

Professional Standards Branch

Executive Summary

The Professional Standards Branch and Risk Management Branch saw a productive year in 2017. Both public complaints from the OIPRD and internal investigations experienced a slight decrease from 2016. However, there was a 26% increase in the number of OIPRD complaints screened in for investigation and the time spent on investigations notably increased, as they were more complex in nature.

In 2017, the Hamilton Police Service answered 367,725 telephone calls, yet only 94 public complaints were made to the OIPRD, representing less than 0.03%. Of these complaints, 71 were screened in for investigation by PSB. This included 60 conduct complaints, 3 service complaints, 1 Policy complaints and 7 customer service resolutions.

In 2017, the HPS answered 367,725 phone calls.

The HPS received only 94 public complaints, this represents less than 0.03% of all calls.

In 2017, Red Light Camera Violations Decreased by 15%

Neglect of Duty and Excessive Force were the most common allegations of misconduct at 17 counts each, and Discreditable Conduct was the second most common at 16. It should be noted that the OIPRD does not screen out any Excessive Force complaints. There were no allegations of the more egregious complaint type of Corrupt Practice, however there were 3 Breach of Confidence complaints. Two of the three Breach of Confidence complaints were unsubstantiated, and one was withdrawn. Of the 60 conduct investigations, only 6 cases (10%) resulted in a finding of misconduct. One of the three Service Complaints received was resolved through informal resolution, and the remaining two were unsubstantiated. An OIPRD review was requested 3 times by a complainant in 2017. One HPS decision was upheld and two remain before the OIPRD. In 2016, 3 OIPRD reviews were requested. Two of the HPS decisions were upheld and the third still remains before the OIPRD.

A total of 191 internal complaints were filed in 2017, representing a decrease of 5% from 2016. Red Light Camera (RLC) violations decreased by 15%. Motor Vehicle Collisions (MVC) increased 3%; and Missed Court (MC) saw a 37% increase from 2016. Of the total internal complaints came 218 specific allegations of misconduct. Damage to Clothing/Equipment was the most frequent form of misconduct followed by Neglect of Duty. Damage to Clothing/Equipment includes all major and minor police service collisions, and in some instances, multiple allegations per complaint. There were 8 complaints and/or allegations of workplace harassment in 2017. Two of the allegations have been substantiated, five have been unsubstantiated, and the investigation into the remaining complaint/allegation has not been completed. Excluding MC, MVC, and RLC violations, 63% of the remaining 46 chief's complaints resulted in substantiated misconduct.

The SIU invoked its mandate to investigate 14 reported incidents in 2017. Of the 14 investigations, 5 were concluded by memo after a preliminary inquiry, and 9 became formal investigations. Out of the 9 investigations, 3

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were concluded with no reasonable grounds to believe that the subject officers committed a criminal offence. The remaining 6 investigations are pending the SIU Director's decision. The subsequent provincially mandated Section 11 investigations completed by the PSB in relation to two (2) of the investigations, determined that all HPS policy and procedures were adhered to and no further action was required. The Section 11 material for the third concluded investigation has yet to arrive at PSB.

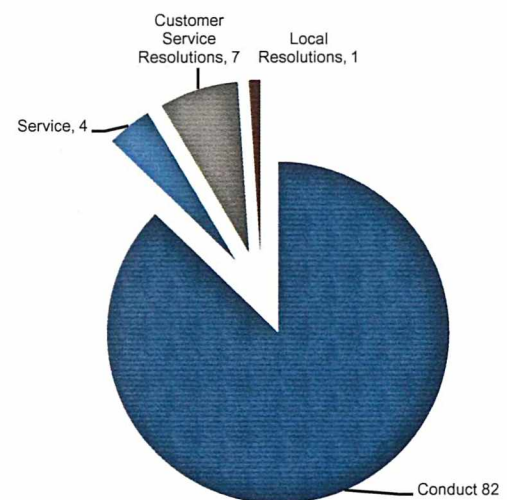
A total of 57 Fail to Stop reports were submitted for 2017. This is an increase of 4 reports or 7% from the previous year. Pursuits were initiated in 27 (47%) of the incidents where a Fail to Stop report was submitted. Officers discontinued 24 (88%) of these pursuits. Of the total Fail to Stop reports, 17 were for *Criminal Code* violations, 38 for *Highway Traffic Act* violations and 2 were for unspecified reasons. No MVC's occurred as a direct result of officer initiated pursuits compared to 2 in 2016.

The Hamilton Police Service received 120 Good News letters in 2017. The Service issued 18 letters of recognition to members of the public and a total of 203 commendations to HPS members for exemplary service. Additionally, 22 members were awarded Member of the Month, and two members were awarded the St. John's Ambulance Silver Life-Saving Award.

Public Complaints

In 2017, the Hamilton Police Service answered 367,725 telephone calls. Only 94 complaints were made to the OIPRD regarding the Hamilton Police Service, representing 0.03% of all calls. This is a very low number of complaints from the public given the frequency of contact and interactions they had with members of our Service.

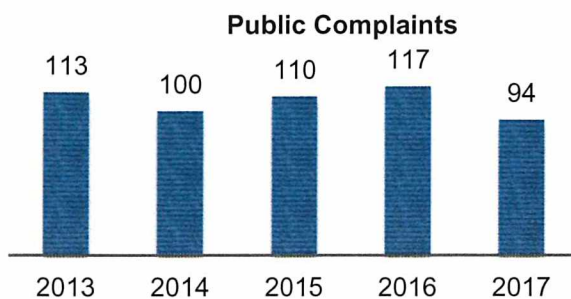
Of the 94 complaint submissions, 82 were related to officer conduct, 4 were classified as a service complaint, 7 were screened for customer service resolutions (CSR), and 1 was resolved locally (local resolution). It should be noted that a CSR is a confidential process for less serious complaints that provides an opportunity to voluntarily resolve complaints before they are formally screened under the *Police Services Act*.⁵ A local resolution is a process where complaints are made directly with the HPS and a resolution is agreed upon by the involved parties.⁶



⁵ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Customer Service Resolutions, www.oiprd.on.ca

⁶ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Local Resolutions, www.oiprd.on.ca

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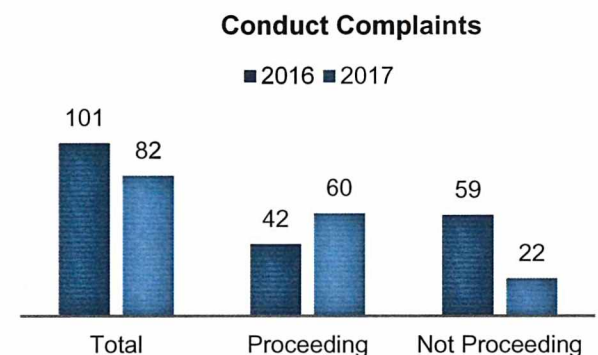
The OIPRD screened in 71 of the 94 complaints, which constitutes 75% of the original public complaints. This includes conduct complaints, customer service resolutions and service complaints. The average number of public complaints between 2013 and 2017 was 106. In 2017, the OIPRD experienced a slight decrease from the previous four-year average.

