

REGION OF OTTAWA CARLETON
RÉGION D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf. 03 07-98-0095
Your File/V/Réf.

DATE 6 October 1998

TO/DEST. Transportation Committee

FROM/EXP. Co-ordinator, Transportation Committee

SUBJECT/OBJET **NON-POLICE TRAFFIC ENFORCEMENT**

REPORT RECOMMENDATION

That the Transportation Committee receive this report for information.

BACKGROUND

At its meeting on 16 September 1998, the Transportation Committee deferred the attached report dated 21 July 1998 from the Regional Solicitor with respect to the above, pending receipt of a response on this issue by the Police Services Board.

On 28 September 1998, the Police Services Board recommended that:

It advise the Province that it does not support the proposal for non-police personnel to enforce red-light running violations.

Attached for reference purposes is a report dated 10 September 1998 from the Secretary of the Police Services Board and the extract of the Draft Minute from the Board's meeting of 28 September 1998.

*Approved by
Rosemary Nelson*

REGIONAL MUNICIPALITY OF OTTAWA CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA CARLETON

REPORT
RAPPORT

Our File/N/Réf.
Your File/V/Réf. 03 07-98-0096

DATE 21 July 1998

TO/DEST. Coordinator, Transportation Committee

FROM/EXP. Regional Solicitor

SUBJECT/OBJET **TRANSPORTATION COMMITTEE MEETING - 6 MAY 98 -
MOTION TC-1-98 - NON-POLICE TRAFFIC ENFORCEMENT**

DEPARTMENTAL RECOMMENDATION

That Transportation Committee receive this report for information.

BACKGROUND

At its meeting of May 6, 1998, the Transportation Committee approved the following motion:

That staff prepare a report regarding a request to the Province for special legislation giving the R.M.O.C. the ability to create a unit of non-police traffic enforcers for regional roads.

The issue of alternative traffic enforcement mechanisms is generally rooted in growing public concern about aggressive driving behaviour. A number of municipalities, faced with limited police resources, have begun expressing interest in methods of non-police traffic enforcement, including photo-radar and red light cameras. Current legislation, however, does not permit the implementation of such technological solutions nor the use of non-police enforcement personnel, which are the subject of this report.

In Ontario, the *Highway Traffic Act (HTA)* forms the basis for the large majority of driving offences. This legislation is supplemented by the traffic and parking by-laws of regional and local municipal governments. Responsibility for enforcement of those by-laws and the *HTA* falls to municipal police forces and to the Ontario Provincial Police. In addition, the *Highway Traffic Act* contemplates the appointment of non-police enforcement personnel. However, these officers must be employees of the Ministry of Transportation or another provincial Ministry. It is noteworthy that the range of their powers is somewhat more restricted than that of police officers. At present, municipalities have no legislative authority to appoint officers to enforce the *Highway*

Traffic Act. Also, the doctrine of paramountcy effectively precludes the enforcement of municipal traffic by-laws to the exclusion of *Highway Traffic Act* offences. Amendments to existing laws, or the enactment of special legislation, would thus be required to allow the R.M.O.C. to create a unit of non-police traffic enforcers.

DISCUSSION

While allowing municipalities to use non-police personnel for *Highway Traffic Act* enforcement may be appealing from a financial perspective, there are a number of concerns that would have to be addressed prior to the implementation of such a program. Foremost among these would be the limited jurisdiction of such officers.

Looking at the *Highway Traffic Act*, it is apparent that a number of its provisions clearly contemplate enforcement only by police officers. Of particular importance is section 216, which states that the power to require a vehicle to stop rests exclusively with police officers, readily identifiable as such. In addition, the exemptions frequently necessary to apprehend violators, such as those in respect of speed limits and traffic signals, do not extend to other, non-police enforcement personnel. Clearly, where the intent is to prosecute moving violations, these powers are necessary in order to provide any form of meaningful enforcement. Similarly, the procedural restrictions of the *Provincial Offences Act* require that offence notices (i.e. tickets) be served personally on the offender. Where the violator is not stopped at the scene, compliance with the strict requirements of the *Provincial Offences Act* and the *Highway Traffic Act* is problematic and convictions inherently difficult to obtain. The powers of a police officer are therefore necessary to ensure effective traffic enforcement. It is unlikely, however, that municipalities would be granted the authority to appoint officers with police powers but who were not, in fact, sworn police officers.

On a topic related to the above, and which may be illustrative of the point, the Ministry of the Solicitor General and Correctional Services has demonstrated a reluctance to increase the number of Special Constables appointed in the Province. These officers have limited police powers and are generally employed in what may be termed as “quasi-police” roles (e.g. security). The Ministry has expressed concerns over the authority of Special Constables, the degree and effectiveness of their supervision and public confusion over the extent of their powers in light of the proliferation of the use of such officers.

Notwithstanding the above, the Provincial Government has recently stated that it is establishing a dedicated fund for the hiring of police officers for traffic enforcement. Announced in concert with Bill 26, the *Highway Traffic Act Amendment Act (Community Safety Zones)*, 1998, the Province will make funds available to interested municipalities to allow them to devote increased resources to traffic policing. In light of the difficulties inherent in using non-police personnel for traffic enforcement, the use of such provincial funding may be a preferable alternative.

