
REPORT TITLE: 9-1-1 Misuse/Negligent Call Reduction Strategy and Enforcement Tools

FROM: Patricia Caza, Regional Solicitor and Commissioner of Legislative Services

RECOMMENDATION

1. That Regional Staff continue the development and implementation of a comprehensive strategy that combines education, community outreach, technology enhancements, and advocacy targeted at addressing 9-1-1 call reduction and misuse to be brought forward to Council for endorsement; and
2. That the Regional Chair, on behalf of Regional Council, write a letter to the Minister of Health advocating for legislation to be enacted by the Province to address misuse of the 9-1-1 system and lack of effective enforcement tools in Ontario.

REPORT HIGHLIGHTS

- The number of 9-1-1 misuse and negligent calls managed by the Peel Region Public Safety Answering Point has reached a critical volume.
- Misuse is a broad, catch-all category that captures calls received that are non-emergency, including auto-theft or pizza calls.
- Provincial legislation in other provinces addresses misuse of 9-1-1 systems by making it an offence in those provinces. Such legislation has not yet been passed in Ontario.
- While various municipal enforcement tools may be implemented in the absence of provincial legislation to reduce misuse/negligent 9-1-1 calls, issues with jurisdiction, enforceability, and resourcing will pose a significant challenge to the effectiveness of these strategies.
- Continued implementation of a comprehensive strategy combining education, community outreach, technology enhancements, together with provincial legislation enabling effective enforcement tools would be more likely to have a greater impact in reducing misuse/negligent 9-1-1 calls.

DISCUSSION

1. Background

a) How the 9-1-1 System Functions in Ontario

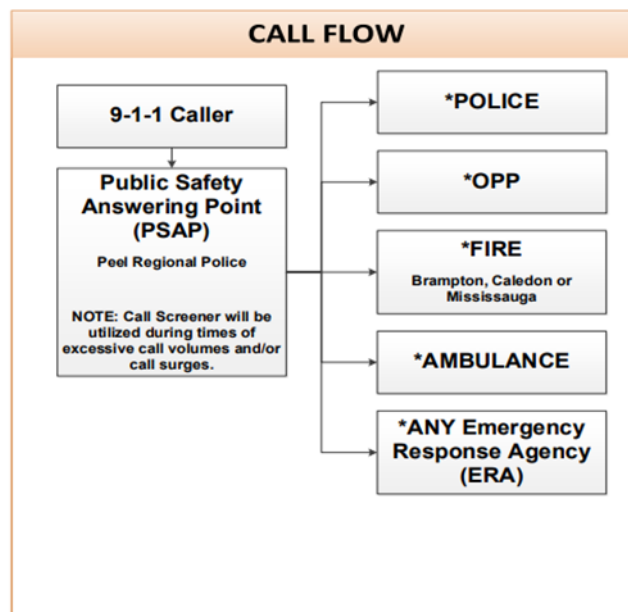
9-1-1 is the universal emergency telephone number within Canada. The Canadian Radio-television and Telecommunications Commission (the "CRTC") is a federal regulatory agency that oversees telephone companies mandating the creation and

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management of dedicated 9-1-1 networks. Under the CRTC regulations, provincial, territorial, and municipal governments are responsible for emergency responders and operation of the primary and secondary Public Safety Answering Point (“PSAP”). When dialed, calls are routed to a PSAP where trained operators dispatch appropriate emergency services based on the nature of the emergency and the caller’s location. In Ontario, while the Provincial Government has some responsibility, the service is primarily managed locally by the various municipalities.

In Peel Region, Peel Regional Police (“Peel Police”) serve as the primary point of contact and redirect calls to Peel Regional Paramedic Service (“Peel Paramedics”) by way of the Central Ambulatory Communications Centre and to the Fire Services communications centres for Brampton, Mississauga, and Caledon, respectively, so that the appropriate emergency services can be dispatched. Table 1 depicts call flow.

Table 1:



b) 9-1-1 Call Volume and Misuse of Essential Service

As identified by Regional Council, Peel Region PSAP are managing an unprecedented volume of calls in the 9-1-1 system. The number of negligent 9-1-1 calls has also increased with the increased volume of 9-1-1- calls generally. The current challenge lies in effectively addressing and reducing non-emergency calls that strain emergency response resources. Council has asked that Staff investigate whether the implementation of a system of fines or fees could be utilized to minimize the misuse and abuse of the 9-1-1 system.