Conduct Complaints

When the behaviour of a police officer is formally questioned by a member of the public, the OIPRD classifies this as a conduct complaint.⁷ Of the 82 conduct complaints, 60 were ultimately screened in by the OIPRD for investigation. The OIPRD determined that a police investigation was not required for the remaining 22 submissions based on legislated criteria such as:

- the complaint is better dealt with under another law or act
- the complaint is frivolous – trivial or lacks an air of reality
- the complaint is not in the public interest
- the complaint is made over six months after the incident⁸

Comparing the 2017 conduct complaint data to that of 2016, reveals that there was a 19% decrease in these types of complaint submissions to the OIPRD. This decrease is in line with that of the overall decrease in the number of public complaints. However, the number of complaints regarding conduct screened in was 42% higher when compared to that of 2016.



Allegations of Misconduct

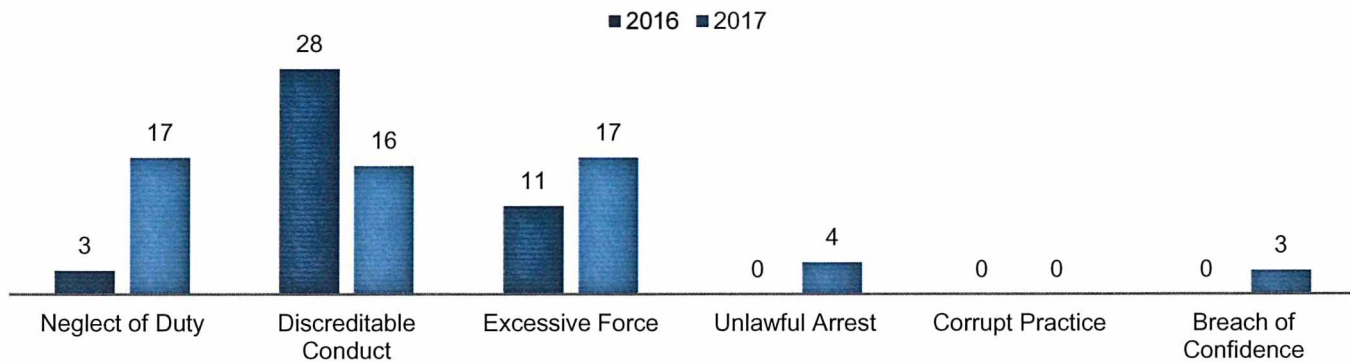
The *Police Services Act Code of Conduct* is used by the HPS as the basis for classifying conduct complaints. Although Neglect of Duty and Excessive Force allegations increased from 2016 to 2017, it is important to point out that the OIPRD does not screen out Excessive Force allegations. Neglect of Duty and Excessive Force represented the most common type of complaint made in 2017 at 56%. The number of complaints regarding Discreditable Conduct represented the second greatest type, and saw a decrease of 42% from 2016.

⁷ Queen's Printer for Ontario, 2015, *Office of Independent Police Review Director – Complaints*, www.oiprd.on.ca

⁸ Queen's Printer for Ontario, 2015, *Office of Independent Police Review Director – Screening Complaints*, www.oiprd.on.ca

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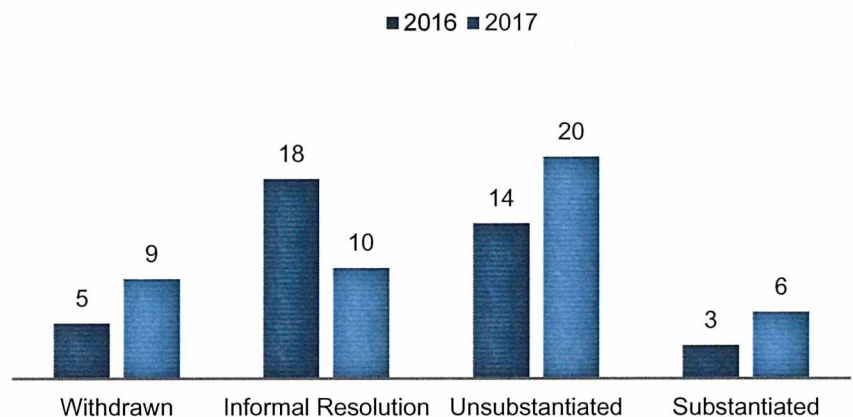
Conduct Complaints Proceeding by Allegation



Disposition of Conduct Complaints

Of the 60 officer conduct investigations, 9 complainants voluntarily withdrew their complaints based on subsequent information provided to them. At the preliminary stages, 10 were resolved by informal resolution, and 20 allegations of officer misconduct were unsubstantiated by investigators. Only 6 of the cases or 4% of the original 60 conduct complaints resulted in a finding of misconduct on behalf of the officer, with penalty to be implemented pursuant to the *Hamilton Police Service Discipline Policy*. As of February 20, 2018, 15 of the investigations remain open.

