

Ombudsman Report

An Investigation into Toronto City Hall Security

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1.0 Executive Summary

The City of Toronto's Corporate Security Division (Security) is responsible for ensuring the safety and security of City employees and the visiting public while they are on City property.

Starting in the spring of 2013, the media and the public attention that was focused on the former Mayor created unprecedented demands on City security staff.

Between November and March 2014, the Ombudsman received complaints about the actions of security staff.

While this is not an investigation into the actions of the former Mayor or his staff, the influence the Mayor's office had on Security cannot be ignored and provides the context for this investigation.

The main issues addressed in the investigation were:

- Security's handling of incidents, and
- the adequacy of Security's response to complaints.

The occurrences below illustrate some of the incidents that prompted questions about how Security was fulfilling its mandate at City Hall.

Highlights of Incidents Reviewed

St. Patrick's Day

In the early morning after St Patrick's Day of 2012, security reported the former Mayor had arrived with two companions and gone to his office. A guard reported the Mayor appeared to be "very intoxicated as he had problems walking."

The guard did not file the required report in the security reporting system, only sending an email to superiors. He said he was concerned that other security personnel would see the report.

Exiting the Wrong Way

On more than one occasion, Security allowed the former Mayor to use an entrance to exit from the underground parking lot, in order to leave City Hall without encountering waiting media. On one of those occasions, a security guard covered a security video camera recording the mayor while he walked, reportedly intoxicated, to his car.

In the second instance, the Director of Security told staff the Mayor should not be allowed to exit through an entrance ramp.

Security Guard or Bodyguard?

Security had a practice of assigning escorts on a rotating basis. Over time, the Mayor's office began asking for a particular guard, who was soon publicly identified as the Mayor's security guard. Security did not enforce the existing practice, as they did not want to say no to the Mayor.

Access by Media

In November of 2013, the Mayor's staff asked Security to screen media by checking their ID before a news conference. This is not required by City policy, and Security advised the Mayor's office this was not within their duties. Despite the objection, a guard denied entrance to a photographer from a major newspaper because he did not have his City hall identification. The photographer was eventually let in.

A complaint was filed but the photographer was never interviewed.

Control of Council

During a Council session in November of 2013, the former Mayor and a special assistant wearing a security lanyard began filming the public seated in the gallery. Tensions increased when another Councillor joined the disturbance.

After walking away from the public gallery, the former Mayor rushed back, and in the process ran into another Councillor knocking her off her feet.

As the disturbance escalated, Security staff stood by without intervening. The Mayor was not interviewed in the investigation into the incident

Confrontation at a Committee Meeting

During a committee meeting, Mr. B tried to get a glass of water from a jug on a nearby table, as he had done on previous occasions. This time, a guard told him the water was not to be used by the public. Mr. B became very agitated. Instead of trying to de-escalate the situation, more guards were called in. Mr. B threw the water in his glass at the guard, was arrested and removed from the room.

Ombudsman Conclusions

The investigation found that City Hall Security failed to fulfil its mandate to provide equitable protection to all individuals. Security was slow to respond and its approach to dealing with the incidents identified in this report was reactive and fell short of

expectations. It did not respond in a consistent manner to the changed environment. Managers delayed in proactively adopting new measures and training for staff to deal with the new reality. Complaints received were not investigated thoroughly enough.

Ombudsman Recommendations

The Ombudsman recommended that Security consistently adhere to its policies and procedures; ensure that its personnel are not subject to the direction of elected officials, and regularly review the skills and resources needed by Security.

2.0 Introduction

1. Security is tasked with ensuring the safety and security of City employees and the general public while on City property.
2. Security staff understand this to mean that they are responsible for protecting all individuals, including members of the public, the media, staff and elected representatives.
3. The demands placed on security staff during the last term of Council were unprecedented. It became apparent that the security levels, procedures and training that may have been sufficient in the past were not adequate to address the nature of security incidents occurring at City Hall.

3.0 The Investigation

4. Between November 2013 and March 2014, my office received complaints about how Security and its staff at City Hall dealt with incidents.
5. The complainants alleged that Security, tasked with the job of protecting employees and the general public in an effective and safe manner, failed to do so. They pointed to incidents at Council, as well as those between Security and members of the media and the public. The complainants maintained that Security's conduct in these and other cases, gave rise to concerns about personal safety at City Hall.
6. The main issues arising from the complaints were
 - Security's handling of the incidents, and
 - The adequacy of Security's response to complaints.
7. While making preliminary inquiries, it became apparent that these complaints raised broader questions of whether security staff were ensuring the safety of all individuals at City Hall.
8. I decided to initiate an investigation on my own motion and issued a formal notice to the City Manager on March 26, 2014.
9. The focus of the investigation was whether Security staff's response to various incidents was in keeping with their policies and procedures. The investigation also examined how Security investigates complaints it receives.
10. Many individuals were interviewed during the investigation, including employees from Security, Strategic Communications, the City Clerk's Office,

senior city officials, the former Mayor and staff, Councillors, members of the public and the media. We reviewed relevant policies, procedures, legislation, media reports, iTrak¹ entries and associated records.

4.0 Policy and Legislative Background

4.1 Legislative, Investigative and Policy Framework

11. Ontario's private security industry is regulated by the Ministry of Community Safety and Correctional Services (Ministry). The Private Security and Investigative Services Branch of the Ministry is responsible for licensing all security guards as well as private investigators and agencies.
12. One of the objectives of the Ministry is to ensure security guards in Ontario carry out their duties professionally, effectively, safely and lawfully.²

4.2 Private Security and Investigative Services Act

13. All City security guards are subject to the *Private Security and Investigative Services Act* (Act). Under this Act, a guard is defined as
 - a person who performs work, for remuneration, that consists primarily of guarding or patrolling for the purpose of protecting persons or property.
14. The Act, proclaimed in August 2007, states that no person shall act as a security guard or hold him or herself out as one, unless the person holds the appropriate licence under the Act and is employed by a licensed business entity, a registered employer under the Act, or an employer that is not required to be registered, or is the sole proprietor of a licensed business entity or is a partner in a licensed business entity.
15. In order to obtain a licence, an applicant must have successfully completed a training program that conforms to the training curriculum for security guards published by the Ministry.

¹ iTrak is the incident reporting system that Security uses to track incidents and daily logs. It allows staff to log daily reports and incidents, as well as create reports and analyze trends. Incident logs are filled out for incidents – anything out of the ordinary – and can be linked to daily logs. Incident files include a summary of the event, any participants, any media (photos or videos), and any forms or paperwork connected to the event. If an exceptional incident occurs, incident logs can be restricted so only certain users can view them.

² Ontario, Ministry of Community Safety and Correctional Services, *Private Security and Investigative Services* (Toronto: Private Security and Investigative Services Branch, 2015), online: <http://www.mcscs.jus.gov.on.ca/english/PSIS/AboutPSIS/PSIS_about.html>.

16. The Act requires that prospective security guards complete a minimum of 40 hours of classroom instruction on the following:

- Introduction to the security industry
- The Private Security and Investigative Services Act*
- Basic security procedures
- Report writing
- Health and safety
- Emergency response preparation
- Canadian legal system
- Legal authorities
- Effective communications
- Sensitivity training
- Use of force theory
- Emergency level first aid certification

17. This training can be delivered by a public university, an Ontario college, private career college, a licensed business entity, or a registered business that employs the applicant or that has made a conditional offer of employment to the applicant.
18. Once licensed, guards are required to comply with the Act and its regulations, including its Code of Conduct, during the exercise of their duties. The Code of Conduct establishes a standard of practice and requires every individual licensee to, at minimum, act with honesty and integrity; treat all persons equally, without discrimination; refrain from using profane, abusive or insulting language; and refrain from exercising unnecessary force.³
19. The Act provides for a Registrar of Private Investigators and Security Guards, who has the legislative authority to review and investigate complaints about security guards and other license holders.
20. Public complaints alleging that a security guard has breached the Code of Conduct or a condition of his/her license, or has contravened the Act, are reviewed by the Registrar who, in turn, is empowered to suspend, impose conditions upon, and revoke, a security guard's license for any such breach or contravention.
21. Any member of the public that wishes to file a complaint against a security guard alleging a Code of Conduct violation must do so within 90 days of the incident that gives rise to the complaint.⁴ Complaints can also be made to the Registrar against licensed agencies and their officers and directors, and about unlicensed agencies or individuals. If the complaint involves allegations

³ O. Reg. 363/07, *Code of Conduct*, s 2(1).

⁴ *Ibid*, s 19(2).

of a breach of the legislation or a license condition by a security guard, the security guard's employer may also be investigated.

22. Depending on the nature of the complaint, the Registrar may investigate the matter; conduct a compliance inspection of an agency; refer the matter to a police force; assign it to a facilitator, which could result in conditions being placed on a license or the revocation of a license.⁵
23. Where a complaint is referred to a facilitator, and the facilitator recommends remedial action, the Registrar will make that recommendation a condition of the security guard's license. The resolution may involve training in anger management, de-escalation, race relations, communication skills and/or the use of force.
24. Any violation of the Act and its regulations or failure to comply with the Code of Conduct is considered a punishable offence and upon conviction, a security guard is liable to a fine of up to \$25,000 and/or one year imprisonment.⁶

4.3 Toronto Municipal Code, Chapter 27, Council Procedures

25. Article VI of the Toronto Municipal Code (Code) speaks to the roles and conduct of Council and its members. The Speaker's responsibilities include the following:
 - Overseeing order and good behaviour;
 - Enforcing the order and good behaviour of members at all times;
 - Recessing the meeting for a specified time if there is a threat or imminent threat to the health or safety of any person, or if there is a possibility of public disorder;
 - Disciplining members – calling a member to order;
 - Removing members or others from a meeting- ordering a member, or any other person, from a meeting in accordance with the rules of the procedures by-law.

⁵ *Supra* note 1, *Public Complaints*, online:
<http://www.mcscs.jus.gov.on.ca/english/PSIS/PublicComplaints/PSIS_complaints.html>.

⁶ *PSISA*, *supra* note 3, ss 43 and 45.

4.4 Code of Conduct for Members of Council

26. The Code of Conduct applies to Members of Council, including the Mayor. Under section XIV, Discreditable Conduct, all members of Council have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation.
27. The Integrity Commissioner is responsible for administering the Code of Conduct.
28. There is a formal and an informal complaint procedure available to anyone who has witnessed behaviour by a member of Council that they believe contravenes any provision of the Code of Conduct.
29. The informal complaint procedure includes a number of suggestions, such as speaking directly to the member or bringing in a third party to attempt to resolve the matter.
30. The formal procedure is to request the Integrity Commissioner to undertake an inquiry to determine whether a member has contravened the Members Code of Conduct.

4.5 City of Toronto Security

31. The security unit at the City of Toronto resides within the Facilities Management Division, and is the corporate body responsible for setting security standards and partnering with City divisions for the protection of City employees and its assets.

4.6 Corporate Security Policy

32. The policy which provides guidance to Security is known as the City of Toronto City-wide Corporate Security Policy. According to the policy statement,

The City of Toronto depends on its [security] personnel and assets to deliver its vital services to the public and has an obligation to protect employees and the visiting public, preserve the availability of assets and assure the continued delivery of services in an effective, safe and sustainable manner.

Proper security is much more than protecting physical property; rather its greatest importance is in protecting the health and safety of employees, clients and the public who

utilize City services. A safe City property also encourages public usage and civic engagement.

33. Under section 3.3, the policy notes that, “the majority of services provided by Security fall into seven major categories,” including audits and assessments, staffing, security systems, and training. Subsection 3.3.5, entitled Incident Response, states that security incidents are to be “appropriately documented, investigated, tracked, and closed.”
34. According to the document, the Chief Corporate Officer (CCO) is responsible for the corporate security policy. The CCO's duties in this regard include:
 - Ongoing review and administrative updates of Security policy and security direction for divisions;
 - Ensuring compliance with the policy; and
 - Allocating sufficient staff and other resources to appropriately secure City assets.
35. The policy also sets out the specific responsibilities of Security, including managing and co-ordinating security services for the Mayor, Council, visiting dignitaries, and City staff.
36. The policy states, in part:

Corporate Security maintains an internal reporting system where all security incidents are to be reported. These occurrence reports are to be created for any security incident involving employees, visitors, or contractors while on City property, or in the conduct of City work duties...

All security incidents shall be reported to Corporate Security in order to be documented and/or appropriately investigated.