CONCLUSION

While the *Highway Traffic Act* does contemplate some enforcement by non-police personnel, the appointment of such officers is not within the legislative authority of the Region. Concerns surrounding the use of alternative enforcement methods would likely preclude the enactment of special legislation giving the R.M.O.C. the ability to create a unit of non-police traffic enforcers. However, recent provincial announcements concerning funding for new police traffic officers may provide a means by which the level of traffic enforcement in the Region can be enhanced.

This report is respectfully submitted.

*Approved by Donald W. Wilson
on behalf of J. Douglas Cameron*

JDC/DGW/sp

OTTAWA-CARLETON REGIONAL POLICE SERVICE
SERVICE DE POLICE RÉGIONAL D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. **08 05-95-0102**

Your File/V/Réf.

DATE 10 September 1998

TO/DEST. Chair and Members, Ottawa-Carleton Police Services Board

FROM/EXP. Secretary, Ottawa-Carleton Police Services Board

SUBJECT/OBJET **PROVINCIAL PROPOSAL FOR NON-POLICE PERSONNEL
TO ENFORCE RED-LIGHT RUNNING**

REPORT RECOMMENDATION

That the Ottawa-Carleton Police Services Board receive this report for discussion.

BACKGROUND

In the past few weeks, articles have appeared in Ontario newspapers regarding a Ministry of Transportation proposal to establish teams of non-police enforcement officers to crack down on motorists who run red lights (copies of the articles are attached). The articles raised the concern of Board member Elizabeth Buckingham, who requested that the subject be included as an agenda item.

The initial article, which appeared in *The Toronto Star* on 22 August 98, gave the impression that the proposal was generated by the Ontario Minister of Transportation and that its implementation was imminent. Subsequent articles provided further clarification, as well as input from Toronto's Chief of Police, David Boothby. As Chief Boothby points out, the proposal causes significant legal, safety and integrity concerns to the policing community because of the dangers inherent in stopping motor vehicles for traffic violations.

In subsequent articles quoting Minister of Transportation Tony Clement, it is clarified that the proposal is one of several the Minister had asked to be prepared in order to generate some creative options to the problem of red light runners.

Further clarification has also been obtained through conversations with staff of the Peel Regional Police Services Board. Mr. F. Biro, Executive Director, advises that staff in the Minister of Transportation's Office have confirmed the proposal was submitted by an outside agency, the Ontario Safety League, and that no input has yet been sought from the Solicitor General of Ontario, the public, or the policing community. At this stage, the idea is simply one of several proposals submitted to the Minister that has yet to be given due consideration.

The RMOC Transportation Committee will be considering a similar matter at its next meeting. However, the focus of their discussion is not the Transportation Ministry's proposal, but rather, a motion that the RMOC request the Province to enact special legislation giving the RMOC the ability to create a unit of non-police traffic enforcers for regional roads. A report prepared by the Regional Solicitor for submission to the Transportation Committee is attached and provides a description of the legal difficulties associated with the idea. It also highlights the recent provincial announcement that funds will be made available to municipalities to allow them to hire additional police officers specifically for traffic enforcement. This report is provided for information.

CONCLUSION

Although the provincial proposal does not in fact appear to be as imminent a priority for the Minister of Transportation as the initial newspaper article implied, the legal and safety concerns expressed by Chief David Boothby and the policing community are substantial and legitimate. The Board may wish to convey to the Minister of Transportation its opposition to the proposal and its hope that any consideration of it would be accompanied by significant consultation with the public as well as the policing community, including: the Police Association of Ontario, the Ontario Association of Chiefs of Police, and the Ontario Association of Police Services Boards.

This report is submitted to the Board for the purpose of discussion.

Wendy Fedec

August 22, 1998

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Ontario eyes 'enforcers' to catch red light runners

Private agents would give tickets to drivers

By Nick Pron
Toronto Star Staff Reporter

The Ontario government could soon employ a private group of enforcement officers to crack down on motorists who run red lights in the Greater Toronto Area.

A report done for the ministry of transportation and obtained by The Star recommends that a Mobile Enforcement Team (MET) - about 80 uniformed, but private, officers - patrol Greater Toronto's 3,600 signalled intersections, 24 hours a day, year-round.

Each officer would wear special uniforms: black boots, black pants, black body armour, highway trooper flat-brim style hats, and a ministry of transportation crest. Each would carry handcuffs and a baton, but not a gun. They would hand out \$210 tickets to motorists who ignore red lights.

A team of four officers would stay at selected intersections for only 60 to 90 minutes before moving to the next one.

"The effect will be that drivers will never know what intersection is being covered - until it is too late - and will develop the impression that there are many more teams at work than actually exist," states the report, put together by a coalition of Ontario safety groups.

It's anticipated the officers would write an average of three tickets an hour, which would generate more than \$24 million a year in fines when the program is at full strength.

That revenue would pay for the team's salaries and



News Story: Ontario eyes 'enforcers' to catch...

• Welcome
• Atkinson
Foundation

operating costs, the study says. Start-up costs for the project would be about \$450,000.

If the government approves the plan, it would go into effect Sept. 21 in the Greater Toronto Area, then expand across the province, with 190 officers, within seven months.

There were 16 deaths in the GTA last year because motorists ran red lights.

