

FCM Conference Panel
Towards Equity and Efficiency in Policing
June 2, 2008
Speaking Notes for Chair Alok Mukherjee

I. Introduction

I am pleased to have this opportunity to address the important issue of cost of municipal policing from the perspective of those who are responsible for providing civilian governance, namely the police boards and commissions.

The spiralling cost of municipal policing is a matter of considerable concern for police boards and commissions as well as for police chiefs. For instance, it drew considerable attention at the annual joint meeting of the Canadian Association of Police Boards, the Canadian Association of Chiefs of Police and the Canadian Police Association on March 28th.

To give just one example of the magnitude of the issue, fifty years ago in 1957, the budget for policing Metropolitan Toronto was \$12,659,813. Today, it is slightly over \$800M, and at the present rate of growth, in about 4 years, it will be touching \$1B. In this same period, the population of Toronto has grown from 1,348,000 to 2.6 million, and the strength of the service has increased from 2,291 to over 7,750. In other words, the city's population has doubled and the service has grown by some two and a half times. In the same period, Toronto's police budget has increased over 63 times. Even if we accounted for factors such as inflation, changes in population, strength of the force and demand for service, impact of contract settlements, cost of replacing physical plant, equipment and materials, as well as the cost of acquiring new technology and tools, I do not believe we can explain this scale of change in the cost of municipal policing.

There is no question that a significant contributor to this situation is the fact that there is lack of clarity in which level of policing does what, that senior levels of government have either downloaded or abdicated their policing responsibilities, and that whatever arrangements currently exist for the sharing of policing costs among the three levels of

government are *ad hoc* and neither equitable nor efficient. As my friend, Michael Kempa of the University of Ottawa, said at a conference of the Canadian Association of Chiefs of Police in January this year, “Throughout Canada . . . there exist many ‘mixed messages’ for what exactly policing is and who ought to be contributing what to it.”

It is not surprising, therefore, that at every one of the annual meetings of our provincial and national associations, there are resolutions on some aspect of the issue of cost. We have to ask if the local tax base will continue to be able to sustain the current rate of growth and, alternatively, what the impact will be on our ability to afford all those other things that are so critical for the quality of the life of our communities. Sadly, the response to date from our senior levels of government has not been encouraging.

I would like to begin with a brief review of the cost pressures that we are experiencing in Toronto as a result of demands on policing caused by such jurisdictional issues as downloading of responsibilities by senior levels of government and inadequately resourced inter-jurisdictional policing.

II. Jurisdictional Demands and Pressures on Policing

There are several areas in which the Toronto Police Service, like many other police organizations across the country, is engaged in what I call inter-jurisdictional policing.

II.1 Intelligence/National Security

The first area is that of national security.

The population of the Greater Toronto Area (GTA) exceeds 5.5 million people. Within the GTA, Toronto is the seat of provincial government as well as the place where the Toronto Stock Exchange, all the major banks, and countless financial firms and institutions are headquartered or represented. The head offices of numerous multinational corporations are situated here.

As terrorism has become a major issue threat since 9/11 generally and especially with Canada's military engagements overseas, the safety of the city requires great vigilance. The Toronto Police Service must be involved in proactively monitoring, detecting, investigating and disrupting terrorist activities and related criminal acts. Even though national security is a federal responsibility and the Toronto Police Service acts in partnership with other services and agencies, being the policing agency closest to and best connected to the local community, it must assume a leadership role.

As such, the TPS Intelligence Services Unit has staff who conduct terrorism investigations and who manage and investigate any information that is considered a security threat. They work in conjunction with other agencies at the municipal, provincial and federal levels, exchanging and acting on information.

It may not be possible to quantify exactly the specific costs incurred by the Service for policing services in the area of Intelligence and National Security. But nor is there a clearly articulated formula, arrangement or protocol to review and deal with these costs. What the Service does receive is some indirect and in kind support from both the federal and provincial governments. This form of support is essentially *ad hoc*.

II.2 Emergency Planning

The second area is that of emergency planning.

Safety of the residents of Toronto through emergency planning is a municipal responsibility. For the Police Service, ensuring that it is able to adequately respond to, plan and prepare for, as well as mitigate and facilitate recovery from, any emergency or disaster that may impact Toronto, is part of the core business. A dedicated Emergency Management and Operations Unit exists within the Service's Public Safety and Emergency Planning Unit for the purpose of coordinating all emergency planning for the Service.

Even though a potential threat and/or the cause of an incident may also be of provincial or federal interest, there is no federal or provincial government funding beyond what is already given in the form of grants.

II.3 Coast Guard Responsibilities:

The third area is that of coast guard responsibilities.

