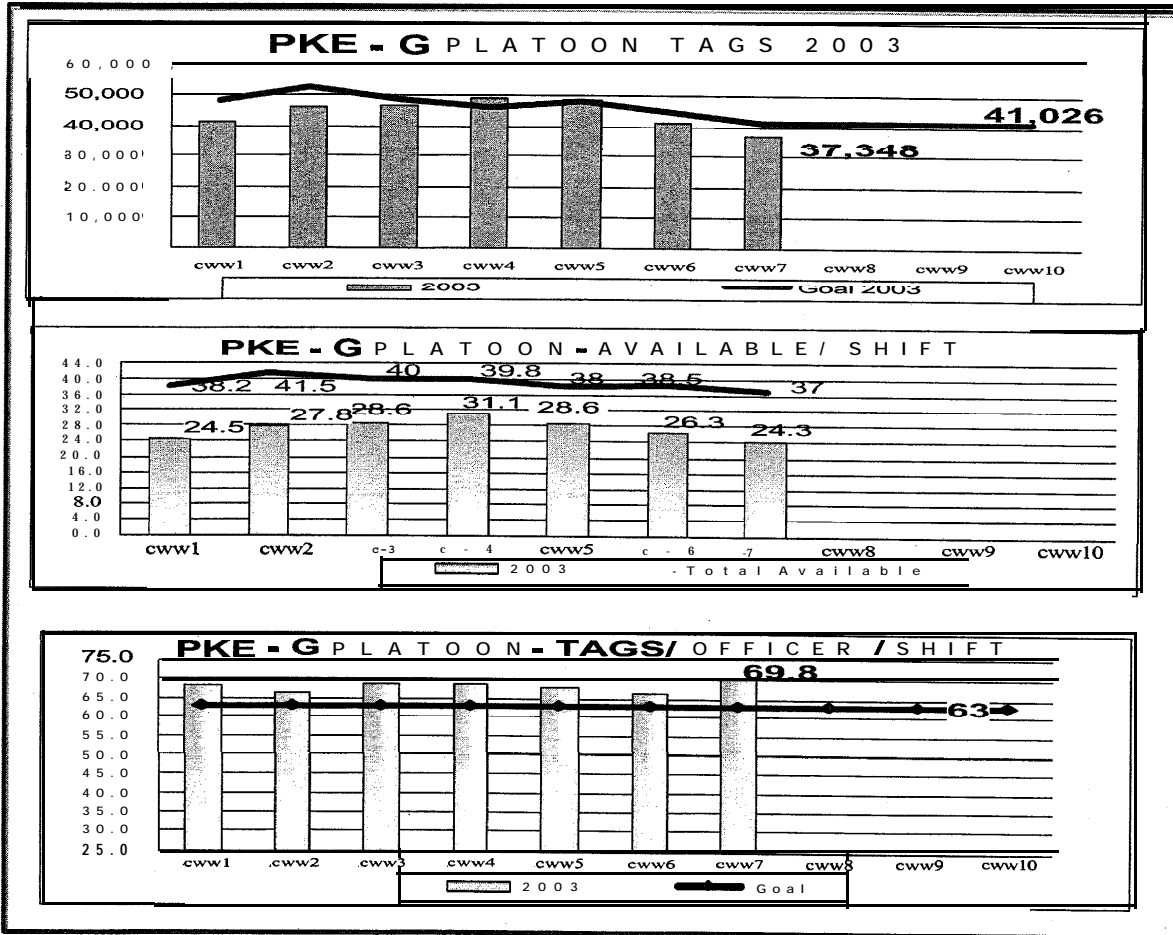




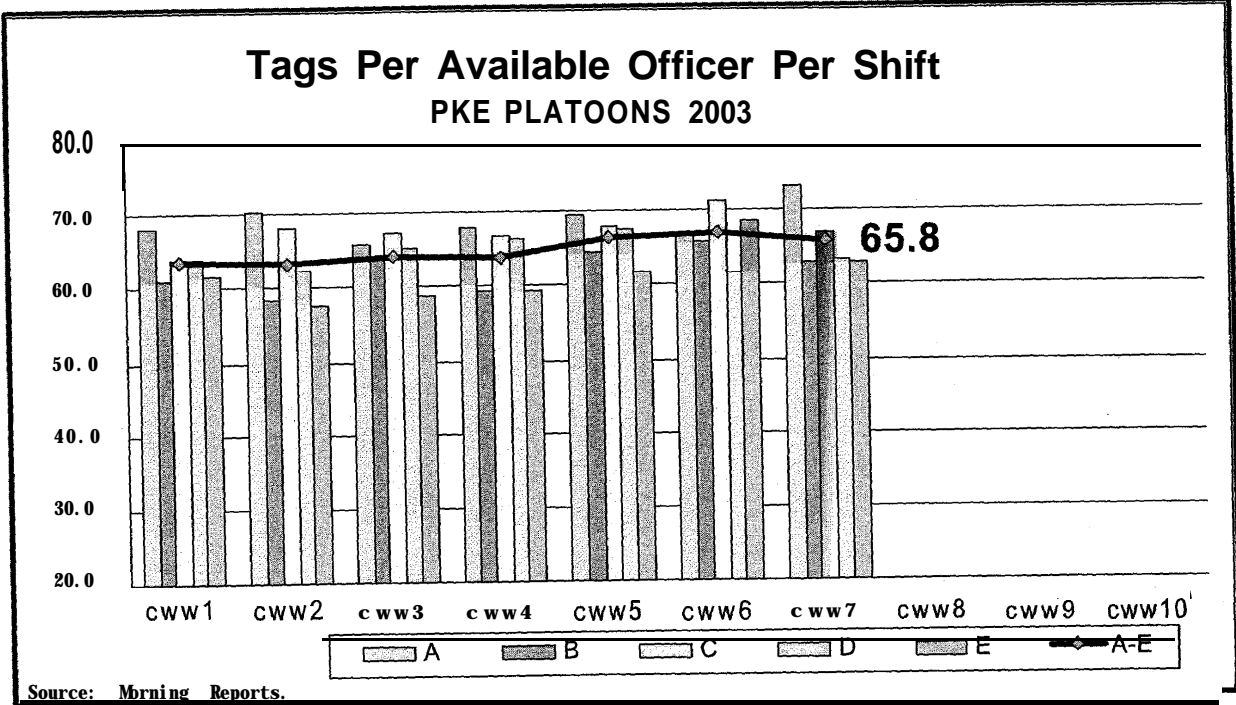




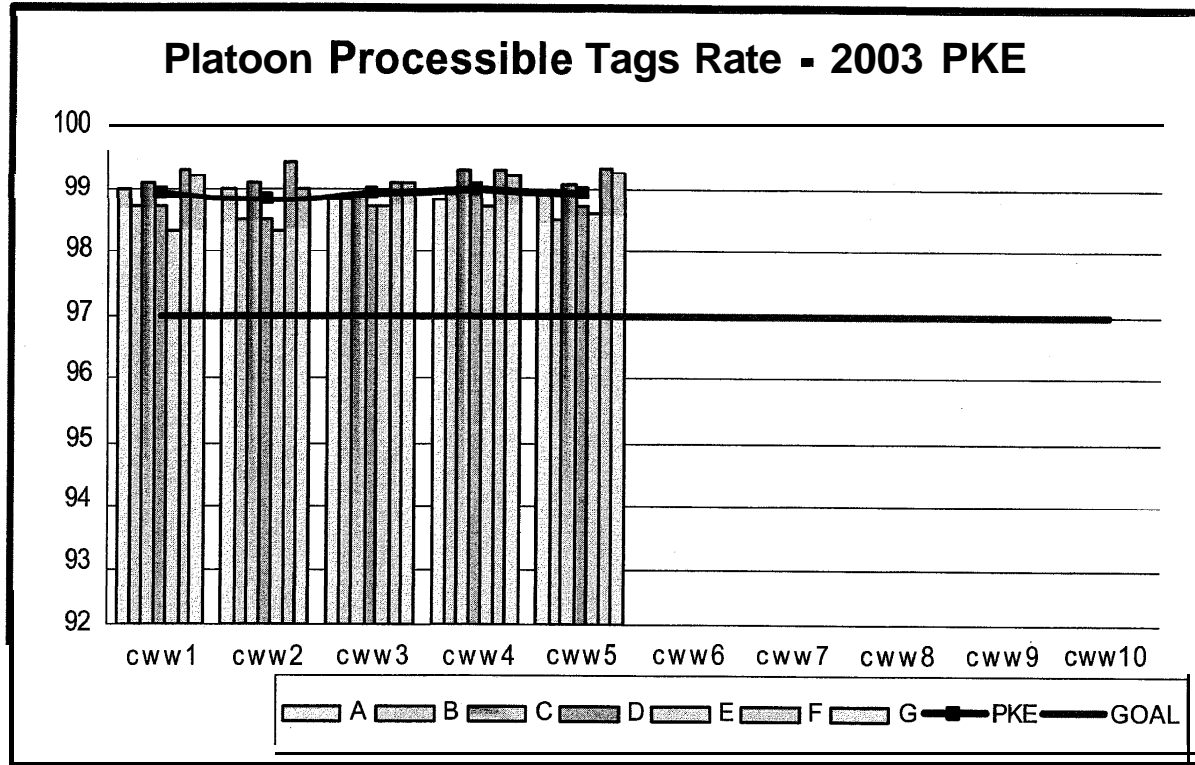


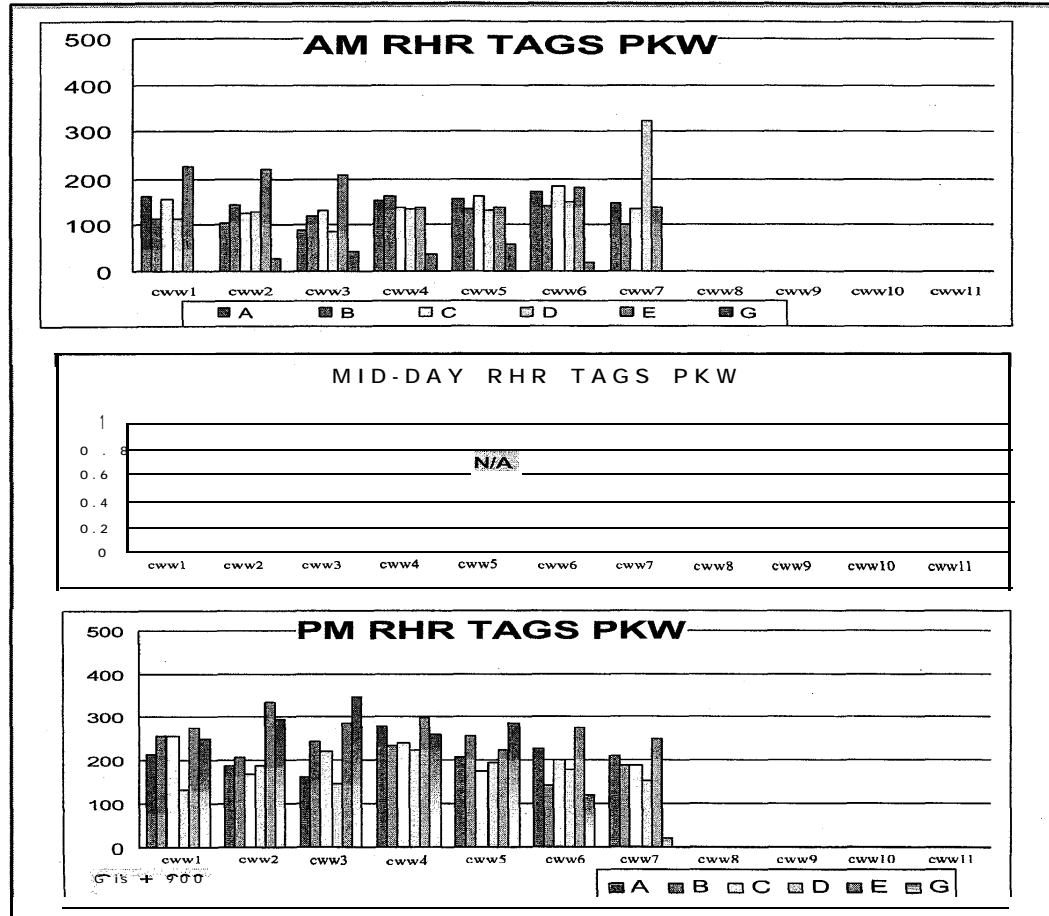


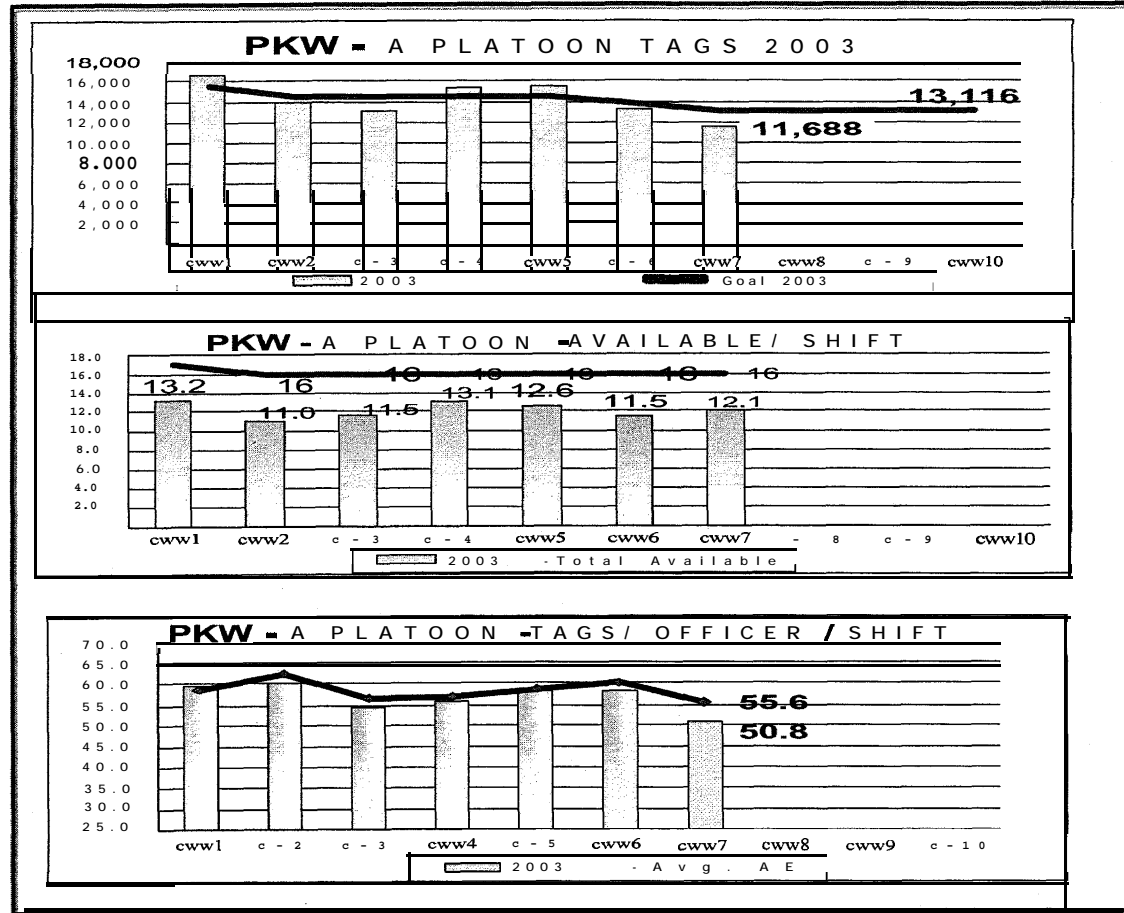
Parking Enforcement Unit Management Meeting