Disposition of Investigated Conduct Complaints

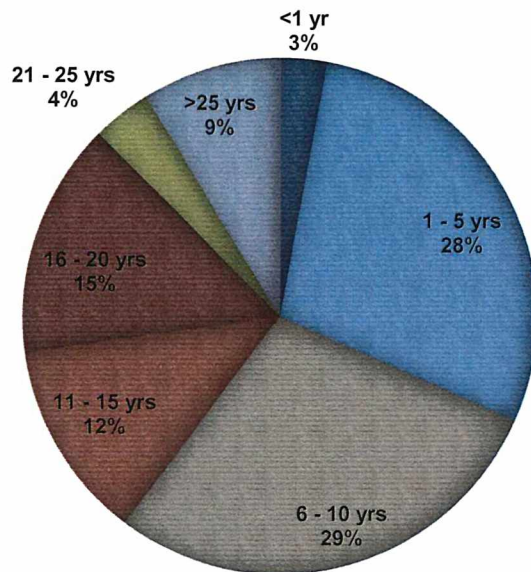


Demographics of Conduct Complaints

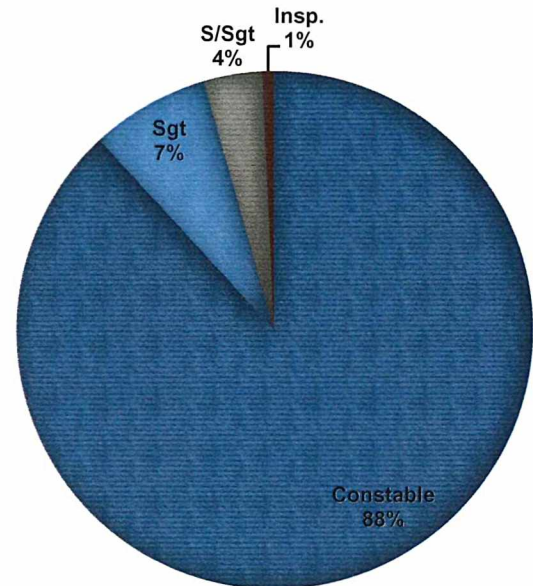
Most conduct complaints involve officers with 1-10 years of experience, as they are typically less experienced uniform police officers who have the highest frequency of contact with members of the public. When looking at the rank of a subject officer, the greatest number of public complaints is made regarding Constables. Similarly, Constables have the most interaction with the general public.

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Years of Service of Subject Officer



Rank of Subject Officer



Service Complaints

Service complaints relate to a specific policy and/or processes of the Hamilton Police Service. In 2017, there were 4 Service complaints filed against the HPS. One of the complaints was resolved through informal resolution, and the other two were unsubstantiated. One of the unsubstantiated complaints dealt with the length of time that it took police to respond to a domestic call, and the second had to do with EMS arriving to an assault/medical call prior to police. The Service complaint that resolved through informal resolution, related to issues experienced while utilizing a pardon service that had procedures that conflicted with HPS policy.

Public Complaint Reviews

In the circumstance that a complainant is not satisfied with the outcome of a complaint investigation, they may request a review by the OIPRD. Complainants have 30 days from the day they are notified of the results to make this request. Once the OIPRD has received the file from the police, they will assess the investigation and determine if the decision is appropriate.⁹

In 2017, the Hamilton Police Service received 3 requests from complainants for an OIPRD review. One HPS decision was upheld and two remain before the OIPRD.

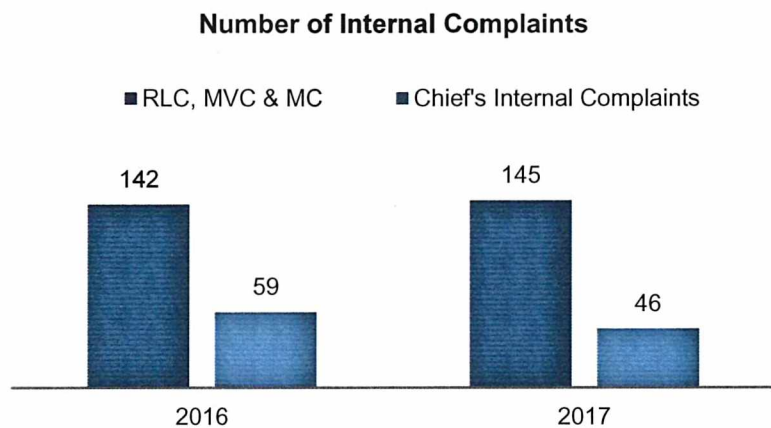
⁹ Queen's Printer for Ontario, 2015, Office of Independent Police Review Director – Request a Review, www.oiprd.on.ca

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Internal Complaints

Pursuant to the *Police Services Act*, the Chief may cause an investigation to be conducted in relation to the conduct of a police officer employed by the Service. These internal complaints are typically initiated by a HPS member or supervisor. The findings of the investigation are provided to the Chief in a written report and where required, discipline is implemented pursuant to the *Hamilton Police Service Discipline Policy*.

With respect to these investigations, the Chief of Police has separated simple violations such as Red Light Camera violations (RLC), Motor Vehicle Collisions (MVC) and Missed Court (MC) to be investigated by divisional commanders. More complex member conduct investigations are investigated by the PSB. These are referred to as a Chief's Internal Complaint.



A total of 191 internal complaints were filed in 2017, a 5% decrease from 2016. Specifically, RLC, MVC and MC saw a slight 2% increase from the previous year; however, there was a 15% decrease in RLC incidents from 26 in 2016 to 22 in 2017. In addition, there were 11 MC incidents, 112 MVC incidents with 49 of those deeming the officer at fault, while the remaining 63 MVC's were deemed non-preventable.

Allegations of Misconduct

The internal complaints filed in 2017 yielded 218 specific allegations of misconduct. The number of allegations compared to complaints is larger because a single complaint may include multiple HPS members and/or multiple allegations per member. Of the various classifications of alleged misconduct, Damage to Clothing/Equipment was the most frequent at 53%. Damage to Clothing/Equipment is extremely broad and includes all police service collisions, from extremely minor to major and in some instances, multiple allegations per complaint.

Workplace Harassment Investigations (Bill 168)

The Hamilton Police Service is committed to providing a respectful work environment in which all individuals are treated with respect and dignity, are able to contribute fully, and have equal opportunities for all its 1240 full and part-time members. Harassment or discrimination is not tolerated in the workplace and all complaints of this nature are investigated thoroughly and in a timely manner.

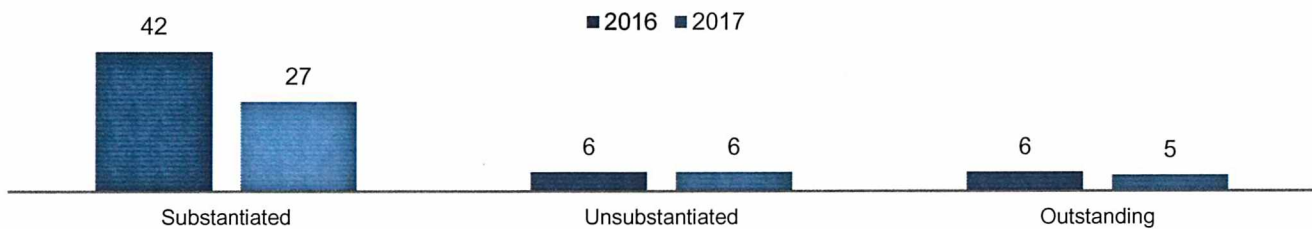
In 2017, there were 8 complaints and/or allegations of workplace harassment. Two of the allegations have been substantiated, five have been unsubstantiated, and the investigation into the remaining complaint/allegation has not been completed. There were five reported complaints of harassment in 2016.