4.7 Security Guard Duties and Responsibilities

37. There is a complement of security guards assigned to City Hall, and approximately 170 security employees in total, including management.
38. The security guard job description states that guards are to protect employees, assets, facilities and the general public. Major responsibilities include:
 - Providing security services to City owned properties;
 - Monitoring and patrolling assigned areas;
 - Conducting security audits and assessments;

- Providing security for visiting dignitaries, protocol functions, demonstrations, labour disruptions, council meetings and special events;
 - Conducting investigations and preparing incident reports;
 - Screening unauthorized personnel;
 - Resolving conflicts and disputes including staff and the general public;
 - Complying with the applicable requirements of the Act.
39. Security relies on a policy and procedures manual which sets out how it will meet its mandate. The manual contains sections on standards of conduct, reporting of incidents and the duties of the Sergeant-at-arms.
40. Section 4.10 of the manual outlines the security guard's duties and responsibilities while assigned to the City Hall security desk:
- Providing customer service and assistance;
 - Issuing and monitoring access cards;
 - Monitoring and operating the security system;
 - Logging and investigating lost and found items;
 - Controlling parking access;
 - Dispatching appropriate Security or maintenance personnel upon receiving complaints or requests for service from the public or City Hall employees;
 - Responsibility for the operations, access control, and status of all elevators at City Hall;
 - Overseeing building fire alarm systems; and
 - Conducting patrol duties in and around City Hall.
41. Guards also have the power to arrest, as set out in section 494 (1) of the Criminal Code of Canada and section 9 (1) of the *Trespass to Protect Act*. The policy notes that any arrest “made by a Security Guard on or in relation to Toronto City Hall premises, has to coincide with one of the above mentioned sections.”
42. The policy and procedures manual states that certain factors must be taken into account before a guard makes an arrest, which includes the age of the offender, disability, and the safety of the guard and/or the public. Further, when an arrest is made, the manual states that, “any use of force must be used as a last option and only when all other methods of persuasion have been exhausted.”
43. The Director, Security (Director) explained that staff receive training on how to restrain and handcuff a subject. He said that through their training on the Criminal Code, security guards are provided with numerous examples highlighting the difference between a summary and an indictable offence.

44. Following an arrest, the manual states that the arresting guard must ensure that the individual under arrest is immediately delivered safely to a law enforcement officer. In addition to ensuring that the individual has been informed of his/her rights, the arresting guard is to make certain that “an accurate, detailed and chronological documentation of the occurrence pertaining to the arrest is written in the guard’s memo book and an iTrak report is completed as soon as possible.”

4.8 Credentials and Training for Security Guards at the City of Toronto

45. Security guards must have a valid security licence, a driver’s licence, and valid First Aid/ CPR certification. In order to be hired, qualified applicants must pass a series of written and oral tests and must have at least two years security experience or a relevant diploma/degree.
46. Once hired, guards receive training in the following areas before being placed in the field:
- Crisis management
 - Relevant legislation⁷
 - Restraint management
 - Effective communication
 - Note-taking and report writing
 - Security access training
 - Health and safety
 - Harassment policy
47. Training is also provided in self-defence and use of force. The Director advised that the latter includes conflict resolution and crisis intervention training.
48. In addition, all staff receive site specific training and those working at City Hall, are trained on how to deal with the media. New guards are also initially paired with an experienced guard who acts as a trainer.

4.9 Role of the Sergeant-at-arms

49. The Sergeant-at-arms is the City's head of Security (Director). The Director may delegate this authority to a Security staff member. The Sergeant-at-arms is present in the chamber when Council is in session.

⁷ *Criminal Code of Canada and Trespass to Property Act.*

50. The Municipal Code, Chapter 27, Council Procedures, section 50, sets out the duties of the Sergeant-at-arms:

A. When Sergeant-at-arms present.

The Sergeant-at-arms is present at all times during Council meetings and as required, during committee meetings.

B. Threat or imminent threat to health or safety.

1) If there is a threat or imminent threat to the health or safety of anyone in a meeting, the Sergeant-at-arms immediately notifies the chair, who decides whether to:

- a) Recess the meeting; and
- b) Order everyone to leave immediately.

2) If the Chair makes an order under Subsection B(1), the Sergeant-at-arms immediately escorts everyone out of the meeting place.

51. In accordance with Council directives, there are procedures and extra security staff at Council meetings.

52. The relevant sections of the manual regarding the Sergeant-at-arms are as follows:

23.7 The Sergeant-at-arms shall ensure the safety of the Mayor, Speaker/Deputy Speaker, members of the public and members of Council throughout the proceedings. The Sergeant-at-arms must call for immediate Security and/or Police backup when necessary.

23.8 In the event of a fire, health, or security emergency, the Sergeant-at-arms shall request the Speaker/Deputy Speaker or the City Clerk to suspend the Council proceedings and the Sergeant-at-arms shall evacuate the chambers via the East and West stairwells.

23.13 At no time shall signage, food, drink or bullhorns be permitted in the Council Chambers by the public. The Sergeant-at-arms shall request anyone found in violation of the above to remove the article or face immediate ejection.

23.14 The Sergeant-at-arms shall ensure the removal of anyone from the Chamber as directed by the Mayor, Speaker/Deputy speaker or City Clerk. At no time shall

anyone be permitted to yell, scream, cause a disruption or disturbance, or make insulting remarks to the Mayor, Speaker, a Member of Council, City Clerk staff or Deputants.

23.15 The Sergeant-at-arms shall follow the directives of the Mayor/Speaker/Deputy Speaker, or City Clerk.

23.24 The Sergeant-at-arms shall ensure no side meetings or discussions take place in the walkways near the inner circle if the participants are disturbing Council proceedings.

4.10 Incident Reports

53. One of the key qualifications listed in the security guard's job description is a demonstrated ability to prepare and maintain clear, concise, and legible security reports and detailed records according to policies, and recognized industry and court standards.
54. In the Ministry's training curriculum for security guards, the outline for the section on report writing states that, "it is imperative that reports are written in a clear, standardized format to ensure information is conveyed accurately and without bias." It also references the importance of using a notebook and the rules and format for taking accurate notes.
55. When an incident is reported to Security, prior to the end of their shift, an occurrence report must be completed using iTrak. According to Security, iTrak allows the unit to standardize reports, capture and analyze security data and reduce the amount of time spent writing reports.
56. The report is to include all the relevant details of the case. Staff are reminded to use objective language, leaving "judgements to the judge." The policy and procedures manual section on special occurrence reports notes that:

The strength of the report is that it relies on these facts, [who, what, where, when, why, and how] not on inferences, opinions, or judgements.
57. Security is pricing a new reporting system. It is not expected to be available for staff before the second or third quarter of 2015. The new system, when implemented, will allow staff to immediately classify an exceptional incident on the system, automatically allowing only those Security staff with the appropriate authorization to review the incident.

58. Security provided my office with training materials on report writing and documentation (use of memorandum books). The materials related to documentation describe the purpose of a memorandum book, which is used to gather pertinent information, assist/aid memory, to be referenced when giving evidence, and to provide a record for the future. Responsibilities for recording are covered under the guard's training. Notebooks are used to record any activity taken by a security guard "from breaks, to incidents and patrols."

4.11 Security Incident Escalation Protocol

59. The Security Incident Escalation Protocol provides direction for Security to follow when investigating an incident. Under the protocol, a Security supervisor "must review all incident reports for investigation, debriefing, and closing."
60. The guideline divides incidents into one of two categories: regular occurrences, and exceptional incidents. The protocol defines an exceptional incident as:

An occurrence that contains highly confidential material that is not required to be known by all Security staff, or may jeopardize an investigation if known by all Security staff. Some examples include domestic violence investigations, serious staff misconduct, etc.

61. According to the protocol, exceptional incidents are to be escalated to senior staff. When a security incident involves misconduct of management staff at the director level or above, the incident is escalated to the Director, Security, and the applicable Deputy City Manager (DCM) through the CCO. When a security incident involves the conduct of a Councillor, political staff, the Mayor or his staff, the incident is escalated by the Director to the City Manager through the CCO.
62. Given the nature of these incidents, the reporting process differs from that used to log "regular" occurrences. In the case of an exceptional incident, an email is sent to the appropriate Security supervisor, instead of being logged by the guard in iTrak. The supervisor opens an incident in iTrak, but restrictions are attached to the entry, so that it cannot be viewed by all Security staff.

4.12 Security Complaint Process

63. The process for making a complaint about a Security employee can be found on the City's website. The member of the public is told to file "a written complaint with the Director, Corporate Security, which will be promptly and properly investigated."
64. If a complainant is not satisfied with the response from Security, the Facilities Management webpage sets out the escalation process, along with the anticipated response time. According to the website, the division will investigate and inform complainants of the outcome of their concern within fifteen business days.
65. The website contains a link to the Ministry's *Private Security and Investigative Services – Complaint Process* webpage.

5.0 The Facts

5.1 Highlights of Selected Incidents

66. The occurrences below illustrate some of the incidents that prompted questions about how Security was fulfilling its mandate at City Hall.

Story # 1 – St. Patrick's Day

67. Several newspapers reported that on Saturday, March 17, 2012 (St. Patrick's Day), guards witnessed "a very intoxicated [Mayor] struggling to walk and swearing at [his staff] in the early morning hours after St. Patrick's Day.
68. The guard who responded to the incident, emailed Security management with a summary of the evening's events, and included the following statement:

Due to the nature of the incident with the Mayor, we will not be submitting any reports.

69. An incident report was not filed in iTrak.
70. Asked why a security report was not filed, the Director said the email describing the events constituted an incident report.

Story # 2 -- Exiting the Wrong Way

71. In May 2013, Security assisted the former Mayor in exiting City property without encountering members of the media. Two guards coordinated via

radio so that the Mayor and two members of his staff could exit in his vehicle through the 'Taxi-In' entrance of the official parking lot.

72. On October 31, 2013, a security guard again directed the Mayor to exit via the 'Taxi-In' entrance, after they noted "approximately 25 media personnel" at the 'Taxi-Out' exit. Security opened the 'Taxi-In' gate to allow the Mayor to leave with members of the media in pursuit.
73. In April 2014, the same security guard, while off-duty, assisted a reportedly intoxicated former Mayor to exit the City Hall parking lot. The guard blocked a security video camera recording of the Mayor while accessing the garage. The guard then directed the vehicle to leave the garage through the 'Employee In' gate.

Story # 3 -- Access Denied

74. In November 2013, the former Mayor's staff asked Security to screen members of the media by checking identification prior to allowing entry to a press conference in the Mayor's protocol lounge. Security objected to this direction and advised the Mayor's office that this was not within its duties.
75. No city policy exists requiring members of the media to present credentials for City media events.
76. Despite the objection, Security complied by screening and denying entry to a photographer from a major newspaper because he did not have his City Hall identification with him.
77. The newspaper's editor-in-chief subsequently filed a complaint about the incident. Security management investigated the incident and concluded that the particular guard's actions had not been inappropriate.
78. The photographer was not interviewed by Security management.

Story # 4 – November 18, 2013 Council Meeting

79. During a Council session on November 18, 2013, both the former Mayor and his special assistant proceeded toward the public gallery.
80. At the Mayor's instruction, the special assistant held up a cell phone and began filming the public seated in the gallery. Members of the public started shouting at the Mayor, who responded in kind.
81. Witnesses described the Mayor as "taunting" people in the gallery, and the special assistant as "intimidating" the public by filming them. Voices grew

louder and tensions in the Council Chamber increased. Councillor Z also joined the Mayor and his assistant and engaged the public.

82. Leaving his assistant and Councillor Z with the crowd, the Mayor made his way to the centre of the Chamber where, according to eyewitnesses and video footage, he suddenly started running back in the direction of the public gallery.
83. While running, he ran into a Councillor, knocking her backwards off her feet. The Councillor, with the assistance of the Mayor's chief of staff, avoided hitting a metal pole and falling to the floor, but sustained facial bruising and a shoulder injury.

Story # 5 – Security on the Run

84. In March 2014, the Mayor's chief of staff called Security to advise that the Mayor wished to hold a press briefing in Nathan Phillips Square and asked that "as many Security staff [as possible]" be sent to assist.
85. The Security supervisor told him that this was not a good idea, as there was new, potentially volatile information circulating about the Mayor. He recommended holding the briefing in a more controlled setting.
86. Shortly after, Security received a call advising that the Mayor was going outside. Security dispatched two guards to escort him.
87. The Mayor was escorted through the back door of his office and the City Hall café to Nathan Philips Square, and eventually to a food truck. A crew from the Food Network was filming the Mayor. Soon after, a media scrum gathered. Guards formed a "protective barrier" around the Mayor in order to escort him back into City Hall.
88. Security described the media as "very aggressive with their questions". The crowd crossed the square and entered the City Hall rotunda with Security maintaining its protective barrier, at which point the Mayor moved towards the east stairs, yelling, "let's go! let's go! let's go!" and proceeded to run toward his office.
89. The guards ran with the Mayor. One of them slipped and fell. No injuries were reported by the guards or media.

