



HAMILTON POLICE SERVICES BOARD

Board Members

Nancy DiGregorio, Chair
Bob Bratina
Madeleine Levy
Bernie Morelli
Irene Stayshyn
Terry Whitehead

Lois Morin, Administrator

March 27, 2013

Office of the City Clerk
City Hall
71 Main Street West, First Floor
Hamilton, Ontario
L8P 4Y5

Attention: Carolyn Biggs, Legislative Co-Ordinator

RE: 2013 Hamilton Police Services Board – Operating Budget

At its meeting of March 7, 2013, the City of Hamilton General Issues Committee approved the following motion with respect to the Hamilton Police Services Budget:

'That staff present what a maintenance budget for the Hamilton Police Service would look like from a percentage increase standpoint.'

This motion was taken to the Hamilton Police Services Board (Board) meeting of Monday, March 18, 2013 and a full discussion took place. Following a full review of the above motion, it was acknowledged by the members of the Board, as was clearly stated in previous budget deliberations, that the approved budget of the Board is 3.71% and the maintenance budget is 3.62%. Both Councillor Whitehead and Morelli indicated that they did not require a response of the Board, beyond the verbal discussion, and that they would advise their Council colleagues. Given the substantive dialogue that took place at the March 21, 2013 General Issues Committee (GIC) meeting councillors require clarity directly from this Board.

Further, the Hamilton Police Services Board is in receipt of a motion from the General Issues Committee that was passed at the March 21, 2013 meeting that states:

'That a representative of the Hamilton Police Service be requested to attend a special meeting of the General Issues Committee to respond to questions with respect to the 2013 Hamilton Police Service Operating Budget.'

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In light of the GIC meeting and having reviewed the motion of Council, the Board can advise the following which we believe will address Council's request for 'information with respect to the percentage increase that would be required for an operating maintenance budget (exclusive of enhancements and capital financing) for the 2013 Hamilton Police Service Budget'.

The 2013 Budget estimates for the Hamilton Police Service were approved by the Hamilton Police Services Board at its meeting of February 19, 2013 and were presented to the General Issues Committee on February 21, 2013. The 2013 Budget of \$140,676,370 represents a 3.71% or \$5.03 million increase over the 2012 budget. This includes funding to service the capital debt charge for the Mountain Station in the amount of \$712,650 which does come from the operating budget.

As you are aware, the primary budget pressures for 2013 include salary and benefits enhancements related to the current Collective Agreement (\$3,779,380 or 2.78%), the OMERS pension contribution rate increase (\$1,178,980 or 0.87 %), and approved staffing increases resulting from the very thorough analysis of adequacy of service delivery (\$578,120 or 0.43 %).

The Hamilton Police Service 2013 Budget process began in the early months of 2012 with the Chief and Deputy Chiefs working with the management team to assess organizational priorities, service delivery standards, demand for service and the requirements to deliver the Board approved Business Plan. The process of developing and deliberating the budget included a number of layers of review from the Divisional level up to the Chief. This also included public presentations. This process resulted in more than \$4.0 million in budget reductions from the original 2013 budget submission.

Following the exhaustive internal review process by the Command of the Hamilton Police Service, the budget was presented to the Police Services Board where it was reviewed in detail, debated and approved. The Service engaged in a consultative process with the community by holding three town hall meetings.

From the perspective of the Board, the cost of policing is an ongoing issue and one that the Board is fully engaged in all year long. Accordingly, the Board has a very strong commitment to ensuring the delivery of adequate and effective, sustainable police budgets. This commitment is demonstrated by the ongoing, consistency of the Police levy as a percentage of the total City budget over the past 10 years. In 2003, the Police levy was 18.54% of the total city levy while comparatively, in 2012, the Police levy represented 19.24%. This consistency identifies the importance that the Board, the Chief, and staff, place on delivering fiscally responsible budgets. It is particularly noteworthy, that 4 of the last 5 budgets, approved by the Board and the Council, were all under 4% while 7 of 9 presented between 2001 and 2009 were in excess of 4%. It is evident that the Board continues to provide excellent police service in the community respectful of financial constraint.

The Hamilton Police Services Board takes its governance role, including the oversight of the police budget, very seriously. Section 31(1)(b) of the *Police Services Act* states that a Board is responsible for the provision of adequate and effective police services in the municipality and shall generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality. Notwithstanding this important governance role, section 31(4) of the Act is clear that the Board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police service. It is in the context of this statutory framework that the Board and the chief of police work collaboratively to establish a fiscally responsible budget estimate.

Members of the Hamilton Police Services Board met on Monday, March 18, 2013 and received the motion of council. The Board previously approved a 3.71% budget increase in 2013 as presented by Chief De Caire to the General Issues Committee at its meeting of February 21, 2013. As a result of a thorough review process, it is the opinion of the Board that the 2013 budget addresses the statutory requirements set out in Section 4 of the *Police Services Act* for the provision of adequate and effective police services in the City of Hamilton. The Chief has presented compelling evidence and the Board has approved a commitment to hire 20 additional police constables and one civilian in order to continue to maintain the long established standard and community expectation of policing in Hamilton. The Board has made substantial efforts to reduce the original budget submission and has successfully removed over \$2.0 million.

At the meeting of the Board on March 18, 2013, Councillor Morelli also requested the percentage increase - if the 20 officers are removed from the Board approved budget request. That percentage is 3.33% with the 20 officers removed. This information is recorded at the 2 hour mark of the live stream recording of the meeting.

It is the responsibility of the Council to ensure that tax payer dollars are committed to the essential requirements of the city and this Council is commended for its rigorous and thoughtful review and deliberations in respect of the extensive budget submission.

The motion of council requests what a maintenance budget looks like in terms of percentage. Maintenance in terms of meeting the current Collective Agreement commitments is 3.62% representing \$4.9 million.

While this is 'maintenance' in terms of salary and benefits this does not mean 'maintenance' in terms of service delivery standards and community expectations. We remain committed to provide the same standard of service to the community to maintain adequate and effective policing and our commitment is reflected in the Board approved 3.71% budget.

As you know, the budget process is outlined in section 39 of the *Police Services Act*. The Council shall establish an overall budget for the Board for the purpose of maintaining the police force and to provide the force with the equipment and facilities, and pay the expenses of the Boards operation. Upon reviewing the budget, Council is not bound to adopt the estimates submitted by the Board [section 39 (3)]. However, Council does not have the authority in law to approve or disapprove any specific item(s) in the budget estimates [section 39(4)].

Moreover, Council must be aware that the Board 'has an onerous responsibility, imposed by statute, to provide the municipality such policing as is required to protect the citizens, and it, (the Board), is remiss if it fails to provide the protection which society requires. The Board, being constantly in touch with policing the municipality, should acquire the judgement as to the police requirements which has great weight. In the absence of cogent material indicating an error in judgement on the part of the Board, the Board should not be lightly overturned.'¹

Once Council has established the budget, if the Board is not satisfied that the budget established for it by Council is sufficient to maintain an adequate number of police officers or other employees of the police service or to provide the police service with adequate equipment and facilities, the Board may request that the Ontario Civilian Police Commission (O.C.P.C.) determine the question after a hearing [section 39(5)].

The Hamilton Police Services Board is committed to the maintenance of public safety and to the delivery of the highest quality of policing services while maintaining financial stability and accountability.

Yours truly,



for
Nancy Di Gregorio
Chair of the Board

¹ Ontario Police Commission, *City of Sarnia v. Sarnia Police Commission*, 1973.