Every four minutes, a motorist will breeze through a red light at an intersection in Greater Toronto, one of the worst records for red-light infractions in North America, according to municipal data.

Off-duty police officers would work with the teams at the start, pulling over vehicles.

But discussions are underway to amend the Highway Traffic Act to allow the private officers to stop the offending vehicles themselves.

While federal, provincial and municipal governments have opted to contract out services over the past few years, it is unusual to have a private agency deal with such offences.

Municipal and provincial politicians have clashed over what they could do to curb the problem, described in studies as a form of road rage.

Municipal politicians, including Toronto Mayor Mel Lastman, have pushed the provincial government to set up video cameras at intersections throughout Toronto, similar to those in the United States, Great Britain and Europe.

The government has always resisted such proposals, arguing that any campaign to stop drivers from running lights should target the motorist, not just take a picture of the vehicle.

PRIVATE COMPANY

Various Ontario police forces have targeted selected intersections, sweeps that have charged hundred of drivers.

But police forces have said they would need more officers if there were permanent squads monitoring

News Story: Ontario eyes 'enforcers' to catch...

generally and to reduce the frequency of running red lights in particular, by making the urge to press on the brakes in the face of a yellow signal as automatic as doing up a seat belt . . . and to make any other choice socially unacceptable in Ontario."

The officers would also check for "visible violations" on the vehicles they stop. They would look for such things as the occupants not wearing seat belts, driving with burned-out headlights or not having the proper insurance.

"The incidence of urban drivers running red lights must be reduced substantially, quickly and permanently," the report says. "The means exist to discourage this dangerous driving behaviour, and to do so soon and forever."

The proposal says that each team of four enforcement officers, headed by a team leader, would spend less than two hours at undisclosed intersections, where they would also set up cables to count traffic.

Information gathered by the enforcement teams - the worst intersections for offences, for instance - would be fed into ministry databases.

One officer, a spotter, would look for vehicles ignoring red lights, while a second officer would operate a video camera. The video would be used as evidence if the motorist challenged the ticket in court.

The spotter would radio ahead to the tagger, who would be positioned farther up the street to stop the vehicle.

The officer writing out the ticket would also have a miniature video camera in his protective vest to film the driver and document if others in the vehicle weren't wearing seat belts, for instance.

WELL-MARKED VAN

Each team would drive from location to location in a well-marked van that would be parked near the target intersection.

The unit's operational control centre would likely be based in Mississauga and have a staff of about 10


News Story: Ontario eyes 'enforcers' to catch...

people, headed by a director of enforcement. There would be a case-preparation officer and two-way radio dispatchers.

Have something to say about this story?

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Readers help
make children's
dreams come
true

Proposal for traffic officers slammed

B1 BY JOHN DUNCANSON
POLICE ISSUES REPORTER

Toronto Police Chief David Boothby says he won't support a proposal by the city to create a mini-force of unarmed officers to take on speeders and motorists who run red lights.

In March, the city's protective services committee asked the force to look into the feasibility of creating a "city-run, unarmed constabulary" that would target traffic violators such as speeders and those who run red lights and stop signs.

However, after studying the idea for the past four months, police conclude the concept is too dangerous and legally risky.

DANGEROUS JOB

"The legal, safety and integrity concerns associated with a city-run unarmed constabulary are substantial enough to strongly state that the idea ... would not have the support of the Toronto police service," Boothby said in his report.

The report, to be tabled at next Thursday's police board meeting, outlines the various problems with the plan, but in particular, states that not all traffic stops are routine and can sometimes be a "very dangerous task."

Even trained police officers, who are armed, can run into trouble after pulling over drivers for minor infractions such as going through a stop sign, the report points out.

"Persons who are wanted for criminal offences or have recently committed a criminal offence may not know the difference between a city-run unarmed traffic officer and sworn police officer who is trained and armed," the report states. To back up the argu-

☛ Please see Boothby, B5

R.M.O.C. 98-587
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Boothby rejects traffic idea

☛ Continued from B1 **B5**

ment, the report points to a 1996 FBI report that concluded one of the most dangerous functions of law enforcement is dealing with traffic-related offences.

Between 1987 and 1996, 90 police officers were murdered in the United States during traffic stops, the FBI statistics show. The Toronto force has experienced violence, though less extreme, related to traffic enforcement.

In 1997, the service's parking enforcement unit, comprised of civilians armed with only parking tickets, recorded 43 incidents where its members were assaulted by the public.

Toronto police do not keep statistics on problems related to traffic stops by armed officers, the report stated.

The force also has legal concerns, Boothby said. Under the provincial Highway Traffic Act, only police officers have the power to stop motorists, people on bicycles, or direct traffic.

To create a unit of unarmed constables, the province would have to change current laws.

Ontario eyes 'enforcers' to catch red light runners

Private agents would issue tickets to drivers

BY NICK PRON
STAFF REPORTER

The Ontario government could soon employ a private group of enforcement officers to crack down on motorists who run red lights in the Great-

er Toronto Area.

A report done for the ministry of transportation and obtained by The Star recommends that a Mobile Enforcement Team (MET) — about 80 uniformed, but private, officers — patrol Greater Toronto's 3,600 signalled intersections, 24 hours a day, year-round.