Through its standard practice, Peel Police has gathered high-level statistics regarding volume and type of call. The table below is a breakdown of 9-1-1 calls in 2023 that came into the Communications Centre and the service to which these calls were directed:

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Table 2:

2023	9-1-1 Calls
Police	464,471
Fire	8,725
Ambulance	116,832
Total	590,028

Peel Police Call-Takers also tracked those calls deemed misuse/negligent use of the system, categorized as follows:

Table 3:

2023	Total Calls
Misuse	189,787
Hang-Up	198,718
Total	388,505

The Hang-Up category accounts for pocket dials, misdials, and any other instance where the caller terminates the call prior to engaging the Call-Taker. The current protocol requires that a Call-Taker call each number back. The new Automatic Abandoned Call Back Technology Feature is aimed at eliminating these manual callbacks and is described further in this report.

Misuse is a separate, catch-all category for all calls received where it should be reasonably known that no emergency exists. This includes pizza calls and service complaints, but also captures other serious non-emergency incidents such as automobile theft and minor vehicular accidents, where police intervention is required but not necessarily on an emergency basis.

2. 9-1-1 Misuse Call Reduction Options

This Report outlines several mechanisms that could be utilized independently or in conjunction with one another to reduce 9-1-1 misuse/negligent calls. It is important to note that some of the options identified in this report have only been considered due to the current absence of provincial legislation prohibiting the misuse/negligent use of the 9-1-1 system in Ontario, though such legislation exists in other provinces.

It is imperative that a clear, concise definition of what is considered “misuse” be established prior to considering any of the penalty/fee options set out below. This threshold must take into consideration many factors such as an individual’s perception of emergency, personal circumstances, and mental health challenges all while balancing the need for prompt response with efficient resource allocation.

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To avoid a potential chilling effect on the correct use of the 9-1-1 system, any system to penalize misuse of 9-1-1 would most appropriately be targeted at those calls that can be described as “frivolous and vexatious” (pizza calls, etc.). For clarity, frivolous and vexatious describes behaviour that has no reasonable or sound basis, is without merit, and/or has been brought with the intent to harass, discredit, or subdue another.

Although the data collected by Peel Police indicates that there were 189,787 misuse/negligent calls in 2023, no further information is available to help quantify the true number of calls that would be categorized as frivolous and vexatious. It is unclear, therefore, the actual number of calls that would be captured through a compliance system.

Regional Staff review has found that the most effective solution is likely to come from a combination of tools together with provincial legislation and enforcement, as described below, rather than focusing on one tool exclusively.

a) Technology Solution to Address Hang-ups and Pocket Dials

As reported to Council on January 25th, 2024 by way of the report entitled *Call Handling*, the CRTC has directed telecommunications companies to upgrade their networks to be Next Generation 9-1-1 (NG911) capable with timelines staggered between March 2022 and March 2025. Modern technologies will be leveraged to improve response and allow for better adaptation to the continually evolving communication landscape.

Currently, every 9-1-1 hang-up requires a manual call back from a 9-1-1 Call-Taker. The Automatic Abandoned Call Back feature brought online in Peel Region with the NG911 upgrades aims to eliminate the manual callbacks. Instead, it will deliver an automated voice recording to the caller upon hang up. Options will be available for the caller to connect back to 9-1-1 in the event of a real emergency or disconnect the call if dialed in error. Peel’s NG911 team intends to bring forward an update at the May 2nd Emergency Management Program Committee meeting on the status of the upgrade and any preliminary results.

Early data suggests wait times due to improper use calls have dropped markedly. In Dec 2023, 40 per cent of calls were answered within 10 seconds. The NENA standards look to achieve approx. 90 per cent. Since NG 9-1-1 implementation in late February call wait times have dropped and 77 per cent of calls are answered within the 10 second time frame.

b) Provincial Legislation

Because of the lack of effective municipal tools to address 9-1-1 misuse as described further in this report, advocating for 9-1-1 legislation at the provincial level to address concerns with the volume of misuse/negligent calls would likely form the backbone of a successful approach to enforcement when combined with an education strategy to reduce reliance on the 9-1-1 system.

Provincial legislation which makes misuse of 9-1-1 systems an offence payable by fine is in place in several provinces, but not in Ontario. This includes Alberta, Manitoba, Nova Scotia, Newfoundland, Prince Edward Island, and New Brunswick. In these provinces, it is an offence to make a frivolous or vexatious 9-1-1 call. Violations in these provinces will result in the payment of fines, which vary from \$500 - \$10,000. The

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enactment of such legislation in Ontario would enable a more effective system to serve as a deterrent for misuse, while providing standardization, coordination, oversight, and enforceability, and would avoid the challenges and costs inherent in developing and maintaining a municipal system, as described further in this report.

c) Education, Public Awareness and Harm Reduction Tools

Focusing on penalties may overlook the importance of addressing the root causes of 9-1-1 misuse. Without adequate prevention strategies and access to information, some individuals may continue to misuse the emergency system as a result of lack of awareness rather than malicious intent.