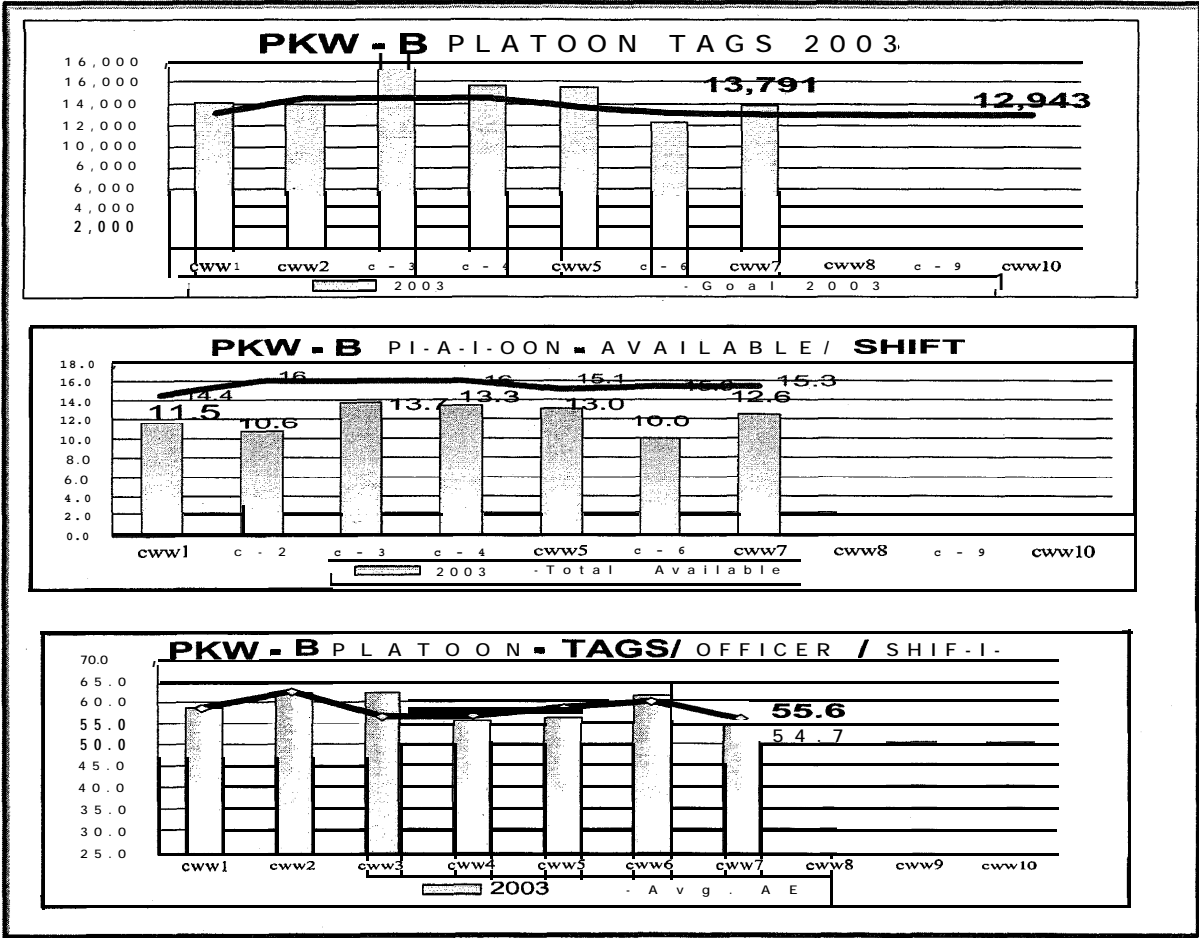


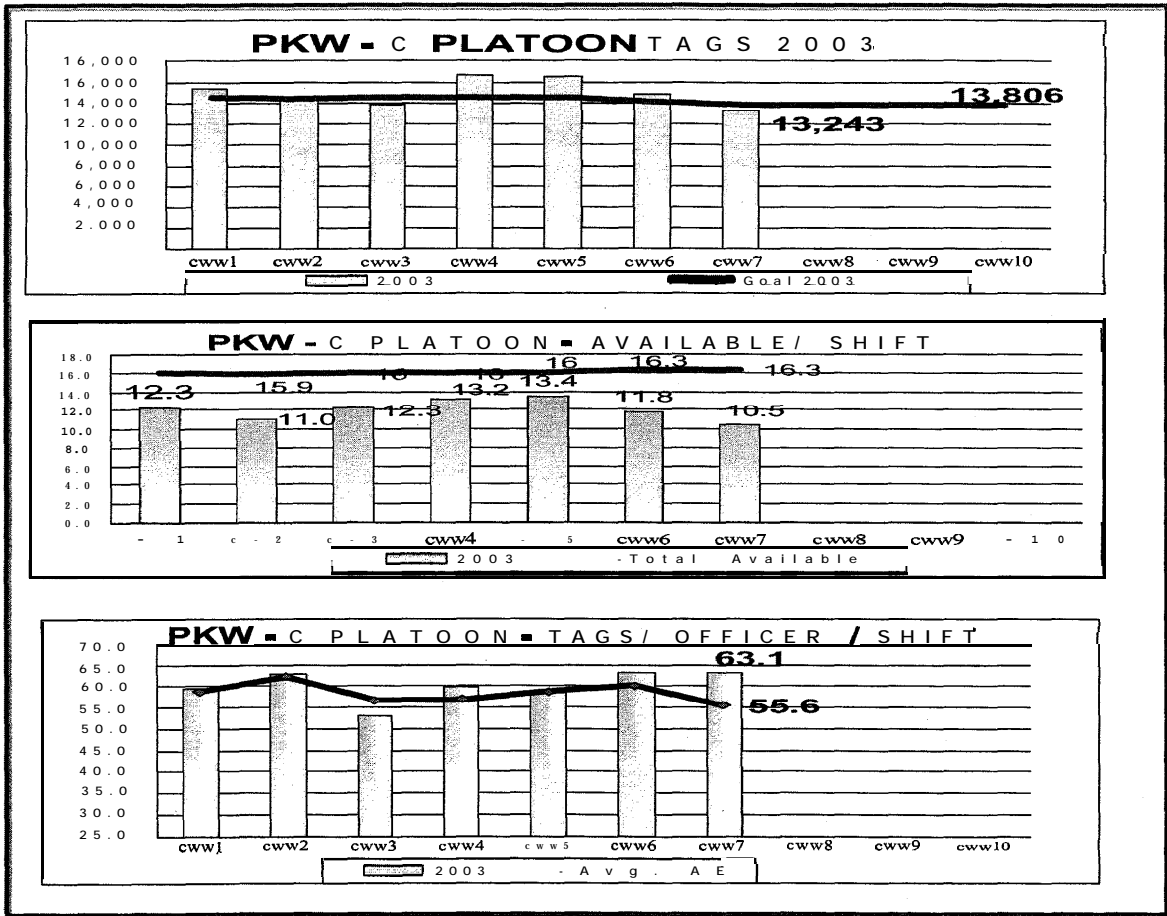


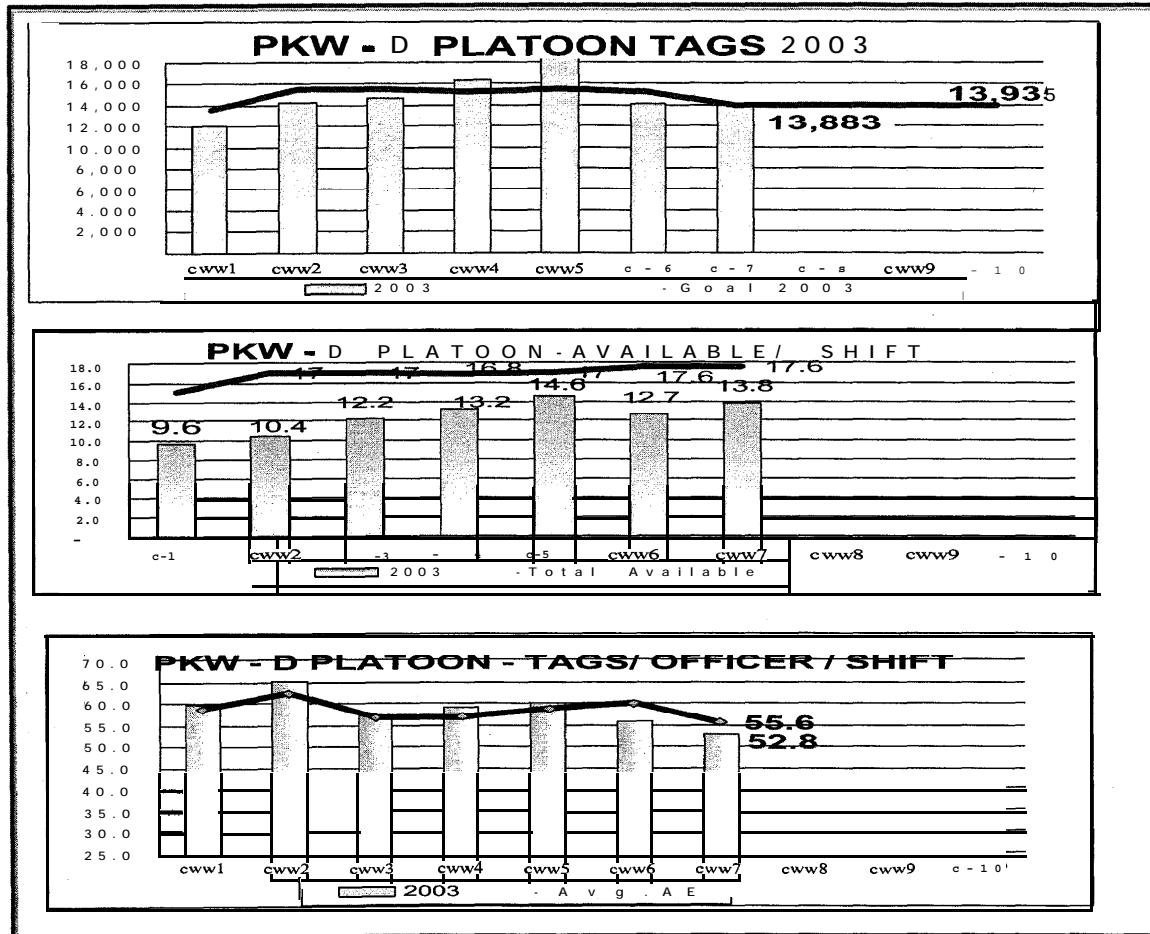


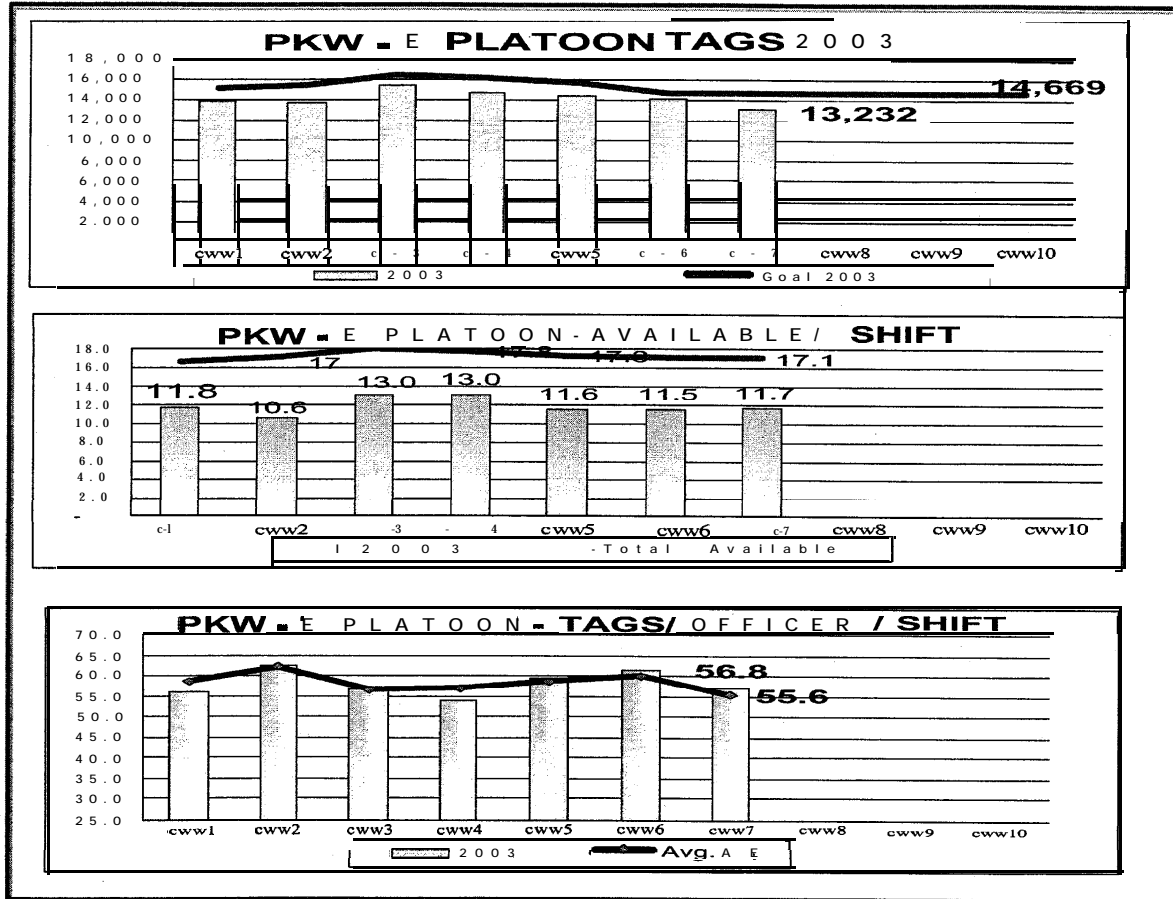


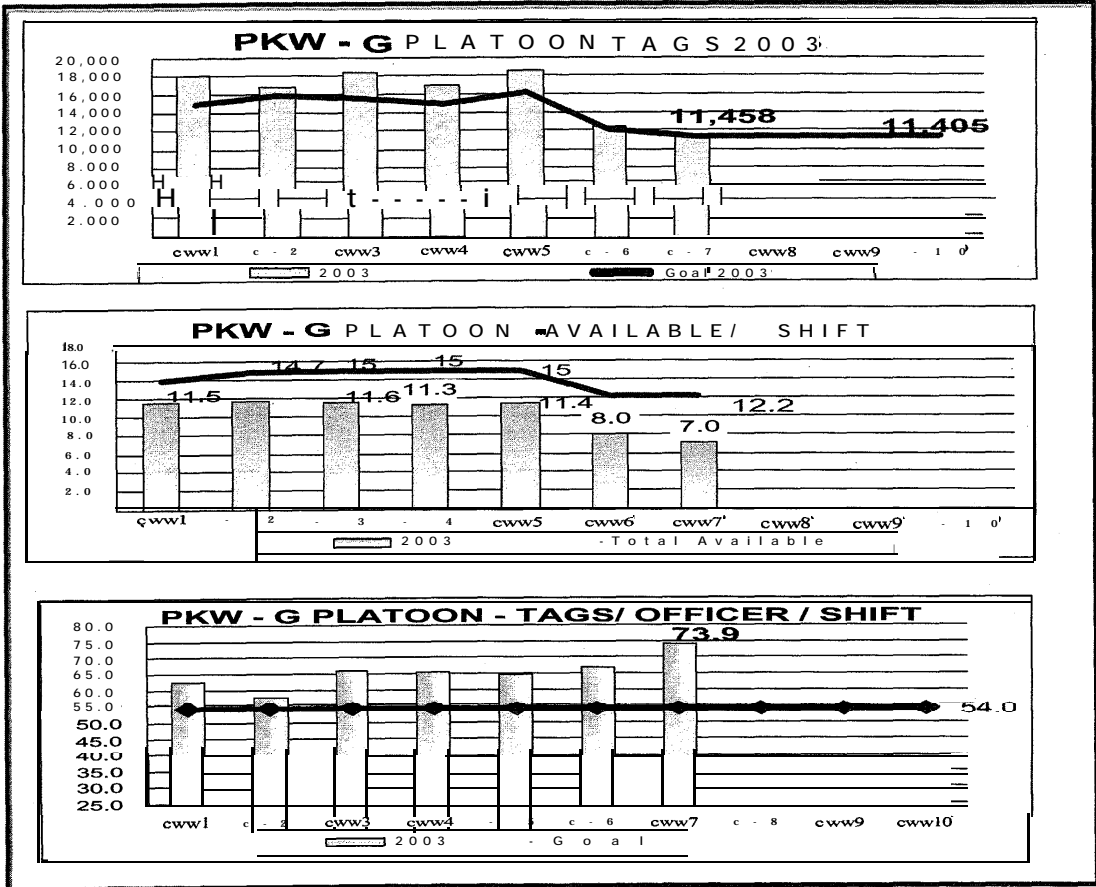




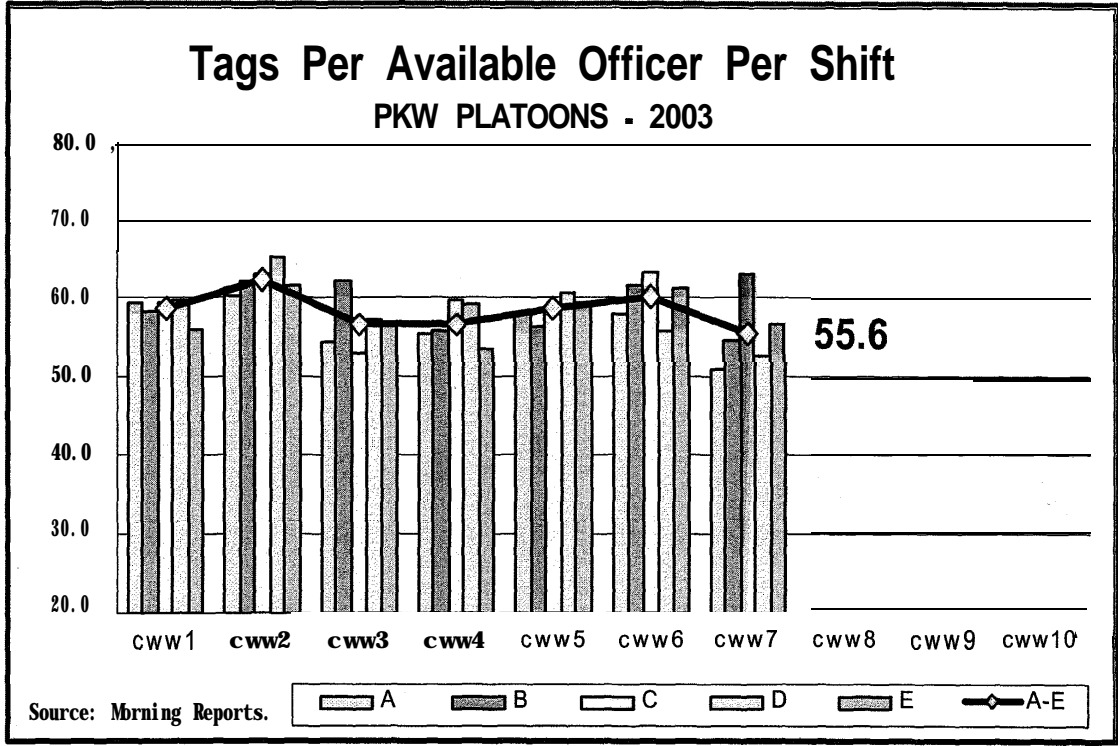


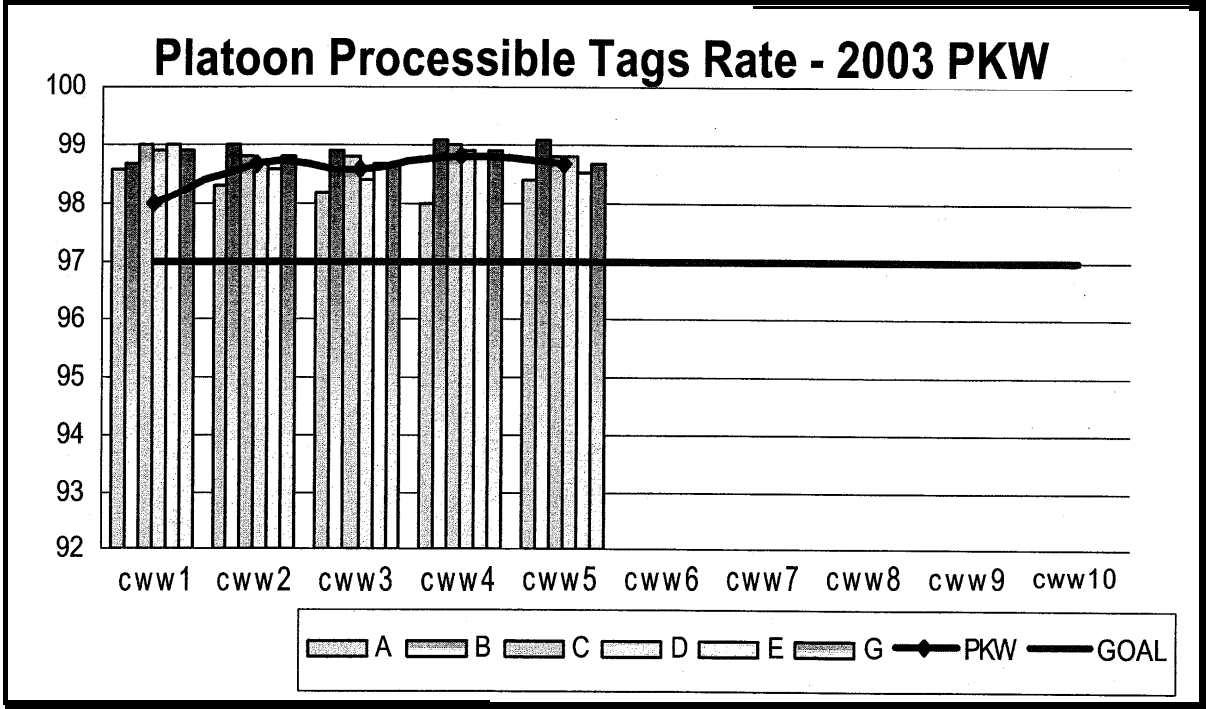


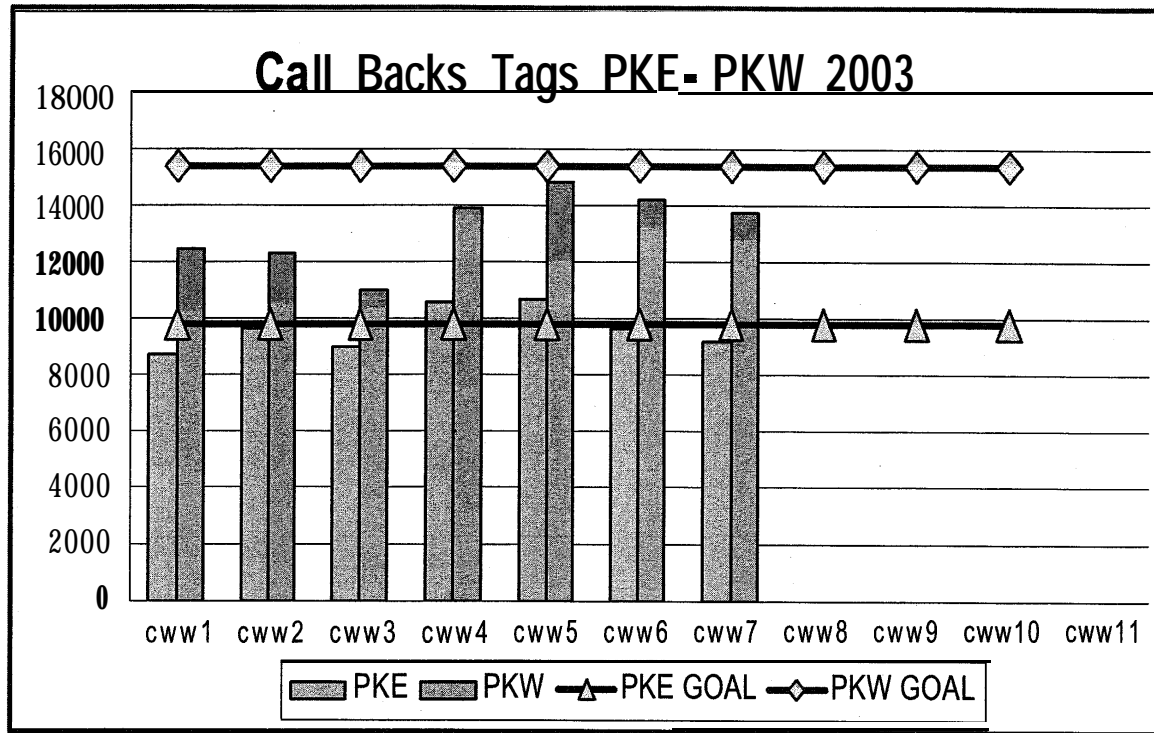












**Parking Enforcement Unit  
Absenteeism Rate Year 2003 - Monthly Profile**

TYPE	January	February	March	April	May	June	July	August	September	October	November	December	Average
Injured on duty	2.0%	1.3%	0.9%	1.7%	1.4%	1.4%	1.3%	0.8%					1.4%
Long term sick	0.7%	0.4%	0.1%	0.1%	0.5%	0.7%	0.5%	0.5%					0.4%
Short term sick	2.8%	2.2%	2.6%	2.9%	2.4%	2.1%	1.6%	1.9%					2.3%
Dependent Sick	0.4%	0.7%	0.4%	0.2%	0.4%	0.2%	0.2%	0.1%					0.3%
<b>TOTAL</b>	<b>5.9%</b>	<b>4.6%</b>	<b>4.0%</b>	<b>4.9%</b>	<b>4.5%</b>	<b>4.4%</b>	<b>3.6%</b>	<b>3.4%</b>					<b>4.4%</b>

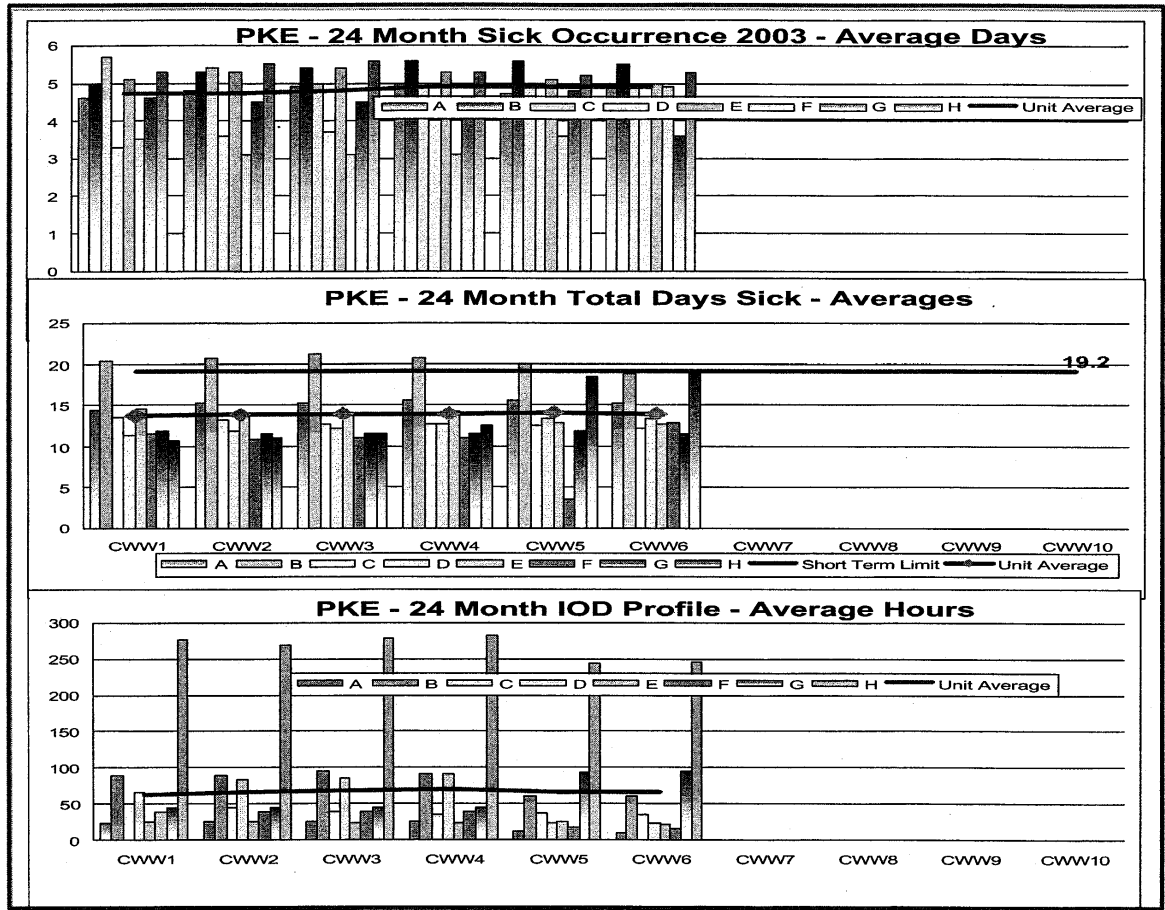
**Sick Shifts Summary**

TYPE	January	February	March	April	May	June	July	August	September	October	November	December	Average	AVG / Person
Injured on duty hrs.	1,484	887	603	1,202	980	958	959	544	-	-	-	-	952	18.7
Injured on duty shifts	186	111	75	150	123	120	120	68	-	-	-	-	119	2.3
Average Persons/Day	6	4	2	5	4	4	4	2	-	-	-	-	4	NA
Long term sick Hrs.	556	238	94	80	326	480	368	320	-	-	-	-	308	6.1
Long term sick shifts	70	30	12	10	41	60	46	40	-	-	-	-	38	0.8
Average Persons/Day	2	1	0	0	1	2	1	1	-	-	-	-	1	NA
Short term sick hrs.	2,089	1,477	1,774	2,039	1,679	1,421	1,202	1,249	-	-	-	-	1,616	31.8
Short term sick shifts	261	185	222	255	210	178	150	156	-	-	-	-	202	4.0
Average Persons/Day	8	7	7	8	7	6	5	5	-	-	-	-	7	NA
Dep. Sick hrs.	340	447	266	153	252	158	130	72	-	-	-	-	227	4.5
Dep. Sick Shifts	43	56	33	19	32	20	16	9	-	-	-	-	28	0.6
Average Persons/Day	1	2	1	1	1	1	1	0	-	-	-	-	1	NA

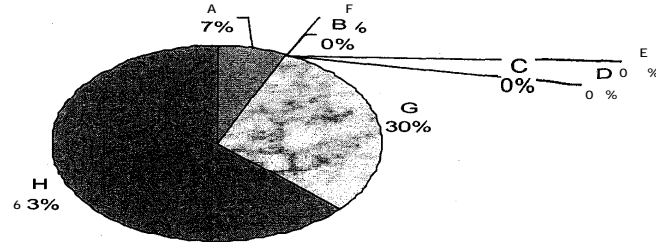
Source: DIMS, PINS.

Parking is 7 Days 24 hrs. operation and shifts range from 10, 8 and 7 hrs.

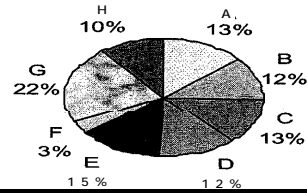
An average/ shift is taken at 8 hours.



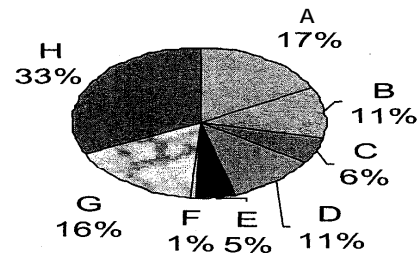
**PKE IOD- CVVVV 6-2003**

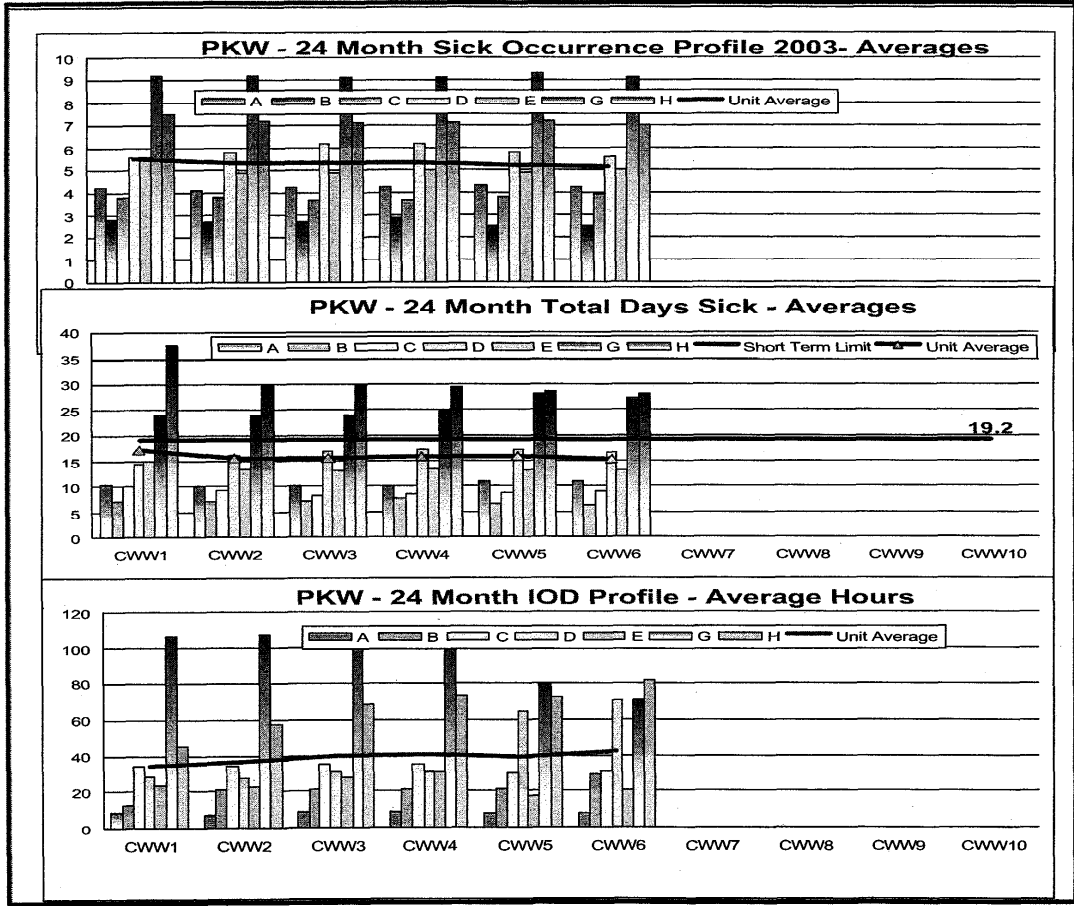


**STAFF**

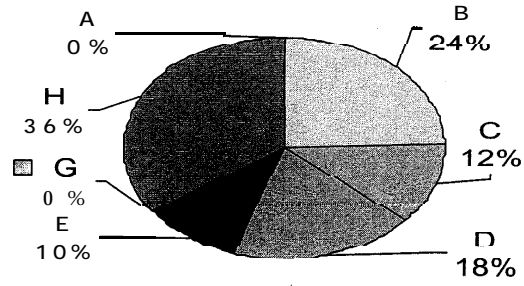


**PKE SICK - CWW 6-2003**

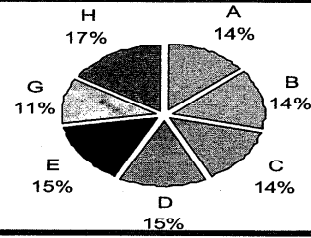




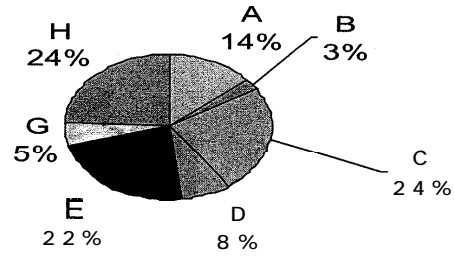
PKW IOD- CWW 64003



STAFF



PKW SICK - CWW 6-2003





Appendix: F **CWW 6, 2003**

2003.06.30 To 2003.08.03

PKE A	Name and Badge	Total Tags	Pro. Rate	DIV STD	DIV STD	No Stopping	No Standing	Fire Route	Disabled	Inter- section	Meter P and D	No Parking	Three Hour	Other Tags									
Smith, John	99999	1477	98.7%	53	64	111	8%	112	8%	2	0%	5	0%	7	0%	476	32%	748	51%	16	1%	0	0%
Smith, John	99999	1420	99.5%	99	0	57	4%	65	5%	20	1%	1	0%	1	0%	160	11%	1100	77%	16	1%	0	0%
Smith, John	99999	808	99.6%	52	68	60	7%	32	4%	12	1%	9	1%	1	0%	145	18%	549	68%	0	0%	0	0%
Smith, John	99999	1000	98.5%	52	68	41	4%	24	2%	9	1%	3	0%	1	0%	516	52%	397	40%	8	1%	1	0%
Smith, John	99999	1226	98.5%	54	58	68	6%	25	2%	25	2%	0	0%	2	0%	201	16%	754	62%	151	12%	0	0%
Smith, John	99999	347	99.4%	55	56	20	6%	18	5%	9	3%	4	1%	13	4%	46	13%	219	63%	0	0%	18	5%
Smith, John	99999	509	99.4%	41	35	23	5%	4	1%	25	5%	2	0%	3	1%	19	4%	224	44%	209	41%	0	0%