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Chief's Internal Complaints

Of the 38 internal complaint investigations (exclusive of Harassment Allegations, MC, MVC, and RLC) in 2017, 71% of the cases of misconduct were substantiated. This is a decrease from 2016, where 78% of the complaints were substantiated.

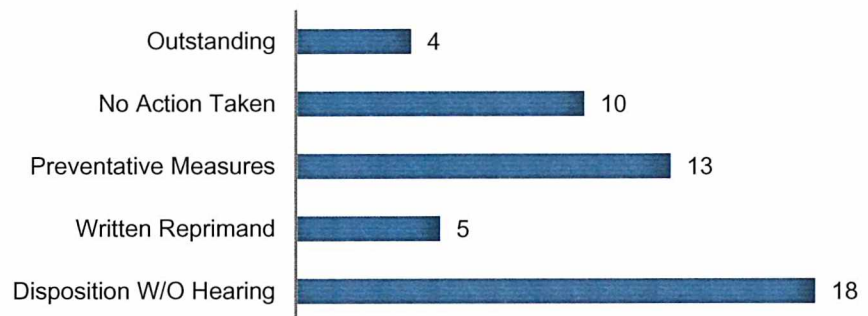
Conclusions of Chief's Internal Complaints



Disposition of Internal Complaints

In the 38 internal investigations, 50 members were identified as subject members. Of the subject members, 46% received corrective discipline. Preventative measures were applied to 26% of subject members. No action was taken against 20%, as either the substance of the allegations were unfounded or the allegations could not be proven through investigation. Outstanding dispositions, including outstanding criminal matters account for the remaining 8%.

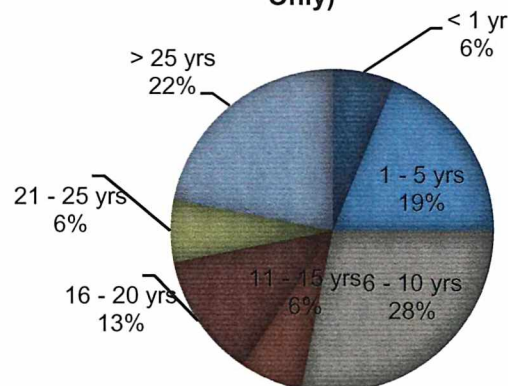
2017 Penalty Dispositions



Demographics of Internal Complaints

Sworn Officers with between 6 and 10 years of service accounted for 28% of internal investigations, while officers between 1 and 5 years of service represented 19%. These two categories alone represent nearly half of the officers with allegations of misconduct. Of note, there is a 175% increase in 25 plus year officers from that in 2016.

Years of Service (Sworn Members Only)



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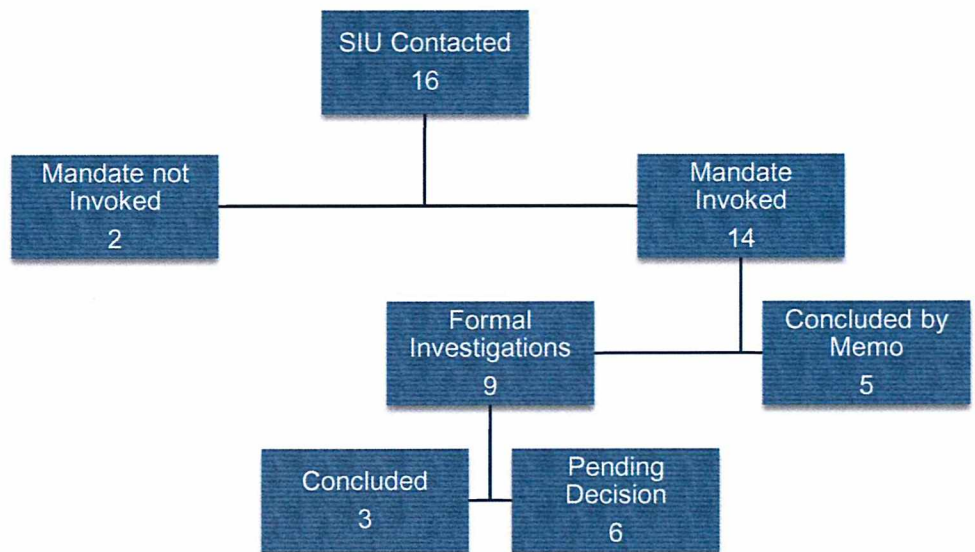
Special Investigations Unit Incidents

In the pursuit of cooperation, the Hamilton Police Service notified the Special Investigations Unit (SIU) on 16 occasions in 2017. The SIU invoked its mandate in 14 of the 16 incidents.

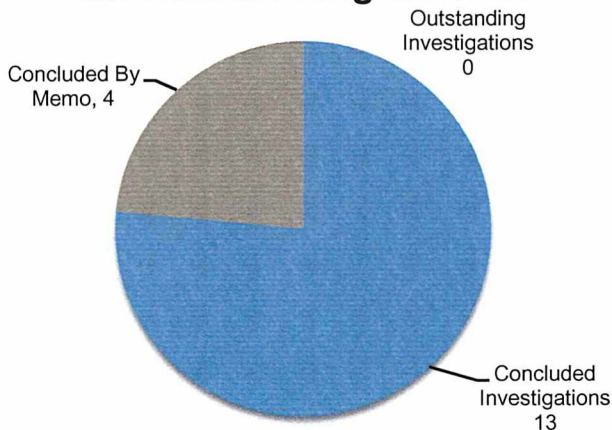
Formal Investigations

Of the 14 SIU investigations, 5 were concluded by memo after the SIU completed a preliminary inquiry and 9 were processed as formal investigations. Out of the 9 investigations, only 3 have been concluded. In all three incidents, the SIU concluded that reasonable grounds did not exist to believe that the Subject Officers committed a criminal offence. The remaining 6 investigations are pending the Director's decision.