Each officer would wear special uniforms: black boots, black pants, black body armour, highway trooper flat-brim style hats, and a ministry of transportation crest. Each would carry handcuffs and a baton, but not a gun. They would hand out \$210 tickets to motorists who ignore red lights.

A team of four officers would stay at selected intersections for only 60 to 90 minutes before moving to the next one.

"The effect will be that drivers will never know what intersection is being covered — until it is too late — and will develop the impression that there are many more teams at work than actually exist," states the re-

port, put together by a coalition of Ontario safety groups.

It's anticipated the officers would write an average of three tickets an hour, which would generate more than \$24 million a year in fines when the program is at full strength.

That revenue would pay for the team's salaries and operating costs, the study says. Start-

up costs for the project would be about \$450,000.

If the government approves the plan, it would go into effect Sept. 21 in the Greater Toronto Area, then expand across the province, with 190 officers, within seven months.

There were 16 deaths in the

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R.M.O.C.

Doc. ID. #

98-5901

Red light officer would be unarme

Continued from A1

GTA last year because motorists ran red lights.

Every four minutes, a motorist will breeze through a red light at an intersection in Greater Toronto, one of the worst records for red-light infractions in North America, according to municipal data.

Off-duty police officers would work with the teams at the start, pulling over vehicles.

But discussions are underway to amend the Highway Traffic Act to allow the private officers to stop the offending vehicles themselves.

While federal, provincial and municipal governments have opted to contract out services over the past few years, it is unusual to have a private agency deal with such offences.

Municipal and provincial politicians have clashed over what they could do to curb the problem, described in studies as a form of road rage.

Municipal politicians includ-

ing Toronto Mayor Mel Lastman, have pushed the provincial government to set up video cameras at intersections throughout Toronto, similar to those in the United States, Great Britain and Europe.

The government has always resisted such proposals, arguing that any campaign to stop drivers from running lights should target the motorist, not just take a picture of the vehicle.

PRIVATE COMPANY

Various Ontario police forces have targeted selected intersections, sweeps that have charged hundred of drivers.

But police forces have said they would need more officers if there were permanent squads monitoring intersections, hirings that would cost millions of dollars in salary and benefits.

Contracting out the enforcement to a private company, answerable to the ministry of transportation, would be more

cost effective, the report said.

Toronto police chief David Boothby has already said he opposes a Toronto city council suggestion that a "city-run unarmed constabulary" target red light runners.

"The stopping of vehicles is a dangerous task," Boothby says in a report that will be discussed Thursday at the police services board.

"A city-run unarmed constabulary would not have the training, the equipment, the access to criminal information nor the quick police-related assistance that it would take to perform their function safely," the chief said.

Under the proposal now being studied by the province, if a motorist refused to pull over, the enforcement officers would not give chase, but instead videotape the fleeing vehicle and give the tape to police.

The enforcement officers would go through a training program, covering everything from the law, evidence gather-

ing and report writing, to the proper way to stop a vehicle.

Applicants would be required to have a law enforcement degree from a community college. Salaries would range from \$14 to slightly more than \$17 an hour.

One of the program's major aims is education — a highly visible campaign to make running red lights as socially unacceptable as drinking and driving.

TEAM LEADER

"Although enforcement will always be necessary, in the longer term the need can only be lessened by a concerted and sustained effort of public education," the brief reads.

"The end goal is to improve driving behaviour generally and to reduce the frequency of running red lights in particular, by making the urge to press on the brakes in the face of a yellow signal as automatic as doing up a seat belt . . . and to make any other choice socially

unacceptable in Ontario."

The officers would also check for "visible violations" on the vehicles they stop. They would look for such things as the occupants not wearing seat belts, driving with burned-out headlights, or not having the proper insurance.

"The incidence of urban drivers running red lights must be reduced substantially, quickly and permanently," the report says. "The means exist to discourage this dangerous driving behaviour, and to do so soon and forever."

The proposal says that each team of four enforcement officers, headed by a team leader, would spend less than two hours at undisclosed intersections, where they would also set up cables to count traffic.

Information gathered by the enforcement teams — the worst intersections for offences, for instance — would be fed into ministry databases.

One officer, a spotter, would look for vehicles ignoring red

lights, while a second officer would operate a video camera. The video would be used as evidence if the motorist challenged the ticket in court.

The spotter would radio ahead to the tagger, who would be positioned farther up the street to stop the vehicle.

The officer writing out the ticket would also have a miniature video camera in his protective vest to film the driver and document if others in the vehicle weren't wearing seat belts, for instance.

WELL-MARKED VAN

Each team would drive from location to location in a well-marked van that would be parked near the target intersection.

The unit's operational control centre will likely be based in Mississauga and have a staff of about 10 people, headed by a director of enforcement.

There would be a case-preparation officer and two-way radio dispatchers.

DATE 23-8-98

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Report calls for red light enforcement

TORONTO (CP) — The Ontario government could soon employ a private group of enforcement officers to crack down on motorists who run red lights.

A report done for the Ministry of Transportation and obtained by a Toronto newspaper recommends that a "mobile enforcement team" of about 80 uniformed but private

officers should patrol Toronto's 3,600 signalled intersections 24 hours a day, year-round.

The program would later be expanded across Ontario, the report says.