Smith, John	99999	640	98.6%	42	31	27	4%	5	1%	77	12%	2	0%	2	0%	68	11%	247	39%	212	33%	0	0%
Smith, John	99999	565	98.2%	99	0	67	12%	92	16%	10	2%	12	2%	11	2%	88	16%	284	50%	1	0%	0	0%
Smith, John	99999	1353	99.4%	51	66	42	3%	37	3%	24	2%	5	0%	11	1%	161	12%	1053	78%	20	1%	0	0%
Smith, John	99999	484	98.8%	51	66	26	5%	15	3%	12	2%	0	0%	4	1%	77	16%	322	67%	28	6%	0	0%
Smith, John	99999	1431	99.6%	55	56	33	2%	16	1%	51	4%	4	0%	9	1%	179	13%	1092	76%	47	3%	0	0%
Smith, John	99999	876	99.2%	52	68	87	10%	43	5%	21	2%	12	1%	0	0%	212	24%	492	56%	6	1%	3	0%
Smith, John	99999	1182	99.7%	53	64	19	2%	39	3%	29	2%	0	0%	7	1%	258	22%	768	65%	58	5%	4	0%
Smith, John	99999	0	100.0%	99	0	0		0		0		0		0		0		0		0		0	
Smith, John	99999	448	99.3%	99	0	9	2%	11	2%	61	14%	1	0%	0	0%	29	6%	129	29%	208	46%	0	0%
Smith, John	99999	859	98.0%	54	58	44	5%	3	0%	24	3%	0	0%	19	2%	110	13%	519	60%	140	18%	0	0%
Smith, John	99999	279	99.6%	99	0	22	8%	21	8%	2	1%	0	0%	1	0%	71	25%	153	55%	9	3%	0	0%
Smith, John	99999	175	98.3%	99	0	21	12%	2	1%	1	1%	5	3%	1	1%	58	33%	87	50%	0	0%	0	0%
Smith, John	99999	994	96.9%	99	0	74	7%	20	2%	26	3%	0	0%	11	1%	364	37%	498	50%	0	0%	1	0%
Smith, John	99999	1163	99.7%	51	66	163	14%	108	9%	14	1%	13	1%	20	2%	103	9%	740	64%	0	0%	2	0%
Smith, John	99999	620	98.1%	55	56	47	8%	33	5%	23	4%	0	0%	5	1%	21	3%	462	75%	26	4%	3	0%
Smith, John	99999	153	98.0%	99	0	45	29%	2	1%	2	1%	5	3%	0	0%	3	2%	96	63%	0	0%	0	0%
Smith, John	99999	0	100.0%	99	0	0		0		0		0		0		0		0		0		0	
Smith, John	99999	19	94.7%	99	0	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	2	11%	0	0%	17	89%
Smith, John	99999	1098	98.4%	55	56	23	2%	29	3%	12	1%	2	0%	7	1%	316	29%	701	64%	8	1%	0	0%
Smith, John	99999	1523	98.7%	53	64	68	4%	127	8%	67	4%	2	0%	25	2%	226	15%	962	63%	33	2%	13	1%
<b>AVERAGE</b>		765	98.8%			44	6%	33	4%	21	3%	3	0%	6	1%	145	19%	467	61%	44	6%	2	0%
<b>AVERAGE A-E</b>						37	5%	29	4%	24	3%	3	0%	7	1%	171	21%	382	59%	40	6%	2	1%

Tuesday October 14, 2003

CWW 6, 2003 2003.06.30 To 2003.08.03

Appendix: G **CWW** 6, 2003 From:2003.06.30 To:2003.08.03

Date Printed: Processable Rate Only  
Tuesday October 14, 2003

Unit - PLT	BADGE	NAME	TOTA TAGS	NON PRO TAGS	Processible Rate	12 Month Processible Rate
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P K E A

**PKE**

A

99999	John Smith	484	6	98.8%	99.3%
99999	John Smith	1163	4	99.7%	99.3%
99999	John Smith	1431	6	99.6%	98.8%
99999	John Smith	876	7	99.2%	99.0%
99999	John Smith	509	3	99.4%	98.9%
99999	John Smith	347	2	99.4%	98.3%
99999	John Smith	1226	19	98.5%	97.8%
99999	John Smith	1000	15	98.5%	98.2%
99999	John Smith	808	3	99.6%	99.1%
99999	John Smith	1420	7	99.5%	99.0%
99999	John Smith	1353	8	99.4%	98.7%
99999	John Smith	640	9	98.6%	98.8%
99999	John Smith	1182	4	99.7%	99.6%
99999	John Smith	1098	18	98.4%	98.1%
99999	John Smith	859	17	98.0%	98.3%
99999	John Smith	279	1	99.6%	99.0%
99999	John Smith	175	3	98.3%	98.7%
99999	John Smith	994	31	94.8%	97.1%
99999	John Smith	1477	19	98.7%	98.2%
99999	John Smith	565	10	98.2%	98.5%
99999	John Smith		0		98.8%
99999	John Smith	620	12	98.1%	97.8%
99999	John Smith	153	3	98.0%	98.8%
99999	John Smith	19	1	94.7%	98.3%
99999	John Smith	448	3	99.3%	98.2%
99999	John Smith	1523	20	98.7%	97.8%