In collaboration with other partners in the sector, Peel staff have been working on public awareness programs for the proper use of the 9-1-1 system and should continue to implement the education and public awareness approach, empowering residents to make informed decisions, reducing the incidence of 9-1-1 misuse/negligent calls and ensuring that emergency services are accessible to those who truly need them.

A positive example of a combined approach to deal with broad misuse challenges is seen in the implementation of community paramedicine by Peel Paramedics. Peel Paramedics have extended their traditional role to also provide preventive, primary care, and social services within the community. This has several positive impacts on the 9-1-1 system including reduction in non-emergency calls, enhanced dispatch triage, and improved patient navigation. By helping patients navigate healthcare systems more effectively and by connecting them with appropriate resources, scheduling appointments and ensuring continuity of care, the likelihood of these individuals resorting to 9-1-1 for issues that could have been dealt with through primary or preventative care is greatly reduced.

Regional Council also asked Staff to provide more information about an alternative to 9-1-1 for mental health and addictions related calls as is being established in Ottawa. In July 2023, the City of Ottawa decided to implement a new 24/7 mental health emergency dispatch line and a mobile crisis response team. The system is modelled on a similar program in Toronto. Through this three-year pilot to begin later in 2024, professionals with expertise in mental health and substance use crises will offer a community-based alternate response for individuals experiencing mental health and substance use crises, that recognizes the need to place a diversity, equity, and inclusion lens on Ottawa's mental health and substance use systems. Service will be accessed through a new non-9-1-1 phone number that residents can call that would triage calls and dispatch response. More time is needed to evaluate the effectiveness of this strategy.

d) Potential Enforcement Mechanisms at the Municipal Level

Two enforcement options that could be implemented at the municipal level are a Fee for Service and a Nuisance By-law. Serving different purposes, a Fee for Service recovers costs from users while a Nuisance By-law establishes and enforces a standard to maintain order while governing community behaviour. The authority, benefits, challenges for each option is set out in *Appendix I*. A general overview of each option is outlined below.

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i) Fee For Service

Many Fire Services, including Brampton Fire, utilizes a Fee for Service model as a cost recovery mechanism for attending properties where it has been determined that there was a false fire alarm. The fee for this service is built into the municipality's User Fee By-law, with rates varying on factors such as type of property, number of fire trucks, and repeated offences. The fees levied are intended to reflect the cost incurred by the municipality in mobilizing fire trucks and personnel and having the fire service attend on site to check for a fire. The fees are intended to reimburse the municipality for the resources used and are not intended to be punitive.

The fee is levied against the owner of the property rather than the individual that triggered the alarm. This provides for ease of enforcement as the owner of the property is identifiable and can be easily invoiced. If the amount is not paid it can be added to the municipal tax roll for collection purposes.

Applying this to 9-1-1 misuse/negligent calls, the service being provided to the user is answering the 9-1-1 call. As such, any fee could not exceed the Region's cost to deliver the service to the caller. The resulting fee would accordingly be relatively modest as the fee would be equivalent to that which could be reasonably attributable to the cost of answering the call. Fees and charges are meant to be recuperative rather than punitive.

Another example is the fee applied to patients for non-emergency use of paramedics. Under the Ontario *Health Insurance Act* regulations, hospitals are required to collect an 'ambulance user' co-payment of \$45 per trip for all ambulance trips, with a higher co-payment rate of \$240 where the ambulance trip is deemed medically unnecessary.

The receiving physician in the hospital emergency department determines whether an ambulance trip is deemed to be "non-essential", meaning the patient's medical or mobility needs do not require the use of an ambulance, or the individual could have been transported in a vehicle other than an ambulance.

One Peel hospital noted approximately 40 per cent of ambulance bills go to collections agencies and the hospital writes-off approximately 20 per cent of fees owed. The effectiveness of this strategy is questionable. It was also evident that the co-payment was not being applied consistently and had unintended consequences for patients and for the Region's hospital partners that relied on co-payment revenues to fund clinical services.

ii) Municipal Nuisance By-Law

Municipalities have authority to enact bylaws for the well-being of residents, which can be enforced through the application of fines where a person has been found guilty of an offence. A by-law regulating the use of 9-1-1 would likely fall under the health, safety, and well-being of persons category so long as it is crafted with a legitimate municipal scope and purpose. The amount of the fine could be punitive in nature to serve as a deterrent.