Story # 6 – Drinking Water at a Public Meeting

90. On January 15, 2015, a member of the public [Mr. B] attended a public committee meeting at City Hall. Mr. B is a regular attendee at City Hall and well known to Security.
91. While observing proceedings from the public seating area, Mr. B said he tried a number of times to get a glass of water from a jug on a nearby table, as he had done on many previous occasions. He said he was told repeatedly by a guard that the water was not available to the public.
92. Mr. B said he told the guard that he had diabetes and needed water, but the guard hovered over him in an intimidating way and told him he would have to leave. Additional guards were called. Mr. B said one approached him in a disrespectful way. He said he was upset by Security's response and threw the contents of his water glass at the guard.
93. Mr. B was arrested and removed from the room.
94. Witnesses reported that the guard's conduct escalated the situation unnecessarily.

5.2 Security's Response to the Incidents

5.2.1 St. Patrick's Day

95. The security guard involved sent an email to the Manager, Security at 3:52 am on March 18, 2012, to report an incident involving the Mayor. He stated that on-duty guards had encountered the former Mayor on City Hall property at approximately 8:30 pm on March 17, 2012, when he attended to obtain a temporary security pass. The Mayor and his three companions remained in his office until about 11:00 pm when they left City Hall.
96. The Mayor returned at 2:00 am with two companions and proceeded to his office. Security documented that "It was quite evident that he was very intoxicated as he had problems walking, was sweating profusely and was swearing at [his companions.]"
97. The former Mayor attended the Security desk at 2:30 am, and declined an offer to call him a cab. One guard "kept him company while another checked to make sure no-one remained in his office." At 2:50 am, Security stated that "we managed to get him in a cab and off to his place of residence." One of his companions went with him. The two others confirmed that "we could get rid of the bottle of brandy."

98. The guard told my investigator that he provided his report in this form because he wanted it to be available only to his superiors on a 'need to know' basis. He knew that a report on iTrak would be accessible to "any of the security guards...I just felt there are a lot of personalities in any department and...maybe they take it and share it with somebody who is not supposed to read that report."
99. The guard said he was aware that the Mayor later learned of his report and told security guards during a similar event just prior to St. Patrick's Day in 2014, that he would "get him" [the guard] for reporting the 2012 incident.
100. Following the events of St. Patrick's Day in 2014, the guards also took the precaution of reporting the Mayor's activities to security management in an email attachment because they were concerned about reprisal and their safety.

5.2.2 Exiting the Wrong Way

101. In the course of the investigation, my investigator noted three instances when Security guards directed the Mayor to exit the City Hall parking lot via an entrance ramp. In each case, the record shows that it was done so that the Mayor could avoid interaction with the media and the public. The guards acted without management approval in each instance.

- 1) On May 29, 2013, Security personnel were asked to provide the Mayor a "clear path of egress off of City premises" in order for the Mayor to pass the media "undetected".

The Mayor, two members of his staff, and security personnel established that the best way for him to leave unnoticed was to exit through the 'Taxi-In' entrance of the official parking lot.

Two guards coordinated via radio to have the 'Taxi-In' arm lifted when the Mayor's vehicle approached in order to allow the Mayor to make his way up the Green P parking ramp entrance and exit onto Bay Street.

Security personnel noted in the incident report that the Mayor safely exited onto Bay Street and was "able to avert the multitudes [sic] of media" who were set up by the 'Taxi-Out' exit.

One of the guards documented the event in an incident report on June 2, 2013. There was no response or feedback from management.

- 2) On October 31, 2013, a different guard escorting the Mayor, directed him out the 'Taxi-In' entrance to avoid members of the media waiting at the 'Taxi-Out' exit. He filed an incident report about the event.

The guard said his supervisor subsequently told him "You can't do that. It's a safety problem." He also received a copy of an email communication from the Director saying that "We can't send anyone through the taxi in-gate and then up the wrong way for the Bay Street ramp. It is one-way and we are going to cause an accident." He said that was the extent of the feedback.

The guard told my investigator he believed it would not be safe to send the Mayor's car out the regular exit ramp. He said he was conscious of his responsibility to consider the safety of all parties.

- 3) On April 21, 2014, while off-duty, this security guard again directed the Mayor's car out of one of the parking lot entrances. He stated this was done because the Mayor had had difficulty with his car hitting the top of the exit ramp. Because he was off duty at the time, he did not file a report. On this occasion, management addressed the matter the following day.

5.2.3 Access Denied

102. At a May 2013 press conference, a freelance photographer was denied entry because she did not have identification. The photographer was stopped at the door where a security guard held her hands "loosely" behind her back. A picture of this encounter was featured prominently in several national newspapers. In the end, she was able to enter because of objections voiced by the media who were present. No complaint was filed in this case.
103. Prior to a November 14, 2013 press conference scheduled in the Mayor's protocol lounge, his office instructed Security to check the credentials of the media wishing to attend.
104. A photographer for a national newspaper was denied entry by Security because he did not have his City Hall identification with him. Shortly thereafter, the photographer can be seen on a video of the incident trying to push past the guard. The video evidence showed the photographer was grabbed and pushed up against the glass outside the Mayor's office. The photographer was eventually permitted entry after a Security supervisor and a representative from Strategic Communications assured the guards that the man was a member of the media. Following the incident, the photographer's editor-in-chief filed a complaint.

105. Several guards confirmed that in the past the Mayor's office had asked them to carry out identification checks before allowing media to enter a press conference. One guard said "[I] have asked for credentials before without any issues."
106. The Director acknowledged that staff conducted identification checks of the media at the November 14 press conference, and on other occasions as well, but explained that following the incident, Security ceased such a practice for the future.
107. According to Strategic Communications, accreditation is not required for most City-hosted media events. The Director also confirmed that the City does not engage in credentialing of the media. On the day in question, Security management was in the Mayor's reception area, when direction was provided by the Mayor's communications staffer to have Security check the credentials of any media wishing to attend the press conference.
108. In an email, the supervisor advised my office that they "objected to this direction and informed [the Mayor's office] that this was not [Security's] duty [but] would assist if Mayor's staff checked IDs." He went on to say that Security staff "assisted in trying to stop [press] members without credentials which resulted in a shouting match between our staff and members of the media."
109. While there is no policy requiring media accreditation to enter a press conference, in April 2011, Council passed a motion asking staff to report back on the following:

City Council direct the Chief Corporate Officer, the City Clerk and the Director of Strategic Communications to review with the President of the City Hall Press Gallery the implementation of a formal [media] Code of Conduct, including appropriate security badges to be worn by members of the media on a regular basis, security card access to Council reception areas in A, B and C, and any anomalies in terms of the access cards, and report thereon to the Government Management Committee.
110. The decision driving this proposal related to a report tabled in April 2011, entitled Councillor Protection at City Properties - Update. The report followed a security review directed by Council in the fall of 2009.
111. Further to Council direction, in October 2011, staff from Strategic Communications met with representatives of the press gallery to discuss a number of issues, including identification badges, access to second floor

Councillors' office area, and a potential Code of Conduct for members of the press gallery.

112. Following those discussions, the City Manager prepared a February 6, 2012, report to Government Management Committee. In it, he asked that Council approve the following recommendations:
 - Council approve a City Hall Press Gallery Accreditation Policy;
 - Council authorize the City Manager to take the necessary measures to implement the accreditation policy;
 - Council authorize him or his designate to make any changes to the procedures and be authorized to make any final determination on an individual's eligibility for a media badge or revocation of the badge.

113. The City Manager's report noted that,

Press gallery representatives indicated that their position is that journalists are already subject to employer Codes of Conduct. In their opinion a specific Code of Conduct for the Press Gallery is not required.

114. Notwithstanding the above, the report stated that the City is not precluded from imposing a Code of Conduct with respect to individuals accessing the second floor Councillors' area, if that was the direction that Council wished to provide to staff.

115. While a Code of Conduct was not formally implemented, the policy statement that introduces the Accreditation Policy reviews the expectations of the media who visit the second floor Councillors' area. It notes, for example, that visitors are expected to adhere to all City of Toronto policies, procedures and by-laws, and to conduct themselves appropriately at all times.

116. The Director stated that the absence of visible media credentials makes Security's job more difficult, particularly during press conferences.

Anyone can basically call themselves a member of the press. In the council chambers or more recently on the second floor, there should be some type of credentials...The difficult piece in dealing with press conferences is dealing with the disruption...you are in front of the cameras and stuff is happening...there's no responsibility to behave. No real complaint mechanism...It is best if we have some kind of awareness of who is coming in to the press conferences and whether they are coming in for correct reasons.

5.2.4 November 18, 2013 Council Meeting

117. After a Councillor was knocked over, two Security staff approached her to ask if she was all right. They reported she said that she was fine.
118. The Councillor told my investigator she realized later she must have been in shock. She sustained a bruise on her face and hurt her shoulder, subsequently receiving medical treatment for her injuries, which in her statement to my office continued for many months.
119. The Councillor asked Security for an investigation of the matter. She was interviewed on November 22, 2013 by the Director. She understood that he also interviewed and took statements from others who were in the chamber at that time, including members of the Mayor's staff.
120. The Councillor received a copy of the report on January 23, 2014, and thought "the conclusion" was incorrect. The Councillor said that "[i]n calling the incident 'accidental', it seems that the entire incident is being dismissed with a superficial report." She added that:

Although the attachment to the report mentions the interviews and written statement, it does not actually take into consideration the content of those statements.

121. The Councillor took issue with the depiction of the incident in the occurrence report that was initially prepared by Security. She disagreed with the wording that she "collided" with the Mayor.
122. She made her concerns known to Security, the CCO and my office, and requested that the wording of the occurrence report be changed to properly reflect the incident. The writer of the report was directed to put in a supplementary entry. This was done after he had reviewed a video of the incident. The supplemental report was dated March 11, 2014 and stated:

Upon review of the video footage seen in the media it was determined that Mayor [former] was running across the chamber floor when he in fact ran into Councillor [X] knocking her off her feet. The Mayor attempted to help her to her feet again. The Mayor later explained that he was rushing to the aid of [Councillor Z] who was involved in a heated exchange of words with [a] member of the gallery at the time.

123. The Director remarked that it was not unusual for a security guard to prepare a supplemental report if there was new information, or an investigation became necessary based on the initial iTrak entry. However, he said what

was unusual in this case was that the Councillor had indicated she did not like the wording of the report and asked to have it changed.

124. The Councillor remained dissatisfied with the revision. She said the report was essentially unchanged, despite instruction from the CCO, "that the investigation and report were inadequate and needed to be properly completed." She also objected to the final two sentences of the revised incident report, which she believed "unfairly exonerated [the former] Mayor" from any responsibility for the incident. These sentences were deleted from the final incident report written by a supervisor.
125. According to the Director, this was considered an exceptional incident. Normally incidents that require internal or criminal investigations are given to the Supervisor, Contract Security and Investigations. However, as the supervisor was not available, the Director conducted the investigation.
126. The introduction to the report described the purpose of the investigation:
 - I. To provide follow-up documentation to the incident;
 - II. To investigate the reason for the occurrence; and
 - III. To determine measures to prevent future occurrences
127. The Director took statements from a number of parties who had been present when the Councillor was knocked over and reviewed various videos of the event, including the official City of Toronto video. The Mayor was not interviewed as part of the investigation.
128. The Director told my office that he did not interview the Mayor because his actions were "obvious" and confirmed by many videos of the event. He believed it was unlikely that further information would be gained by interviewing him. He added:

I think that there are two issues in here. One is that his actions were very clear in this case. It is very obvious what precipitated the factor. It was very obvious that he ran and knocked over Councillor [X]. The value of what we were going to get out of the interview, it kind of outweighed the dealing with it...

I also wanted to make sure that we didn't interfere with anything that might happen from [the] Integrity Commissioner's perspective...

129. Although the Mayor was not interviewed, he made the following comments at Council after the incident. Those comments, set out below, were also included in the report:

I ran around because I thought [Councillor Z] was getting into an altercation. I apologized and I picked her up. I do apologize. I apologize to anyone I accidentally hit when [Councillor Z] was in an altercation over there. It was a complete accident. I do sincerely apologize to you Councillor [X].

