

**Toronto
Port
Authority**



**Administration
Portuaire
de Toronto**

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February 15, 2013

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

Councillor Michael Thompson
Vice-Chair, Toronto Police Services Board
40 College Street
Toronto, ON M5G 2J3

Dear Sirs:

Re: Billy Bishop Toronto City Airport Armed Special Constables

Thank you for considering our request at your recent meeting of the Board of Directors of the Toronto Police Service ("TPS").

I wanted to take this opportunity to address some of the commentary that has arisen regarding the Toronto Port Authority's ("TPA") application for Armed Special Constables at the Billy Bishop Toronto City Airport ("BBTCA"). I appreciate the rigorous approach the Toronto Police Services Board takes in reviewing such matters, but am concerned that some of the context of our initial 2009 request has been lost with the passage of time.

The BBTCA is the fastest-growing airport in Canada, and has become its 9th busiest. 75% of our passengers are repeat business travellers. And 83% of Porter passengers are "very" or "extremely" satisfied, according to an Ipsos Business Travel Study.

A few weeks ago, we had the pleasure of announcing, in partnership with the Toronto Board of Trade, the release of an economic study conducted by InterVISTAS Consulting Group, a leading management consulting company with extensive expertise in economic and transportation research. According to the study, the BBTCA is a major economic engine for the Greater Toronto Area, generating \$1.9 billion in annual economic output and 5,700 jobs, which includes 1,700 employed directly at the airport; it plays a "significant role in providing critical regional and continental transportation linkages to support and grow Toronto's economy."

The proposal we have tabled is well-grounded in history.

From 1920 to 1982 in fact, the TPA's predecessor entity had its own armed police force in the form of the Toronto Harbour Police and the Port of Toronto Police. They were tasked with lifesaving, safety and security on the waters of Metropolitan Toronto (as it was referred to at the time), and throughout the Port Lands, including the BBTCA. Our police forces had all of the authority and responsibility of other police officers in Ontario within their jurisdiction. Today, the CN Rail Police and CP Rail Police continue the long-standing tradition of key transportation organizations having armed police officers on staff to meet the mandates of their parent companies and the unique sectoral and geographic realities of their specialized industries.

In 1982, it was agreed that the Toronto Harbour Police and the Port of Toronto Police would merge with what is now the TPS. In return for relinquishing our own proprietary police entities, Metropolitan Toronto (now the City of Toronto {the "City"}) and the TPA contractually agreed that the City's police agency would provide security for the waters of Toronto and the Port Lands (Section 1(a) of the 1982 agreement) for no charge, which included police services on the property on which the BBTCA stands¹. In 2009, we asked that the TPS provide such services at the BBTCA on a full-time basis, and were advised that this could only be done for a fee. TPS quoted us \$2,636,904 for such services (which we now understand with annual increases would reflect \$2,850,000) for what TPS recommended should be a complement of sixteen Police Constables and six Sergeants to provide security for the entire BBTCA property in suitable shifts – plus \$1,000,000 for specialized TPS facility buildout.

In our view, the TPS' proposal did not reflect either the spirit or terms of the 1982 Harbour Police and Port of Toronto Police merger agreement.

Given the excellent partnership between our two organizations, we demurred and took the step to engage a private sector service to provide the required armed security as this seemed to be the more cost-effective approach, rather than building the needed infrastructure to re-establish a police force within the TPA. As every incremental airport operating cost is eventually paid by passengers in the form of additional fees (neither the TPA nor the BBTCA receive any Federal operating funding or financial backstop), we have been meticulous in the analysis of the financial impact of the choices before us. Of note, the private sector proposal recommended 7 FTEs to cover off this BBTCA armed security role, versus the 22 FTEs that the TPS required under its proposal (to cover different shifts, vacation, supervisors, specialized Emergency Task Force supplies and training, etc.).