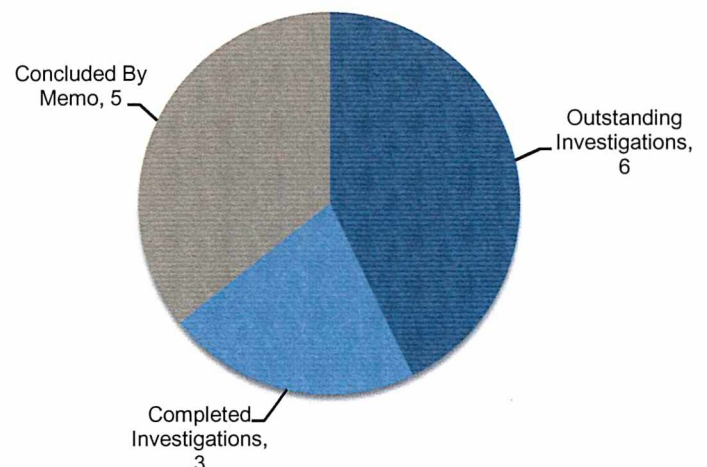
In comparison, the SIU was notified 18 times in 2016 and invoked their mandate in 17 incidents.



Invoked Investigations 2016



Invoked Investigations 2017

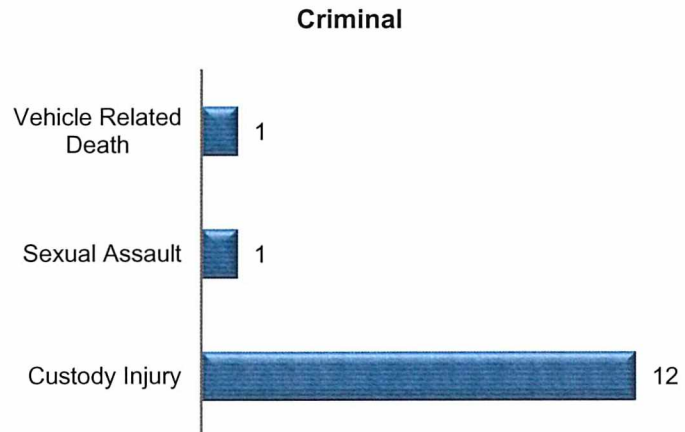


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Criminal Allegations

Out of the 14 incidents where the SIU invoked their mandate in 2017, 1 was classified as Vehicle Related Death, 12 were classified as a Custody Injury, and 1 was classified as a Sexual Assault.

Police custody related injury is the most frequently classified incident involving the SIU. Police Custody Injury and Police Custody Death are not clearly defined and do not specifically mean being physically controlled or being in a custody area of the Hamilton Police Service.



Section 11 Investigations

Of the 3 SIU investigations that have concluded in 2017, 2 Section 11 investigations have been completed by the PSB. The Section 11 Investigations have concluded that all HPS policy and procedures were adhered to and no further action was required on the part of the subject officers or the HPS. The third Section 11 investigation is on hold pending requested materials from the SIU. There are 6 outstanding Section 11 investigations remaining for 2017. These cannot proceed until the Director of the SIU has reached a decision pertaining to these matters. A Section 11 Investigation is not required when an officer is criminally charged by the SIU.

Risk Management

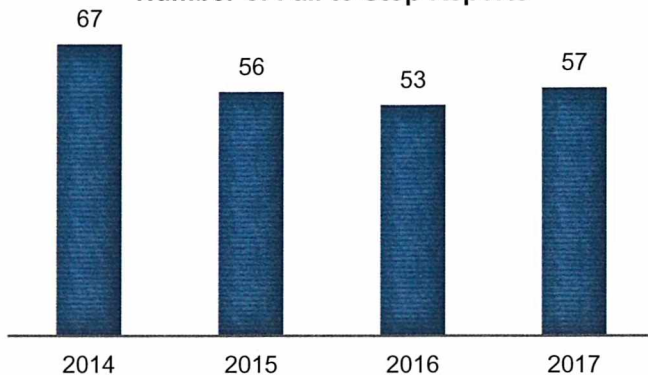
Suspect Apprehension Pursuits

A suspect apprehension pursuit occurs when a police officer attempts to direct the driver of a motor vehicle to stop. The driver refuses to obey the officer and the officer pursues in a motor vehicle for the purpose of stopping the fleeing motor vehicle or identifying the fleeing motor vehicle or an individual in the fleeing motor vehicle.¹⁰

¹⁰ Police Service Act, 2011, Ontario Regulation 266/10, Suspect Apprehension Pursuits, www.e-laws.gov.on.ca

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Number of Fail to Stop Reports



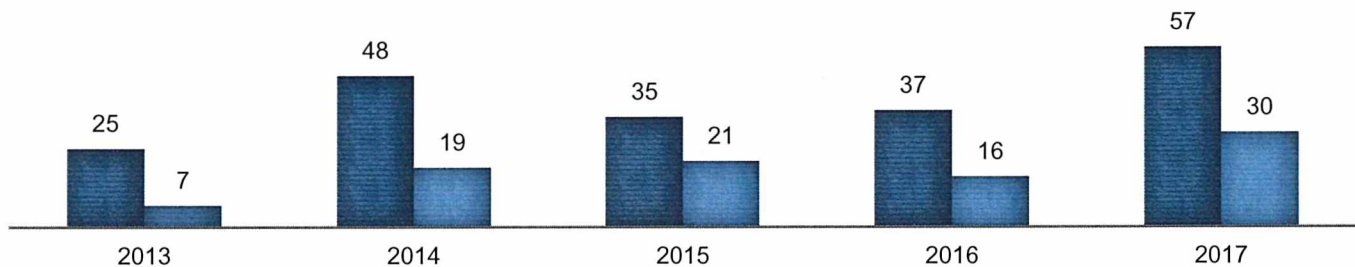
Fail to Stop Report

A Fail to Stop report is used by the HPS whenever an officer attempts to stop a motor vehicle and that motor vehicle refuses to stop as directed, whether or not a pursuit is initiated.

The total number of Fail to Stop reports submitted for 2017 was 57. This is an increase of 7.5% when compared to 2016. Pursuits were initiated in 47% of the incidents where a Fail to Stop report was submitted.

Fail to Stop Report Outcomes

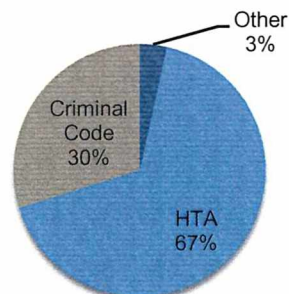
■ Pursuits ■ Pursuits Not Initiated



Of 27 initiated pursuits in 2017, 19 were terminated within 1 km, and an additional 14 pursuits were terminated within 1-5 km. This can be attributed to strong supervision, training, officer discretion, and the HPS commitment to public and officer safety.