130. The Director concluded:

Based on the above information, the probable explanation for the incident occurring was accidental. Based on the above information it appears that the Mayor left his standing area on the Council floor to come to the physical assistance of Councillor [Z], it [is] also probable that the Mayor was looking at the confrontation area and did not see Councillor [X] when he physically impacted her.

131. The Councillor acknowledged that the investigation carried out by the Director was thorough. However, she was dissatisfied that the report did not hold the Mayor to account for his actions and that the episode was described as an “accident.”
132. The Mayor was asked to comment on the incident by my investigator. He said that he could not remember being interviewed as part of Security’s investigation and rejected the characterization that he ran over the Councillor. He said that the matter, in his view, was “blown out of proportion”. He said he “briefly” apologized to the Councillor following the incident.
133. The Director was asked whether he had considered addressing the fact that running in Council might be considered reckless behaviour. He said it was not acceptable conduct, but that it was not his responsibility to conclude whether it constituted reckless behaviour. He stated that any complaint about the conduct of Councillors would be more aptly dealt with by the Integrity Commissioner.
134. Following this Council meeting, complaints were made to my office about Security’s non-intervention when the Mayor’s special assistant began filming the gallery. They believed the actions of the special assistant were meant to discourage them from speaking out.

135. The policies and procedures manual is silent on filming in the Council Chamber. This was confirmed by the Director. Section 23.19 of the manual states that photographs are permitted as long as the photographer uses discretion and does not disrupt the proceedings. Photographers may only photograph Council from the gallery and designated press locations.
136. The Mayor's special assistant said he started taking video of the gallery because members of the public were making "rude gestures" at the Mayor. According to the Mayor, individuals in the gallery were "shooting" video of him and Councillor Z and he instructed his assistant to record members of the gallery. The Mayor justified his actions as follows:

... if they [individuals in the gallery] can take pictures of me, I should be able to take pictures of them.
137. With respect to the video footage, the Mayor said he had done nothing with it. The special assistant said that he had deleted it, but could not say when he had done so.
138. The Director acknowledged that the public often films and streams video of Council meetings, which are then posted on social media. He maintained that an important distinction, however, is how the video is to be used.
139. The Director said that if the filming of the gallery by political staff is causing a disturbance, or is an attempt to intimidate the public, then it should be viewed as a Councillor Code of Conduct issue. He told my investigator that, although one might question why the Mayor's special assistant was filming the gallery, it is not an issue for Security to address.
140. A senior individual from the City Clerk's office believed that Security needed to be more "politically savvy." The witness added that when the Mayor's special assistant started filming the public, "Security should have realized this was a potentially disruptive action."
141. The City Manager said he thought Security should have reacted more quickly once the Mayor and Councillor Z began engaging the public. "We probably could have done a better job of controlling the situation."

5.2.5 Security on the Run

142. On March 19, 2014, after informing Security that the Mayor wished to hold a press briefing outside the main doors of City Hall, an escort route was planned to facilitate the Mayor's travel between his office and Nathan Phillips Square. Initially, he was to leave by the side door and walk along the Path to the food vendors' trucks on Queen Street. The route eventually taken was down the library stairs, through the cafe and onto Nathan Phillips Square.

143. Two guards escorted the Mayor. Also present were a reporter and a camera crew from the UK. They walked to the food trucks on Queen Street, at which point the City Hall press corps, consisting of approximately 20 individuals, saw the Mayor and ran to join the group.
144. This large group of media was described by witnesses as pressing around the Mayor, asking him questions. One of the guards called his supervisor to ask for backup, and a third guard was dispatched to the scene. The third guard said he could see a "swarm of people" in the square who were "yelling, swearing and cursing."
145. There was a guard on either side of the Mayor and one in front clearing the way on their return to City Hall. One of the guards described the situation as "chaotic" and admitted that he had safety concerns, as some of the media were walking backwards and could have tripped. He said he tried to prevent this from happening by pointing out potential hazards.
146. One of the media who had been present said he observed a guard cautioning cameramen to be careful and touching them "gently."
147. As the group entered City Hall, the Security supervisor said he observed the Mayor "moving fast, trying to get away from the media people." One of the guards said he heard a reporter yelling "answer the fucking question." Someone else can be heard on a video saying "guys, don't shout." The media questioning was described by an observer as "aggressive."
148. At this point, the Mayor can be heard on the video saying "let's go, let's go, let's go," as he began to run up the stairs. Everyone present – Mayor, Security and media -- began to run up the stairs. A cameraman was knocked down on the staircase. A security guard was knocked over and had his foot "trampled."
149. According to a guard at the scene, "it was not a safe situation." Another guard admitted that he had "safety concerns about the media, it was chaotic." He said that afterward, he asked members of the media, including the cameraman who had been pushed down on the steps, if they were alright and they said they were.
150. The third guard present stated there are formations that guards can make to deal with such situations.

This is where the training comes in and this is what we didn't have...We do not have that level of understanding.
151. A Strategic Communications manager stated that with so many media present, "the Mayor should never have gone out." The Mayor's chief of staff

disagreed. He said that the Mayor could not be expected to stay in his office every time media were around.

152. The Director acknowledged that staff were surprised when the Mayor began to run up the stairs in an attempt to elude the media. At least one security guard went running after the Mayor, which the Director conceded was an "incredibly wrong thing to do." He added that, "no one was expecting that [the Mayor] was going to take off and run which was incredibly difficult for us."
153. Security advised that there is no procedure on how to conduct security escorts. The Director explained that providing escorts is a basic security function. He noted that guards have the autonomy to provide escorts. If the request required additional resources, or was not a routine issue, then the guard would request and receive direction from the Security Control Centre and/or the supervisor. Security management noted that they have not traditionally dealt with escorting VIPs.
154. A media witness interviewed by my investigator suggested that, in a moving scrum, Security should be on the perimeter making sure there were no injuries. This issue was addressed in the supervisory report following investigation of the incident. It noted:

The general course of action for the Mayor's escorts is security staff standing on either side of the Mayor in an effort to ensure that none of the media asking questions, or cameramen, bump into the Mayor. As noted in numerous previous [video] clips, this strategy does not always work.
155. The unit has contemplated putting an escort procedure in place, but the Director stated that it is "very difficult for [Security] to encapsulate all scenarios into a procedure [that would be] understood and followed by all staff."
156. In the absence of a prescribed procedure, the Director explained that with the former Mayor, Security had asked that his office inform them a few days in advance of "something big" that was to take place, so that arrangements could be made to have the necessary resources in position. He advised that Security met with the former Mayor's chief of staff a number of times to discuss "security issues" and communication between the two offices. Notwithstanding these efforts, the Director explained that advance notice for security escorts remained a problem.
157. According to the Director, "one of the keys to providing a safe escort and protection to the Mayor is proper planning of the routes, times and actions." This was conveyed in a November 29, 2013, email to the chief of staff, in response to a request for a Security escort. The email went on to say that

the Mayor's office should coordinate with the Security supervisor for this and future events.

158. The Director explained that Security has dealt with past mayors, and provided escorts for them. However, he said that there had been more predictability. The Director explained that with previous incumbents, if an escort route was planned in advance, for example, it was followed.
159. Several Security staff, including the Director, noted that with the former Mayor, they did not have an opportunity to organize venues for press conferences and media briefings to ensure that the locations could be controlled safely. According to one guard, "the Mayor doesn't always listen and often acts in a spontaneous manner." Another said, "We may plan a route, but he can ignore it."
160. According to one Security staff member, the incident could have been controlled better if the Mayor's office had taken the advice of Security. He said that, "this has happened a lot [ignoring advice of Security] in the past three years, especially, more in the last year."
161. Following the incident, the guard who was first on the scene completed an incident report. The other two guards present filed supplementary reports, as did their supervisor. A management review referenced above was also undertaken.
162. On March 24, 2014, a group of senior staff including the DCM, CCO, Director, Strategic Communications, Manager, Strategic Communications, and the Director met to discuss the incident and put the following plan in place:
 - Additional training for staff on how to clear a path for the Mayor;
 - Meet with the Mayor's office staff to discuss what could be done to prevent these types of incidents;
 - Conduct a health and safety review of the area outside the Mayor's office;
 - Review any policies or guidelines regarding media conduct at City Hall.

163. Shortly after, the Director, Strategic Communication and the Director met with the press gallery president and another member of the media to discuss these plans. The Director, Strategic Communications, said that,
- They [press representatives] seemed satisfied that we were addressing the issue and indicated that they understood that staff were also in a difficult position.
164. On March 31, 2014, the Director met with City Hall security staff to review expectations for escorts and media protocol. Guards were instructed to give more verbal commands when on escort duty and not to follow if the person being escorted decided to run.
165. A further meeting was held with senior City staff in April 2014. Security committed to continue working with Strategic Communications and the Mayor's office to eliminate any points of contention. Security reiterated that the Mayor's office must share their weekly calendar with them to assist in planning security resources. The Mayor's staff agreed to advise Security about any possible escort duties at least 24 hours in advance.
166. Security brought in two external trainers to deliver enhanced use of force and provide escort training to City Hall security staff. The training was completed in May 2014.
167. Security staff who participated in the training said that the major learning they took away was that they were encouraged to be more assertive, use more commands, walk ahead of their escort, and keep their escort moving.
168. The Security management review was submitted to the Director on April 3, 2014. The report concluded that the following factors contributed to the incident:
- Extra media were on site due to the release of court documents concerning the Mayor. In addition there was a film crew from the Food Network who were filming the Mayor.
 - The request by the Mayor's office for a security escort happened only a few minutes before the actual event.
 - The media were bumping and pushing as they attempted to ask questions. About half of them were walking backwards to get shots of the Mayor.
 - The Mayor decided to run up the staircase.

5.3 The Adequacy of Security's Response to the Incidents

5.3.1 St. Patrick's Day

169. Two Councillors met with the CCO and the Director in mid-November 2013 to better understand the role of Security. They wanted to know whether Security had a mandate to guard the Mayor, or was concerned with the safekeeping of everyone.
170. They had questions about the 2012 St. Patrick's Day incident at City Hall. The Councillors wanted to know whether a report of the incident had been prepared.
171. Newspaper articles had reported that the security guard responding to the incident, emailed his superiors with a summary of the evening's events, but had stated that:

Due to the nature of the incident with the mayor, we will not be submitting any reports.

172. In a May 5, 2014 email to all guards and supervisors, the Director made this comment about the release of security reports related to the activities of the Mayor:

Basically anything that occurs above the norm needs to be reported. If a person has to pause to think if an issue is really an incident, then it is an incident.

173. Asked why a security incident report was filed as an email, the Director explained that the email was considered a security report. The Director said this information was shared with both the City Manager and the CCO and it was up to them to decide what action would be taken with future incidents.
174. The City Manager explained that, following news of the 2012 St. Patrick Day incident, he and other senior executives realized that they were not being apprised of incidents involving the Mayor and Security. They believed an escalation protocol was needed.

We discovered that there were some reports that never went any higher than the Director of Security...We revisited the protocol and the processes and made sure that anything to do with the Mayor moved up to the CCO and the CFO. Depending on the criticality of the security issue, I would be advised as well.

175. The Security Incident Escalation Protocol came into effect in December 2013.

5.3.2 Access Denied

176. Following the incident involving his photographer and Security, the editor-in-chief for the newspaper filed a complaint with Security. In his complaint, he wrote:

[the security guard] shoved [the photographer] against the glass and threatened to arrest him. He eventually relented and let [the photographer] pass.

City hall does not, to my understanding, issue media accreditation. [The photographer] has frequently taken pictures at city hall. It is unclear why he was singled out.

The current mayhem at city hall provides no justification for roughing up a member of the media who was simply trying to do his job.

177. The matter was investigated by the Security manager. As part of his investigation, the manager interviewed the Security supervisor (who did not witness the incident), as well as three guards who were present. He also reviewed the video of the incident. He did not interview the photographer.
178. My investigator examined the manager's investigation notes as part of our review. The manager interviewed the Security supervisor on November 23, 2013 "to get his perspective on what occurred inside the Mayor's office." He explained that the supervisor had arrived after the altercation started. The supervisor and a manager from Strategic Communications had confirmed the identity of the photographer and he was allowed into the press conference.
179. According to the notes, the supervisor advised that he had experienced a previous encounter with this photographer trying to gain access without credentials.
180. The manager's investigation notes indicate that the guard named in the complaint confirmed that Security was instructed by the Mayor's office to check the identification of media wishing to gain access to the press conference. He summarized the guard's recollection of the incident as follows:

While the door of the Mayor's reception area was open and media were showing credentials, [the photographer] "ducked in and tried to force his way in". While trying to

pass [the security guard] “stooped”[sic] [the photographer] and asked him for his press ID.