Source: PINS, Parking Information System  
Flyleaf errors may affect actual stats. Error Margin 2.5%

Prepared By:  
M. Chaudhry, Planner Parking Enforcement

**Appendix: H**

Sick Report # 6 - Ending CWW 6-2003

**CWW: 2003.06.30-2003.08.03    12M: 2002.08.04-2003.08.03    24M: 2001.08.04-2003.08.03**

Unit		Occurrence			Days			IOD Hours		
PKE	A	CWW	12M	24M	CWW	12M	24M	CWW	12M	24M
99999	Smith, John	0	12	19	0	30	54	0	0	0
99999	Smith, John	0	7	12	0	35	86	0	0	0
99999	Smith, John	0	4	12	0	15	41	0	0	32.5
99999	Smith, John		5	11	1	13	22	0	0	0
99999	Smith, John		3	11	4	27	46	0	0	90
99999	Smith, John	0	4	9	0	10	42	0	0	0
99999	Smith, John	0	3	8	0	8	21	0	0	0
99999	Smith, John	0	5	7	0	10	16	0	0	0
99999	Smith, John	1	5	6	3	11	12	0	0	0
99999	Smith, John		3	6	1	4	8	0	0	0
99999	Smith, John	1	4	4	4	10	10	0	0	0
99999	Smith, John	0	1	4	0	3	8	0	0	0
99999	Smith, John	0	3	3	0	6	6	0	0	27
99999	Smith, John	1	3	3	2	5	5	0	20	20
99999	Smith, John	1	3	3	1	4	4	0	20	20
99999	Smith, John	0	3	3	0	6	6	0	0	0
99999	Smith, John	0	1	2	0	2	3	0	0	0
99999	Smith, John	0	0	2	0	0	2	0	0	0
99999	Smith, John	0	0	2	0	0	4	0	0	0
99999	Smith, John	1	1	1	1	1	1	0	0	0
99999	Smith, John	0	1	1	0	2	2	0	0	0
99999	Smith, John	0	1	1	0	2	2	0	0	0
99999	Smith, John	0	1	1	0	2	2	20	50	50
99999	Smith, John	0	1	1	0	4	4	0	24	24
99999	Smith, John	1	1	1	1	1	1	0	0	0
99999	Smith, John	1	1	1	3	3	3	0	0	0
99999	Smith, John	0	0	0	0	0	0	0	0	0

Summary for 'Platoon' = A (27 detail records)

Platoon Avg                    0.4    2.8    5.0    0.8    7.9    15.2    0.7    4.2    9.8

Tuesday October 14, 2003



APPENDIX I



Officer Absence Daily Report

Report Date: October 10, 2003  
For the period: 2003.08.04 To: 2003.09.07

OFFICER NAME BADGE NUMBER, PLATOON	4	5	16	17	8	Sat	Sun	11	12	13	14	15	Sat	Sun	18	19	20	21	22	Sat	Sun	25	26	27	28	29	Sat	Sun	1	2	3	4	5	Sat	Sun					
PLATOON: A																																								
[Redacted]		S	S																																					
[Redacted]		T	T																																					
[Redacted]									A	A	A	A	A	A	A					A	A	A	A	A	A	A										S	S	S		
[Redacted]									A	A	A	A	A	A	A					A	A	A																		
[Redacted]													T																					S	S	S	S			
[Redacted]		T	T					T							T																									
[Redacted]																				T	T	T	A	A	A	A														
[Redacted]		T	T																																					
[Redacted]											T	T	T	T	T																									
[Redacted]									T						A					A	A	A	T	T	T	T														
[Redacted]																																								
[Redacted]																																					A	A	A	A



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P322. QUARTERLY REPORT: STATUS OF SPECIAL FUND: JULY TO  
SEPTEMBER 2003**

The Board was in receipt of the following report OCTOBER 21, 2003 from Julian Fantino, Chief of Police:

Subject: TORONTO POLICE SERVICES BOARD'S SPECIAL FUND UNAUDITED  
STATEMENT FOR THE PERIOD 2003 JULY 01 TO 2003 SEPTEMBER 30

Recommendation:

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

Background:

Enclosed is the unaudited statement of receipts and disbursements with respect to the Toronto Police Services Board's Special Fund for the period 2003 July 01 to 2003 September 30.

As at 2003 September 30, the balance in the Special Fund was \$327,341. During the third quarter, the Special Fund recorded receipts of \$19,419 and disbursements of \$55,800 for a net reduction of \$36,381 against the fund balance of \$363,721 at the end of the second quarter.

The third quarter disbursements are largely due to the awards and catering expenses for the recognition of Service members.

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  
2003 THIRD QUARTER RESULTS WITH ADJUSTED PROJECTIONS**

PARTICULARS	2003 INITIAL PROJ.	ADJUSTED PROJ.	JAN 01 TO MAR 31/03	APR 01 TO JUN 30/03	JUL 01 TO SEPT 30/03	OCT 01 TO DEC 31/03	JAN 01 TO DEC 31/03 TOTALS	2002 ACTUAL	COMMENTS
<b>BALANCE FORWARD</b>	340,786	340,786	340,786	374,112	363,721		340,786	109,485	2003 projected revenue and expenses are based on prior years actuals.
<b>REVENUE</b>									
<b>PROCEEDS FROM AUCTIONS</b>	200,000	125,000	62,172	45,585	17,294	0	125,050	107,392	Commission of 24% of the gross auction proceeds was paid during the three quarters of the year. The adjusted projection reflects no additional auction proceeds for the year.
LESS OVERHEAD COST	(48,000)	(30,100)	(14,921)	(10,940)	(4,234)	0	(30,095)	(21,186)	
LESS RETURNED AUCTION PURCHASE	0	0	0	0	0	0	0	0	
<b>UNCLAIMED MONEY</b>	100,000	0	0		0	0	0	280,263	
LESS RETURN OF UNCLAIMED MONEY	(4,000)	0	0		0	0	0	(3,031)	
<b>EVIDENCE AND HELD MONEY</b>	30,000	17,200	(67)	10,306	2,631	0	12,870	0	First quarter expense is returned money that relates to a deposit made to the TPS Board Special Fund in prior years
<b>INTEREST</b>	6,000	10,000	1,554	3,518	3,173	0	8,245	5,132	
LESS ACTIVITY FEE	(100)	(50)	(2)	(14)	(12)	0	(28)	(57)	
LESS CHEQUE ORDER	(70)	(20)	(14)	0	0	0	(14)	(69)	
<b>SEIZED LIQUOR CONTAINERS</b>	2,000	1,000	0	0	568	0	568	4,944	
<b>OTHER</b>	0	0	0	0	0	0	0	50,421	
<b>TOTAL REVENUE</b>	285,830	123,030	48,721	48,455	19,419	0	116,595	423,809	



PARTICULARS	2003	ADJUSTED PROJ.	JAN 01 TO MAR 31/03	APR 01 TO JUN 30/03	JUL 01 TO SEPT 30/03	OCT 01 TO DEC 31/03	JAN 01 TO DEC 31/03 TOTALS	2002	COMMENTS
	INITIAL PROJ.							ACTUAL	
<b>BALANCE FORWARD BEFORE EXPENSES</b>	626,616	463,816	389,507	422,567	383,141	0	457,381	533,294	
<b><u>DISBURSEMENTS</u></b>									
<b><u>SPONSORSHIP</u></b>									
<b>SERVICE</b>									
ONT. ASSO.OF POLICE SERVICES BOARD	20,000	0	0	0	0	0	0	0	Third quarter revenue is returned money from CPCL Community Programs.
CPLC & COMMUNITY OUTREACH ASSISTANCE	30,000	30,000	0	30,000	(680)	0	29,320	11,450	
UNITED WAY	8,000	8,000	0	8,000	0	0	8,000	7,500	
CHIEF'S CEREMONIAL UNIT	5,000	0	0	0	0	0	0	0	
COPS FOR CANCER	3,000	0	0	0	0	0	0	0	
OTHER	5,000	0	0	0	0	0	0	0	
<b>COMMUNITY</b>									
CARIBANA	4,000	3,000	0	0	2,973	0	2,973	2,000	
RACE RELATIONS	10,000	2,500	2,500	0	0	0	2,500	0	
YOUTH ADVISORY GROUP	5,000	0	0	0	0	0	0	0	
BLACK HISTORY MONTH	2,000	2,000	2,000	0	0	0	2,000	0	
VARIOUS ORGANIZATIONS	25,000	0	0	0	0	0	0	0	
<b>RECOGNITION OF SERVICE MEMBERS</b>									
AWARDS	100,000	80,000	0	5,556	36,054	0	41,610	82,199	
CATERING	100,000	26,000	0	2,567	16,883	0	19,450	60,090	
<b>RECOGNITION OF CIVILIANS</b>									
AWARDS	10,000	12,000	3,200	5,808	0	0	9,008	1,399	The Board is committed to provide awards to honor Civilian and School Crossing Guard long services.
CATERING	5,000	2,500	0	1,815	0	0	1,815	7,810	

PARTICULARS	2003 INITIAL PROJ.	ADJUSTED PROJ.	JAN 01 TO MAR 31/03	APR 01 TO JUN 30/03	JUL 01 TO SEPT 30/03	OCT 01 TO DEC 31/03	JAN 01 TO DEC 31/03 TOTALS	2002 ACTUAL	COMMENTS
<b>RECOGNITION OF BOARD MEMBERS</b>									
AWARDS	200	0	0	0	0	0	0	0	
CATERING	2,000	0	0	0	0	0	0	0	
<b>CONFERENCES</b>									
<b>BOARD</b>									
COMMUNITY POLICE LIAISONS COMMITTEE	6,000	0	0	0	0	0	0	0	
CANADIAN ASSOCIATION OF POLICE SERVICE BOARD	5,000	0	0	0	0	0	0	3,000	
OTHER	20,000	20,000	7,500	5,000	0	0	12,500	3,311	
<b>DONATIONS</b>									
IN MEMORIAM	1,000	500	0	100	100	0	200	300	
OTHER	200	0	0	0	0	0	0	100	
<b>DINNER TICKETS (RETIREMENTS/OTHERS)</b>	15,000	2,000	195	0	200	0	395	0	
<b>OTHER</b>	20,000	500	0	0	270	0	270	13,349	
<b>TOTAL DISBURSEMENTS</b>	401,400	189,000	15,395	58,846	55,800	0	130,040	192,508	
<b>SPECIAL FUND BALANCE</b>	225,216	274,816	374,112	363,721	327,341	0	327,341	340,786	

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P323. SEMI-ANNUAL REPORT: IMPLEMENTATION OF THE CITY  
AUDITOR'S RECOMMENDATIONS FOR SEXUAL ASSAULT  
INVESTIGATIONS: MAY TO OCTOBER 2003**

The Board was in receipt of the following report OCTOBER 17, 2003 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 May 29, 2003, the Board received the most recent update report on the status of the recommendations. (BM #P151/03)

Current Status:

The Service has addressed all of the recommendations from the City Auditor's Report and has provided the Board with regular status updates. (BM #476/00, BM #P121/01, BM #P289/01, BM #P122/02 and BM #P303/02 refers)

Recommendation #4

Recommendation # 4 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 timing 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"*. Chief Fantino forwarded a letter dated October 23, 2002 to the Auditor requesting he return and conduct a follow-up audit. Jeffrey Griffiths, the City Auditor, responded to Chief Fantino's correspondence and the follow-up audit is currently ongoing.

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

**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 13, 2003**

**#P324. REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:  
PROFESSIONAL STANDARDS 2003 INTERIM REPORT**

The Board was in receipt of the following report OCTOBER 27, 2003 from Julian Fantino, Chief of Police:

Subject: REQUEST FOR A TWO-MONTH EXTENTION TO SUBMIT THE TORONTO  
POLICE PROFESSIONAL STANDARDS 2003 INTERIM REPORT

Recommendation:

It is recommended that the Board approve a request for a two-month extension to submit the Toronto Police Service Professional Standards 2003 Interim Report.

Background:

At its meeting of June 13, 1996, the Board approved the replacement of all previously submitted Professional Standards reports with the Toronto Police Service Professional Standards Report, to be submitted, on a semi-annual basis, to the May and November Board Meetings (Board Minute No. 199/96 refers).

The compilation of the Toronto Police Service Professional Standards Report, and in particular the development of comparable statistics, research and analysis of the Professional Standards data, is labour intensive and requires specific skills. Unfortunately, the additional workload on Professional Standards personnel, specifically the restructuring of the Professional Standard area and the dedicated focus on the implementation of the IAPro Professional Standards Information System (PSIS) has caused a dealy in the preparation of this report.

Therefore, it is recommended that the Board approve the two-month extension required to complete the Toronto Police Service Professional Standards 2003 Interim Report. The report will be submitted to the Board for information at its meeting scheduled for January 2004.

Staff Superintend David Dicks, Professional Standards will be in attendance to answer questions from Board members.

**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 13, 2003**

**#P325.           HIRING FREEZE - ENGAGING FORMER MEMBERS**

The Board was in receipt of the following report OCTOBER 23, 2003 from Julian Fantino, Chief of Police:

Subject:           ENGAGING FORMER MEMBERS

Recommendation:

It is recommended that: the Board approve a six (6) month extension of time for the final report.

Background:

At its meeting on November 21, 2002, the Board received a report from the Chief of Police regarding amendments to Service Procedure No. 14-30 entitled "Re-employment of Former Members and Lateral Entries" (Board Minute P301/02 refers). The Board requested a further report at that time to confirm that the revised procedure remains consistent with the City of Toronto By-law governing the retention of former City of Toronto members.

The report relating to this motion was deferred a number of times in an effort to provide the Board with thoroughly researched information. The most recent seven (7) month extension was requested in order that the proposed recommendations could receive a legal interpretation from City of Toronto Legal Services. This decision was made in an effort to identify any issues and concerns with respect to the recommendations as it relates to rehiring former members as consultants.

On October 8, 2003, the legal interpretation of the issues impacting hiring retired members as consultants was received from the City of Toronto Legal Services. The report received raises further issues beyond the scope of the original recommendations. It went beyond the question of how we can engage former members as consultants and focussed in on the broader issue of "the legal implications for an employer if it hires what it believes to be an independent contractor/consultant and that person is considered an employee at law".

Conclusion

The report received requires the following actions to address the original motions and resolve the issues that have been raised as a result of the legal review:

- Further verification and clarification from City of Toronto Legal Services relating to the content of the report submitted to Toronto Police Service
- Analysis of the report by Toronto Police Service Labour Relations along with their recommendations

- Final review conducted by Human Resources for comment and analysis.

Based on the aforementioned reasons, it is respectfully requested that an additional six (6) month extension be granted to return to the Board with a final report.

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, and Mr. William Gibson, Director of Human Resources, were in attendance and responded to questions by the Board about this report.**

**The Board inquired whether the Service's current policy governing the retention of former members is consistent with the City of Toronto By-Law governing the retention of former City members. Mr. Gibson advised the Board that the Service has always had its own policy, separate from the City policy.**

**The Board approved the foregoing report and the following Motion:**

**THAT a hiring freeze be established, prohibiting the retention of any former Service members, until the Service provides the report that was originally requested by the Board at its November 21, 2002 meeting (Min. No. P301/03 refers).**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P326.           CORRESPONDENCE**

The Board was in receipt of a summary of the public correspondence received in the Board office between October 02, 2003 and October 21, 2003. 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 13, 2003**

**#P327.           REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT:  
PROPOSED AMENDMENTS TO THE *POLICE SERVICES ACT***

The Board was in receipt of the following report OCTOBER 31, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject:           REQUEST FOR EXTENSION OF TIME TO SUBMIT REPORT: PROPOSED  
AMENDMENTS TO THE POLICE SERVICES ACT

Recommendation:

It is recommended that: the Board approve the request for a three-month extension to submit a report on proposed amendments to the Police Services Act.

Background:

At its meeting on August 14, 2003, the Board approved a motion in response to discussions regarding the results of disciplinary hearings and recommended that Board staff and Chief Fantino review the Police Services Act and develop a list of proposed amendments (Board Minute C168/03 refers).

A "PSA Working Group" was established with representation from the Board, Labour Relations and the Service. Due to scheduling conflicts, the first meeting of the working group will not be held until mid-November 2003. Therefore I am recommending that an extension of three months be granted and that the report be submitted to the February 2004 Board meeting.

**The Board approved the foregoing and requested that the report also include any recommendations that may be appropriate for amendments to the *Police Services Act* or Ontario Regulation 554/91 regarding political activities of municipal police officers.**

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P328. 2004 OPERATING BUDGET SUBMISSION FOR THE TORONTO  
POLICE SERVICES BOARD**

The Board was in receipt of the following report NOVEMBER 10, 2003 from Gloria Lindsay Luby, Acting Chair:

Subject: 2004 OPERATING BUDGET SUBMISSION FOR THE TORONTO POLICE  
SERVICES BOARD

Recommendation:

It is recommended that:

1. The Board approve the 2004 net base budget request of \$1,383,000;
2. The Board authorise the Acting Chair to approve, subject to ratification by the Board, changes to the Board's operating budget submission during the time between meetings of the Board; and
3. The Board forward a copy of this report to the City Chief Financial Officer and Treasurer.

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 above noted, however, it has been the practice of the Board to include the remuneration of board members in its budget request.

The following is a summary of the 2004 operating budget request (in thousands).

Salaries/Benefits	\$804,200
Supplies/Equipment	8,800
Services	<u>570,000</u>
TOTAL NET REQUEST	\$1,383,000 (2.1% over 2003)
2003 Approved Budget	\$1,354,300

The requested net increase over 2003 is \$28,700

### Salaries/Benefits

The increase of \$20,300 to the Board's Salaries/Benefits budget is primarily due to salary settlement. Total benefits are lower by \$6,300 as Long Term Disability and Group Life Insurance are apart of centralized accounts in 2004.

### Supplies/ Equipment

There is a slight increase of \$1,000 to support the Board's internet workstation to improve the ability of Board's office to communicate with the community and expand its current website.

### Services

There is an increase of \$2,000 for inflationary factors and an additional request of \$5,400 for Consulting and Professional Services.

### Summary

The Board's 2004 operating budget request represents an increase of \$28,700 (2.1%) over the 2003 budget. This is a modest increase and is necessary for the operations of the board office.

As discussions with the City and its Committees progress, decisions may be required regarding the Board's operating budget during the time between meetings of the Board. It is recommended that the Board authorise the Acting Chair to approve, subject to ratification by the Board, changes to the Board's operating budget submission during the time between meetings of the Board.

