

Appendix I

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

<b>Penalization and Cost Recovery Mechanism Comparison Chart</b>	
<b>Provincial Legislation</b>	
Source of Authority	<ul style="list-style-type: none"> <li>• Enacted at the Provincial level.</li> </ul>
Benefits	<ul style="list-style-type: none"> <li>• <b>Deterrence:</b> Legislation at the provincial level would act as a deterrent for those who might otherwise abuse the system and would likely result in a substantially reduced volume in misuse/negligent 9-1-1 calls.</li> <li>• <b>Standardization:</b> It would establish uniform standards and protocols for the operation and management of the 9-1-1 system across all municipalities in Ontario ensuring consistency in emergency response practices, technological infrastructure, training requirements, and service delivery.</li> <li>• <b>Coordination:</b> It would facilitate coordination and collaboration among municipalities, emergency services, telecommunications providers, and other stakeholders involved in the 9-1-1 system. It could be used to sharing information, coordinating resources, and responding to emergencies that transcend municipal boundaries.</li> <li>• <b>Enhanced Public Safety:</b> By establishing clear guidelines and regulations, provincial legislation can help enhance public safety by ensuring that the 9-1-1 system is robust, reliable, and responsive to the needs of residents across Ontario. This can lead to improved outcomes for individuals in emergency situations and better protection of life and property.</li> <li>• <b>Efficiency and Effectiveness:</b> Provincial legislation can promote efficiency and effectiveness in the operation of the 9-1-1 system by streamlining administrative processes, optimizing resource allocation, and leveraging economies of scale. This can result in cost savings, improved service delivery, and faster response times for emergency calls.</li> <li>• <b>Accountability and Oversight:</b> Provincial legislation can establish mechanisms for accountability and oversight to ensure that municipalities and other entities responsible for operating the 9-1-1 system adhere to established standards and meet performance targets. This can include requirements for reporting, auditing, and regulatory compliance.</li> <li>• <b>Scope of Jurisdiction:</b> Provincial legislation would alleviate the potential challenges posed by jurisdictional boundaries as it would apply to Ontario as a whole. As discussed above, if the Peel Region PSAP receives a misuse call from an individual in a bordering municipality, Peel is limited in its ability to enforce against the non-resident.</li> </ul>

## Appendix I - Penalization and Cost Recovery Mechanism Comparison Chart.docx

Challenges	<ul style="list-style-type: none"> <li>• <b>Technological Challenges:</b> With the increase of mobile phones and other communication devices, accurately tracking and identifying the source of 911 misuse calls will be technically challenging.</li> <li>• <b>Social and Mental Health Factors:</b> Addressing 911 misuse may require a multifaceted approach that considers underlying social and mental health factors contributing to the behavior.</li> </ul>
<b>Municipal Fee For Service</b>	
Source of Authority	<ul style="list-style-type: none"> <li>• <b>The <i>Municipal Act</i></b> <ul style="list-style-type: none"> <li>○ Section 391 of the <i>Municipal Act</i> authorizes municipalities to impose fees or charges for services or activities provided, or for the use of municipal property.</li> </ul> </li> </ul>
Benefits	<ul style="list-style-type: none"> <li>• <b>Cost Recovery:</b> It allows for recover costs for specific services provided to residents or businesses, reducing the burden on taxpayer.</li> <li>• <b>Encourages Accountability:</b> Implementing fees for services can serve as a deterrent for misuse calls as it holds users directly accountable to pay for cost of the services.</li> <li>• <b>Flexibility:</b> Municipalities have the flexibility to adjust fees based on changing needs, economic conditions, or technological advancements.</li> </ul>
Challenges	<ul style="list-style-type: none"> <li>• <b>Penalty Component Prohibited:</b> This is meant to be a cost recovery mechanism. Any punitive amount would be prohibited, meaning the amount that can be charged will be relatively modest.</li> <li>• <b>Continued Resource Strain:</b> It will be an added resource strain to Peel Police Call-Takers as they will be asked to record additional information, perform an analysis as to the misuse threshold, and take next steps to levy the fee rather than focus on their critical task of crisis management.</li> <li>• <b>Levying Fee:</b> It has become less frequent that a telephone is associated with a fixed address, which raises question as to who to issue the fine against, the “owner” of the phone number or the individual placing the call. It may require cooperation of the telecommunications companies to gather such information if they are able to disclose this information for this purpose. Inability to disclose identity of callers for privacy reasons is anticipated.</li> <li>• <b>Enforcement Challenges:</b> With the increase of mobile phones and other communication devices, accurately tracking and identifying the source of 911 misuse calls can be technically challenging. If the fee cannot be properly levied, it cannot be collected. Even if it is properly levied, the ability to collect may be hampered by the inability to add the amount to the municipal tax roll if other enforcement mechanisms fall short.</li> </ul>

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	<ul style="list-style-type: none"> <li>• <b>Equity Concerns:</b> Implementation of fees may disproportionately affect more vulnerable populations, potentially exacerbating socio-economic inequalities.</li> <li>• <b>Administrative Burden:</b> Managing and administering fees may be resource intensive. The resource drain could be disproportionate to the impact the fee is having on the issue.</li> <li>• <b>Cost:</b> The cost of service provision could exceed the revenue generated from the set fee, causing a potential budget shortfall or the need to increase fees.</li> </ul>
<b>Municipal Nuisance By-Law</b>	
Source of Authority	<ul style="list-style-type: none"> <li>• <b>The <i>Municipal Act</i></b> <ul style="list-style-type: none"> <li>○ Section 11(2) of the <i>Municipal Act</i> provides that a municipality may pass bylaws, subject to the rules set out therein, respecting economic, social and environmental well-being of the municipality, health, safety and well-being of persons, and services and things that the municipality is authorized to provide, amongst other things.</li> <li>○ Section 425 of the <i>Municipal Act</i> provides that any person who contravenes any by-law of the municipality is guilty of an offence.</li> </ul> </li> <li>• <b>The <i>Provincial Offences Act</i></b> governs a wide range of non-criminal offences including traffic violations, municipal by-law infractions. This Act sets out rules for fines, penalties, and procedures. Municipal by-law offences are generally dealt with in POA Court through standard proceedings. In recent years, Provincial Offence prosecutions have become more time-consuming and costly, making for challenging enforcement.</li> <li>• <b>Administrative Monetary Penalties:</b> To address the concerns mentioned above, some municipalities have elected to implement Administrative Monetary Penalty systems. These are a civil mechanism for enforcing compliance with regulatory requirements within the context of an administrative process rather than a judicial process. The Region does not currently have an AMP regime therefore it would have to be developed and implemented prior to it being applicable to errant and/or negligent 9-1-1 calls.</li> </ul>
Benefits	<ul style="list-style-type: none"> <li>• <b>Encourages Accountability:</b> Making misuse an offence can serve as a deterrent by holding offenders accountable by charging a penalty.</li> <li>• <b>Flexibility:</b> Directly within the municipality's control, allowing for flexibility to adjust fees based on changing needs, economic conditions, or technological advancements</li> <li>• <b>Potential to Improve Quality of Service:</b> Nuisance by-laws can enhance the overall quality of service by reducing strain on resources and increasing response time.</li> </ul>

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