According to [the security guard], [the photographer] struck [the security guard] with his left elbow (just above the waist line) as he tried to continue past [the security guard], stating “I don’t have my pass with me. I’m with [his news organization].”

[The security guard] further advises that he stopped [the photographer] from further advancing, stood him up and [the photographer] began actively resisting (swinging his arms back and forth). [The security guard] said, “Stop the line” and was advising the [photographer] to get his press pass and he would let him in.

181. The guard stated that his manager viewed the video recording of the activity and confirmed the guard's account that he had been hit in the abdomen by the photographer.
182. The Director concluded that the guard’s actions did not constitute an excessive use of force. The guard said that he was, however, assigned to the security desk after the incident.

They pulled me away. They said 'we had a complaint and with this kind of situation we are going to keep you away.'

183. In his November 15, 2013 email to senior management, the Director reported that "I advised [the guard] that I had spoken with the Press Gallery President about a number of concerns and that for [the guard's] own protection he should be clear of any interactions between the Media and himself for a couple of weeks. [The guard] agreed."
184. One of the concerns raised by the complainant in this incident was that the guard had threatened the photographer with arrest. Nothing in the record that my office viewed spoke to this, or indicated that this was a line of questioning that was raised with the guard.
185. The Security manager forwarded a report to the Director after completing his review. A closing letter setting out the unit’s findings was sent to the complainant three months later. The Director explained that the delay was a result of a miscommunication between Strategic Communications and Security, as to who would be responsible for informing the complainant about the investigation results.

186. In the letter, the Director wrote that the guard said he did not recognize the [photographer] as a member of the media when he attempted to gain entry to the Mayor's press conference. He added that the photographer initiated the contact with the security guard, although "subsequent contact and any physical contact" with the media was "regrettable."
187. My investigator contacted the photographer and spoke to him about the incident. He confirmed that the manager did not interview him. The contents of the closing letter were shared with the photographer. He said he would have liked to have had an opportunity to speak to the manager in order to comment on the information which formed the basis for the Director's response.
188. The photographer contended that the guard's version of events were "absolutely not true." He maintained that it was "absurd" to think that he would intentionally "elbow" a security guard. The photographer said that the charge was an attack on his professionalism.
189. The manager said that he did not interview the photographer since he was looking into a complaint about excessive use of force, and that the video of the event showed the photographer trying to "sneak by" and gain entry to the press conference without stopping or providing identification.
190. Following this incident, the Director, Strategic Communications wrote to the Mayor's Director of Communications stating that the City had serious health and safety concerns, including possible fire code violations when the protocol lounge was used to hold press conferences.
191. According to the Director, this was the impetus for the inspection by Fire Services. That review established that the Mayor's protocol lounge could hold a maximum of twenty people.

5.3.3 November 18, 2013 Council Meeting

192. A number of the complaints to my office entailed the events of November 18, 2013, and Security's response to them. Complainants questioned why Security had not stepped in sooner to address the actions of the Mayor and his special assistant.
193. According to one witness, it seemed as if Security were bystanders even though the verbal exchanges were "very disruptive." The witness said, "I felt that there was real malice and the potential for violence."

194. Security was described by a witness as being “at a loss what to do.” Another observer at the meeting stated:

It seemed a bit strange to me that they weren't more involved.

195. Others questioned why the Speaker had not called the meeting to order as soon as the Mayor and Councillor Z started to interact with the public in the gallery. One witness said that if a member of the public had acted in a similar fashion, he would have been ejected from the chamber. Complainants alleged there appeared to be two standards of behaviour -- one for the public and one for the Mayor.

196. In response to why Security failed to take action against the Mayor and Councillor Z when the recess had been called, the Director said that in hindsight, it fell to Security to take action at that point, since the unit is responsible for the chamber when Council is in recess.

197. The Sergeant-at-arms said that he takes direction from the Speaker. He said that Security had restored decorum to the chamber shortly after and that the situation was under control.

198. The Director stated that while Council was in session, it was not appropriate for Security to act without direction from the Speaker.

199. Section 27-50 of the Code states that if there is a threat or imminent threat to the health and safety of anyone in a meeting, the decision to recess the meeting and order the room to be vacated rests with the Speaker.

200. The Code allows that, if the Speaker/Chair makes an order to recess and clear the room, the Sergeant-at-arms will immediately escort everyone, including Council members, out of the meeting place. When the recess was called at the November 18 meeting, the Director noted that Councillors did not leave the chamber. He suggested that if the Councillors had remained in their seats,

we would have had to deal with a lot less from that perspective. We can call additional staff to assist...but we don't have a giant pool of staff waiting in the back wings to deal with something like that [events of November 18]

201. The Director admitted that Security staff were taken by surprise. He advised that the Speaker called a “very quick recess.” According to the Director, a decision to recess would generally be preceded by a warning. He said Security was waiting for certain steps to be taken which had not happened. As a result, “everyone is kind of in react mode all of a sudden.”

202. The Director said that the events of November 18 were “unusual.” He added that, “[i]n my 22 years here in security, we haven’t had anything like this before.” He advised my investigator that the Speaker has “legislated responsibilities” set out in the Code. The law provides the Speaker with the ability to enforce order and good behaviour of Councillors, even ordering their removal, if s/he believes that they have failed to comply with the procedures by-law or a ruling. The Director believed that “if those [powers] were enacted earlier [in the session], [Security] wouldn’t have been in the position of trying to deal with that situation.”
203. Section 27-43 of the Code states that the Speaker is responsible for enforcing order in Council. If there is the possibility of public disorder, the Speaker can recess the Council meeting for a specified time. The calling of a recess is normally preceded by a warning.
204. The senior Security coordinator, as Sergeant-at-arms, assigned the task of reporting this incident to the guard who was present in the chamber. Neither individual observed the actual incident of the Councillor being knocked over. Both of them spoke to the Councillor immediately afterwards. The security guard wrote an incident report the same day. He described the incident thus:
- Councillor [X] reported sustaining a bruised lip after [former] Mayor and here [sic] collided.
- At approximately 15:30 hours the writer while posted at the members lounge in council overheard that Councillor [X] had been hurt. The writer advised the SS/O about the incident. The writer escorted SS/O to speak with the Councillor. Councillor [X] advised that she was alright and refused any further medical assistance.
- During the meeting [former] Mayor was advised to apologize for the incident. [The former] Mayor apologized.
205. On November 28, 2013, the City Clerk, the Sergeant-at-arms, the Speaker and the Director met to discuss their respective roles and responsibilities during Council sessions.
206. Following the meeting, the parties confirmed that the Speaker was responsible for upholding the conduct of Councillors in the chamber, in accordance with Council procedures set out in the Code. The Code confirms that the Sergeant-at-arms, who is appointed from Security, is to take direction from the Speaker to address disturbances in the chamber.
207. The parties also confirmed that the Sergeant-at-arms does not need direction from the Speaker in order to take action when Council is in recess.

208. The group decided that a second Sergeant-at-arms would be stationed on the floor of Council for the remaining meetings in 2014, as a means of providing additional security, and to allow a rapid and proactive response in the event of situations requiring Security's intervention.
209. The Director believed that there was heightened awareness on Security's part of the fact that a problem could arise at any time and that they must be more proactive, particularly during a recess when Security is in charge of the chamber.
210. On December 13, 2013, the Speaker sent a memo to Councillors reminding them of their responsibilities during Council meetings and attached highlighted sections from the Members Code of Conduct.
211. The Speaker wrote in part:

I have met with both the City Clerk and the head of security to review the protocols for conduct in the chamber. They will work to ensure that the necessary security measures are put into place to ensure the safety and security of all meeting participants.

212. The Director informed my investigator that if a similar occurrence were to arise in future, the Speaker was well aware that s/he is responsible for disciplining members and removing them from the chamber if necessary. The Speaker was provided with a script that set out the process so that it would be immediately available in the event of future disruption. The process was outlined in the Code described below:

If a member disobeys a rule in the procedures by-law or a Chair's ruling, the Chair:

- a. After the first time, gives a formal verbal warning to the member; and
- b. After the second time, calls the member to order.

If the member continues to disobey the procedures by-law or the Chair's rulings, the Chair immediately orders the member to leave for the rest of the meeting. If the member refuses to do so, the Chair may request that the Sergeant-at-arms remove the member.

213. Asked to comment on the November 18, 2013 events, the Speaker told my investigator that she recalled, "there was lots of disruption from all members of Council, the public and the media." She said it stopped after she called

the recess. She also stated that Security staff in general were very supportive of her role and carried out her directives satisfactorily.

214. The City Clerk said that:

It is essential that everyone be prepared in the event of emergency -- a bomb threat, a physical assault -- such as when OCAP [Ontario Coalition Against Poverty] members stormed onto the Council floor in 2008.

She said that it was obvious at that time that this threat was dealt with too late by Security.

215. She stated that, although the Speaker was responsible for protocol and the conduct of members while in session, she believed the Speaker could not be expected to deal with the gallery and the media as well. The City Clerk suggested that Security should have prime responsibility for ensuring that the noise from the gallery and the media level was not disrupting the business of the meeting. She stated that Security seemed to take action only when requested by the Speaker or herself.

5.3.4 The Status of the Special Assistant

216. During the events of November 18, 2013, aside from complaints about being filmed by the Mayor's special assistant, concerns were also raised with my office about the special assistant wearing a Security lanyard, thus identifying him as a public servant. The special assistant was working for the Mayor's office on November 18, but eleven days earlier, he had been employed as a part-time security guard with the City.

217. A newspaper columnist writing about the day's events described the Mayor's special assistant in this manner:

He [former Mayor] approached a strapping fellow who, it was said later, either worked in his office or was a security officer.

218. Complainants alleged that, if the special assistant was working for the Mayor, why would he be allowed to wear something that so clearly identified him as an employee of Security?

219. My investigation confirmed that the special assistant started working for the Mayor's office on November 8, 2013. Documents show that he last worked as a security guard on November 7, 2013. The special assistant said that he was still wearing his Security lanyard during the Council meeting because he

had not received a new one. He said he obtained a replacement the following day.

220. The investigator asked the Security supervisor about the protocol followed when someone left their job. The supervisor explained that an exit interview is usually held. Security policy specified that management was to obtain an employee's access card, keys and any other City-owned equipment from an individual whose employment with Security had terminated.
221. In this case, the special assistant's transfer to the Mayor's office was done with little notice, so Security had to "scramble" to complete the requisite paperwork. The special assistant was provided with a new ID card identifying him as an employee of the Mayor's office, but kept his Security lanyard. The supervisor said this oversight was rectified as soon as Security became aware of it.
222. The Director explained that he made it clear to the special assistant that his new position did not confer the same powers he had while working as a security guard. He also noted that the special assistant was reminded that he was not authorized to be on the floor of Council while it was in session.
223. Prior to starting the job with the Mayor, the special assistant worked part-time for Security as a guard. He said he was approached by the Mayor and told there was a position available as his driver. He applied and began working in his new capacity on November 8, 2013.
224. The Security supervisor learned of the transfer after he was called to the Mayor's office and told that the guard would be working for the Mayor. When asked if this was common, he replied that it had never happened before.
225. The supervisor said that his director, Legal Services, and Human Resources were consulted regarding the guard's hire and there was no opposition to the move. Following the transfer, the Director wrote to the special assistant on November 13, 2014, confirming that Security would allow him to return to his previous job once his position with the Mayor's office ended. The offer would be valid for 30 days after his employment with the Mayor's office ended. The Director explained that this was done at the request of the former Mayor.
226. The Director, Council and Support Services, stated that generally the hiring process for political staff would be initiated by the elected representative's office, who would submit a staff requisition form. The City Clerk's office would then prepare an employment contract. The Director said this process was properly followed for the hiring of the special assistant.
227. She advised that she was called to the Mayor's office on November 7, 2013, to complete and sign the special assistant's employment contract. That is

when she first learned of his hiring. She said that the period between his leaving Security on November 7 and starting with the Mayor's office on November 8 was not unusual. The Director explained that if the division was agreeable to a short notice period, then she did not see an issue.

228. A senior public servant noted that there should be a strict divide between political jobs and public service positions, and wondered why "the Mayor was able to take precedence by taking [the security guard] from the public realm."