Of the 57 Fail to Stop reports in 2017, 17 were for *Criminal Code* violations, 38 for *Highway Traffic Act* violations and 2 were suspicious vehicles.

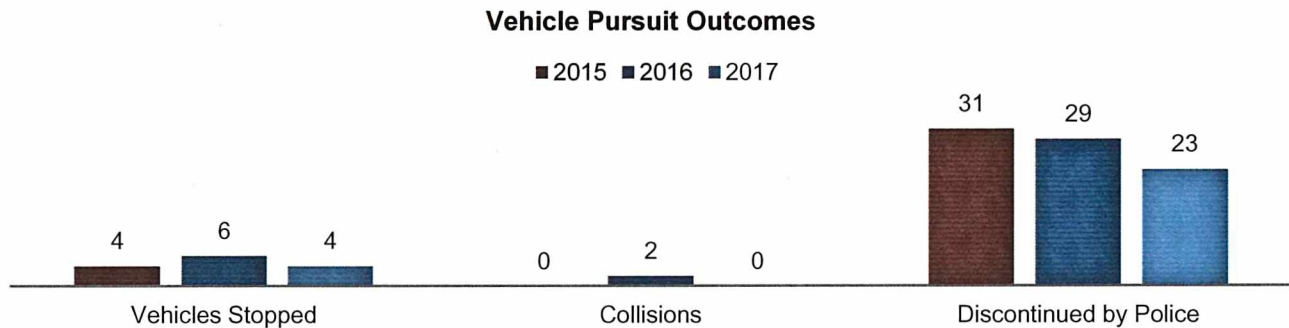
Reason for Pursuit



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Pursuit Outcomes

In 2017, officers discontinued 85% of pursuits, which represents 23 of the total 27 pursuits. In 2016, pursuits were discontinued 78% of the time.



Commendations and Citizen Awards and Letters

The Hamilton Police Service received 120 Good News letters in 2017. This is reflective of the quality service that our members are providing to our communities. In addition to this recognition by members of the public, the Hamilton Police Service also recognized members of the Service and members of our communities in 2017 through various acknowledgements including:

- Issuance of 18 letters of recognition to members of the public
- Awarded 22 members with the Member of the Month Award
- Issuance of 203 commendations to members for exemplary service (139 level one, 1 level two, 17 Superintendent, and 46 Chief)

In addition, two members of our Service were awarded the St. John's Ambulance Silver Life-Saving Award.

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HAMILTON POLICE SERVICES BOARD

- INFORMATION -

DATE: 2018 June 21

REPORT TO: Chair and Members
Hamilton Police Services Board

FROM: Eric Girt
Chief of Police

SUBJECT: *2017 Year-End Budget Variance Report*
PSB 18-081

BACKGROUND:

The Hamilton Police Service (HPS) has completed its 2017 year-end process; the detailed actual-to-budget and actual-to-actual analysis of revenues and expenditures for the year ended December 31, 2017. Budgeted Variance Report is attached (Appendix A).

Historically, HPS has been audited by the City of Hamilton's independent external auditors (currently KPMG) as part of the City's annual year-end audit and its operations consolidated into the City of Hamilton's annual financial statements.

The City's General Issues Committee (FCS 15081) approved a separate annual audit of HPS Schedule of Operations in addition to the City's historical annual consolidated audit for 2015 and 2016 fiscal years. No audit findings were identified by KPMG.

In August 2017, the City's Audit, Finance, and Administration Committee (AF&A, report FCS 17073), approved the recommendation "that the Police Services audit of operations be removed from the schedule of required annual audits". Since HPS is "consolidated into the City of Hamilton's annual financial statements and are part of the City's audit", and "no audit findings" were identified for 2015 and 2016, the "additional audit is not required". HPS will continue to be audited as part of the City's annual consolidated audit for 2017 and future years.

2017 Year-End Results

The 2017 Hamilton Police Service Operating Budget was approved at \$157,333,370 which is comprised of \$168,403,238 in total expenditures, offset by \$11,069,868 in total revenues.

The current Collective Agreements expired on December 31, 2017. All retro payments related to the terms of the Collective Agreements were paid and/or accrued in 2017.

The 2017 Hamilton Police Service actual year-end position resulted in a favorable Operating Budget variance (a surplus) of \$611,711 (0.39% of total budget). The favorable variance details are summarized below.

Revenue – Favourable Variance \$164,975

Overall, HPS realized a total net favourable revenue variance of \$164,975. This variance is mostly attributed to greater than anticipated revenue in Police Clearances, Paid-Special Duty, Police fees and False Alarm fees. These increases were offset with decreases in General Occurrences/ID Photos, Tow Fees and Sale of Accident Reports.

The Hamilton Police Service received the sixth year of the Provincial Court Security upload in 2017. The Court Security upload is the result of the Provincial government initiative to help offset the cost of municipal court security services through a phased-in upload over seven (7) years that began in 2012. These monies are directly applied against court security costs incurred each year.

HPS continues to take advantage of Provincial and Federal funding initiatives to address operational, training and equipment needs. Unbudgeted/unanticipated funding increases were realized in Proceeds of Crime, Victims Quick Response, Repeat Offender Parole Enforcement (ROPE), Prisoner Transportation, Youth in Policing (YIPI), Crisis Support for Emergency Situations, Hate Crime and Extremism, Witness Protection, Intelligence and Federal Prostitution Exit Support Service grants. In addition, HPS received monies from the Department of Justice Canada for Victims and Survivors of Crime Week. These grant monies are offset with direct expenditures from their respective programs.

In addition, HPS incurred reductions in Firearms grant and OPC secondment revenue as a result of staffing changes in those positions.

Expenditures – Total Favourable Variance \$446,736

The Hamilton Police Service realized a total surplus in operating expenditures of \$446,736 in 2017. Several of the highlighted areas are as follows:

Employee Related Costs – Over Expenditure (\$31,196)

The net unfavorable variance in Employee Related Costs can be attributed to greater than anticipated sick bank and vacation payouts due to member retirements/resignations and part-time wages. These over-expenditures were mostly offset by savings in full-time salary costs due to maternity/parental leave, LTD, and gapping.

The sick bank and vacation payouts fluctuate each year based not only on the number of retirements/resignations, but also on employees' accumulated sick bank balances and earned/untaken vacation entitlements as negotiated in the current Collective Agreements.

