



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Financial Planning, Administration and Policy Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	April 21, 2021
<b>SUBJECT/REPORT NO:</b>	Court Security and Prisoner Transportation Program Agreement for 2021 (FCS21036) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Cyrus Patel (905) 546-2424 Ext. 4878
<b>SUBMITTED BY:</b>	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
<b>SIGNATURE:</b>	

**RECOMMENDATION(S)**

- (a) That the General Manager, Finance and Corporate Services, be authorized and directed to execute a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General with respect to the Provincial funding allocation for court security and prisoner transportation services for 2021, in a form satisfactory to the City Solicitor and the required annual financial report; and,
- (b) That the General Manager, Finance and Corporate Services, be authorized and directed to execute similar future agreements between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Solicitor General, in similar matters relating to the Provincial funding allocation for court security and prisoner transportation services, in a form satisfactory to the City Solicitor and the required annual financial report.

**EXECUTIVE SUMMARY**

The purpose of Report FCS21036 is to gain Council's approval to enter into an agreement with the Province that will provide continued funding to help offset court security and prisoner transportation costs that are eligible under the Court Security and Prisoner Transportation (CSPT) Program.

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Commencing in 2012, the Ontario government began reimbursing a portion of CSPT costs to help municipalities fund the service in their jurisdictions. The City of Hamilton is responsible for the costs of providing security for court premises during hours of court operations and security of persons attending court and / or the costs of transporting prisoners and custodial minors (i.e. persons between twelve and seventeen years of age) between correctional institutions, custodial facilities and court locations for the purposes of court attendance. The CSPT Program will provide a maximum total of \$125 M for 2021 province wide.

An expenditure-based model was used to determine allocation for 2021. Funding is allocated based on each municipality's relative share of the total 2019 CSPT cost across the province. For example, if a municipality's CSPT cost represents 1% of the total provincial CSPT cost, then it will be allocated 1% of the available funding. For the current funding period 2021, the City of Hamilton's funding allocation is \$5.17 M (4.1%).

**Alternatives for Consideration – Not Applicable**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** By entering into the 2021 Transfer Payment Agreement with the Province, the City will receive funding for 2021 to help offset the cost of providing court security and prisoner transportation of \$5.17 M. The 2021 Police budget estimated this provincial funding to be the same as in 2020 (\$5.05 M) due to the Province reviewing all funding programs. The higher allocation for 2021 will result in an additional recovery of \$118 K for the Police compared to the approved budget.

**Staffing:** N/A

**Legal:** By entering into the Agreement, the City of Hamilton will receive partial reimbursement from the Province of Ontario for eligible services and activities under the Court Security and Prisoner Transportation Program, in accordance with the terms and conditions of the agreement effective January 1, 2021. The Agreement sets out the criteria for eligible services and activities.

**HISTORICAL BACKGROUND**

Ontario is the only province in Canada where legislation dictates court security be paid for with municipal property tax dollars and delivered through local police service boards via police chiefs.

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In the Fall of 2020, the Ministry undertook a review of the delivery of court security and prisoner transportation in Ontario, including the Court Security and Prisoner Transportation (CSPT) Transfer Payment (TP) Program, to help strengthen best practices and explore ways to improve efficiencies. On March 31, 2021 the City was notified that no changes to the program were made for 2021 as a result of the review. However, the City's proportionate share of the funding will increase in 2021.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

N/A

**RELEVANT CONSULTATION**

Hamilton Police Service was consulted and did not express concerns in moving forward with the Agreement.

Corporate Services Department – Risk Management has provided the required proof of general liability insurance.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Funding Allocation: Court Security and Prisoner Transportation (CSPT) Program

Consistent with prior funding periods, the 2021 funding allocation is based on an expenditure model, proportional to each municipality's 2019 relative share of the total CSPT costs across the province. It is to be noted that the proportional funding received by the City is contingent on the overall qualifying expenditure levels for all the Provincial municipalities. Therefore, the proportion of the total Provincial funding received by the City may vary from year to year.

Table 1 shows details of the funding received by the City from 2012 to 2021. The actual CSPT expenditures for the City are continuously increasing and for 2021, there is an anticipated funding shortfall of \$2.7 M.

**Table 1  
CSPT Funding and City Expenses – 2012 to 2021**

<b>Year</b>	<b>Total Provincial Funding \$'000</b>	<b>City Expenses \$'000 Budget</b>	<b>City Share of Provincial Funding \$'000</b>	<b>% of City Expense Funded by Province</b>	<b>Funding Shortfall \$'000</b>	<b>City Share % of Provincial Funding</b>
2012	17,800	5,017	705	14%	(4,312)	4.0%
2013	35,700	4,871	1,410	29%	(3,461)	3.9%
2014	53,500	4,779	2,115	44%	(2,664)	4.0%
2015	71,300	5,067	2,546	50%	(2,521)	3.6%
2016	89,200	5,792	3,182	55%	(2,610)	3.6%
2017	107,100	6,315	3,601	57%	(2,714)	3.4%
2018	125,000	6,467	4,201	65%	(2,266)	3.4%
2019	125,000	7,177	4,947	69%	(2,230)	4.0%
2020	125,000	7,411	5,055	68%	(2,356)	4.0%
2021	125,000	7,839	5,173	66%	(2,666)	4.1%
<b>Total</b>		<b>60,735</b>	<b>32,935</b>		<b>(27,800)</b>	

Although total funding from 2018-2021 has been maintained at \$125 M, the City of Hamilton’s apportionment has increased slightly over that period as a percentage share of the total CSPT allocation.

The funding amount of \$5,172,969 for 2021 represents approximately 4.1% of the available funding.

Funding is conditional upon the execution of the Agreement for 2021 between the Province and the City by April 30, 2021.

#### Delegation of Authority

Each year the Province requires the City to enter into a new agreement in order to access the funds made available for the CSPT Program. In the interest of operational efficiency, authorization is sought for the General Manager, Finance and Corporate Services, to be able to execute similar future agreements between the City of Hamilton and the Province as represented by its Solicitor General, in a form satisfactory to the City Solicitor.

#### ALTERNATIVES FOR CONSIDERATION

N/A

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement and 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.

**APPENDICES AND SCHEDULES ATTACHED**

None.

CP/dt