The officers would wear special uniforms: black boots, black pants, black body armor, highway trooper flat-brim style hats and a Ministry of

The Ottawa Sunday Sun, August 23, 1998

Transportation crest.

Each would carry handcuffs and a baton but no gun. They would hand out \$210 tickets to motorists who ignore red lights.

A team of four officers would work at an intersection for about 60 to 90 minutes before moving on.

"The effect will be that drivers will never know what intersection is be-

ing covered — until it is too late — and will develop the impression that there are many more teams at work than actually exist," states the report put together by a coalition of Ontario safety groups.

The report estimates the officers would write an average of three tickets an hour, generating more than \$24 million a year in fines.

Lastman slams private-duty red light officers

R.M.O.C.
Doc. ID. # 98-5913

'You can't catch all the (culprits) with 80 people'

BY JOEL BAGLOLE
STAFF REPORTER

A proposal to use private security officers to catch motorists who run red lights "sounds Mickey Mouse," Toronto Mayor Mel Lastman says.

"Why don't they just use red-light cameras? They've got those camera lights everywhere. Portugal, London, everywhere. It's time Toronto caught up," he said yesterday.

The cameras Lastman has in mind take photographs of the licence plates of cars that run red lights, and police could use the photos to track down and ticket vehicle owners.

But, a report commissioned by Ontario's transportation ministry recommends a "mobile enforcement team" of 80 uniformed, but private officers.

They would police Greater Toronto's 3,600 signalled intersections 24 hours a day and issue \$210 tickets to motorists who run red lights.

If the provincial government approves the plan, it would go

into effect Sept. 21 in the Greater Toronto Area at a start-up cost of \$450,000, and expand across the province over the next seven months.

Eventually 190 private security officers would be employed all over Ontario.

Toronto art dealer Barry Wasserzug, whose 13-year-old daughter Shira spent five days in a coma after being hit by a red light runner in April, likes the idea.

ROAD RAGE

"If the fine and tickets stand up in court, then it doesn't matter who enforces (the traffic law)," said Wasserzug, whose daughter is still suffering after-effects. "The main thing is that we stop this road rage."

But Lastman said the idea of using 80 security officers to cover Greater Toronto intersections doesn't make sense.

"Toronto is too big. What are 80 people going to do?" he said. "You can't catch all the red light runners with 80 people. Eighty people couldn't patrol the Ex."

Reached at a conference in Edmonton, Toronto police chief David Boothby said he's against any use of private law enforcement officers to stop

highway vehicles.

"I see it as the thin end of the wedge," he said. "I view it as a way to save money. Nothing more than that."

Craig Bromell, president of the 7,000-member Toronto Police Association, said the association will fight any attempt to bring in a private security force to handle traffic.

"There's a lot more to traffic enforcement than just giving out tickets," Bromell said.

Traffic police often find themselves in dangerous situations that require them to carry

a gun, Bromell added.

While the proposed security officers would wear body armour, and carry batons and handcuffs, they wouldn't be equipped with sidearms.

But Transportation Minister Tony Clement, who commissioned the report, said the private security officer proposal is one of three reports he's expecting in the next month.

"I commissioned the reports," Clement said. "The idea was to get some creative proposals on the table to deal with red light runners."

Clement said his ministry has been frustrated by the lack of concrete ideas from Ontario municipalities on how to deal with motorists who run red lights.

"The response to the problem has been long on rhetoric and short on details," he said.

The commissioned reports are coming from several agencies outside the transportation ministry, although Clement wouldn't go into details about the agencies.

Discussions are under way to amend the Highway Traffic Act to allow the private officers to stop the offending vehicles themselves.

However, municipalities would have the option of using non-police personnel, Clement said.

"We won't impose the amendment on any municipality, and that includes Toronto," Clement said.

He is skeptical of using cameras at crossroads.

"The chief (aim) is to deter aggressive driving behaviour," Clement said. "(Cameras) fail to do that. When you snap a photo of a licence plate you only identify the owner of the vehicle, not necessarily the driver."

Boothby, who favours cameras, sees a way around that argument.

"The ticket is issued to the (vehicle) owner, and it is incumbent on the owner to appear in court and identify the driver of the vehicle, if it's someone other than themselves (that ran the red light)," said. "To use technology at intersections just make sense to me."

Clement said he favours a solution that would directly involve law enforcement officers in the ticketing of drivers who run red lights. He said hand on officers would ensure the driver of the vehicle, not just the owner, receives a demerit point penalty, and that the driver's insurance premiums go up.

But, under the private security officer proposal, if a motorist refused to pull over, the security officers wouldn't give chase. Instead they would videotape the fleeing vehicle and give the tape to police.

The officer issuing the ticket would also have a miniature video camera in his protective vest to film the driver and document if others in the vehicle aren't wearing seat belts.

With files from John Duncanson

OTTAWA-CARLETON POLICE SERVICES BOARD
COMMISSION DE SERVICES POLICIERS

MEMORANDUM
NOTE DE SERVICE

Our File/N/Réf. **08 05-95-0102**
Your File/V/Réf.