**The Board approved the foregoing.**

TORONTO POLICE SERVICES BOARD									
2004 OPERATING BUDGET									
DETAILED REQUEST									
		2003 Budget	2004 Request	2004 Change over 2003 Budget	% inc/ (decr) over total 2003 B.	2004 Salary Settlement	Total 2004 Request (incl. Salary Settlement)	\$ inc/(decr) over 2003 Budget	% inc/ (decr) over total 2003 B.
1	UNIFORM SALARIES	100,500	100,400	-100		5,600	106,000	5,500	
2	CIVILIAN SALARIES	596,700	588,400	-8,300		31,100	619,500	22,800	
3	ALTERNATE RATE	1,700	0	-1,700		0	0	-1,700	
	<b>TOTAL REGULAR SALARIES</b>	<b>698,900</b>	<b>688,800</b>	<b>-10,100</b>	<b>-0.7%</b>	<b>36,700</b>	<b>725,500</b>	<b>26,600</b>	<b>2.0%</b>
4	CIVILIAN OVERTIME	1,600	1,600	0		0	1,600	0	
5	CIV LIEU TIME CSH PM	500	500	0		0	500	0	
	<b>TOTAL PREMIUM PAY</b>	<b>2,100</b>	<b>2,100</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>2,100</b>	<b>0</b>	<b>0.0%</b>
6	LONG TERM DISABILITY	4,600	0	-4,600		0	0	-4,600	
7	GROUP LIFE INSURANCE	2,700	0	-2,700		0	0	-2,700	
8	EMPLOYMENT INSURANCE	11,200	10,800	-400		0	10,800	-400	
9	CANADA PENSION PLAN	15,300	17,100	1,800		0	17,100	1,800	
10	OMERS	49,100	48,700	-400		0	48,700	-400	
	<b>TOTAL BENEFITS</b>	<b>82,900</b>	<b>76,600</b>	<b>-6,300</b>	<b>-0.5%</b>	<b>0</b>	<b>76,600</b>	<b>-6,300</b>	<b>-0.5%</b>
11	STATIONERY AND OFF	4,800	4,800	0		0	4,800	0	
12	PRINTED MATERIAL	2,000	2,000	0		0	2,000	0	
13	BOOKS & MAGAZINES	300	300	0		0	300	0	
14	BOOKS & MAGS - GST	200	200	0		0	200	0	
15	MISC MATERIALS	500	1,500	1,000		0	1,500	1,000	
	<b>TOTAL SUPPLIES/EQUIPMENT</b>	<b>7,800</b>	<b>8,800</b>	<b>1,000</b>	<b>0.1%</b>	<b>0</b>	<b>8,800</b>	<b>1,000</b>	<b>0.1%</b>
16	PUB REL/PROMOTIONS	34,000	21,000	-13,000		0	21,000	-13,000	
17	OTHER PRO & TECH SVC	484,000	503,300	19,300		0	503,300	19,300	
18	TRAVEL - OTHER EXP	2,600	700	-1,900		0	700	-1,900	
19	CONF-OTHER EXPENSES	22,900	25,000	2,100		0	25,000	2,100	
20	COURSES/SEMINARS	100	700	600		0	700	600	
21	ADVERTISING & PROMOTION	2,300	2,300	0		0	2,300	0	
22	RENTAL, OFF. EQUIP.	5,300	5,300	0		0	5,300	0	
23	PAGER/RADIO RENTALS	300	0	-300		0	0	-300	
24	REIMB - MEMBERSHIP FEES	5,800	5,900	100		0	5,900	100	
25	CELLULAR TELEPHONES	2,200	2,700	500		0	2,700	500	
26	INTERNET	2,500	2,500	0		0	2,500	0	
27	SERVICE & RENT GENERAL	600	600	0		0	600	0	
	<b>TOTAL SERVICES</b>	<b>562,600</b>	<b>570,000</b>	<b>7,400</b>	<b>0.5%</b>	<b>0</b>	<b>570,000</b>	<b>7,400</b>	<b>0.5%</b>
28	MISCELLANEOUS REVENUE	0	0	0		0	0	0	
	<b>TOTAL REVENUE</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.0%</b>
	<b>TOTAL</b>	<b>1,354,300</b>	<b>1,346,300</b>	<b>-8,000</b>	<b>-0.6%</b>	<b>36,700</b>	<b>1,383,000</b>	<b>28,700</b>	<b>2.1%</b>

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P329. TORONTO POLICE SERVICE – 2004 OPERATING BUDGET  
SUBMISSION**

The Board was in receipt of the following report NOVEMBER 06, 2003 from Julian Fantino, Chief of Police:

Subject: 2004 OPERATING BUDGET SUBMISSION FOR THE TORONTO POLICE  
SERVICE

Recommendation:

It is recommended that:

1. The Board approve the 2004 net base budget request of \$687.9 million (M), an increase of \$53.3M (8.4%) over the approved 2003 net budget,
2. The Board approve the 2004 new initiatives of \$3.5M, an increase of 0.6% over the approved 2003 budget,
3. The Board authorise the Acting Chair to approve, subject to ratification by the Board, changes to the operating budget submission during the time between meetings of the Board,
4. The Board forward this report to the Director of Budget Services, City Finance for review and consideration.

Background:

The following report provides an overview and discussion of the significant issues and pressures pertaining to the 2004 Operating Budget of the Toronto Police Service (TPS).

2004 City of Toronto Budget Process

The City budget process required that the TPS develop a Base Budget that reflects a funding level to maintain the 2003 level of service, and separately identify and justify any new requests.

The 2004 Base Budget was arrived at by applying a variety of factors (consistent with City guidelines) to the 2003 approved base. These factors include annualization of salary costs, as well as any other decisions that had a part-year impact on 2003, impact of the 2002-2004 negotiated salary settlement, inflation costs (provided by the City) for specific non-salary accounts, and previously identified impact from Capital.

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 2004. This report provides details on the budget development, the 2004 Base Budget, and requests above the Base.

## 2004 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 TPS. In light of on-going budget constraints, the 2004 Operating Budget of the TPS was developed to allow the Board to achieve this objective with the minimum amount of resources. The development of the Service's 2004 Operating Budget has taken into consideration the 2003 experience and the Service's 2002 – 2004 Priorities.

In 2003, the Service was impacted by many uncontrollable events (i.e. SARS epidemic, demonstrations on the Iraq war, complex homicide investigations, the Rolling Stones concert and the August black-out). Policing these events, while at the same time continuing ongoing police work, was a major challenge for the Service both financially and in the deployment of resources. The Service closely monitored costs, reprioritised and deferred expenditures wherever possible, and currently is anticipating to be within the approved 2003 budget by year-end.

In developing the 2004 budget, the Service reallocated costs and deferred expenditures wherever possible to cover financial pressures. In addition, efficiencies and cost-recovery opportunities (within the constraints of the Municipal Act) have been maximised to assist in alleviating budget pressures.

The 2004 request has taken into consideration any expected or potential Federal/ Provincial grants and other funding opportunities. During 2004, we will continue to monitor new funding opportunities, and will report the impact of these 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.

Funding included in the budget supports the achievement of the goals identified within the priority areas. However, with many initiatives, efforts to address the Service's Priorities result in little or no actual additional costs, and instead simply result in Service members focussing their work in those areas, or being redeployed to new areas.

The 2004 requirements have been scrutinised by the respective Command areas and followed by a comprehensive review undertaken by the full Command to ensure that a corporate perspective was applied to the process. This has resulted in the Service's 2004 operating budget request as explained below.

2004 Base Budget

As mentioned previously, the Base Budget calculation is based on applying a variety of factors to the 2003 approved budget with the intent of providing an estimate of costs required in 2004 to provide the same level of service existing in 2003.

The actual applied factors include:

- annualization of salary costs and any other decisions that had a part-year impact in 2003 and a complete year impact in 2004;
- 2004 impact of the negotiated salary settlement;
- expected benefit increases;
- legislated/mandatory costs imposed by external agencies;
- economic factors, such as inflation costs (the City provided a list of economic factors to be applied to specific accounts); and,
- previously-identified impacts from Capital.

Applying the above factors, a net Base Budget of \$687.9M is required in 2004 to deliver the same level of service as in 2003. This budget is an increase of \$53.3M (8.4%) over the 2003 approved net budget of \$634.6M, and the following provides details of the increase.

2004 Collective Agreements Impact

The 2004 Base Budget includes the impact of the final year of the three-year (2002-2004) negotiated Collective Agreements for Service staff. These agreements include a salary increase of 3.5% for members. In addition, the Toronto Police Association (TPA) Collective Agreement sought to increase retention of officers and as a result, there are additional costs related to "service pay" granted for more senior officers. The cumulative effect of these items on salaries and related benefits is an increase of \$29.9M in 2004. As mentioned, this is the final year of a 3-year agreement. The impacts on the Service's operating budget during the years 2002-2004 from the Collective Agreements are:

YEAR	Agreement \$ Impact	% Increase on Budget
2002	\$18.8M	3.2%
2003	\$25.4M	4.2%
2004	\$29.9M	4.7%
Total	\$74.1M	12.1%

### Human Resources Strategy Impact (Increase of \$7.8M)

The Human Resource Strategy was submitted to the Board at its meeting of October 30, 2003. The 2004 Base Budget reflects the Human Resource Strategy.

Subsequent to the City amalgamation in 1998, City Council approved a Uniform staffing target of 5,261 and provided specific instructions through the City Budget Advisory Committee that the Service would be funded to this level in future years. This target has been revised for civilianisation initiatives by the Service, Board approved changes (e.g. amalgamation of 21 and 22 Divisions) and Council approved programs (e.g. Anti-Gang Unit). Recruitment efforts have been escalated over the past few years towards achieving the approved target. By the end of 2003, the Service will have reached the target level, and the goal will be to sustain this level on an ongoing basis. To this end, the Service is aggressively pursuing a deployed strength target of 5,260 in 2004 for Uniform staff. This strength represents the target of 5,266 approved by the Board and City Council, less 6 positions, which were civilianised during 2003. As a result, the Service is planning on hiring 225 officers in 2004 based on estimated separations of 200 (either through retirement or resignation). The net impact of this activity will result in a 2004 projected year-end deployed strength of 5,260. However, there will be times during 2004 where the deployed strength will be below or above the target. This is a result of the timing of separations and the pre-set recruit classes at the Ontario Police College. The net impact of the above hiring/separations, annualisation of 2003 activity and reclassifications is \$6.7M.

The 2004 Base Budget does not include any new Civilian positions initiated by the Service. However, there are 9 additional Court Officers that were hired in 2003 for prisoner transportation and are annualised in 2004. The cost of \$0.5M in 2004 for these staff is fully funded by the Province, and therefore there is no net impact on the 2004 Base Budget. The offsetting recovery amount is included as revenue in the Other Significant Changes section below.

The net impact of civilian staffing costs including annualisation of 2003 activity, the additional Court Officers for prisoner transportation and the cost of increments, is \$1.1M. The implementation of eCOPS in 2004 is expected to displace over 100 Civilian staff (on a phased basis) by the end of 2004/early 2005. The 2003 approved budget included staffing savings of \$1M related to eCOPS. This amount is maintained in the base for 2004. It is expected that once all the staff is displaced, the annualised salary savings will be in excess of \$4M.

### Premium Pay (No change)

Premium pay for 2004 has been flat-lined at the 2003 funding level and therefore there is no increase. Although the 2003 spending for premium pay exceeded the approved budget due to the uncontrollable events, the Service is prepared to maintain the 2003 approved amount.



### Fringe Benefits Impacts (Increase of \$5.9M)

The TPS continues to work to contain all benefits costs. However, many of these benefits have rate increases imposed. Benefits that have specific rate changes include the Canada Pension Plan (CPP), Employment Insurance (EI) and the OMERS pension plan. CPP and EI have a \$0.4M impact while OMERS is a \$5.6M impact. The OMERS contribution holiday ended at the beginning of 2003, and contributions commenced at a 1/3 level for 2003. Full contributions will commence in 2004. With the commencement of contributions in 2003, OMERS also introduced a rate increase. This rate increase had an impact of \$1.1M in 2003, and the Service included this in the 2003 budget request. However, during budget discussions with the City, the City directed that the 2003 increase be removed as they had asked all City Departments to do the same. As a result, the 2004 OMERS increase includes the 2003 increase, not included in the approved budget, as well as the impact of the increase in 2004 based on full contributions.

Therefore, the above rate changes result in an increase of \$6.0M.

Board approval was given to introduce a new insurance carrier for benefits in January 2003 (Minute No. P276/02 refers). The Service and the benefit carrier, to ensure that payments were consistent with eligible entitlements, implemented tighter controls. As a result, the Service is projecting a \$0.5M saving in medical/dental costs in 2003. Typically, year to year increases (based on TPS experience) for medical/dental costs range from 8% to 10% due to fee, cost and volume increases. The insurance carrier provides an estimated range of 9% to 15%.

Applying the TPS experience to the projected actual for 2003 results in a 2004 request for medical/dental costs which is \$0.2M less than the 2003 approved budget for these items.

Other minor benefit changes result in a further increase of \$0.1M.

Fringe benefits in 2004 represent 20.5% of total salaries. The City guidelines indicate that programs should budget benefits at their 2003 level plus 0.5% to a maximum of 23% of salaries. The Service has historically developed the budget for fringe benefits based on calculations for each component rather than a percentage of salaries, and the 2004 budget has used the same methodology.

### Leap Year (Increase of \$1.3M)

As a result of 2004 being a leap year, there is an impact on the Service budget of \$1.3M. This impact is due to the requirement to account for an extra day's pay for all staff. This is an impact for 2004, and will be reduced in the following year.

### Other Significant Changes (Increase of \$8.4M)

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, impact from Capital, City chargebacks, revenue/recoveries and other administrative costs. These accounts can vary from year to year.

The 2004 Base Budget increase of \$8.4M in this category includes:

a. Loss of 2003 one-time funding (OMERS surplus)	\$5.7M
b. Contribution to Vehicle & Equipment Reserve	\$1.7M
c. Impact from Capital	\$0.5M
d. City chargeback – Cleaning/utilities	\$1.0M
e. Other ongoing costs	\$0.5M
f. Recovery for prisoner transportation	\$(0.5)M
g. Reduction in 2003 one-time costs (STEM)	<u>\$(0.5)M</u>
	\$8.4M

- a. Loss of 2003 one-time funding (OMERS Type 3 surplus withdrawal)

During the 2003 budget discussions with City staff and the City Budget Advisory Committee (BAC), the Service agreed to utilise \$5.7M of the \$10.6M withdrawal from the OMERS Type 3 surplus to offset budget pressures and meet the City's financial target. It was clearly noted and understood by all that this was one-time funding that would not be available in 2004, and therefore would just add to the pressures in 2004.

- b. Contribution to Vehicle & Equipment Reserve

Prior to 2003, the Service contributed \$4.9M annually and drew out \$4.9M annually from the City's Vehicle & Equipment Reserve. To further assist with the 2003 budget pressures, the Service removed the \$4.9M contribution from the 2003 operating budget and used the remaining 2003 OMERS Type 3 surplus amount of \$4.9M to purchase vehicles. However, in order to ensure that vehicles purchased are replaced as per the lifecycle plan, the contributions to the Reserve would be required to commence in 2004 at 1/3 of the purchase amount (depreciation value), and building up to the full amount of \$4.9M by 2006. This action results in a 2004 pressure of \$1.7M.

- c. Impact from Capital

In many instances completed capital projects result in impacts on the operating budget. These impacts could be increases or decreases and are usually for maintenance/service contracts and/or staffing impacts. The 2004 Base Budget includes an operating impact from capital of \$0.5M. This impact represents service contracts for the Automated Vehicle Location System, and impact from technology projects and the Livescan project.

d. City chargeback – cleaning/utilities

The City Corporate Services Department provides cleaning/maintenance for most of the police facilities and administers the utility costs for the buildings. The costs for these services, including administrative costs, are fully recoverable by Corporate Services. The recoverable amount in 2004 is increasing by \$1.0M due to the impact of the 2004 City salary settlement and increasing utility costs for electricity and natural gas.

The 2004 operating budget does not include any allowance for the outsourcing of cleaning services. The outsourcing initiative was included in the 2003 operating budget however, City Council referred the item back to City staff for further discussion with the Union. Should outsourcing be approved in the future then an adjustment to the budget will be made at that time.

d. Other ongoing costs

The day-to-day costs (supplies, equipment and services) to run the organisation result in an increase of \$0.5M. This increase is mainly attributable to a \$0.2M increase in gasoline costs, \$0.2M of inflationary impact and \$0.1M increase in various accounts.

e. Recovery for prisoner transportation

The Service's recoveries are increasing by \$0.5M in 2004. The Province, to offset the additional costs of hiring Court Officers for prisoner transportation, is reimbursing these funds to the Service.

f. Reduction in 2003 of one-time costs (STEM)

In 2003, the Service requested an enhancement to its traffic enforcement function. The Strategic Traffic Enforcement Measures (STEM) program included additional staff, as well as equipment to implement the program. The equipment was one-time funding, and therefore is not required in 2004. As a result there is a reduction of \$0.5M.

**cont...d**

## Summary of 2004 Base Budget Request

2003 Approved Budget		\$634.6M
<b>INCREASE OVER 2003 BUDGET</b>		
Human Resources Strategy impact	\$7.8M	
Fringe Benefits Impact	\$5.9M	
Leap year	\$1.3M	
Other Significant Changes	\$8.4M	
Total Increase, before salary settlement		\$23.4M (3.7%)
Collective Agreement		\$29.9M (4.7%)
Total 2004 Base Budget		\$687.9M (8.4%)

### 2004 Requests Above Base

The Service has identified several initiatives that require funding over and above the 2004 Base Budget amount. These requests respond to operational needs, community input and the Service's 2002-2004 priorities. The net amount required in 2004 for these initiatives is \$3.5M (a 0.6% increase over the approved 2003 budget). Staff costs, where applicable, have been included for 6 months in 2004. Detailed business cases for each initiative are available for review. The following provides highlights of the requests above the Base Budget.

#### Race Relations Outreach Program (\$1.1M in 2004)

This is a dedicated and permanent outreach program in minority communities. The recent escalation of violence and continuing tensions in various communities, 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 \$1.1M in 2004, annualising to \$1.7M in 2005.

#### Mounted Unit Expansion (\$0.9M in 2004)

The escalating frequency and intensity of crowd management situations has put significant pressure on the Mounted Unit to respond to demands, while ensuring that the health of the horses and officer safety is not compromised. Therefore, it is requested that the number of horses be increased from 28 to 34 and that staffing be increased from 50 to 56 to adequately meet the demands. This expansion of the Unit will allow an enhanced availability of horses and officers for deployment to crowd management events, and the opportunity to provide a relief factor to the horse and rider during major events. The 2004 cost for this is \$0.9M (includes one-time equipment and renovations), and the annualised cost is \$0.6M.

#### Scenes of Crime Section (\$0.3M in 2004)

Forensic Identification Services (FIS) has experienced a significant increase over the past few years on the time spent at crime scenes. This is largely attributable to the Provincial Adequacy Standards and judicial reports such as Campbell and Kauffman, which direct that forensic involvement at crime scenes must increase. Moreover, advanced evidence gathering techniques (e.g. bloodstain pattern interpretation, DNA, SIU investigations, anthrax and other HAZMAT scenes) have led to a dramatic increase in time spent at major scenes. As an example, one murder in 2001 took 2 officers over 2 months to complete. FIS currently has 38 crime scene officers compared to 51 in 1995, and this request is for an increase of 6 officers which would bring the total to 44. The shortage of crime scene officers has an impact on the front-line as officers must hold scenes longer, and therefore are not available for police response. The 2004 impact of this request is \$0.3M with annualised costs of \$0.6M.