If a by-law were enacted, it would be an administrative offence. Although there would be no requirement on the part of the municipality to prove intent, individual defendants would still be given opportunity in each case to mount a defence. This could include a due diligence defence. Due diligence is available where the defendant was required to

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"take all reasonable steps" or "all reasonable care" to avoid the harm that resulted. A due diligence defense is also available where an individual had an honest but mistaken belief in facts which, if true, would render the act innocent.

Both the use of a fee for service or a nuisance by-law to implement a fee or penalty to target 9-1-1 misuse carry with them significant challenges in terms of ability to enforce, resource needs, the potentially small number of misuse/negligence calls that could reasonably be targeted under such a system, issues connected to restricting the system to the Region's geographic boundaries, and the cost of the system relative to the amount that could be charged and recovered. Considerable challenges arise from the fact that the identity and address of a 9-1-1 misuse caller is not necessarily known, making enforceability of fees and/or prosecution under a municipal by-law extremely difficult.

RISK CONSIDERATIONS

Implementing municipal enforcement tools to attempt to reduce 9-1-1 misuse requires careful consideration of various risks to ensure that the policy is effective in addressing the issue and is fair.

Note that these same risks can be more easily mitigated through the enactment of provincial legislation to address 9-1-1 misuse for the reasons outlined in Appendix I.

There are several potential risks to consider.

- a) **Unintended Consequences:** Individuals may be deterred from calling 9-1-1 in genuine emergencies if they fear being penalized for misuse. This could lead to delays in accessing critical emergency services and potentially worsen outcomes for those in need.
- b) **Impact on Vulnerable Populations:** Penalizing individuals for 9-1-1 misuse may disproportionately affect vulnerable populations, such as those with mental health issues, language barriers, or limited access to healthcare. These individuals may require additional support and education rather than punitive measures.
- c) **Resource Allocation:** Enforcement of penalties for 9-1-1 misuse requires dedicated resources, including staff training, administrative processes, and potentially additional personnel. The cost-effectiveness of implementing penalties compared to investing in alternative prevention strategies must be considered. From an existing resource perspective, Call-takers trained in crisis management would have attention and energy diverted away from their primary responsibility to determining whether a call represented 9-1-1 misuse/negligence.
- d) **Subjectivity and Difficulty in Enforcement:** Determining what constitutes 9-1-1 misuse/negligence can be subjective, and enforcement may vary depending on the discretion of emergency dispatchers or law enforcement officials. This could lead to inconsistencies and the perception of unfair treatment by the public. There are also significant obstacles that may inhibit the ability to enforce municipal 9-1-1 by-laws, such as identifying the caller, inability to levy fees against properties, boundary issues, need for collection processes, amongst other factors.
- e) **Public Perception and Trust:** It may impact public perception and trust in the emergency response system. It is essential to communicate the rationale behind the

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penalties transparently and ensure that they are perceived as fair and justified by the community.

BILL 112 RISKS AND IMPLICATIONS

The passing of the *Hazel McCallion Act (Peel Dissolution)*, 2023 on June 8, 2023, formalized a plan to dissolve the Region of Peel effective January 1, 2025. On December 13, 2023, the provincial government announced that Peel will not be dissolved, and that new legislation will be passed in 2024 to repeal or amend Bill 112. Until new legislation is passed, no implications can be determined.

FINANCIAL IMPLICATIONS

There could be significant additional resource allocation and enforcement costs, among other expenses, associated with the municipal mechanisms discussed in this report. Should Council wish to explore those options, a full costing would need to be undertaken by staff to understand the potential financial implications. Provincial legislation and associated fines would be limited in their application as noted in this report, thereby reducing the cost of enforcement, while at the same time acting as a deterrent to the misuse/negligent use of the 9-1-1 system which could effectively reduce the overall cost to deliver the service.

CONCLUSION

As outlined above, it is possible to implement a municipal fee or fine for 9-1-1 misuse. However, while municipal fees or fines may deter some individuals, enforcement and potential jurisdictional hurdles pose significant challenge to the usefulness and effectiveness of a municipal fine based system. Advocacy to implement legislation at the Provincial level to act as a deterrent to 9-1-1 misuse is recommended. Provincial legislation combined with a more comprehensive strategy that combines provincial legislation with education, community outreach, and technology enhancements, would yield the most effective results in addressing 9-1-1 misuse in Peel.

APPENDICES

Appendix I - Penalization and Cost Recovery Mechanism Comparison Chart



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