DATE 10 September 1998

TO/DEST. Chair and Members of the Ottawa-Carleton Police Services Board

FROM/EXP. Secretary, Ottawa-Carleton Police Services Board

SUBJECT/OBJET **REFERENCE ITEM 4 - 14 SEPTEMBER 98 AGENDA:
PROPOSAL FOR NON-POLICE PERSONNEL
TO ENFORCE RED-LIGHT RUNNING**

In reference to Item 4 on the agenda for the meeting on 14 September, please find attached a copy of a report that was considered by the Metro Toronto Police Services Board on 27 August 1998.

The report was prepared by the Chief of Police and sets out his position with regard to the establishment of an unarmed traffic constabulary.

The Board referred the report to a sub-committee that is to be struck, with the mandate of examining the feasibility of an unarmed constabulary. The Board's recommendations are also attached.

This is provided for the Board's information.

Wendy Fedec

cc: Executive Command

**THIS IS AN EXTRACT FROM THE MINUTES OF THE MEETING OF
THE TORONTO POLICE SERVICES BOARD HELD ON
AUGUST 27, 1998**

**#374. INFORMATION REQUESTED BY THE CITY OF TORONTO
EMERGENCY & PROTECTIVE SERVICES COMMITTEE -
PROPOSED UNARMED CONSTABULARY**

The Board was in receipt of the following report JULY 23, 1998 from David J. Boothby, Chief of Police:

SUBJECT: PROPOSED UNARMED CONSTABULARY

RECOMMENDATION: THAT the Board receive this report for information, and that a copy be forwarded to the Emergency and Protective Services Committee.

BACKGROUND:

The Emergency and Protective Services Committee at a meeting on March 24th, 1998 requested that the Chairman of the Toronto Police Services Board submit a report on the feasibility of creating a city-run, unarmed constabulary to issue citations for traffic violations, including traffic signals, stop signs, no turn restrictions, parking and speeding infractions.

There are a number of legal concerns, safety concerns and integrity concerns associated with a city-run unarmed constabulary.

Feasibility of enforcement through direct contact with driver

Legal Concerns

Highway Traffic Act

The Highway Traffic Act is the Provincial Statute one normally refers to when researching the rules of the road. This Act refers only to police officers when giving the power to direct traffic (other than traffic control device or sign), to arrest without warrant those who fail to identify themselves, to stop bicyclists and demand identification, to seize licences, and a number of other actions.

Examples of these laws are quoted below:

The Highway Traffic Act, Part X Rules of the Road, states as follows:

"Section 216 (1) A police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a motor vehicle to stop and the driver of the motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop.

Section 134 Direction of traffic by police officer - (1) Where a police officer considers it reasonably necessary,

- (a) to ensure the orderly movement of traffic;
- (b) to prevent injury or damage to person or property, or
- (c) to permit proper action in an emergency,

he or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions."

There are no powers given to any other citizen to stop a motorist or bicyclist or to direct traffic within the Highway Traffic Act.

The question arises as to what a city-run traffic officer would do when confronted with a person who is committing a criminal offence. An example is Section 254 of the Criminal Code. Drive while disqualified. A person convicted of an offence such as impaired driving is placed under suspension for a mandatory period of time. Should they drive, it is a criminal offence. Any citizen may arrest a person whom they find committing this offence. A city-run traffic officer will eventually stop someone committing an offence such as this. What training will this officer have in: the powers of arrest; the use of force; the Charter of Rights; and in procedures on how to safely arrest a person? What equipment will the officer possess - handcuffs, batons, and/or portable radios?

These questions lead into the next concern, which is safety.

Safety Concerns

In the United States of America (USA), The Federal Bureau of Investigation (FBI) compiles police-related statistics to assist law enforcement agencies to serve their communities better and for the purpose of assisting in the training of the nation's officers. According to FBI statistics, one of the most dangerous functions that law enforcement officers perform is the enforcement of traffic-related offences. Between 1987-1996, ninety police officers were murdered while performing traffic stops. The following tables represent the 1996 statistics:

Deaths

Murdered	Died at traffic stop	Died directing traffic
11	48	58

Assaults by:

Firearms	Knife	Dangerous Weapon	Personal Weapon
320	93	824	4463

Canada

The USA has a different culture than Canada; however, we do share similar problems. In Toronto, the Toronto Police Service Parking Enforcement Unit is a unit comprised of men and women who are responsible for the enforcement of municipal parking by-laws. These officers wear uniforms similar to police officers, are equipped with bullet-proof vests and portable radios (which allows for direct calls for assistance) and deal for the most part with unoccupied vehicles. However, the table below displays the high ratio of assaults and other crimes committed against these officers in 1997 alone:

# of PET Officers Assaulted	Arrested Parties	# of Assault Charges	Other Criminal Charges	Persons still Outstanding	No Charges Laid
43	38	42	16	5	5

Note: Statistics are not kept in Canada as they are in the USA regarding incidents at traffic stops. Statistics are not available within the Service regarding this matter.

The stopping of vehicles is a dangerous task. Officers performing traffic-related stops do not know who the vehicle occupants are or what their state of mind is. Officers who, due to their assignments, make a large number of traffic stops are prone to lose their concentration in relation to safety. After making tens of thousands of stops without incident, an officer may suddenly be confronted with a dangerous situation.

Many drivers who would not normally be involved in any criminal activity find this type of interaction with law enforcement officers (traffic-related stops) an extremely emotional event and often react in many unpredictable and different manners which range from disgust to extreme violence.