The Toronto Police Service is involved in significant coast guard responsibilities. The Toronto Harbour Police, established in 1912, carried out traditional coast guard duties in the Toronto area. When the Service integrated the Toronto Harbour Police into its operations in 1982, all previous Toronto Harbour Police responsibilities were assumed by the Marine Unit.

Our Marine Unit has jurisdiction over some 1200 square kilometres of open water, 47 kilometres of shoreline and an international border with New York State. Its responsibilities include responding to calls for service and providing law enforcement on the water, the Toronto Islands, including the Toronto City Centre Airport, and medical transport of sick or injured persons from the Islands to the mainland and a patrol, search and rescue capability on Lake Ontario from the shoreline to the international border.

The TPS Marine Unit's coast guard duties include supervision of boat launches, inspections of boats for legislated safety equipment, public education on boating safety; and search and rescue operations in co-ordination with Canadian Forces Base Trenton.

Thus, the nature of the mandate requires the Marine Unit to enter into partnerships with security agencies in Canada as well as the United States. It is also responsible for enforcing the federal Shipping and Marine Acts. With the Toronto Port Authority looking at an increase in cargo shipping in the Harbour by an additional 200,000 freight containers and the Porter Air Service planning an expansion in its traffic at the Toronto City Centre Island Airport in order to bring an additional 200,000 travellers, the inter-jurisdictional responsibilities of the Marine Unit are bound to increase significantly.

In 2004, a new code was accepted that required the Marine Unit to increase its resources, both in terms of the types and quantity of vessels maintained as well as the number of staff. The federal government committed to fund 75% of the changes required.

However, just as that was a one-time funding, the Marine Unit receives other *ad hoc* federal funding for items like search and rescue.

Admittedly, the provision of coast guard related services is so intertwined with the day to day policing operations of the Marine Unit that it may not be possible to quantify the actual cost of activities that either fall under a different jurisdiction or cross jurisdictions. But the fact is that there is no systematic provision or mechanism for a review of the impact of either downloading by federal agencies or participation in joint activities, and, therefore, of the proportion of costs that should be borne by the federal government.

II.4 Consulate Protection

The fourth area where the work of the Toronto Police Service crosses jurisdictions, is consulate protection.

While embassies usually exist in Ottawa, major urban centres, such as Toronto, house consulates. And some, such as the United States consulate, attract considerable attention from the public.

In 1963, Canada committed, as a signatory to the Vienna Convention, to “take all appropriate steps to protect the consular premises against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity (Article 31.2).” While the RCMP has the primary responsibility of ensuring the security of internationally protected persons from threats of murder, assault, kidnapping and hostage-taking, the federal and provincial Solicitors Generals have agreed, through a

Memorandum of Understanding (MOU) established in 1986, that this primary responsibility can be specifically given to local authorities.

In 1993, the Toronto Police Service entered into an MOU with the RCMP and the Ontario Provincial Police (OPP) to ensure an orderly and cooperative atmosphere under which federal, provincial and municipal services respond to a possible threat to the security of Canada and/or an internationally protected person. By virtue of these agreements with the provincial and federal levels of government the responsibility for providing policing services to and protecting consulates within Toronto has become a municipal responsibility. The Service receives no funding from the federal government in carrying out this responsibility, though the RCMP participates in providing protection to these consulates and other locations through the use of confidential protective services, which includes a mobile patrol and response component.

The Police Service has found itself unable to quantify, for the purposes of cost recovery, what portion of its day to day policing work is in fact related to the “protection” of consulates. From the point of view of the Police Services Board, and the City, the fact is that, in the absence of a proper and meaningful mechanism, the impact of such joint undertakings on municipal policing and the ability of the local municipal police to serve the direct needs of the local taxpayer is not assessed or compensated for.

II.5 Organized Crime

Investigation of organized crime is my fifth area.

Organized crime investigations are very complex and frequently may span provincial and federal interests, even though the primary responsibility rests with the local police service. But because such investigations are commonly intertwined with policing activities that are part of the Police Service’s mandate, it is suggested that the specific costs of such investigations cannot be ascertained.

However, since the Toronto Police Service currently enjoys a co-operative relationship with the various levels of government relative to organized crime investigations, there is considerable sharing of resources. While this is to be applauded, there are two issues here. First, it is the nature of relationships that they depend on personalities and can change as players change. And, second, because one police service enjoys such relationship does not mean that all services do, resulting in the possibility of differential treatment. This is a case in point to argue that Inter-governmental relations must be formalized as a matter of public policy.

II.6 Court Security

The last area I want to touch upon is court security, which is exclusively a provincial-municipal concern.

