

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: February 28, 2012	
SUBJECT/REPORT NO: Use of Flak Jackets by Municipal Law Enforcement Officers (PED12028) (City Wide)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: William Young 905-546-2424 Ext.2469
SIGNATURE:	

RECOMMENDATION

- a) That Report PED12028 titled "Use of Flak Jackets by Municipal Law Enforcement Officers" be received; and,
- b) That the item listed as "Health and Safety Protocols for the City of Hamilton By-law Officers" be removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

This Report responds to the November 22, 2011 Planning Committee direction to investigate having Municipal Law Enforcement Officers (MLE) wear flak jackets.

Alternatives for Consideration – N/A

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The cost of flak jackets ranges from \$500.00 to \$1,000.00 per unit. The total cost to outfit the MLE Special Enforcement Unit would range from \$3,000.00 to \$6,000.00.

Staffing: N/A

Legal: NA

HISTORICAL BACKGROUND (Chronology of events)

At the Planning Committee meeting on November 22, 2011 staff were directed to *“review and report back on the health and safety protocols for the City of Hamilton By-law Officers with respect to flak jackets.”*

POLICY IMPLICATIONS

N/A

RELEVANT CONSULTATION

Hamilton Police Service was consulted in the preparation of this Report.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

In 2007, an Operational Review of the (former) Standards and Licensing Section, approved by City Council on February 28, 2007, contained 48 recommendations to correct a wide range of operational and management deficiencies, including four recommendations related specifically to enforcement priorities, service levels and response to after-hours calls for enforcement. BMA Management Consulting (BMA) was retained to prepare an implementation plan to address these four recommendations.

Among other things, BMA recommended *“That the Special Enforcement section operate 7 days a week, subject to Council determination of service levels and respond to noise complaints up until 1 a.m., after which, because of the increased safety risks, the complaint becomes the responsibility of the police.”* Further, BMA

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recommended “*That the Special Enforcement section be provided full military style uniforms, Kevlar vests and marked cars.*”

While enforcement staff are now attired in full uniform and drive “marked” cars, Kevlar vests (flak jackets) are not used. The following factors affected the management decision to not use Kevlar vests (flak jackets):

- traditionally flak jackets are worn only by the Military Officers, Police Officers, Law Enforcement Agents and Correctional Services staff whose jobs require them to assertively confront dangerous and threatening situations. Staff are not aware of any by-law enforcement officers in Ontario who wear these jackets because it is not necessary or desirable for MLE officers to intentionally confront threatening situations when seeking compliance with Municipal By-laws. Unlike Police Officers, MLE Officers do not carry firearms and are not equipped with self-defence tools such as pepper spray and/or telescopic batons, but are provided basic training and skills which allow them to assess potentially violent situations and to appropriately disengage and retreat, if necessary;
- there are different types of flak jackets offering various levels of protection against such weapons as firearms, knives, etc.. Higher levels of jackets offer greater encompassing protection, but they can also restrict mobility and add extra weight to the body, which may encumber an MLE Officer’s ability to rapidly retreat from a potentially dangerous situation; and,
- current safety protocols identify known locations of violence and/or potential violence so when responding to a complaint MLE Officers are required to:
 - i) request Police “*back up*” and remain at a safe distance until the Police arrive on the scene, or
 - ii) not respond but refer the request to the Police.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

N/A

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability,
3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development,
6. Environmental Stewardship, 7. Healthy Community

Healthy Community

- ◆ An efficient and effective by-law enforcement program is critical to Community quality of life and public safety.

APPENDICES / SCHEDULES

None.

BY/dt