5.3.5 Security on the Run

229. On March 20, 2014, the Director, Strategic Communications, met with the President of the City Hall press gallery (President), to discuss the March 19 incident. According to a March 21, 2014 email, the Director, Strategic Communications said the President advised her that the concerns he raised at the meeting were on behalf of the press gallery. She cited some of the issues he raised:

City hall security in this case (March 19th incident) was recklessly endangering the safety of media by pushing and shoving them.

City Hall security should not act as bodyguards for the Mayor. They are supposed to protect the safety of everyone, not just the Mayor. Security should not be trying to shield the Mayor from the media.

The Mayor and Security intentionally pushed media, causing at least one, a photographer from the Globe and Mail, to fall down.

The media are upset that city hall Security constantly walk in front of the Mayor blocking their shots of the Mayor.

Security should not be telling the media not to ask questions of the Mayor.

230. Following his initial meeting with the Director, Strategic Communications, the President spoke to her again, on March 24, 2014, and informed her that he would like to provide "an official statement" about the March 19 incident. This request was passed on to the Director in a March 24, 2014, email.

231. The Director responded via email on March 27, 2014. In it, he advised the Director, Strategic Communications to let the President know that:
- the best way to do this [provide information] is for the media to provide me in writing their statement as opposed to me sitting with them and writing it myself.
232. The Director, Strategic Communications wrote to the President on March 28, 2014 and informed him:
- Our head of security, [Director], has asked if you can put together a statement re your concerns about the media's safety during the incident involving the Mayor on March 19. He said it would likely be more accurate and faster vs. him interviewing you and then writing up the notes himself.
233. The manager finalized Security's investigation report, which detailed its follow-up actions taken in relation to the incident, without interviewing the President or any other member of the media.
234. When asked why the President had not been interviewed during the investigation, the Director said
- [t]hat was left in [the president, press gallery] hands to get back to [Director, Strategic Communications]. My understanding to date is he never got back to her with the additional information. From our side, it [the complaint] is dealt with from this point, but it is not concluded because we don't have the rest of the information. New information may come to light that shows us something different so we want to make sure that we are not saying this is completely closed off.
235. The Director, Strategic Communications said she did not know whether the President had provided a statement to Security as she had suggested.
236. The Director explained that the management review of the March 19 incident was also meant to address the concerns raised by the press gallery. According to the report, the investigator reviewed the incident reports, as well as CCTV footage, media clips and reports of the incident. He also interviewed the guards who escorted the Mayor at the time of the incident.
237. A review of the report indicates that the guards were asked to respond to some of the concerns raised in the press gallery complaint. For example, each of the guards was asked if they were pushing and shoving during the escort. All three answered 'no'. They were asked if they witnessed any

pushing or shoving. One said he believed another of the guards present had been "aggressive" and had twice pushed a reporter. Two said they witnessed some members of the media pushing or shoving each other.

238. No one from the media was interviewed about the incident.
239. The manager said that his review was unable to verify the concerns raised.
240. Following his investigation, the manager concluded that he could not substantiate the charge that guards told the media not to ask questions. He said guards were not deliberately blocking the media's "shots", but were positioned in front of the Mayor if his path was not clear, or if Security was responding to someone getting too close to the Mayor. He also stated that Security was not observed "pushing and shoving" the media in the video clips he reviewed.
241. Comments posted on social media by reporters covering the incident had a different view of things:
 - Mayor's security, city security were pushing us reporters back, being aggressive with reporters and cameramen. Lots of shouting, shoving.
 - City security again aggressively attempted to clear a path for the question-avoiding mayor. [Former mayor] shoved away [sic] cameras.
 - Mayor seemed to direct security staff to charge through the media. "Are you ready...Are you ready"
 - "I need some space!" [Former] Mayor to City Hall security before the media pushing started.
242. One of the three guards present during the event said that he was reassigned to the security desk following the investigation. He understood this was because of complaints received.

5.3.6 Security Guard or Bodyguard?

243. Critics of Security, who questioned its impartiality pointed to the actions of the guard (guard A) who was frequently seen at the Mayor's side. He was reported in the media as the Mayor's "constant companion" and "the omnipresent security guard."

244. Complainants contended that his attachment to the Mayor left the public with the impression that he was the Mayor's personal bodyguard. A June 2, 2013, Toronto Star article spoke to this:

In recent weeks, reporters say he [the security guard] has been attached specifically to the mayor, following him everywhere and spotted at least once in plain clothes outside City Hall with [former Mayor]. He's rarely more than a few feet away from the mayor, more like a secret service agent.

245. My investigator was informed that Security's practice was to assign escorts on a rotational basis. The guard's manager informed my investigator that guard A was not permanently assigned to the Mayor, but had been the staff person most often available when the Mayor needed an escort. Guard A told my investigator that he was always available to act as an escort because he spent between four and five hours at the security desk in the morning.
246. The Director stressed that security escorts were not limited to the Mayor. He said there was no specific procedure for providing escorts, but authorization was dependent on whether the request required additional resources, or was a routine action. If additional resources were required, the guard would request and receive direction from the Security control centre, and/or their supervisor.
247. The manager said that requests for escorts were not documented, as they were part of a guard's regular duties. He suggested that many such requests would be of short duration.
248. Regarding requests for escorts from the Mayor's office, he said that the chief of staff would contact the supervisor for assistance. This was confirmed by guard A, who said that his supervisor would be called with a request and the supervisor would assign a guard to handle the assignment.
249. Security reported that, at first, these requests would follow the process described above, but over time, calls from the Mayor's office for an escort bypassed the supervisor and went directly to guard A, who responded to the calls.
250. The Director stated that Security had considered refusing to escort the Mayor unless the process was followed but,

the real difficulty in the matter is...the individual is still the head of the City. He is still the Mayor of Toronto...So it's very difficult at the end of the day to say, no, we're not going to do it.

251. A former senior political staffer who witnessed the Mayor's interactions with Security, thought that the Mayor expected Security to act as his "bodyguards." This individual added that "the Mayor forgets that they [security] are there for everyone." Speaking about guard A, the staffer confirmed that the Mayor would call him directly or ask that he be assigned to escort him. The witness believed that this placed guard A in a difficult position because the guard did not have the ability to say no.
252. In May 2013, media reports began appearing about guard A and his relationship to the Mayor, along with documented "run-ins" with the press in the course of providing escort duty. One observer of City Hall put it this way:
- [O]ver time, we noticed that he [guard A] seemed to be the mayor's bodyguard. There was much more aggression...it was very clear...that the situation changed and he [guard A] became a different person, more focused on getting the mayor through things and stepping in front of people, a little rougher, a little firmer.
253. This person added that over the last 30 months, "there seems to be, and not [with] all of them, but some seem to be like the Praetorian Guard."
254. In November 2013, guard A was temporarily assigned to the security desk on a full-time basis. Senior staff explained that the move was made for the guard's "own protection" in order to de-escalate the "situation" with the media and not because he was doing a poor job.
255. On April 21, 2014, guard A provided assistance to the Mayor after the completion of his shift. This was contrary to procedure, which required guards to leave City property no more than 15 minutes after the completion of a shift.
256. The guard stated that his manager met with him the following day and questioned him about his actions. The manager concluded in his April 30, 2014 supervisory report that guard A had acted contrary to procedures in providing escort services when he was not officially on duty. Management also believed he had deliberately blocked the video recording of the apparently intoxicated Mayor accessing the garage in the underground parking lot and had not been truthful when questioned about his actions.
257. Guard A was transferred to another location.
258. Guard A believes he was treated unfairly. His account of the events on April 21, 2014 was markedly different from that of management.

259. He stated that he had worked from 7 am to 7 pm on Easter Monday; City Hall was not open to the public. The former Mayor visited his office during the afternoon. Guard A told my investigator that, at approximately 6 pm, the Mayor spoke with him at the security desk, inquired when his shift finished and asked him to "come on up, we'll have a chat" after 7 pm.
260. Guard A signed out at 7 pm and considered himself off-duty. He remained in uniform. He said he was aware that guards are supposed to leave their workplace within 15 minutes of the end of their shift, but "it's a public building and I was invited to attend the Mayor's office." He used his personal access card to enter the Mayor's office.
261. Councillor Z arrived while guard A was in the Mayor's office. Shortly after 9 pm, the Mayor said he wanted to leave. The guard said the Mayor was complaining of leg cramps and wanted to use the back stairs to the back entrance of the parking lot. They then walked up the ramp and Councillor Z and the Mayor got into his car. The guard stated the Mayor told him that he had had difficulty with his car hitting the top of the exit ramp. He directed them up the entrance ramp rather than to the exit for oversize vehicles.
262. He received an email from his supervisor the following morning, saying "something about 'I understand you spent a lot of time with the Mayor yesterday.'" His supervisor asked for a report of the events of the previous evening, which he provided. He said he indicated in the report that "I was meeting with the Mayor on my own time."
263. In his April 22, 2014 email to the supervisor, the guard stated, in part:
- I escorted the Mayor to his office at 14:30 hours from the Security desk, which is mentioned in the SOR [Security Occurrence Report]...At approximately 18:48 hours I was called by the contract Security to the 2nd floor. I attended and found out that he the Mayor [sic] had locked himself out of his office and provided access. I was invited to meet the Mayor after I finish my shift and I met him after 1900 hours.
264. Guard A stated he met with his manager on April 22 and 23. He said he informed him that the Mayor had asked him to go up to his office after his shift and he "did not want to be rude and refuse." He said he was not escorting him. His manager wanted to know why Councillor Z was called; who called him; who drove the Mayor's vehicle and why; whether the Mayor had been drinking; was intoxicated; had been witnessed using an illegal substance.

265. Guard A said he told his manager that he wanted to cooperate but that it was a "private meeting." He informed my investigator that he was concerned about reprisal. He was therefore unwilling to provide information on what transpired during his visit with the Mayor to his manager or to my office.
266. Another guard who was on duty at City Hall during the evening of April 21, 2014 wrote in an incident report created on April 29, 2014 that he interacted with the Mayor at approximately 8 pm, during the time guard A was in the Mayor's office, and noted that the Mayor appeared to be intoxicated.
267. The President of the press gallery said that it would be wrong to "scapegoat" guard A. He believed that management should have recognized much sooner that the guard was too close to the Mayor and should have moved him away from this "influence." He added that the guard's manager ought to have understood this and management should be held accountable.
268. When questioned why it had taken so long for Security to take action, the Director said he understood guard A's supervisor had spoken to him on a number of occasions, although there was nothing in writing. He also said that guard A was advised to stay away from the media and the second floor [where the Mayor's office is located] as "there were tensions arising between [guard A] and the media."
269. The former Mayor acknowledged that the job of Security was to ensure that both the public and city are safe and protected. He told my investigator that Security should also be responsible for protecting Councillors and their staff. Regarding his relationship with the guard, the Mayor denied they were friends. He said that he never made a request to have the guard work with his office, but he stressed that he felt "safe" when his special assistant and guard A were present.
270. My investigator reviewed emails from the Mayor's staff in which requests to have this security guard provide an escort for him were made.

5.3.7 Drinking Water at a Public Meeting

271. Mr. B advised that he was hurt by his experience in the committee room on January 15, 2015. He submitted a complaint to the City Manager, following which he met with the CCO and the manager, Security and discussed the incident. The CCO told Mr. B that in future they would make the water more accessible.
272. Mr. B was unhappy with the response he received from the CCO. He believed he was entitled to an apology and would like written clarification of the procedures at City Hall surrounding the availability of water at public committee meetings.