#### Additional Court Officers (\$0.3M in 2004)

The Attorney General will be appointing 5 new Judges to deal with the backlog of criminal cases for the Toronto Region Courts. By January 2004, there will be 3 new courts at 1911 Eglinton Ave. East, and 2 new courts at 1000 and 2201 Finch Ave. West. The net result will be increased courtroom sitting time, increased demands on Court Services to supply security, and to move prisoners within the courthouse. It is estimated that 8 additional Court Officers are required to meet the increased demands. The total impact in 2004 is \$0.3M with annualised costs of \$0.5M.

#### Sex Offender Registry (\$0.1M in 2004)

The Provincial government proclaimed Christopher's Law (Sex Offender Registry) on April 23, 2001. The legislation requires sex offenders, resident in Ontario, to register yearly with the police service within whose jurisdiction he/she presently resides. The Service's Bail & Parole Unit has been designated as the registration site for the Service. The Sex Offender Registry requirements are an added function to the Unit, and to date 4 staff performing regular Bail & Parole duties have been assigned to maintain and enforce these. However, due to the quantity of work required to administer the Registry, these staff are not able to perform their regular Bail & Parole duties. Therefore, it is requested that 2 additional uniform staff be added to the Unit. A case can be made to add 4 staff for the Registry functions; however, the Unit can cope with 2 and redistribute the workload. The cost of this initiative is \$0.1M in 2004 with an annualised cost of \$0.2M.

#### Intelligence Monitors (\$0.4M in 2004)

Intelligence Monitors perform the work of lawfully authorised surveillance. These are part-time staff and therefore are utilised on a project-by-project basis as required. Projects worked on by the staff include major criminal investigations, organised crime, homicides, and joint police services initiatives. The Service is able to recover some of the costs associated with these projects, and in particular, the joint projects. However, the majority of the expenses are for our Service. The work of the Monitors has assisted the Service in solving many cases and apprehending the culprits, which may have not been possible without this work. Given the workload and projects requiring lawfully authorised surveillance, an increase of \$0.4M is requested for 2004 with annualised costs of \$0.8M.

#### Chemical, Biological, Radiological and Nuclear (CBRN) Equipment (\$0.4M in 2004)

The Service operates within a joint CBRN team (TPS, Toronto Fire and Toronto EMS) in response to CBRN incidents. Due to terrorist attacks from 2001 and 2002 involving chemical weapons, coupled with Canadian and U.S. international military activities, the threat of terrorism involving CBRN equipment has been heightened. Toronto, as Canada's largest city, is a major target. The Service is still inadequately prepared to deal with such attacks. Negligible financial support has been received from the Federal/Provincial governments for CBRN equipment. Therefore, it is paramount that the Service prepares itself using its own resources as best available, and thus the one-time funding request of \$0.4M in 2004.

Summary of requests above the Base Budget:

<b>Requests Above Base Budget</b>	<b>2004 Impact</b>	<b>2005 Impact</b>
Additional Court Officers	\$0.30 M	\$0.50 M
Race Relations Outreach Program	\$1.10 M	\$1.70 M
Mounted Unit Expansion	\$0.90 M	\$0.60 M
CBRN Equipment	\$0.40 M	\$0.00 M
Scenes of Crime Section	\$0.30 M	\$0.60 M
Sex Offender Registry	\$0.10 M	\$0.20 M
Intelligence Monitors	\$0.40 M	\$0.80 M
<b>Total Requests Above Base</b>	<b>\$3.50 M</b>	<b>\$4.40 M</b>

The above requests include an additional 32 Uniform staff and 10 Civilian staff in 2004. If approved, the Uniform target would increase to 5,292 from 5,260.

Additional Information Requested

(a) 2003 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 2002 Service Performance Year-end Report was presented to the Board on July 17, 2003 (Board minute #P198/03 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 2002 are:

- Operating costs for police services per household, and
- Crime rate.

The information is summarised below:

	2001	2002
TPS operating cost per household	\$623.17	\$639.58

**Crime rate per 1,000 population**

	2001	2002
Violent Crime	14.4	13.6
Property Crime	38.2	38.3
Youth Crime	42.7	39.2

(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 2004 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) 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 2004 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 maximise grant and other funding opportunities, the Service has established a process for the application for and administration of grants. A report summarising all grant funding activity is provided to the Board on a semi-annual basis.

**SUMMARY**

The Service requires a Base Budget of \$687.9M in order to deliver and meet the core services and responsibilities set out in the Police Services Act, and to continue work on the Service's 2002 – 2004 Priorities. This funding level is \$53.3M (8.4%) over the approved 2003 budget of \$634.6M. The 2004 Base Budget increase, without the collective agreement impact, is \$23.4M (3.7%). Moreover, to respond to increasing policing demands and operational needs, the Service has also put forward initiatives totalling \$3.5M (0.6%) as requests above the Base Budget. Therefore, the total 2004 Service operating budget request is \$691.4M, an increase of \$56.8M (9.0%) over the approved 2003 budget.



It is recommended that the Board approve the 2004 net budget request of \$691.4M, comprised of a base budget request of \$687.9M and new initiatives totalling \$3.5M. Given that on-going budget discussions with the City will commence soon, it is recommended that the Acting Chair be authorized to approve, subject to ratification by the Board, changes to the operating budget submission during the time between Board meetings and that this report be forwarded to the Director Budget Services, City Finance.

A presentation will be made at the Board meeting, and Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance to answer any questions.

**The Board was also in receipt of the following report NOVEMBER 12, 2003 from Julian Fantino, Chief of Police:**

Subject:               RESPONSE TO CITY REQUEST TO REDUCE THE 2004 OPERATING  
                              BUDGET OF THE TORONTO POLICE SERVICE

Recommendation:

It is recommended that:

1. the Board approve the attached letter from the Chief of Police to the CAO, City of Toronto;  
and
2. the Board forward the attached letter to the CAO, City of Toronto.

Background:

The City of Toronto 2004 budget submission guidelines includes a request to provide the City CAO with potential scenarios that would result in a 2004 base budget request equal to the 2003 Council approved net budget plus 1%. For the Service, a 1% increase over the approved 2003 operating budget would result in a 2004 base amount of \$640.9 million (M).

The Service's 2004 base budget request, as reflected in a separate report to the Board, is \$687.9M (i.e. an 8.4% increase over the 2003 approved budget). As a result, the Service is required to identify reduction scenarios totalling \$47M (7.4%), from the requested 2004 base budget, in order to achieve the guideline of a 1% increase over the 2003 approved budget.

The attached letter to the City CAO identifies the difficulties the Service would have in attempting to achieve such a reduction. Moreover, the magnitude of the reduction would severely impact my ability to deliver adequate policing services to the citizens of the City of Toronto. To this end, I have provided the Board with my views on this matter.

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

**Mr. John Sewell, Toronto Police Accountability Coalition, was in attendance and made a deputation to the Board.**

**Chief Julian Fantino and Mr. Frank Chen delivered presentations to the Board on the proposed 2004 operating budget submission for the Toronto Police Service.**

**The Board approved the following Motions:**

- 1. THAT the deputation by Mr. Sewell be received;**
- 2. THAT the Board approve the foregoing report dated November 06, 2003 from Chief Fantino regarding the 2004 operating budget submission for the Toronto Police Service and, based upon severe pressure that will be experienced by all municipal departments to meet Toronto City Council's 2004 budget targets, will consider further reductions, if necessary, during the on-going budget review process; and**
- 3. THAT the Board approve the foregoing report dated November 12, 2003 from Chief Fantino.**



## Toronto Police Service

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(416) 808-2222 FAX (416) 808-8202  
Website: www.TorontoPolice.on.ca



Julian Fantino  
Chief of Police

File Number: .....

November 12, 2003

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:

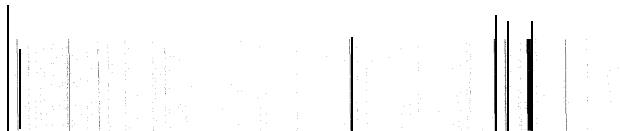
**Re: TORONTO POLICE SERVICE – RESPONSE TO CITY REQUEST TO  
REDUCE THE 2004 BASE BUDGET SUBMISSION TO A TARGET OF  
\$640.9M (i.e. 2003 APPROVED BUDGET PLUS 1%)**

The Toronto Police Service (TPS) presented a 2004 base budget request of \$687.9 million (M) to the Toronto Police Services Board at its meeting of October 30, 2003. In keeping with City guidelines, you have requested that I identify potential scenarios that would result in a 2004 base budget request equal to the 2003 approved budget plus 1% (i.e. \$640.9M).

Before I provide any reduction strategies, I would like to note the inadequacy of a 1% increase over 2003. The 2003 Council-approved budget of \$634.6M already included onetime funding of \$5.7M. Furthermore, there are increased costs related to salary, benefit and other mandatory expenditures for 2004. TPS' base budget request of \$687.9M represents the funding required to maintain the same level of service as that provided in 2003. A 1% increase over 2003 does not even provide for the total cost of the negotiated salary settlement, and would require the Service to reduce \$47M from the 2004 base budget request to achieve this target.

The Service has undertaken all due diligence in developing our 2004 base budget. The base budget request takes into consideration the impact of 2003 decisions as well as contractual increases for 2004. As per City guidelines, our base budget request is the amount of funding required in 2004 to provide a 2003 level of service.

*To Serve and Protect • Working with the Community*



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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 5,260 and to maintain current civilian staffing levels. The remaining expenditures amount to less than \$47M in total and the majority of these expenditures (approximately \$38M) are fixed costs for the direct support of front-line police activities. To illustrate the relevancy of a 1% increase, the Service would have to reduce the entire non-salary component (i.e. \$47M) (without impacting staff) to achieve the required reduction.

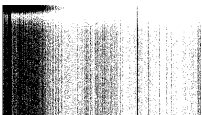
The following outlines possible avenues by which reductions could be attained. However, I do not recommend most of these due to the impact on my ability to deliver adequate policing.

#### **Outsourcing of Caretaking Services (\$0.75M)**

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. The 2003 approved budget included the initiative to outsource cleaning services based on a phased approach. The procurement process to select a provider for cleaning services was conducted by the Service and City staff. The result was a recommendation to Council, at their September 4, 2003 meeting, to award the cleaning of police facilities to an external provider. City Council did not approve the outsourcing initiative and referred the matter back to City staff. The outsourcing of cleaning services in police facilities is estimated to save \$3M annually. Based on a 3<sup>rd</sup> quarter implementation in 2004, \$0.75M could be saved.

#### **Civilian Staff Increased Gapping (Not Recommended)**

Civilian positions are replaced on a one-to-one basis. Many of the "civilian" positions in the Service are comprised of Court Officers and Communication Operators. Each of these positions, due to their operational necessity, are required to be filled on an on-going basis and even when vacant they are filled with temporary staff. The remaining civilian positions have undergone extensive review, and only those positions deemed essential to the Service have been maintained, although I commit to maintaining a high level of scrutiny for these positions. Therefore, there is no gapping included in the 2004 budget for the above positions. Gapping for the remaining Civilian positions has been estimated at 5% for 2004 and this is consistent with the City guidelines. If Court Officers and Communication Operators are included in the gapping calculation then the gapping amount is 3.2%. In order to increase the gapping amount, the Court Officers and Communication Operators would be impacted. Therefore, a further increase in Civilian gapping would have a significant impact (as described below) and 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.

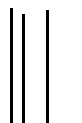
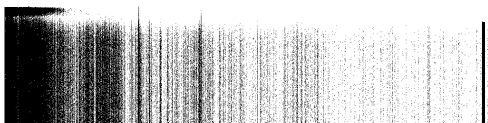
#### **Uniform Hiring Deferral (Not Recommended)**

The 2004 budget includes **\$6.2M** for uniform hiring. This amount represents the salary, benefit and outfitting costs of hiring 225 Officers. The hiring of 225 Officers is based on the projected attrition for 2004 and achieving the approved target of 5,260 Officers. The deferral of uniform hires in 2004 would save **\$6.2M** however; this would have a significant impact on the Service's ability to deliver services and also impact the amount received by the Service through the Community Policing Partnership (CPP) grant. The CPP 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 **\$3.8M** of grant funding would be lost in 2005 if there was no hiring in 2004.

Uniform strength would fall **from** an expected year-end number of 5,260 to 5,173, (to 5,093 by mid 2005) and the impacts of such a change would be drastic. **This proposal is not recommended for the following reasons:**

- A staffing level of 5,173 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.
- The Collective Agreement with the Toronto Police Association for the period of 2002 – 2004 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 **\$7.5M** in 2004) will be of little value if hiring is reduced at the same time.

The above detail clearly identifies why I have little flexibility in recommending any reductions to the 2004 base budget request,



**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 2004.

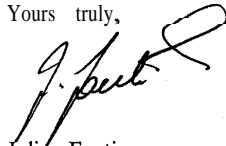
If lay-offs were to be imposed on the Service, and approved by OCCPS, future year annualized savings of \$37.5M would require the laying-off of approximately 417 staff (uniform and civilian). Annualized savings would not be realized earlier than 2006, and, severance costs of approximately \$9.6M would have to be funded from City reserves (or through a budget increase to the Service).

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. Furthermore, today's global situation may lead to additional pressures in the coming weeks and months.

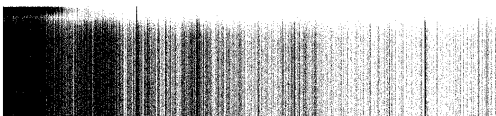
In summary, the 2004 budget request presented to the Board at its November 13, 2003 meeting represents a status quo budget, and is the minimum amount of funding required to provide a 2003 level of service. The 2004 request of \$687.9M includes the impact of the Association salary settlement as well as annualization costs related to 2003 hires and separations, and contractual increases such as benefit increases and impacts from capital and it adheres fully to City guidelines. The 2004 base budget request has undergone rigorous scrutiny by the senior management of the Service and any opportunities to reduce this request would have been identified through this process.

A reduction to attain a target of \$640.9M 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



**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P330. TORONTO POLICE SERVICE – PARKING ENFORCEMENT UNIT:  
2004 OPERATING BUDGET SUBMISSION**

The Board was in receipt of the following report NOVEMBER 06, 2003 from Julian Fantino, Chief of Police:

Subject: 2004 OPERATING BUDGET SUBMISSION FOR PARKING  
ENFORCEMENT UNIT

Recommendation:

It is recommended that:

1. The Board approve the 2004 net base budget request of \$30.9 million (M), an increase of \$1.1M (3.4%) over the approved 2003 net budget,
2. The Board approve the 2004 new initiatives of \$0.35M, an increase of 1.1% over the approved 2003 budget,
3. The Board authorise the Acting Chair to approve, subject to ratification by the Board, changes to the operating budget submission during the time between meetings of the Board,
4. The Board forward this report to the Director of Budget Services, City Finance 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 2003 net operating budget for the Parking Enforcement Unit was \$29.9M. The Parking Enforcement Unit's net operating budget request for the year 2004 is \$31.3M for an increase of \$1.4M (4.7%).

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 following guiding principles:

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.

Salaries

Regular pay, premium pay, and fringe benefits constitute 87% of the budget (or \$26.9M). Costs have increased by 4.4% (or \$1.1M) from the 2003 budget. This increase is mainly due to the impact of the Association salary settlement (\$0.9M). In addition, benefits costs have increased by \$0.2M due to the OMERS rate increase.

Non Salary (Decrease of \$0.1M)

Non salary accounts constitute 13% of the budget (or \$4.1M) and have decreased by \$0.1M from the 2003 budget. Vehicle costs have decreased by \$0.2M due to one-time purchases made during 2003 that are no longer required in 2004. This decrease has been partially offset by \$0.1M of increases due to inflationary pressures.

Request above Base

Parking Enforcement is requesting funds for the purchase of AVL Vehicle Locators for 90% of the marked vehicles in the amount of \$350,000. Parking Enforcement Officers are frequently the subject of assaults in the performance of their duties. The Vehicle Locators are intended to improve Officer safety by allowing the Service to be aware of their location at all times.

Summary of 2004 Budget Request

2003 Base Budget		\$29.9M
<u>Increase over 2003 Budget</u>		
2004 Salary Settlement	\$0.9M	
OMERS rate increase	\$0.2M	
Non-Salary inflationary pressures	\$0.1M	
Reduction in one-time vehicle purchases	<u>(\$0.2M)</u>	
Total Increases (3.4% increase)		<u>\$1.0M</u>
<b>Total Base Budget Request</b>		<b>\$30.9 M</b>
Request Above Base – GPS Vehicle Locator		\$0.4M
<b>Total 2004 Budget Request</b>		<b>\$31.3M</b>

Parking Tag Revenue



No changes are expected in parking tag revenues. The following table summarizes expected parking tag volume.

# of tickets (000s)		Gross Revenue \$ (000s)	
2003	2004	2003	2004
2,800	2,800	\$70,616	\$70,616

Note: Based on the collection experience for the City (78%), 2004 net revenue would be \$55.1M.

It is recommended that the Board approve the 2004 net operating budget request of \$31.3M for a budget increase of \$1.4M (4.7%) for the Parking Enforcement Unit. This is comprised of a base budget of \$30.9M and new initiative of \$0.35M. Given that on-going budget discussions with the City will commence soon, it is recommended that the Acting Chair be authorized to approve, subject to ratification by the Board, changes to the operating budget submission during the time between Board meetings.

A presentation will be made at the Board meeting, and Mr. Frank Chen, Chief Administrative Officer, Corporate Support Command will be in attendance 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 13, 2003**

**#P331. HUMAN RESOURCES STRATEGY: 2004-2008**

The Board was in receipt of the following report NOVEMBER 12, 2003 from Julian Fantino, Chief of Police:

Subject: HUMAN RESOURCES STRATEGY - 2004 to 2008

Recommendation:

It is recommended that: The Board approve this report.

Background:

The Board at its meeting on November 21, 2002 (Minute No. P300) was in receipt of a report on the Human Resources Strategy for the period 2003 to 2007. The Board was also in receipt of a further report on the Strategy at its meeting on June 19, 2003 (Minute No. P168) and approved several adjustments, based on the experience accrued to that date.

The following report is an update on our experience to the end of September, and the recommended Strategy for the next five year period, from 2004 to 2008. Several issues have occurred this year which have been taken into account in the development of the new Strategy, including the following:

- staffing requests in the 2004 Operating Budget Request
- 2004 as the final year of the OMERS reduced factor
- retention pay provisions in the TPS Collective Agreement and the Agreements of other police services

**UNIFORM STAFFING**

**Target Strength**

In its Strategy report for 2001, 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 5,260 uniform personnel. This figure includes the reduction of six positions resulting from several civilianization initiatives. Five positions were identified for civilianization through the Uniform and Civilian Reviews, and a sixth position was subsequently identified in Community Programs. As noted below, five of these positions have now been filled by civilian personnel and the sixth is pending completion of the posting and selection process.

Several new initiatives proposed in the 2004 Operating Budget would increase the target by 32 to 5,292, if funding is approved by City Council. These include personnel for the Race Relations Outreach Program (18), Scenes of Crime Officers for Forensic Identification (6), officers for the Sex Offender Registry (2), and expansion of the Mounted Unit (6). Additional details relating to these requests are contained in the report being submitted separately on the 2004 Operating Budget.