Persons who are wanted for criminal offences or have recently committed a criminal offence may not know the difference between a city-run unarmed traffic officer and a sworn police officer who is trained and armed.

A city-run unarmed constabulary would not have the training, the equipment, the access to criminal information nor the quick police-related assistance that it would take to perform their function safely.

Integrity Issues

Members of all police services in Ontario are governed by the Police Services Act (PSA). This is a Provincial Statute that states the requirements to which police services boards, police services and police officers are expected to adhere. This Act includes a discipline section that has held up in numerous General Court challenges.

Uniformed officers of a city-run constabulary would be very visible representatives of the City of Toronto. These officers would be seen by members of our community, tourists, media, etc. The perception of integrity, discipline and professionalism is paramount. However, these officers would not be governed by the Police Services Act. As city employees, they may become members of CUPE. Discipline of union members is a much different affair from discipline under the Police Services Act. This should be explored by City Legal for further advice.

The PSA also restricts the activities of police officers during labour disputes. Police officers are prohibited from striking in the Province of Ontario. A city-run unarmed constabulary, as members of CUPE or another union, would not be prohibited from striking and may become involved in picketing. They may choose to picket while in uniform for maximum exposure. This would be an intimidating sight for most civilians, and would not portray a positive image of the City.

Feasibility of enforcement without direct contact with driver

Legal Concerns

There are two main areas of legal concerns: changing the Highway Traffic Act to allow this type of enforcement and the practicality of the 'hands-on' operations.

Changes/Additions to the Highway Traffic Act

A number of sections would require changes within the Highway Traffic Act. This subject was touched upon earlier in this report. Additional legislation would also be required to be made similar to the photo radar section in order for the concept of enforcement without stopping the vehicle to be feasible. Estimated timelines for these additions and changes are approximately 3-5 years, under normal circumstances.

Hands-on Operations

Presently, in order to convict a person of an offence contrary to the Highway Traffic Act, evidence is given, in a court room setting, under oath, before a Justice of the Peace (JP). Most of these courts have adopted the stricter guidelines set down by criminal courts.

A police officer who observes a motorist who fails to stop for a red light would normally perform the following actions:

- stop the vehicle
- check the driver's licence, registration, and insurance
- check for other offences i.e. Seatbelts or criminal offences

Take notes recording:

- the make, colour & year of the vehicle
- the licence plate,
- the driver's information
- the number of occupants
- the date & time
- the road and weather conditions
- location of offence
- exact location where the vehicle was when the light turned red (how many meters back)
- vehicle direction and lane(s) occupied
- the cycle of the traffic lights
- that the lights were working properly
- any other pertinent information

Attend court:

- provide disclosure prior to court date
- attend court and give evidence
- be able to state that the traffic light that the defendant was facing had turned red
- any other information as required by the court including all the items listed above in the notes.

A city-run traffic officer would not be required to give the driver's information under this scenario; however, most of the other information would be required in order to register a conviction. The question is whether a JP will believe, beyond a reasonable doubt, that a city-run traffic officer, without the benefit of stopping the vehicle, was able to give the following information:

- the make, colour & year of the vehicle
- the licence plate,
- the date & time
- the road and weather conditions
- location of offence
- exact location where the vehicle was when the light turned red (how many meters back)
- vehicle direction and lane(s) occupied
- be able to state that the traffic light that the defendant was facing had turned red

One would need to be an extremely good observer to be able to record all this information about a vehicle and offence while the vehicle travels at approximately 60 km/h through an intersection.

Convictions under this scenario are unlikely.

Conclusion

The legal, safety and integrity concerns associated with a city-run unarmed constabulary are substantial enough to strongly state that the idea of a formation of such an entity would not have the support of the Toronto Police Service.

Staff Sergeant Richard Murdoch (4401), of Traffic Services (Local 8-1900), will be in attendance to answer any questions regarding this report.

Deputy Chief Steve Reesor, Operational Support Command, and Staff Sergeant Richard Murdoch, Traffic Services were in attendance and discussed this report with the Board.

David Hutcheon made a deputation which was received by the Board.

The Board approved the establishment of a committee to review the issue of an unarmed traffic constabulary. The committee will consist of representatives from the Toronto Police Services Board, the Toronto Police Service, the Ministry of Transportation, the Ministry of the Solicitor General, the Ministry of the Attorney General and City Legal.

The Board referred the Chief's report (dated July 23, 1998) to the proposed committee as well as deferred consideration of the following motions to the above-noted committee:

- "1. That the Board advise the Minister of Transportation that we do not support the proposed unarmed constabulary program.
2. That the Chief prepare a report for the next meeting of the Board on the following issues:

 - i. With an aggressive zero-tolerance "Community Road Safety" enforcement campaign (red light runners, rolling stops at stop signs, speeding in residential neighbourhoods and school zones) what would be the estimated revenues that could be achieved?
 - ii. With the estimated revenues how many officers could be hired?
 - iii. The possibility of establishing a "Community Road Safety" enforcement unit?"