According to section 137 of the Ontario *Police Services Act*, police services boards are responsible for ensuring “the security of judges and of persons taking part in or attending proceedings.” I understand that Ontario is the only province in Canada where the cost of court security is paid entirely out of property tax, even though it is the province that opens and operates the court facilities.

In Toronto, this creates a disproportionate burden on the property tax payer compared to other municipalities because court facilities here are used by many people who are not Toronto residents. This is not to deny that the current system has a disproportionate impact on other, smaller municipalities as well. As seats of the provincial court, they must take full responsibility for court security even though the courts themselves serve a broader population.

There is only one answer to the issue of equity arising out of this downloading by the province of Ontario: the province must take back the funding of all those functions that are not directly and expressly the responsibility of the local police service.

In Toronto, the cost of providing court security since the province downloaded the responsibility to municipalities in 1990 has grown steadily. Since 1990, the cost for providing security in court facilities and costs related to prisoner transportation to and from the court facilities has grown from under \$16M to an estimated \$47M in 2008.

The Toronto Police Services Board has, over the years, repeatedly asked that the impact of court security costs on the Toronto Police Service be examined with a view to the province uploading these costs from municipalities. In addition, the Ontario Association of Police Services Boards has called upon the government of Ontario to reassume full responsibility for the cost of providing court security. Until this is done, OAPSB has asked that the provincial government reimburse court security costs to police services under a full cost recovery contract for all court security costs.

III. Efforts to Deal with Cost Pressures

Like members of police services boards across the province, many municipal councils in Ontario are becoming increasingly concerned about the rising costs of their emergency services.

One result of this shared concern was the establishment of the Emergency Services Steering Committee (ESSC), which includes CAOs and/or heads of Human Resources from a number of municipalities represented by MARCO (Mayors and Regional Chairs of Ontario) and LUMCO (Large Urban Mayors Caucus of Ontario), and senior staff representatives and members of the OAPSB. The overall goal is to take a better coordinated, strategic approach to issues which significantly increase emergency service program costs, in order to ensure that these programs are delivered efficiently and effectively.

However, the primary focus of this coordinated approach is on labour costs, which take up approximately 90% of the budgets of emergency services. The committee's mandate is to look at such key areas as developing a database for labour relations information, identifying bargaining trends, reviewing pertinent legislative and regulatory

changes, and developing a communications strategy regarding emergency services labour cost issues.

IV. Conclusion(s)

It is clear from this quick review of trends in the cost of municipal policing in one city, Toronto, that outright downloading of policing responsibilities, cross-jurisdictional policing and the need to provide policing services to fill a gap or an unmet need have been major drivers.

We have to take a very serious view of the impact of these trends on the property taxpayer. And we have to take a serious view of the differential impact on municipalities on the basis of their local tax base.

The situation calls for formalized arrangements between the two levels of government, municipalities and police services boards. Such arrangements, with clear protocols, need to replace the current practice of providing supports on an *ad hoc* basis depending on relationships. Unfortunately, funding arrangements based on relationships politicize support and do not foster equitable sharing of costs and resources.

An important and very relevant example is the manner in which the federal government implemented its commitment to fund 2500 police officers across Canada. While this was a recognition that the federal government does have a role to play in municipal policing, the manner in which the government fulfilled its commitment was neither equitable nor efficient. If the purpose was to put more police feet on the streets of our communities, surely, there was a need to get input from local municipalities, police services boards and police services. There was a need as well to ensure that the dollars went to local communities, and that they were sustainable dollars. Instead, what was unilaterally provided was *ad hoc*, partial funding. The net effect on those who do get a few of those dollars will be that an additional cost pressure will have been created for them.

We must be seriously concerned that if the situation is not dealt with soon, equitable, effective and efficient municipal policing will become unaffordable. As well, the trend may have a broader impact on the quality of life in our communities in terms of our municipalities' ability to address other important areas of programs and services.

To the extent that the actions of federal and provincial governments are responsible for creating this situation, mechanisms must be found to engage them in finding solutions. I believe that FCM needs to forge a partnership with the Canadian Association of Police Boards, Canadian Association of Chiefs of Police and the Canadian Police Association in seeking to engage our governments in this undertaking.

I should add, finally, that the emerging additional policing needs lend further urgency to the need to resolve the respective regulatory and resource responsibilities of the three orders of government. I am referring, for example, to the area of cyber crime. As a recent study by the CAPB shows, this is an area that is growing exponentially, crosses all sorts of jurisdictions, is not well understood, and is woefully inadequately resourced. Cyber crime touches, or can touch, each and every Canadian. The interest of public safety demands that all levels of government, police services boards, police chiefs and police associations make this a common cause.

It is time to put an end to "mixed messages." I believe that FCM's equity and efficiency allocation model provides a good basis for discussion.

Thank you.