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 planned its hiring strategy to address the separations resulting from the OMERS retirement incentive program and member resignations. A total of 191 hires are projected by year end, including 12 lateral entries and 36 new recruits to be hired in late December for the January 5, 2004 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 200 separations, includes 217 new recruits and 8 lateral entries, for a total of 225 new hires.

To accommodate increased recruit training requirements in 2003, the Ontario Police College (O.P.C.) implemented a six intake system on a pilot project basis for the year. As of the date of this report, it is understood that the O.P.C. will be continuing this six intake schedule next year. The Service plans to enrol as many recruits as required to maintain our deployed target.

### **Projected Separations**

Separations for this year were originally projected to reach 300, but this was subsequently revised to 143, reflecting the impact of the new retention pay provision in the Collective Agreement.

In 2004, eligibility for an unreduced OMERS pension increases from the 79 Factor to the 80 Factor. As this will be the final year of the reduced factor program, it is expected to attract a large number of officers but our experience should continue to be moderated by the retention pay provision. Our monitoring of bargaining trends in the Province indicates that other police

services are incorporating retention pay provisions in their agreements, and this should also reduce our losses to other services. These considerations have resulted in a projected separation total of 200 for 2004. For the remainder of the Strategy period, a rate closer to our experience prior to the incentive program is reflected.

### **Year 2003 Experience to September 30<sup>th</sup>**

#### **Hires**

The Service has hired 143 new recruits this year as of the end of September. The class hired in January was deployed in May, and the class hired in April was deployed in August. In addition, the Service has hired 5 officers from other police services (“lateral entries”). These officers receive two weeks of training at the C.O. Bick College before being deployed to front-line duties.

#### **Overall Separations**

Separations, including retirements scheduled to occur by year end, totalled 143 as at the end of September. These include 77 retirements, 60 resignations, and 6 deaths. This compares to a total of 299 separations by the end of September last year.

#### **Resignations**

Thirty-seven of the resignations experienced within this period have been officers who have left to join another service. 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, as noted above, the increasing prevalence of retention pay in police agreements should offset some of these losses in the future.

#### **Retirements**

Uptake of the OMERS incentive continues to be a significant factor in the separations being experienced by the Service. As noted above, the eligibility factor (age + service) for an unreduced pension will rise to 80 in 2004. Being the closing year for the program, it will continue to be attractive as an option for those who qualify.

## **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:

#### *Civilianization*

As noted above, six positions were scheduled for civilianization this year and of those, five were filled by civilians by the end of September.

#### *Property & Evidence Management*

The establishment has been adjusted to confirm five positions which have been occupied by temporary personnel in Property & Evidence Management, as permanent positions. As these positions were funded, there is no additional impact on the budget.

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

The Electronics Computerized Occurrence Processing system (eCOPS) 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. This system was rolled out in September, with additional functionality to be added in phases during 2004. As indicated in a separate report to the Board (September 24, 2003) Service-wide staff reductions resulting from this project are planned for 2004. These will be the subject of further reports to the Board and will be reflected in the Strategy at that time.

#### *New Initiatives in the 2004 Operating Budget Request*

New positions identified in the 2004 Operating Budget include 2 for the Race Relations Outreach Program and 8 court officers. The Toronto Police Service is mandated by the Police Services Act to provide security in the courts, and the court officers are required for three new court locations scheduled to open in January.

### **Hiring**

Hiring for next year will be for replacement purposes, except for new positions as approved in the budget, and excluding positions deleted as a result of eCOPS.

## **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 September, 31 civilians left the Service through retirement, 26 left through resignation, and there were 2 deaths. The remaining separations included 4 members who became cadets-in-training, and one who took a temporary position.

Projected separations for this year have been reduced from 90 to 75 to reflect our reduced experience. Separations projected for next year have been based on our resignation and retirement experience this year, and the phase out of the OMERS reduced retirement factor program.

## **BUDGET IMPACT**

The budget impact of the foregoing Strategy will be included in separate submissions to the Board regarding the proposed 2004 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 2003 TO 2008

Month	2003					2004					2005				
	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	5,109	-146			5,260	5,264	34			5,260	5,260	-
JAN	-19	149	5,255	5,230	-25	-23		5,260	5,271	11	-15	40	5,260	5,269	9
FEB	-16		5,255	5,214	-41	-23	34	5,260	5,263	3	-15	45	5,260	5,310	50
MAR	-18	5	5,255	5,203	-52	-19	8	5,260	5,272	12	-13		5,260	5,302	42
APR	-11	31	5,266	5,253	-13	-19		5,260	5,253	-7	-12		5,260	5,290	30
MAY	-28	69	5,260	5,334	74	-21	36	5,260	5,260	0	-14	48	5,260	5,321	61
JUN	-5		5,260	5,299	39	-18	31	5,260	5,281	21	-11		5,260	5,310	50
JUL	-4		5,260	5,265	5	-16		5,260	5,265	5	-11		5,260	5,299	39
AUG	-22		5,260	5,273	13	-15		5,260	5,260	0	-10		5,260	5,289	29
SEP	9	38	5,260	5,300	40	-15	24	5,260	5,261	1	-10		5,260	5,279	19
OCT	-5	7	5,260	5,302	42	-10	30	5,260	5,261	1	-7		5,260	5,272	12
NOV	-6		5,260	5,296	36	-10		5,260	5,271	11	-6		5,260	5,266	6
DEC	-2		5,260	5,294	34	-11		5,260	5,260	0	-6		5,260	5,260	0
End of year	-143	328	5,260	5,294	34	-200	199	5,260	5,260	0	-130	130	5,260	5,260	0

year 2003

OMERS 75 Factor applies this year

Projected Hires

Cadet Hire Dates	
January	12
April	26
May	0
September	38
December	25
Total	101
Lateral	12
Total Hires	191

year 2004

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

OMERS 80 Factor applies this year

Projected Hires

Cadet Hire Dates	
Jan	31
April	35
May	30
Aug	40
Sept	45
Dec	45
Total	217
Lateral	0
Mar.	0
Total Hires	226

year 2005

OMERS 85 Factor applies this year

Projected Hires

Cadet Hire Dates	
January	0
April	0
May	0
Aug	40
Sept	45
Dec	45
Total	130
Total Hires	130

UNIFORM STAFFING STRATEGY 2003 TO 2008

Month	2006					2007					2008				
	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			5,260	5,260	-			5,260	5,260	-			5,260	5,260	-
JAN	-15	40	5,260	5,285	25	-15	40	5,260	5,285	25	-15	40	5,260	5,285	25
FEB	-15	40	5,260	5,315	55	-15	40	5,260	5,315	55	-15	40	5,260	5,315	55
MAR	-15		5,260	5,302	42	-13		5,260	5,332	42	-13		5,260	5,302	42
APR	-12		5,260	5,290	30	-13		5,260	5,290	30	-12		5,260	5,290	30
MAY	-14	45	5,260	5,321	61	-14	45	5,260	5,321	61	-14	45	5,260	5,321	61
JUN	-11		5,260	5,310	50	-11		5,260	5,310	50	-11		5,260	5,310	50
JUL	-11		5,260	5,299	39	-11		5,260	5,299	39	-11		5,260	5,299	39
AUG	-10		5,260	5,289	29	-10		5,260	5,289	29	-10		5,260	5,289	29
SEP	-10		5,260	5,279	19	-10		5,260	5,279	19	-10		5,260	5,279	19
OCT	-7		5,260	5,272	12	-7		5,260	5,272	12	-7		5,260	5,272	12
NOV	-6		5,260	5,268	8	-6		5,260	5,268	8	-6		5,260	5,268	8
DEC	-6		5,260	5,260	-	-6		5,260	5,260	-	-6		5,260	5,260	-
End of year	-130	130	5,260	5,260	-	-130	130	5,260	5,260	-	-130	130	5,260	5,260	-

year 2006

OMERS 85 Factor applies this year

Projected Hires

Cadet Hire Dates	
Aug	40
Sept	40
Dec	45
<b>Total</b>	<b>130</b>

Laterals

0

130

year 2007

OMERS 85 Factor applies this year

Projected Hires

Cadet Hire Dates	
Aug	40
Sept	45
Dec	45
<b>Total</b>	<b>130</b>

Laterals

0

130

Total Hires 130

year 2008

OMERS 85 Factor applies this year

Projected Hires

Cadet Hire Dates	
Aug	40
Sept	40
Dec	45
<b>Total</b>	<b>130</b>

Laterals

0

130

Total Hires 130



**CIVILIAN STAFFING STRATEGY 2003 TO 2008**

Month	2003					2004					2005				
	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:			1,891	1,882	-209			1,896	1,709	-187			1,896	1,709	-187
JAN	-8	3	1,891	1,876	-215	-7	7	1,896	1,709	-187	-4	4	1,896	1,709	-187
FEB	-2	1	1,891	1,875	-216	-10	10	1,896	1,709	-187	-7	7	1,896	1,709	-187
MAR	-4	18	1,891	1,889	-202	-5	5	1,896	1,709	-187	-3	3	1,896	1,709	-187
APR	-7	4	1,891	1,886	-205	-5	5	1,896	1,709	-187	-3	3	1,896	1,709	-187
MAY	-5	24	1,891	1,735	-156	-6	6	1,896	1,709	-187	-4	4	1,896	1,709	-187
JUN	-6	5	1,891	1,734	-157	-5	5	1,896	1,709	-187	-4	4	1,896	1,709	-187
JUL	-4	3	1,891	1,733	-158	-9	9	1,896	1,709	-187	-5	5	1,896	1,709	-187
AUG	-19	-	1,891	1,683	-198	-9	9	1,896	1,709	-187	-5	5	1,896	1,709	-187
SEP	-5	3	1,891	1,688	-203	-9	9	1,896	1,709	-187	-6	6	1,896	1,709	-187
OCT	-5	4	1,891	1,684	-207	-5	5	1,896	1,709	-187	-3	3	1,896	1,709	-187
NOV	-7	5	1,891	1,683	-208	-3	3	1,896	1,709	-187	-2	2	1,896	1,709	-187
DEC	-5	4	1,891	1,682	-209	-5	5	1,896	1,709	-187	-4	4	1,896	1,709	-187
End of year:	-75	75	1,891	1,682	-209	-80	80	1,896	1,709	-187	-80	80	1,896	1,709	-187

**year 2003**

OMERS 84 Factor this year  
 Proj'd seps decreased from 80 to 75

**year 2004**

OMERS 85 Factor this year  
 Final year of OMERS reduced factors  
 Seps proj'd to increase  
 Est adj by 5 to Property positions

**year 2005**

OMERS 90 Factor this year

**CIVILIAN STAFFING STRATEGY 2003 TO 2008**

Month	2006					2007					2008				
	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:			1,896	1,709	-187			1,896	1,709	-187			1,896	1,709	-187
JAN	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187
FEB	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187
MAR	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187
APR	-3	3	1,896	1,709	-187	-3	3	1,896	1,709	-187	-3	3	1,896	1,709	-187
MAY	-7	7	1,896	1,709	-187	-7	7	1,896	1,709	-187	-7	7	1,896	1,709	-187
JUN	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187
JUL	-7	7	1,896	1,709	-187	-7	7	1,896	1,709	-187	-7	7	1,896	1,709	-187
AUG	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187	-5	5	1,896	1,709	-187
SEP	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187	-4	4	1,896	1,709	-187
OCT	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187
NOV	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187
DEC	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187	-2	2	1,896	1,709	-187
End of year:	-50	50	1,896	1,709	-187	-50	50	1,896	1,709	-187	-50	50	1,896	1,709	-187

**year 2005**

**year 2007**

**year 2008**

OMERS 90 Factor this year

OMERS 90 Factor this year

OMERS 90 Factor this year

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P332. COMPUTER AIDED DISPATCH SYSTEM UPGRADE**

The Board was in receipt of the following report OCTOBER 22, 2003 from Julian Fantino, Chief of Police:

Subject: COMPUTER AIDED DISPATCH SYSTEM UPGRADE

Recommendation:

It is recommended that:

1.
  - a) the Board approve entering into an agreement with Intergraph Canada Ltd; for a total of \$1,041,600 (including all taxes) for the supply of conversion, configuration and support services for an enhanced Computer Aided Dispatch system;
  - b) the Board approve entering into an agreement with Intergraph Canada Ltd; for an annual total of \$236,500 (including all taxes) for the subscription fees for additional software (Automatic Vehicle Location and reporting enhancements), for a five year total cost of \$1,182,500 commencing January 1, 2004 and ending December 31, 2008;
  - c) the Board approve a five-year maintenance contract with Intergraph Canada Ltd., for software for the new CAD system at a first year cost of \$501,200 (including all taxes), for a five year total cost of \$2,769,300 commencing January 1, 2004 and ending December 31, 2008;
2.
  - a) the Board approve the acquisition of computer equipment for a total of \$943,100 (including all taxes) from NexInnovations, the Service's Vendor of Record for this equipment. This cost to be leased over five years;
  - b) the Board approve a five-year operating lease with Nexcap Finance Corporation for the financing of the above computer equipment at an Annual Percentage Rate (APR) of 1.85% above the Government of Canada (GOC) Two Year Bond Yield rate. At the time of tender, June, 2003, the GOC Bond Rate was 3.15% resulting in an APR of 5.5% which in turn would result in an annual lease cost of \$209,400 (including all taxes), for a five year total cost of \$1,047,000 commencing January 1, 2004 and ending December 13, 2008;
  - c) the Board approve a five-year maintenance contract with NexInnovations, for hardware maintenance for the new CAD system at a first year cost of \$6,300 (including all taxes), for a five year total cost of \$52,700 commencing January 1, 2004 and ending December 31, 2008;

3. the Board authorize the Acting Chair to execute all documents, including contracts, on behalf of the Board, subject to approval by the City Solicitor as to form.
4. the Chief, or his designate, notify the City CFO and Treasurer of the specific recommendations contained herein, pursuant to the requirements of Section 65 of the Ontario Municipal Board Act and Board Minute No.P84/03.

Background:

The Board, at its meeting of September 18, 2003, deferred the report on the Computer Aided Dispatch System Upgrade and requested a further report detailing the financial arrangements (Brd. Min. #P243/03 refers). This following report provides the service's response to the Board's request.

The Service's current Computer Aided Dispatch (CAD) system, from Intergraph Canada Ltd., was installed in 1998. The CAD system is an integrated package of hardware and software providing Call Taking, Dispatching and historical recording of information, allowing timely handling and recording of 9-1-1 and other police related calls for service. The CAD system is comprised of three major environments; a primary site, a backup disaster recovery site, and testing/training facilities.

The version of the Intergraph CAD system, which the Service is currently using, is obsolete and is approaching the end of its support commitment from the vendor. This proposal plans for a complete upgrade of hardware and software components to both support the latest version of the software, as well as accommodating planned future enhancements to this critical service. The expected life of this upgrade is five years, at which point the system will again require an upgrade.

The computer hardware required for this project will be acquired from NexInnovations, which is the Service's Vendor of Record for the provision of this equipment. The Service is not required to tender for Intergraph's CAD system, as Intergraph is the owner and sole supplier of the software and services for this product. The CAD computer system and the expert services required in configuring, certifying, and supporting the software can only be accomplished by Intergraph. Although other vendors may provide alternate competing CAD solutions, there is no compelling reason for the Service to consider the enormous and complex task of switching CAD technologies at this juncture.

The expected expenditures for this project are divided into the following major components:

1a) Intergraph Conversion, Configuration and Setup Services

This is a complex system to configure, install and support. Due to its critical nature, it also requires careful planning, thorough testing, enhanced training, and staged implementation to ensure the system is working reliably prior to the Service using the system in production. The new system must co-exist with the old system for a period of time to ensure the Service always

has a system available to perform these functions. As in the past, the Service will work closely with the vendor to ensure these concerns are addressed in all phases of the implementation. The configuration of the additional software components being acquired is included in these costs such as Automatic Vehicle Location (AVL).

<u>Service</u>	<u>\$,000</u>	
System Conversion	\$368.0	Conversion of data/set-up of basic system
Training	\$29.5	Train the Trainers
System Configuration	\$409.8	Configuration of equipment for all sites
AVL Configuration	\$78.8	AVL server and client components
<u>Enhanced Support (on site)</u>	<u>\$155.5</u>	Enhanced support for critical phases
Total Services	\$1,041.6	

The contract with Intergraph Canada for the above services defines specific milestones with corresponding payments. Milestone completion and payments are dependent on Service staff acceptance. Following are the major milestones for this project:

- Nov. 2003 Conversion of Basic CAD system to Service specifications with Service acceptance being performed on the Training/Test system.
- Feb. 2004 Factory acceptance of the system configuration. Hardware will be setup and configured by Intergraph at their location.
- Mar. 2004 Service acceptance of CAD interfaces at the Intergraph location.
- May 2004 Service acceptance of the installation of the system at the TPS locations.
- Jun. 2004 Service acceptance of the basic CAD system after 30 days of continuous operation.
- Aug. 2004 Service acceptance of added components to basic CAD system after 30 days of continuous operation.
- Oct. 2004 Service acceptance of AVL Phase II components after 30 days of continuous operation.

1b) Additional Intergraph Software (Yearly Subscription)

The CAD system will be enhanced with the following Intergraph software for the stated purpose.

- I/TDD Telephone Device for the Deaf which is a facility available to all Call Takers for dealing with the hearing impaired.
- I/MARS Management Analysis and Reporting System for enhanced reporting for Communication Services.

The following Intergraph software is required to complete the Automatic Vehicle Location (AVL) Phase II allowing vehicle location information to be captured and replayed both at the central site and to supervisors on their Mobile workstations.

I/MDT	Mobile Data Terminal - Mobile/AVL Integration Software
I/Mobile	AVL Mobile mapping, voiceless dispatch and messaging software
I/Tracker	AVL Tracking software
I/NetViewer	Remote CAD/AVL information display
I/NetDispatcher	Decentralized Dispatching

This software will be licensed based on the annual subscription fee of \$236,500 (including all taxes) for a five year total of \$1,182,500.

1c) Intergraph CAD System Maintenance

The following table itemizes the costs for software maintenance and support for CAD system. These maintenance costs include the ongoing maintenance costs for the existing Basic CAD system, as well as the maintenance costs for the additional software components. Maintenance includes technical support for software problem solving and fixes. Software warranty begins at initial installation for testing and ends when the system is placed into production.

Maintenance Costs (\$,000)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Existing Software	287.2	301.5	316.6	332.4	349.1	1,586.8
AVL Software	201.5	211.6	222.2	233.3	244.9	1,113.5
I/TDD	2.8	2.9	3.1	3.2	3.4	15.4
<u>I/MARS</u>	<u>9.7</u>	<u>10.2</u>	<u>10.7</u>	<u>11.2</u>	<u>11.8</u>	<u>53.6</u>
Total	501.2	526.2	552.6	580.1	609.2	2,769.3

2a) Hardware Replacement

The costs for the replacement hardware is itemized below for the specified components of the CAD system. This hardware will be acquired from NexInnovations, the Vendor of Record for this equipment.

<u>System Hardware</u>	<u>\$,000</u>	
Primary Site	\$537.2	34 Call Takers, 21 Dispatchers, 4 Supervisors, 4 Servers
Backup Site	\$328.2	18 Call Takers, 12 Dispatchers, 2 Supervisors, 3 Servers

<u>Training/Testing</u>	<u>\$77.7</u>	2 Supervisors, 2 Servers
Total Equipment Cost	\$943.1	

2b) Hardware Operating Lease

The purchase cost for this equipment \$943,100, including all taxes. As in the past, the Service has accommodated these costs as a lease and a maintenance item in its base operating budget.