273. The guard with whom Mr. B primarily interacted, stated that the security restrictions in the committee room had changed recently and that the water was now in an area not available to the public. He said he informed Mr. B when he first approached the table that the area was restricted to Council members and staff. He said his supervisor attended at that point and informed Mr. B that the practice had changed.
274. The guard said he cautioned Mr. B several times. He said Mr. B then began to yell. The guard directed him to leave because he was causing a disturbance. The guard told my investigator that "he was screaming at me, face to face, cursing and saying derogatory words." Two other guards approached to assist. The first guard said he tried to have him leave the room, whereupon Mr. B "threw the water in my face." He was placed in handcuffs and removed. Police were in attendance. The guard's supervisor informed Mr. B that he was barred from City Hall for the remainder of the day and escorted him out.
275. The statements provided by two other guards who witnessed the incident confirmed the account provided by the first guard. They stated that there had been a heightened level of security since recent events in Ottawa. OCAP was also in attendance at City Hall that day; the guards were aware that there had been incidents related to OCAP in the past.
276. The supervisor who was present in the committee room stated that the location of the water in the room had not changed. What had changed was the level of security that day and the restrictions that had been put in place.
277. The supervisor said he has had encounters with Mr. B many times. He has found him "very difficult to deal with". However, he had always been able to calm him down on those occasions.
278. He stated "[the guard] acted exactly the way we wanted him to act. He was not trying to intimidate him."
279. The Director said he understood that the level of disruption caused by Mr. B required a recess in the meeting's proceedings. He believed Mr. B should have been arrested for assault as well as causing a disturbance.
280. Councillor X was present at the time of the altercation. It was her impression that the guard, whom she did not recognize, made no attempt to de-escalate the situation. Rather, he invaded Mr. B's personal space – "a big mistake" -- and almost seemed to be egging him on.
281. Councillor Y also observed the event. She said Mr. B is well known to the guards at City Hall, and that Security should have recognized that they needed to be vigilant with him. She said his behaviour was disruptive and

"obstructionist." She did not recognize the guard who dealt with Mr. B, but it was her impression that he showed tremendous restraint. She stated, however, that the incident did require de-escalation. She suggested that the guard could, for example, have accompanied Mr. B while he got some water.

282. A director who witnessed the events also said he did not recognize the guard who interacted with Mr. B. He said Mr. B is known at City Hall, and should have been familiar to Security. He described Mr. B as vocal, but said he had never acted in an aggressive or threatening manner.

283. He said there was no signage indicating that the water was in a restricted area. Mr. B tried to "breach the perimeter" and when stopped, began yelling that he was a diabetic. When he saw that a disagreement was starting, he got a glass of water for Mr. B. He recalled that the guards then would not let Mr. B return to his seat. He said the guard was reaching to grab Mr. B as he tried to sit, and this was when the water was thrown.

284. He stated that Security's reaction was well beyond what was needed and was the reason the situation escalated as it did. He said:

I have never seen anyone prevented from getting a glass of water.

285. He believed the incident should be used as a 'lesson learned' case for de-escalating situations with the public.

286. The City Manager said he thought the situation with Mr. B was poorly handled and that he should have been provided with water. He was confident, however, that while, "we'll have the odd [Mr. B] situation, we've come a long way in getting security staff to understand their role. I understand they will have regular training, but I think it's more about policies, roles and responsibilities...Management instructed security management to ensure that there were appropriate training adjustments."

5.4 Complaints about Security's "Politicization"

287. Members of the public, media, and Councillors complained to my office about what they saw as the "politicization" of Security. They believed that Security had changed from its stated responsibility of "protecting the health and safety of employees, clients, and the public who utilize City services," to one where the focus was on protecting the Mayor. One witness suggested that Security had been intimidated by political staff into doing things that were beyond what they were required to do.

288. The following two emails are representative of their collective views:

1. May 31, 2013 email to Director, Strategic Communications:

City hall security is looking more like a private security/media aversion detail for the mayor these days...Need to talk to head of security or appropriate person today about role of city security and the mayor. Also, security and the media here [at city hall] in general.

2. June 17, 2013 email to City Manager and Director, Strategic Communications:

One element, then, is the politicization of city staff. We already have a city hall security person in plainclothes acting as a bodyguard for the mayor while he is putting fridge magnets on cars

289. Following a number of incidents involving Security, several of which have been referenced in this report, residents and media took to social media and other news formats to express their displeasure with Security's actions. A sampling of their comments include:

- City security guards acting like aggressive celebrity bodyguards is obviously offside
- City hall security does what [former Mayor] tells them
- Didn't realize that City Hall Security's job was facilitating assault of people in public space

290. An editorial in the July 12, 2014 Toronto Star reads:

...there's a fine line between providing city hall security and acting like celebrity bodyguard goons.

Complaints about aggressive behaviour are piling up not only from ink-stained wretches but also from the public and city staff...Security officers have also run interference for the mayor by shielding cameras and blocking access to public areas...

...They are city employees, not personal bodyguards and should behave accordingly.

291. In response to the above comments, the CCO stated:
- [t]hat it is difficult to balance the competing rights of the media for access, the mayor's office for a harassment-free environment, and security's requirement to provide a safe environment for everyone.
292. The CCO believed Security knew its role and was focused on the safety and health of everyone at City Hall. She suggested several ways to address the balancing act: Security should always be looking at continuous improvement, setting up proper protocols, responding proactively, and planning (security) events so that it is able to control the situation.
293. While acknowledging there is room for improvement, the CCO believed that Security had become more proactive while still maintaining "proper process and protocol."
- We have more guards in place, more access to guards if we need further enforcement... There has been a lot of education after the fact, training... reiterating and fine-tuning the escalation process.
294. The CCO said she also tries to be receptive to concerns from frontline staff about training, resources and other needs.
295. A City Clerk employee said the former Mayor was just like any other Councillor and should not need special treatment from Security. The witness hoped that Security was also spending time to review their core functions to determine whether the job had changed over the preceding years.
296. In a July 17, 2014, article that appeared in the Toronto weekly, NOW magazine, a spokesperson from Strategic Communications was quoted as saying "that security guards aren't expected to take orders from the mayor or any politicians." The representative went on to say, "it is the role of City Hall security to reduce risks and help ensure a safe environment for all."
297. The DCM confirmed that the media attention was "unprecedented." He said that Security tried to be proactive, by doing advance planning based on scheduled events, but that the former Mayor's "impromptu" actions made planning difficult.
298. He also pointed out "the security guards are just that and [they are] not highly trained escorts or police officers..."

299. The CCO offered a similar comment, saying that it was important to remember that the employees tasked with providing security "are guards, not officers".
300. A member of the media acknowledged that Security is generally responsive to the concerns brought forward by the press, but made the observation that they were not proactive and seemed to need complaints before they would act.
301. A manager in Strategic Communications saw the environment at City Hall as a "challenging problem" in that safety concerns were paramount, but they were well aware that the media needed to be able to do their jobs as well. The manager suggested that the Mayor's office should issue predetermined media availabilities so that the press did not need to wait all day hoping for a sighting or comment.
302. Security staff interviewed by my investigator all stated that they understood their job was to ensure the safety of everyone on city hall property. One guard said that during training, Security's mission statement was drilled into them, namely, that they were responsible for protecting both external individuals, such as members of the public and the media, as well as staff and politicians.
303. According to a Security manager, protection for the former Mayor had been increased, not just to protect him, but everyone around him as well.

5.5 The View from Inside

304. The Director stressed that:

the main focus is the security of everyone... some members of the media are saying we are protecting the [former] Mayor too much. The Mayor's office is saying we are not protecting him enough... let's focus on what our core duties are and stick to our core duties...
305. He stated that the Mayor had a higher profile than Councillors and others at City Hall. He was constantly surrounded by the media and under greater threat. He therefore required greater security.

306. This sentiment was reiterated by the security guards my investigator interviewed and they offered the following representative comments:
- It was Security's job to ensure everyone's safety at City Hall
 - Security's job is to protect everybody -- public, staff, and councillors.
 - Health and safety is their prime responsibility
307. One guard complained that management did not do enough to support them. He said he often provided escorts for the Mayor. At the time of the interview with my investigator, he explained that he had not received special instruction or guidance on providing escorts for VIPs and relied on his previous security training and experience when performing escort duty. Another security guard said, "they [security guards] needed training in escort duty. It took a while to get, but it was eventually provided."
308. The Director advised my investigator that guards were provided with supplementary training on crowd control and media relations in May 2014.
309. One guard believed the way the media had portrayed them was wrong. He said the media would "block, push and shove me out of the way," in order to get access to the Mayor. He said that when he could not move, the Mayor could not move.
310. This guard spoke about the issue of "health and safety" for security staff providing escort duty. He said that he raised the matter with management in the context of installing security cameras near the elevator opposite the Mayor's office. He believed that if installed, the cameras would allow management to see the nature of the interactions between Security and the media. He advised that this proposal was not acted on by management.
311. The Director said it was installed but could not say when.
312. One suggestion by a security staffer was to negotiate a protocol with the media. One of the basic tenets of such a document would be an agreement that if an individual did not wish to be interviewed, then the media should "let that person go" and not physically block their movement to force the individual to respond to questions.
313. The DCM stated that Security had taken the following steps to better equip guards to deal with the City's increased security needs:
- Clarified protocol;
 - Reinforced with additional training;
 - Established open communication.

5.6 Role of Security in other Jurisdictions

314. My office reviewed the approach to security used in six other Canadian municipalities – Ottawa, London, Montreal, Vancouver, Mississauga and Brampton.
315. None had dedicated security staff for elected officials or mayors. We determined that corporate security services were generally housed within divisions responsible for facilities management. Management positions in corporate security were normally City staff, but the cities surveyed used a mix of contract and City employees as security guards.
316. Security was provided in the same manner for public servants, elected officials and the public. Generally, the emphasis of corporate security services was on the security of City property and everyone on that property, regardless of position.
317. All of the cities surveyed had corporate communications units that liaise with corporate security to organize events like press conferences and media availabilities. Corporate communications units, in coordination with corporate security, determine security needs for these events.
318. Most of the cities surveyed required advanced training for their guards in a variety of techniques such as de-escalation, non-violent crisis management, and crowd control. Only one city surveyed provided training in advanced use of force that included making arrests.
319. All municipalities surveyed investigated conduct complaints against guards in-house, with specific procedures depending on the severity of the allegations. Four of the six municipalities used security guards licensed under provincial private security guard legislation. Conduct complaints against the guards in these cities could be investigated by the provincial licensing body, which was able to revoke licenses or refer complaints to the police. None of the four cities communicated this recourse to the public.
320. Of the five largest cities in North America, Toronto was the only one without a security detail. The mayors of Chicago, New York, and Los Angeles, for example, have full-time security teams who are responsible for protection of the mayor.

6.0 Ombudsman Findings

321. The *City of Toronto Act* prescribes that my function is to investigate complaints about the administration of city government.
322. This was not an investigation about the Mayor or his staff. The Ombudsman has no jurisdiction to review or investigate the actions of elected officials.
323. My review was in response to complaints received about Security's effectiveness, its adherence to policy, concerns about favouritism and the impartiality of the unit.
324. However, the influence that the former Mayor's office had on Security's ability to fulfil its mandate cannot be ignored. It provided the context of this investigative review.
325. I am aware that the Mayor's unpredictability was without precedent and created challenges. Security had no reference points. Their capacity was stretched. This brought with it an assortment of logistical problems that made the job of security that much more difficult. To be fair to Security, my findings are perforce described against this backdrop.
326. Security staff perform a critical function at the City. Their job can be difficult. I have no doubt that the majority follow procedures and behave fairly and professionally.
327. Notwithstanding, my investigation found that Security was slow to respond and its approach to dealing with the incidents identified in this report was reactive and fell short of expectations.

Too Little Too Late

328. In a 15 month period between May 2013 and August 2014, the City received 16 complaints from the public, compared with approximately 10 in the preceding four year period. These complaints alleged harassment, one-sidedness and favouritism by security staff, lack of protection of the Mayor, lack of enforcement and the need for an enhanced security presence on the second floor of City Hall.
329. It should have been evident to Security by mid-2013 that the climate at City Hall had changed. It was no longer business as usual. The media were ever-present and were not going away.
330. Security procedures and staffing that had worked in the past were no longer adequate. Security ought to have addressed this reality in a more timely manner.

331. Aside from the requirement to brief senior City staff, including the City Manager, when serious security incidents occurred, there is limited evidence that procedures or policies were sufficiently changed to deal with the new environment.
332. Even the Security Incident Escalation Protocol was slow to come into being. Senior managers identified the need to escalate reporting of serious incidents following the events of St. Patrick's Day in 2012, yet the protocol did not come into effect until December 2013, more than 18 months later.
333. Existing practices were not enforced. Evidence from guards indicates that they did not feel adequately supported by management, and that they were expected to handle situations for which they did not feel sufficiently trained. They also believed they were being held responsible for incidents over which they had no control.
334. How did it happen that one guard at City Hall became synonymous with the Mayor's security?
335. There was a practice in place by which the Mayor's office would make a request for an escort to a Security supervisor, who would assign a guard.
336. There is a complement of security guards available to cover three shifts at City Hall. I understand that they all provided escorts for the Mayor from time to time, yet none were featured as prominently as guard A. Somehow, the process was allowed to change. The Mayor's office ignored practice and requested this guard specifically. The guard in question complied. Security management condoned this by not enforcing the escort assignment and rotation practice.
337. Concerns about guard A's interactions with the press first surfaced in May 2013. There is little evidence that any action was taken by management until six months later, when the guard was temporarily assigned to the security desk in an effort to keep him away from the media and the influence of the Mayor's office.
338. Eventually, in April 2014, guard A took it upon himself to decide how best to accommodate the unprecedented demands of protecting the Mayor. There would have been less risk of this happening had management acted sooner by enforcing the escort practice in place and managing the employee more proactively.
339. Security did not believe it could question the Mayor, since he was the "head of the City." The guard expressed a similar sentiment.