10. PROVINCIAL PROPOSAL FOR NON-POLICE
PERSONNEL TO ENFORCE RED-LIGHT RUNNING
(deferred from 14 September 1998 meeting)
- Board Secretary's report dated 10 September 1998

Based on the discussion surrounding the first agenda item (Lack of Traffic Enforcement), Member Baskerville felt there were many ramifications to this proposal that impact on public safety and on how police officers work. He thought anything of this nature would require significant changes to legislation and therefore can not be approached lightly. He suggested that such changes would require working groups from police associations, the police executives and perhaps police boards along with municipalities. He maintained that stopping moving vehicles should be done by sworn officers and to do otherwise would entail all sorts of risks. He expressed some concern that the Region's Transportation Committee had become involved in this issue without consultation with the Police Service or the board.

Vice Chair Kreling explained this was not exactly a policing issue. Under this proposal, the enforcement personnel would not report to the Chief of Police but would be employees of a municipality. He indicated that at the Transportation Committee meeting he requested the matter be held over at least until the Police Services Board had an opportunity to consider it. He expressed his opposition to having non-police personnel enforce red-light running and did not think putting non-police personnel in a situation of trying to stop vehicles would be advisable. He maintained that if they were relegated to simply recording license plate numbers, red-light cameras could do the same and would be preferable. He indicated he would be putting forward a motion re-iterating a request for the province to introduce legislation to provide municipalities with the authority to install red-light cameras.

Member Boudreau believed that pulling over vehicles is one of the most dangerous things a police officer does and she did not support the proposal. She was pleased that the Region's Transportation Committee had deferred the item because she felt it important to work as a group on this matter. She indicated her support of Vice Chair Kreling's motion, adding it should clearly state that the Ottawa-Carleton Regional Police Services Board does not support the use of non-police personnel in these situations.

In response to Member Baskerville's comments with respect to this proposal being considered by the Transportation Committee without consultation with the Police Service or the Board, Councillor Legendre explained the item was placed on the Committee's agenda at his request. He maintained his motion of 6 May at the Transportation Committee had nothing to do with the stories that appeared in The Toronto Star as it predated the articles by several months. He noted that, under the proposal, should a motorist

refuse to stop, the enforcement officers would simply videotape or photograph the fleeing vehicle. He further explained his reason for putting forward the motion at Transportation Committee was frustration at the province's lack of movement on red-light cameras. He hoped that in studying this proposal and trying to decide what such enforcement personnel would do if the cars didn't stop, the province might progress in their thinking because the result would then be the same as with red-light cameras. He saw this initiative as being better than nothing, though not as good as the technology, and hoped that if the province didn't move on one, they might move on the other. He did not share other Board members' apprehensions with regard to the dangers of what was proposed. He did not believe the dangers were any greater than those faced by parking enforcement officers when confronted by vehicle owners.

Chair Vice agreed that traffic enforcement is one of the most dangerous situations in which officers find themselves. In response to Councillor Legendre's analogy with parking enforcement officials, Chair Vice pointed out that in those instances, the enforcement officer is not dealing with a moving vehicle. Special training is required to do this type of enforcement and police officers have that training. In conclusion, he maintained that even if it was supported, according to legal opinion it can not be done.

Councillor Legendre pointed out that the Highway Traffic Act includes a provision that allows for the employment of non-police enforcement personnel, though according to the Act, they must be employees of the Ministry of Transportation (MTO). He assumed these employees would receive the right training in terms of how to stop moving vehicles. He agreed with Chair Vice's comments with respect to police officers being fully trained and argued they are so well trained that they are wasted in this function. He did not think it was such an outlandish proposal since the Police Service already employs special constables. They are not full-fledged officers and they receive a restricted sub-set of training and remuneration commensurate with that. He maintained that was the notion behind his motion.

With respect to the Highway Traffic Act's provision for MTO employees to enforce part of the Act, Chief Ford explained their jurisdiction deals strictly with truck traffic and issues of vehicle safety. He stressed they do not have the authority to stop a truck for speeding or for any other Highway Traffic Act violations. The Chief did not support the use of non-police personnel for traffic stops for all the reasons mentioned by Metro Toronto's Chief Boothby in his report, but also because he believed technology is the answer. He maintained that even if the technology was in place, he would still be very clear in his mandate, as the Chief of Police, to enforce the Highway Traffic Act. There are a significant number of people killed in traffic accidents across the country. It is incumbent on Chiefs of Police and Commissioners of Police to enforce the Highway Traffic Act and to not give the impression that this enforcement is considered secondary in the community. The enforcement of traffic laws is a very important function for police officers. Chief Ford

re-iterated his opposition to the proposal on the basis that traffic safety and the enforcement of traffic laws has to be a priority in policing and the police have to continue that even though other methods might be put in place to help them. He believed the police have to be very careful not to place a lesser importance on an issue which causes deaths in such great numbers.

Mr. D. White, Solicitor, clarified an earlier point with respect to the enforcement of the traffic act by MTO or other personnel, stating the power to enforce moving violations and the power to stop vehicles is restricted to police officers.

Moved by H. Kreling

That the Ottawa-Carleton Regional Police Services Board reiterate its request for the Province to enact legislation to permit the installation and use of red light cameras in Ottawa-Carleton.

CARRIED

Moved by A. Boudreau

That the Ottawa-Carleton Regional Police Services Board advise the Province that it does not support the proposal for non-police personnel to enforce red-light running violations.

CARRIED

(J. Legendre dissented)