Members on maternity/parental leave, WSIB, and LTD are replaced by part-time members (for civilian positions, overtime for sworn positions) and therefore, savings of full-time salaries are realized for members on maternity/parental leave and LTD.

Financial/Legal Charges – (\$60,653) over expenditure is mainly attributed to a discipline hearing, grievance/arbitration, human rights complaints, SIU investigations and Board related legal services.

Material and Supplies - \$383,694 net savings is mainly attributed to savings in the OPP monitoring contract with additional net savings in operational expenses, repairs and supplies.

In 2017, the City of Hamilton, including HPS, was subject to an HST audit by Canada Revenue Agency (CRA). HPS was assessed for non-collection of HST at source (plus interest) for the years 2014-2016 in towing fees, photo ID, accident reports, and miscellaneous revenue. As a result of the assessment, HPS notified customers and began applying HST in December 2017. Efforts are being made in attempt to recover some of the assessed amounts. This assessment has been netted against the savings.

Vehicle Expenses - \$128,540 net savings is mainly attributed to outsourced repairs. A significant portion of vehicle repair expenses was eligible under vehicle warranty, thus, there was no cost for these repairs to HPS. In addition, the tender on Original Equipment Manufacturer's (OEM) parts yielded significant savings in auto part purchases.

Buildings and Grounds – (\$121,040) over-expenditure is mostly attributed to higher than anticipated costs in hydro and telephone. The transition to the VOIP telephone system was implemented in stages (completed in summer 2017) and, thus, HPS continued to incur old system telephone costs until the VOIP implementation was fully completed. These over-expenditures were offset with savings in horticultural services, building repairs and heating fuel.

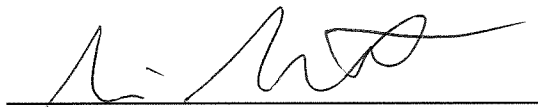
Consulting – (\$27,351) over-expenditure is attributed to professional fees for the hiring process of senior positions within the Service for the Deputy Chief of Police and the Chief Administrative Officer.

Contractual - \$168,415 savings is attributed mostly to cellular phones, air card rentals, photocopier rentals and contractual services. New corporate contracts were negotiated which resulted in significant savings.

The 2017 HPS budget included contributions from the Police Tax Stabilization Reserve of \$75,000, the Police Vehicle Reserve of \$125,000, and the Police Capital Reserve of \$288,500 as sources of revenue. Due to the overall net surplus, these contributions were not required and, as a result, remained in their respective reserve accounts. The 2017 continuity schedule for the Hamilton Police Reserves is shown in Appendix B.

Conclusion

In accordance with the "Operating Budget Surplus/Deficit Policy", the City of Hamilton Finance Department closed the 2017 HPS operating budget surplus of \$611,711 to the Police Tax Stabilization Reserve; a standard operating procedure at year-end.



Eric Girt
Chief of Police

EG:JR

Attachments: *Appendices A-B*

cc: Anna Filice, Chief Administrative Officer
John Randazzo, Chief Accountant – Finance

Hamilton Police Service**Appendix A**

Budget Variance Report

Year Ended December 31, 2017

YTD Budget % : 100.00%

	Annual Budget	2017 Actual	Available Balance	% Spent
	A	B	C=A-B	B/A
Revenues				
Grants and subsidies	\$ (7,583,824)	\$ (7,986,118)	402,294	105.30%
Fees and general revenues	(2,686,844)	(2,938,021)	251,177	109.35%
Reserves/Capital recoveries	(799,200)	(310,703)	(488,497)	38.88%
Total revenues	(11,069,868)	(11,234,843)	164,975	101.49%
Expenses				
Employee related costs	150,960,457	150,991,653	(31,196)	100.02%
Materials and supplies	5,887,543	5,503,848	383,695	93.48%
Vehicle expenses	1,997,000	1,868,460	128,540	93.56%
Buildings and grounds	2,426,494	2,547,534	(121,040)	104.99%
Consulting expenses	27,600	54,951	(27,351)	199.10%
Contractual expenses	793,590	625,175	168,415	78.78%
Agencies and support payments	34,300	34,300	-	100.00%
Reserves/Recoveries	4,297,084	4,290,755	6,329	99.85%
Cost allocation	660,250	660,252	(2)	100.00%
Capital financing	1,027,200	1,027,200	-	100.00%
Financial/Legal charges	291,720	352,373	(60,653)	120.79%
Total expenses	168,403,238	167,956,502	446,736	99.73%
Total Net Expenditure	\$ 157,333,370	\$ 156,721,659	\$ 611,711	99.61%

Hamilton Police Service Summary of Reserve Balances 2017 Reserve Activity

Appendix B

Reserve Number	Reserve Name	Balance Dec 31/2016	Transfers To(+)	Interest Earned(+)	Transfers From (-)	Balance Dec 31/2017
104055	Tax Stabilization - Police	490,755 (3)	985,049	16,422 (6)	(551,272)	940,954
104056	Police ISD Forensic Building	6,639,262		150,123		6,789,385
110020	Police Vehicle Replacement	1,601,502 (1)	1,702,600	43,861 (2)	(2,084,593)	1,263,370
110065	Police Capital Expenses	1,100,192		24,877		1,125,069
112029	Vacation Liability Reserve	1,466,930		33,169		1,500,099
112030	Sick Leave Police	6,109,589		138,146		6,247,735
112210	Provision Police Litigation	259,851			(4) (259,851)	-
112220	Police Special Events	113,487			(5) (113,487)	-
112225	Rewards - Police Board	181,509		4,104		185,613
22218-000100	OMERS Type III (see note below)	558,893		12,637		571,531
TOTAL RESERVES		\$ 18,521,971	\$ 2,687,649	\$ 423,340	\$ (3,009,204)	\$ 18,623,756

- (1) - transfer to Vehicle Reserve from Police 2017 Approved Operating Budget for vehicle purchases and upfitting, PSB 16-134
- (2) - transfer from Vehicle Reserve to Police Capital Fund (WIP Accounts) for approved Police vehicle purchases and upfitting
- (3) - 2017 Operating Surplus \$611,711 and funds transferred from closed reserve accounts as per HPS Board approval. (1) \$259,851 and (2) \$113,487 [see items (4) and (5)]
- (4) - reserve closed out, approved funds allocated to reserve 104055, as per the HPS Board approval PSB 17-080
- (5) - reserve closed out, approved funds allocated to reserve 104055, as per the HPS Board approval PSB 17-080
- (6) - funds transferred to 2017 Operating Budget for legal indemnification, as approved by the HPS Board PSB 17-095

Note - OMERS Type III account represents the unused portion plus accumulated interest of the OMERS Type III surplus that was divided with the Hamilton Police Association, Senior Officers Association, the Chief and Deputies in 1997. These funds must be used in accordance with the agreement signed by the parties stated above. The monies must be used for specific improvements for the service and / or front line staff.