Purchase Option

The funding limitations of the operating budget does not permit the overall upgrade required of the Service's computer systems. The purchase option approach has proven to be unreliable and has caused the Service's technology to fall into a state of disrepair and obsolescence putting the reliability of its computer services at risk. Purchasing does not facilitate the requirement of refreshing the technology on an ongoing basis. For these reasons, the purchase option is not recommended.

Lease Option

Typically the computer industry addresses the replacement of computer and network hardware through a lifecycle replacement plan. This strategy provides funding for the ongoing replacement of computer hardware as the equipment reaches its life expectancy. In the past, the Service has accommodated this replacement through a lifecycle replacement plan. Due to the complex nature of this lease, the Service engaged a financial consultant to validate the lease structure and the lease costs. Pivotal Technologies Inc. was hired for these purposes to advise on the lease tender, the evaluation of the replies, and to ensure the final contracts for the tender would be acceptable to the City Legal Department.

A tender was issued through the City of Toronto Purchasing (Quotation #3406-03-3165) on May 26, 2003. Due to the extended implementation and rollout period for the CAD upgrade, the tender required interest rate quotations to be easily benchmarked on two year Government of Canada Bond (GOC) Yields. Basing the lease interest rates under the agreement with the lessor on the GOC Bond Yield provides an independent guarantee that leasing costs follow market debt conditions over time. Each proponent complied with the mandatory method stipulated in the tender to deal with this variable financing component over time. This is the most common acceptable practice in the industry to accommodate large-scale projects that require committed periodic financing over extended implementation periods. All other terms and conditions of the tender remain in place unchanged, and committed for the duration of the financing relationship.

There were four respondents to this tender: GE Capital, IBM Global Financing, Maxium Financial Services Inc., and Nexcap Finance Corporation. The operating lease bid from Nexcap Finance Corporation was the lowest of the proposals received.

The annual percentage rate of interest applicable to the CAD project as quoted by Nexcap Finance Corporation is 5.5%. To accommodate the extended rollout of the CAD project, any interest rates applicable to financing under this approval in the future are benchmarked on the Government of Canada two-year bond yield. The RFQ specified the two year GOC Bond Yield to be used at the time of proposals was 3.65%. Nexcap quoted and committed to a fixed additional ‘uplift’ in their proposal of 1.85% to this GOC. The sum of these two components provides the 5.5% interest rate herein.

The GOC Bond yield benchmark method is a common and accepted practice in the industry to protect the interests of the lessee (TPS). As lease schedules are completed for the CAD project, the applicable interest rate is fixed for the five-year term, and will reflect current market debt conditions at the time by any movement in the bond yield which is published daily in national newspapers. The uplift of 1.85% provided by Nexcap remains fixed regardless of movements in the GOC bond yield. This method preserves the integrity of the original Nexcap proposal to the TPS. It also provides a mutually acceptable instrument to deal with market debt conditions over time which neither party to the transaction can control.

The final interest rate for the five year lease is determined when the lease schedule is actually signed. Currently, the GOC bond rate is 3.0%. Adding in Nexcap’s 1.85% uplift would result in a five year interest rate of 4.85%. A summary of the interest rate bids proposed by each lessor in response to the RFP is attached to this report for information.

The annual payment for this operating lease is estimated to be \$209,400 for a five year cost of \$1,047,000. The lease does not have a predetermined fixed purchase option at the end of the lease and the lessor assumes the risk of the residual value at the end of the lease. Therefore, this constitutes an operating lease and the Service has the option of returning the equipment at the end of the lease or purchase the equipment from the lessor at fair market value. It is the Service’s intent to return the equipment.

2c) NexInnovations Hardware Maintenance

The following table itemizes the costs for hardware maintenance.

Maintenance Costs (\$,000)

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Hardware Maintenance *	6.3	6.3	6.3	16.9	16.9	52.7

\* Note: The hardware is warranted for 3 years; however, TPS has requested a 24 hour/7 days a week coverage period at an additional cost of \$52.7k over the 5 year term.



## Summary

The following chart provides a summary of the costs associated with this project.  
(\$000's)

Item	2004	2005	2006	2007	2008	Total
Conversion, config.	\$1041.6					\$1041.6
Software subscrip. Fees (Intergraph)	\$236.5	\$236.5	\$236.5	\$236.5	\$236.5	\$1182.5
S/ware mtce. (Intergraph)	\$501.2	\$526.2	\$552.6	\$580.1	\$609.2	\$2769.3
Hardware (Nexcap lease)*	\$209.4	\$209.4	\$209.4	\$209.4	\$209.4	\$1047.0
H/ware mtce. (NexInnov.)	\$6.3	\$6.3	\$6.3	\$16.9	\$16.9	\$52.7
Totals	\$1995.0	\$978.4	\$1004.8	\$1042.9	\$1072.0	\$6093.1

\* Lease amount is based on interest rate of 5.5% and is subject to change based on applicable interest rates at time of execution.

The Chief Administrative Officer has certified that funding is available in the 2003 Operating Budget and that funds will be included in future year's base operating budget submissions.

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

**The Board approved the foregoing.**

**Attachment  
Toronto Police Service**

**Computer Aided Dispatch Upgrade Project**

**Report, Evaluation and Recommendations on Bidders Response to  
Request for Quotation**

# 3406-03-3165

**Computer Aided Dispatch (CAD) Equipment, Software and Services Financing**

**(Excluding Capital Lease Financing Terms)**

**Submitted by:**

**Pivotal Technologies Inc.**

**Greg Dorbeck**

**July 29, 2003  
(Revised October 20, 2003)**

## Table of Contents

<u>Executive Summary for this Lease Financing</u>	10
<u>Recommendation Summary</u>	10
<u>Purpose of the RFQ</u>	11
<u>RFQ Process Summary</u>	11
<u>RFQ Bidders Summary and Status</u>	12
<u>Results of the RFQ</u>	13
<u>Bidder Interest Rate Results from RFQ</u>	14
<u>OPERATING LEASE COSTS BIDS FOR EQUIPMENT</u>	16
<u>Recommendation by Pivotal Technologies Inc</u>	17
<u>Summary of Recommendation</u>	18
<u>Discussion of Risk associated with Proposed Lease Structures</u>	19



## **Purpose of the RFQ**

To comply with current policy that requires open competition for regular business needs of the TPS. More specifically, to confirm the lowest possible equipment financing cost through quotations from a cross section of proponents capable of financing the equipment to be acquired for the CAD project. The RFQ required four (4) and five (5) year lease terms.

An Operating Lease structure was requested for comparative reasons for the computer hardware component of the project, with an option to buyout the equipment at the end of the term for fair market value or return the equipment to the lessor. It is likely that the TPS will return the equipment in this case.

The RFQ also provides for an independent method of determining and holding annual interest rates under the resulting agreement, at market debt conditions, beyond the fixed bid period of the RFQ. The fixed bid period has expired as of the date of this report. This methodology is required to accommodate the extended rollout period for the CAD Upgrade and final acceptance terms of equipment delivered by other vendors under the project.

The applicable interest rates will be fixed for the term of any lease schedules ultimately completed under the lease contract arrangement. The total equipment cost to be financed, as of the release date of the RFQ is \$820,047.00.

## **RFQ Process Summary**

Standard approved processes were followed for this procurement. The final equipment acquisition costs were obtained through NexInnovations as Vendor of Record to the TPS for computing technology requirements. Intergraph Public Safety Corporation, the core provider of CAD systems to the TPS were obtained through separate procurement process.

Through this RFQ, the TPS intends to establish several business relationships with reputable Lessors for future financing requirements. Over the last six months, the TPS in conjunction with City legal approval have developed a 'Standard Form of Master Lease' document which will be mandatory in unaltered form for each 'new' lessor. This RFQ introduced this new contractual process requirement to each proponent and required their acceptance of the terms contained in the Standard form contract in order to bid. The successful proponent for this RFQ, Nexcap Finance Corporation, will sign the 'Standard form of Master Lease' and become part of the approved list of financing vendors to the TPS. This will ensure that all competitively procured leasing required by the TPS is completed under pre-established contract terms acceptable to the City Legal department. In future, each participating Lessor will be invited to bid on financing requirements of the TPS through normal purchasing bid processes.

Any reputable Lessor may join the approved bidders list by accepting the terms and executing the 'Standard Form of Master Lease' with the TPS. This will maintain the required competitive procurement process for lease financing services at the TPS, as well as consistent contract terms across each Lessor. The process will also significantly reduce the risks and ongoing administrative time and effort in the future with this type of transaction.

TPS management have engaged the services of its City Legal counsel and the consultant to ensure that the contractual lease terms established with any qualified Lessor are consistent in legal form and practice as well as align to TPS and City corporate business policy.

### **RFQ Bidders Summary and Status**

G E Capital IT Solutions	Existing Lessor to TPS since November 2001
IBM Global Financing	Existing Lessor to TPS since August 2001
<b>Maxium Financial Services Inc.</b>	<b>'NEW'Proponent</b>
<b>Nexcap Financial Corporation</b>	<b>'NEW'Proponent</b>

### **Results of the RFQ**

The Four (4) respondents provided a cross section of current lease financing organisations and prospective Lessors to the TPS. All responses are from large multi-national firms. Each is capable of providing the services that are specified by TPS in the RFQ. The bidders are two (2) independent Financing Agents, and two (2) existing lessors to the TPS.

The RFQ was designed to push the limits of each respondent to determine the degree of flexibility in their respective service offerings and ultimate financial solution. This process allows the fair and proper evaluation of lessors' financial bids by taking into account their operating processes compared to the TPS requirements.

The RFQ required bidders to provide both Capital Lease type and Operating Lease type financial solutions. One bidder declined the Operating Lease type structure. This is due to the extended four (4) and five (5) year initial lease terms where residual investment in the proposed equipment by the lessor was declined.

Technology financing is a dynamic process that cannot be fixed today in anticipation of future events. Uncontrollable elements such as the passing time, market interest rate fluctuations, technology advancement, and choice of technology manufacturer play heavily on both parties' evaluation and decision-making processes. The responses to this RFQ indicate that the common benefits of Operating lease terms are not as advantageous for lease terms beyond three years.

The RFQ makes certain demands for *ongoing* process and financial verification by both parties. The TPS retains the option to independently verify the competitive debt interest rates at any time. The Lessor(s) have provided their quotations based on the benchmark two (2) year Government of Canada Bond yield rate at the time of RFQ release. This bond yield was 3.65% at the time. Movements in this yield permit an accurate competitive interest rate pricing benchmark that is independently verified by both parties as the bond yield changes with market conditions. This will provide a clear process for the TPS to ensure that the original financial terms and competitiveness of the selected proponent's offer are maintained as lease schedules are completed.

A table of the Bidders response to this interest rate determination process and the RFQ requirements follows.

**Bidder Interest Rate Results from RFQ**

<b>Bidders</b>	<b>2 Year GOC BOND YIELD Benchmark for RFQ</b>	<b>48 Mth Fixed uplift</b>	<b>60 Mth Fixed uplift</b>
<b>MAXIUM Financial</b>	<b>3.65%</b>	1.95%	2.05%
	Derived Nominal Interest Rate per Annum	<b>5.60%</b>	<b>5.70%</b>
	<b>Annual Effective rate*</b>	5.7520%	5.85%
<b>Comments</b>	<b>Annual Effective Rate produces Rentals quoted</b>		
<b>NEXCAP Finance Corporation</b>	<b>3.65%</b>	1.85%	1.85%
	Derived Nominal Interest Rate per Annum	<b>5.50%</b>	<b>5.50%</b>
<b>Comments</b>	<b>Nominal APR is annual compounding and equivalent to Effective Rate. Nominal Rate produces Rentals quoted</b>		
<b>GE Capital</b>	<b>3.65%</b>	3.58%	3.90%
	Derived Nominal Interest Rate per Annum	<b>7.23%</b>	<b>7.55%</b>
<b>Comments</b>	<b>Nominal APR is annual compounding and equivalent to Effective Rate. Nominal Rate produces Rentals quoted</b>		

<b>IBM</b>	<b>3.65%</b>	2.33%	2.48%
	Derived Nominal Interest Rate per Annum	<b>5.98%</b>	<b>6.13%</b>
	<b>Annual Effective rate*</b>	6.1420%	6.3030%
<b>Comments</b>	<b>Annual Effective Rate produces Rentals quoted</b>		

The above interest rate chart reveals Nexcap Finance Corporation as the lowest interest rate cost as well as lowest fixed 'uplift' cost above the government of Canada bond yield. This result will apply in all future cases as the bond yield changes with market conditions.



<b><u>OPERATING LEASE COST BIDS FOR EQUIPMENT</u></b>		<b>Based on Acquisition Cost CDN \$</b>		
		<b>\$820,047</b>		
<b>TABLE #1</b>	<b>48 Months Annual Factor/\$1000</b>	<b>60 Months Annual Factor/\$1000</b>	<b>48 Month RANK by COST of Financing</b>	<b>60 Month RANK by COST of Financing</b>
<b>MAXIUM</b>	<b>\$266.05</b>	<b>\$223.00</b>		
ANNUAL RENTAL	\$218,173	\$182,870		
TOTAL OBLIGATION	\$872,694	\$914,352		
<b>COST OF FINANCING</b>	<b>\$52,646</b>	<b>\$94,305</b>	<b>2</b>	<b>2</b>
<b>NEXCAP</b>	<b>\$262.31</b>	<b>\$221.97</b>		
ANNUAL RENTAL	\$215,105	\$182,024		
TOTAL OBLIGATION	\$860,422	\$910,122		
<b>COST OF FINANCING</b>	<b>\$40,374</b>	<b>\$90,075</b>	<b>1</b>	<b>1</b>
<b>GE CAPITAL</b>	<b>\$0.00</b>	<b>\$0.00</b>		
ANNUAL RENTAL	\$0.00	\$0.00		
TOTAL OBLIGATION	\$0.00	\$0.00		
<b>COST OF FINANCING</b>	<b>NO BID</b>	<b>NO BID</b>		
<b>IBM</b>	<b>Blended Factors by Product Type see bid</b>			
ANNUAL RENTAL	\$222,794	\$185,082		
TOTAL OBLIGATION	\$891,177	\$936,894		
<b>COST OF FINANCING</b>	<b>\$71,130</b>	<b>\$105,367</b>	<b>3</b>	<b>3</b>



## **Recommendation by Pivotal Technologies Inc.**

Based on Five Year Annual Operating Lease Rental Quotations.

Determined with instructions from the TPS to reveal the lowest cost solution presented by bidders for five (5) years, the following recommendations are suggested.

The operating lease structure analysis is simplified by minimising the cost of borrowing over the lease term by the lessor's investment in the equipment. In the preceding summary Table #1 the top two (2) Lessors by lowest cost of financing over a five year Operating lease are,

<b>1. Nexcap Finance Corporation</b>	<b>Cost of Financing</b>	<b>\$90,075.00</b>
<b>2. Maxium Financial Services Inc.</b>	<b>Cost of Financing</b>	<b>\$94,305.00</b>

Nexcap is the lowest cost bid in terms of interest expense (cost of financing) desired by the TPS. Both proponents provide the use of the early Purchase and Termination option requirement of the RFQ. The consultant recommends that the Annual lease payment format be used in all cases to minimise compounded interest expense of this financing to the TPS over the lease term. This practice is commonly used by the TPS in previous financing transactions. An analysis, not shown in this report, of the monthly and quarterly rental structures yields the same successful proponent in all cases for the Operating lease structure.

## **Summary of Recommendation**

Notwithstanding the TPS decision to remove the consulting, software license and maintenance costs of the CAD project from the financing requirement, the consultant recommends as follows,

1. That the Operating Lease type quotation from Nexcap represents the lowest overall cost of financing to the TPS at \$90,075.00.
2. Nexcap also provides the lowest 'uplift' interest cost over the Government of Canada benchmark bond for this RFQ, which will be applicable to determining applicable fixed interest rates for lease Schedules completed over the rollout period of the CAD Project.

Given the near term interest rate environment, the TPS may benefit from market reductions in the applicable benchmark bond yields. Currently, the benchmark bond yield applicable to this procurement yields 3.25% as opposed to the yield of 3.65% used as of the release date of the RFQ.

The useful life of the equipment technology deployed today and its inherent cost must be evaluated against the requirement of the TPS to refresh the equipment in five years or anticipate the benefits of extended use of the equipment after the lease obligations expire. The bid recommendation presents very low risk to the TPS for the same cost as that associated with retaining a fixed buyout option. Since a predetermined end of lease purchase is not permitted under current policy, the forgoing is the best case scenario for the TPS.

## **Discussion of Risk associated with Proposed Lease Structures**

### **Capital Leases (leases with ownership at the end, typically a \$1 buyout)**

Capital lease structures are a relatively simple form of financing. There are no risk decisions to be made other than determining the lowest bid cost for a stream of rents over a specified lease term. This assumes a reputable leasing company. There are usually few financial risks associated with this evaluation. The total costs are known up front and the TPS will own the equipment at the end of the term.

### **Operating Leases**

The financial decisions in Operating Leases are more complex. Typically, an organisation has determined the useful life of the equipment and has requested a lease financing term suitable for the project. Also typically, the equipment has some market value at the end of the term to both the Lessor and Lessee.

A higher buyout cost (residual value) will result in a lower leasing cost over the term of the lease. This depends on how high a risk the leasing company is willing to take should the lessee return the equipment to them at the end of the lease. Leasing companies should be encouraged to take as high a risk as possible which should translate into savings to the TPS - assuming the TPS does not intend to exercise the buyout option at the end of the term.

The Leasing Company is risking the possibility that the TPS will not end up buying the equipment, which will reduce their anticipated profit. If the TPS return the equipment, the Lessor incurs costs and risks to resell the equipment and realise a profit. On the other hand, the TPS is gambling that the equipment will be returned at the end of the term while minimising its costs for the useful life of the equipment. This is a risk management issue. There is financial risk in Operating Leases; however, the risk is manageable. If returning the equipment is a low possibility, then either the buyout cost must be taken into account for evaluation or a Capital Lease should be selected. If returning the equipment is a high possibility then it is reasonable to assume the financial risk and exclude the buyout from the financial consideration.

In the case of Operating Lease structures, it is not reasonable to include the buyout cost in the total cost evaluation as the only basis for assessing the financial impact of a lease. To do so would exclude decision options that may ultimately save the TPS money.

The award and the final cost for this contract are directly related to the amount of risk the TPS is willing to take on the possibility of returning the equipment to the lessor at the end of the term. The financial impact of this decision will not be known for another 5 years.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P333.           ACTING CHAIR – MR. A. MILLIKEN HEISEY, Q.C.**

The Board approved the following Motion:

THAT, in the absence of the Acting Chair of the Toronto Police Services Board, during the period between Sunday, November 16, 2003 and Monday, November 24, 2003 inclusive, the Board appoint Mr. A. Milliken Heisey to act as Chair and that Councillor Frances Nunziata be authorized to perform the functions that would normally be carried out by the Vice-Chair which would include, among others, the execution of all documents, including contracts, on behalf of the Board.

**THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE  
TORONTO POLICE SERVICES BOARD HELD ON NOVEMBER 13, 2003**

**#P334.        ADJOURNMENT**

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A. Milliken Heisey, Q.C.  
Acting Chair