340. While I am hugely sympathetic to the difficulty created by the power imbalance, this was wrong.
341. This story is an illustration of the impact that the inappropriate use of power has over people who are not in a position to speak up. The job of the civil servant is to implement the will of Council, deliver on its public policy imperatives and programs, provide best advice and act in an impartial manner at all times.
342. The City's Charter of Expectations says, in part, that public servants will:
- Conduct their professional duties with integrity uninfluenced by threat of reprisal or expectation of favour.
 - Perform their duties impartially, always placing public good before individual or self-interest.
343. The Public Service By-law, enacted in June 2014, was intended in part to address the very issues exposed by this investigation. By-law 993-2014 articulates the obligations and responsibilities of civil servants. What it is not able to achieve is how the civil servant is to comport him/herself in the face of requests from an elected official.
344. The guard was not in a position to say no to the Mayor's requests. Management took the path of least resistance between May and November 2013, and allowed the guard to function as if he was the Mayor's dedicated staff. He acted as a personal bodyguard rather than an impartial City employee. It certainly raised that spectre in the public's mind.
345. It is one thing for front line staff to accede to such requests. It is quite another for management to take this hands-off approach. The latter had a responsibility to ensure that it was safeguarding the public and City Hall staff as a whole.
346. While management may have raised the matter informally, there is no indication that it seriously considered refusing to provide the Mayor with an escort if he did not follow procedures. This was wrong.
347. While guard A acted improperly at times, he was placed in a difficult position where management seemed unable or unwilling to confront the Mayor's office. The guard was certainly not entirely responsible for the fact that media questioned his frequent presence with the Mayor in 2013.
348. Management bears some responsibility for the fact that the guard eventually acted inappropriately. It allowed the guard to act without consequence for too long.

349. This failure to act had repercussions. It created an unsafe work environment for the guards, staff, elected officials, the public and the media.
350. Several guards told my investigator that they took steps to protect themselves from retaliation by the Mayor for reporting bad behaviour. Guard A who provided regular escort service did not feel he could refuse assignments that came directly to him rather than through the rotation.
351. The sufficiency and timing of the guards' training came up a number of times during the investigation from a variety of sources.
352. There were comments from employees that management did not do enough to support the guards called on to do escort duty for the Mayor. Several guards said that they needed specialized training in escorting VIPs and crowd control to deal with the media throng that was a daily occurrence by the middle of 2013. This training was not provided until May 2014, nearly a year after the problem became clear.
353. Why did management not address this issue more quickly, in order to assist staff and avoid potential health and safety complaints or worse?
354. As the increased demands placed on Security became apparent, training should have been arranged, both to support staff and to develop their skills.
355. Management had a duty to act in a timely manner. It did not do so.
356. It is important that Security also assess ongoing training needs. This is illustrated by the incident with Mr. B.
357. Given the heightened security level, increased tension should have been anticipated. I note too that the procedures for accessing water in the committee room were changed with no signage or warning to the public.
358. While the accounts of the Mr. B event are mixed, there is evidence to suggest that the guard's response was confrontational and served to escalate a situation that could have been contained with a different approach.
359. The Council meeting of November 18, 2013, is another example of too little too late.
360. According to the policies and procedures manual, the Sergeant-at-arms is generally responsible for ensuring the safety of the Mayor, Speaker/Deputy Speaker, members of the public and Council throughout the proceedings.

361. The policy implies that the Sergeants-at-arms should be proactive in situations for which they are responsible. The conduct of anyone in the chamber, including elected officials, is within their purview. Security stated that only the Speaker may issue a warning or call a recess. However, the Sergeant-at-arms is permitted to advise the Speaker if he notices disruptive behaviour, regardless of the source. This would include conduct such as yelling or insulting remarks.
362. When a member of the Mayor's staff began filming the public who were in a verbal altercation with the Mayor and Councillor Z, it quickly became apparent that the actions of the Mayor's special assistant escalated the problem. As one witness noted, "Security should have realized that this was a potentially disruptive action."
363. It would have been prudent at that moment, with Council in recess, for Security to intervene with the parties in conflict. This did not happen.
364. With the benefit of hindsight, Security has acknowledged that once the Speaker had called a recess, it fell to them to take action, since it was responsible for the security of everyone present.

Security Investigating Itself

365. Security's follow-up investigation was incomplete.
366. The November 18, 2013 incident at Council was considered "exceptional." An investigation was therefore conducted by the Director. It consisted of a number of interviews with witnesses and a review of numerous videos depicting the event. It was a thorough investigation except for the failure to interview the former Mayor.
367. The Director believed that nothing of significance would be gained from interviewing him. The Director was also concerned about inadvertently affecting any potential review or investigation by the Integrity Commissioner.
368. Regardless of whether he had something to add, the Mayor was a central figure.
369. The Director's rationale for not interviewing the Mayor is incorrect. I think it is presumptuous of an investigator to assume that s/he will know with certainty what a witness will say, particularly one that is central to an issue under investigation.
370. Failing to interview a central witness as part of that investigation was wrong. I am not impugning motive on the part of the investigator in this case, but the decision not to interview a key witness could be perceived as a "professional

courtesy” or providing preferential treatment to a witness based on his standing. Neither approach inspires confidence.

371. I am not persuaded by the argument that an interview with the Mayor would have interfered with a potential review by the Integrity Commissioner. An investigation by that office would be focused on whether the Mayor breached the Members Code of Conduct. The supervisory report and investigation summary prepared by Security did not address this, so it is not evident to me how interviewing the Mayor could adversely affect any review by the Integrity Commissioner.
372. The failure to interview a significant witness in response to a complaint is not limited to this incident.
373. When investigating the November 14, 2013 excessive use of force complaint, the Security manager failed to interview the photographer who was a key witness. Would speaking to this individual have changed the outcome? We do not know the answer to that question, because the photographer was never interviewed.
374. In another complaint, the head of the press gallery, after meeting with the Director, Strategic Communications about the March 19 incident, contacted her to let her know he wanted to make an official statement. The request was conveyed to the Director, who responded by saying he preferred to have the witness submit his statement in writing.
375. One could argue that if someone was serious about making a complaint, it would not be unreasonable to request that the complainant put his concerns in writing. However, in this case, the complainant had already made his concerns known and Strategic Communications had summarized the complaint issues in an email on which Security was copied.
376. When asked about the status of the complaint, management said that "from our side [the complaint] is dealt with...but it is not concluded because we don't have the rest of the information."
377. Security had the individual's coordinates and could easily have obtained the additional information. It should have followed up.

Impartiality is Paramount

378. Security had a perception problem. In the eyes of the media and many members of the public, it was viewed as an extension of the former Mayor's office, whose main objective was to protect the Mayor.
379. Some of the criticism levied at Security was warranted.

380. Allowing one guard to be seen as the Mayor's dedicated staff was a mistake.
381. Employees took steps to report problematic incidents in a manner that limited access to the information.
382. The incident on St. Patrick's Day 2012 fits that description. The decision not to prepare an occurrence report in response to a late-night incident involving the Mayor does not reconcile with the Director's approach, which is to write up a report for "anything above the norm."
383. We were advised that this happened again just before St. Patrick's Day in 2014.
384. The lanyard worn by the special assistant while filming the public identified him as a member of Security. Many people concluded that he was filming them in his capacity as a public servant.
385. A number of the public felt intimidated by the special assistant's filming of those voicing their opposition.
386. There has to be a clear distinction between individuals employed by the public service and those employed by elected officials. It is fundamental that the public service be, and be seen to be, non-partisan.
387. There were many instances where Security was perceived to be favouring the former Mayor. The request to check credentials at the November 14, 2013 press conference was one such example.
388. The current media accreditation policy does not require credentials for most City-hosted events. Accreditation is not normally required at press conferences. Even on the second floor Councillors' area, where security is tighter, it has been acceptable for members of the media to sign in if they do not have City Hall identification.
389. The impartiality of Security is of paramount importance. This sentiment is endorsed by Security staff. They maintain that they are responsible for protecting everyone, employees, elected officials, the media and the public. No one group should be favoured over another.
390. It is imperative that Security conducts its operations and treats the public it serves with fairness, and that it be in a position to respond professionally, sensitively and effectively when challenging situations arise.
391. The Mayor does not have a security detail. This approach is similar to that followed by other Ontario municipalities. No Canadian municipality surveyed

by my office has a security staff dedicated solely to the protection of "elected" officials. By contrast, several large cities in the United States, such as Chicago, New York and Los Angeles have full-time security responsible for protecting the Mayor.

392. If it is the wish of Council to devote resources to a security detail for the Mayor, that is its prerogative. However, this is not the system that is currently in place.
393. The City should not rely on the fact that the immediate impetus of the heightened security issues is no longer present. There are undoubtedly greater security risks for elected officials and Security must ensure it is well-trained, skilled and better prepared to protect all those within its purview.

7.0 Ombudsman Conclusions

394. Toronto Municipal Code Chapter 3, 3-36 provides that the Ombudsman, in undertaking an investigation, shall have regard to whether the decision, recommendation, act or omission in question may have been:
 - a. Contrary to law;
 - b. Unreasonable, unjust, oppressive or improperly discriminatory;
 - c. Based wholly or partly on a mistake of law or fact;
 - d. Based on the improper exercise of a discretionary power; or
 - e. Wrong.
395. I have considered these definitions in reaching my conclusions.

During the term of the former administration, the City acted unreasonably by providing security services that were deficient in the following respects:

- a. Security did not fulfil its mandate to provide equitable protection to all individuals, including elected officials, public servants, the public and the media;
- b. Security improperly permitted the former Mayor's office to direct the assignment of specific personnel to serve as dedicated staff for the Mayor;
- c. Security did not respond correctly to inappropriate requests from the Mayor's office;
- d. Security did not follow its own procedures and practices;

- e. Security failed to provide timely training in response to significantly increased requirements;
- f. Security omitted to thoroughly and impartially investigate complaints.

8.0 The City's Response

396. Prior to finalizing my report, I notified the City of my tentative conclusions and recommendations and provided the City Manager with an opportunity to make representations, pursuant to section 172(2) of the *City of Toronto Act, 2006*.
397. Following discussions and several meetings with City officials in which some matters were clarified, the City Manager responded in writing on April 27, 2015 (see Appendix A).
398. In that response, the City accepted my recommendations.

9.0 Ombudsman Recommendations

399. Taking into account all of the evidence gathered through this investigation, I am making the following recommendations.
- 1. That Security ensure its personnel are properly subject to management's direction and not that of elected officials.
 - 2. That the City ensure Security policies and practices are adhered to by all involved parties.
 - 3. While Security has in place a practice, it should consider establishing a procedure for providing escorts.
 - 4. That, if a procedure is established, the City provide the Ombudsman with a draft of this process by August 1, 2015, and a finalized version by September 1, 2015.
 - 5. That the City review on an ongoing basis the skills and resources needed by Security, and supplement them as required.

6. That Security ensure those responsible for conducting complaint investigations possess the requisite skills and knowledge to do so.

(Original signed)

Fiona Crean
Ombudsman
April 27, 2015

Appendix A: The City's Response



Joseph P. Pennachetti
City Manager

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April 27, 2015

Ms. Fiona Crean, Ombudsman
375 University Ave, Suite 203
Toronto, ON M5G 2J5

Re: File # 8010

Dear Ms. Crean,

I have reviewed the draft report, An Investigation into Toronto City Hall Security, sent to me on April 2, 2015 for review and response.

Based on an unprecedented time, City Hall security was in a difficult situation at times in the last administration. That said, we believe in continuous improvement and fully support the recommendations that you have made.

We appreciate the support of the Ombudsman's Office as we worked through the review of the final report. You have a commitment from City Manager's Office and the Office of the Chief Corporate Officer to continue to work cooperatively with your office throughout the implementation of your recommendations.

Yours truly,

A handwritten signature in blue ink, appearing to read "J. Pennachetti".

Joseph P. Pennachetti
City Manager

c: Rob Rossini, Deputy City Manager and Chief Financial Officer
Josie Scioli, Chief Corporate Officer



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