CITY OF HAMILTON
Corporate Services Department
Clerk's Office

4.5(g)

TO:	Chair and Members General Issues Committee
COMMITTEE DATE:	April 18, 2018
SUBJECT/REPORT NO:	Use of City Resources During an Election Period Policy (CL18004) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tony Fallis, Manager, Elections/Print & Mail
SUBMITTED BY:	Rose Caterini City Clerk Corporate Services Department
SIGNATURE:	

RECOMMENDATION

That the use of City Resources during an Election Period Policy, attached as Appendix A to Report CL18004, be approved.

EXECUTIVE SUMMARY

Section 88.18 of the *Municipal Elections Act, 1996* (MEA) now requires municipalities and local boards, before May 1 of an election year, to establish rules and procedures with respect to the use of municipal or board resources during the election campaign period.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: NA
 Staffing: NA
 Legal: NA

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**SUBJECT: Use of City Resources During an Election Period Policy
(CL18004) (City Wide)**

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HISTORICAL BACKGROUND (Chronology of events)

Use of city resources during election time is currently enforced through the Council Code of Conduct (By-Law 16-290) and the Clarification of Councillor Sponsorships and Related Expenditures Report (FC11108)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Background

The MEA specifies that a municipality or local board cannot make a contribution to a municipal election candidate (Section 88.8 (4) or a registered third party (Section 88.12 (4)).

A “contribution” includes:

- a) money, goods and services given to and accepted by or on behalf of a person for his or her election campaign (Section 88.15 (1))
- b) money, goods, and services given to and accepted by or on behalf of an individual, corporation or trade union in relation to third party advertisements (Section 88.15 (2)).

A “contribution” may take the form of money, goods or services, any use of the Corporation’s resources for an election campaign by a Member of Council who is a candidate, or by any candidate or any registered third party, would be a contribution by the City.

The current Council Code of Conduct (By-law 16-290) states the following:

SECTION 6: USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

6. (1) No Member of Council shall use, or permit the use of, City land, facilities, equipment, supplies, services, City employees or other resources, including City-owned materials, websites, Council transportation delivery services, or Councillor global budgets, for activities other than the business of the City.

(2) No Member of Council shall obtain financial gain from the use or sale of any City-developed intellectual property, (including inventions and creative writings or drawings), computer program, technical innovation, or other item capable of being patented, in which property remains in the exclusive ownership of the City.

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**SUBJECT: Use of City Resources During an Election Period Policy
(CL18004) (City Wide)**

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SECTION 7: ELECTION CAMPAIGN WORK

7. (1) No Member shall use facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities, except on the same basis (including paying a fee if any) as such resources are normally made available to members of the public.

(2) No Member shall use her or his newsletter or website linked through the City's website, for any election campaign or campaign-related activities.

(3) No Member shall use the services of any City employee for any election campaign or campaign-related activities during hours in which those City employees receive any compensation from the City.

The MEA specifies that a municipality or local board cannot make a contribution to a municipal election candidate (Section 88.8 (4) or a registered third party (Section 88.12 (4)).

Clarification of Councillor Sponsorships and Related Expenditures Report (FC11108) contain the following Council approved guidelines:

Campaign Literature	Expenses incurred to produce or distribute campaign literature or materials will not be paid for by the City. In addition, newsletters may not be distributed after August 30 of an election year.
Sponsorship/Donations/Ticket Expense	Expenses related to sponsorships and donations (including the purchase of event tickets) will not be allowed after August 31 of an election year. Sponsorships/donations are not to be provided for any amounts levied in respect of any tax or user fees. Sponsorships/donations are limited to \$350 per named organization

The Policy, Use of City Resources During an Election Period Policy, attached as Appendix A to Report CL18004 is intended to be in addition to, and not replace, the above listed sections of the Council Code of Conduct or the Clarification of Councillor Sponsorships and Related Expenditures Report.

It is recognized that Members of Council are holders of their office until the end of their term. Nothing in this Policy shall preclude a Member of Council from performing their job, nor inhibit them from representing the interests of the constituents who elected them.

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(CL18004) (City Wide)**

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Purpose

The purpose of this Policy is to provide a consistent approach and direction regarding the use of corporate resources during an election campaign.

Application and Scope

This Policy applies to Members of Council, candidates, registered third parties in a municipal election and staff during a campaign period.

RELEVANT CONSULTATION

Municipal Elections Act, 1996

Council Code of Conduct By-Law 16-290

Clarification of Councillor Sponsorships and Related Expenditures (FC11108)

Legal Services

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Consistent with the current MEA legislation and other municipalities in Ontario

ALTERNATIVES FOR CONSIDERATION

NA

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

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USE OF CITY RESOURCES DURING AN ELECTION PERIOD POLICY

1. Purpose

The purpose of this Policy is to provide a consistent approach and direction regarding the use of City resources and those of its Local Boards during an election campaign. Should any Local Board or the City of Hamilton adopt its own policy governing the use of its resources for elections, such policy shall take precedence over this policy.

2. Application and Scope

This Policy applies to Members of Council and its Local Boards, candidates, registered third parties in a municipal election and staff during a campaign period.

Exceptions:

- 2.1 Municipal information prepared, posted and maintained by the City, names and photographs of Members of Council, their contact information, and a list of current representation on committees that is prepared, posted and maintained by the City.
- 2.2 Agendas and minutes of Council and Committee meetings.
- 2.3 Media releases and City materials that describe inter-governmental activities of the Mayor, in the capacity as Head of Council, and Chief Executive Officer of the City.

3. Outcome

This policy is intended to:

- 3.1 Ensure compliance with the *Municipal Elections Act, 1996*, in regards to the role of the City contributing to a municipal and trustee election campaign.
- 3.2 Ensure candidates and registered third parties are treated fairly and consistently.
- 3.3 Ensure the integrity of the election process is maintained at all times.
- 3.4 Establish the appropriate use of resources during an election period, in order to:
 - a. protect the interests of Members of Council, candidates, registered third parties, staff and the Corporation; and,
 - b. ensure accountable and transparent election practices.