As you may know, the TPA could legally engage private sector armed guards if it ran a jewellery store, rather than an airport. Various Statutes allow companies and entities to hire a private sector firm to provide armed security personnel provided they are protecting "negotiable instruments or valuables", such as bank deposits or precious metals. The Statutes do not, however, allow entities like the TPA to hire armed private protection for travelers in an international airport.

¹ Referred to as "Port Lands" in the 1982 Agreement

It is merely a function of this out-dated Statute that we were left to return to the TPS, and was the genesis for the application for Armed Special Constable Status², rather than taking the step to formally re-establish the Port of Toronto Police. The 1982 merger agreement does not, of course, preclude the TPA from doing so for the purpose of specifically policing the BBTCA.

The suggestion that our request for Armed Special Constables is either unprecedented or unique in Ontario does not reflect reality.

As was mentioned in the media, the Niagara Parks Police Service (the “NPPS”) is armed, with the same training and authority as a local municipal police officer. In the TPA’s case, we are looking to further secure Canada’s 9th busiest airport, which is just steps from Canada’s financial core. No different than the mandate of the NPPS, in a way, but for the higher risk of terrorism.

It may be worth reminding that the Canadian Border Services Agency already has armed officers on site at the BBTCA (which the TPS did not, to our knowledge, oppose), and the airport is just a few of blocks away from the jurisdiction of the CN Rail Police and their armed officers as well as Brookfield Place’s Solaris Jewellers and its privately-engaged armed protection officer.

None of these government agencies or private companies has been denied the opportunity to fulfill their fiduciary obligations to their relevant stakeholders as they recruit, train and arm their staff (or via a private supplier) to conduct their important and unique duties.

Should the BBTCA succeed with its application for pre-clearance to the United States, we are advised that the U.S. government will withhold final approval of our application without the presence of armed officers in the departure area on a full-time basis. This would deny Toronto’s business community an important improvement to the City’s transportation infrastructure. Over the past six years, the BBTCA has seen its passenger level increase from ~25,000 per annum to what we expect will be more than 2 million passengers in 2013. Between the investments of our airline partners, the passenger airport improvement fee and the TPA’s own financial resources, the airport has been revitalized and thousands of new jobs have been created within the Greater Toronto Area; with no government financial support. We’ve doubled the firefighting capacity in the last 24 months³ in keeping with this growth, and, as stewards of the organization, we believe a full-time armed presence is an equally prudent step.

We would be pleased to take your counsel as to the best approach to manage the liability and perceived risk of this proposal. These topics could include i) liability, ii) an appropriate indemnity to TPS and TPS Board, iii) training and regulatory issues, iv) complying in full with Provincial Ministry standards, and v) submitting to SIU oversight if needed. As the former operator of two police forces for recognized purposes, none of these issues are intractable or new to the organization.

² Our request for Armed Special Constables is for the entire airport property, and not just “the departure area of the Porter Terminal” as described in the letter from Acting Staff Superintendent Elizabeth Byrnes dated October 2, 2012.

³ The cost of BBTCA fire fighters is 100% borne by the TPA and its commercial carriers.

Based upon the spirit of the 1982 merger agreement, as well as our excellent day-to-day working relationship with the members and senior officers of the TPS, we hope that we can count on the support of the Police Services Board to allow us to immediately meet the safety needs of the travelling public, in whatever form that support might take.

Thank you, in advance, for your ongoing consideration in this matter.

Respectfully,



Mark McQueen
Chairman

cc: The Honourable Denis Lebel, P.C., M.P.
Minister of Transport, Infrastructure and Communities

The Honourable Vic Toews, P.C., M.P.
Minister of Public Safety

The Honourable Madeleine Meilleur, MPP
Minister of Community Safety and Correctional Services, Ontario

The Honourable Glen Murray, MPP
Minister of Transportation, Ontario

His Worship Mayor Rob Ford
Mayor of Toronto

Board of Directors
Toronto Police Service

Chief William Blair
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Robert Deluce
President & CEO, Porter Airlines

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