CITY OF HAMILTON

Hamilton Police Services Board

Report to: Mayor & Members Committee of the Whole
Submitted by: Lois Morin Administrator

Date: June 22, 2010
Prepared by: Lois Morin Administrator
905-546-2727

SUBJECT: Public Rewards – Repeal of By-law (PSB 09-052)

RECOMMENDATION:

a) That the Hamilton Police Services Board requests the City of Hamilton to repeal By-Law R79-178, By-Law R81-096, and By-Law R84-011, being By-Laws to Regulate the Offering and Paying of Rewards on the conviction of Offenders, and the Return of Missing Persons or Property.

b) That the Mayor and City Clerk be authorized and directed to execute the appropriate By-Law to repeal By-Law No. R79-178.

Lois Morin, Administrator
Police Services Board

EXECUTIVE SUMMARY:

The Police Services Board met on Monday, May 17, 2010 and respectfully submits the above recommendation which, the Police Board approved. As outlined in the attached report (PSB 09-052a), the request to repeal By-Law R79-178, By-Law R81-096, and By-Law R84-011 was to be forwarded to City Council.
SUBJECT: Public Rewards – Repeal of By-Law
(City Wide) (PSB09-052a)  

BACKGROUND:  
(see attached report PSB 09-052a)  

ANALYSIS OF ALTERNATIVES:  
(see attached report PSB 09-052a)  

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:  
(see attached report PSB 09-052a)  

POLICIES AFFECTING PROPOSAL:  
(see attached report PSB 09-052a)  

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:  
(see attached report PSB 09-052a)  

CITY STRATEGIC COMMITMENT:  
(see attached report PSB 09-052a)  

Attachment: PSB 09-052a  
Public Rewards – Repeal of By-lw (City Wide)  
By-Law No. – To Repeal By-law No. R79-178  

cc Chief Glenn DeCaire, Hamilton Police Service  
Deputy Chief Eric Girt, Field Support, Hamilton Police Service  
Deputy Chief Ken Leendertse, Community Policing, Hamilton Police Service  
Marco Visentini, Legal Counsel
DATE:        2010 May 17
REPORT TO:   Chair and Members
             Hamilton Police Services Board
FROM:        Glenn De Caire
             Chief of Police
SUBJECT:     Public Rewards – Repeal of By-law
             (PSB 09-052a)

RECOMMENDATIONS:

a) That the Board request that the City of Hamilton repeal By-Law R79-178, By-
Law R81-096 and By-law R84-011, all dealing with the regulation of Public
Rewards.

b) That the Board delegate authority to the Chair of the Police Services Board to
approve, in exigent circumstances, a Public Reward, which Public Reward shall
be brought to the fully constituted Board at its next regularly scheduled meeting.

Glenn De Caire
Chief of Police

FINANCIAL / STAFFING / LEGAL IMPLICATIONS:

FINANCIAL –  n/a

STAFFING –  n/a

LEGAL – By-Law R79-178, the first City of Hamilton By-Law regulating the
"Offering and Paying of Rewards on the Conviction of Offenders,
and the Return of Missing Persons or Property", was passed in 1979.
By-Law R79-178 did not have an upper limit to the amount of the
Reward that could be approved. In 1981, By-Law R79-178 was
amended by By-Law R81-0196, which created an upper limit of
$5,000.00 for the amount of Reward that could be offered. In 1984,
By-Law R84-011 increased the upper limit to $10,000.00.
The By-Laws were enacted under provisions of the Municipal Act, (R.S.O. 1970 and R.S.O. 1980) that are no longer in existence. In each of the By-Laws, municipal council authorizes the Reward based on recommendations made by the civilian body governing the police service. This process does not reflect the current practice in respect of the recommendation and authorization of Rewards. Public Rewards are currently approved by the Police Services Board, upon the recommendation of the Chief of Police and are funded entirely by the Police Service Operating Budget, to an upper limit of $50,000.00. The repeal of these By-Laws will ensure that the current process is not in conflict with out-dated By-Laws.

In exigent circumstances, it may become necessary for the Chief of Police to seek the approval of a Public Reward in advance of a scheduled meeting of the fully-constituted Board. In such circumstances, it is advisable, and most practical, that the Chief of Police seeks the approval for the Public Reward from the Chair of the Board and then bring the recommendation to the fully-constituted Board at its next regularly scheduled meeting.

BACKGROUND:

The offering of cash Rewards to the public, in return for information about crime, is an investigative strategy police services have utilized for many years. Common sense would dictate that big money can buy key information. However, history has shown that this is not the case and sometimes Rewards can hinder an investigation by a flooding of leads and stretching limited resources.

In a previous Board Report, PSB 09-052, changes to the Reward payouts and policy was brought to the Board and approved. In particular, it was recommended that the Board only needs to keep 20% of the total Public Rewards that are outstanding as it is very rare that a Public Reward is actually paid by the police service. A previous examination of Rewards shows that only $10,000.00 has been paid out from one (1) case in the last ten (10) years. Research showed that Hamilton was in the lower end of the Reward scale. Rewards were limited to $10,000.00 by the existing City By-Law. However, the current practice is that the City does not hold Reward funds for the Police Service and the existing By-Law no longer reflects current process.

The current practice is that the Chief of Police makes recommendation to the Police Services Board in respect of the amount of Reward to be posted. The Board has already approved the recommendation that we enhance Public Rewards by increasing the upper limit to $50,000.00. However, the practice is that once the Board approves the Reward, the funding is earmarked out of the current operational funds and placed into
a special Reward Reserve fund. The Board has already authorized that only 20% needs to be transferred over to the Reward Reserve fund, therefore limiting the impact on the Operational Budget. Given that the current practice for the recommendation and authorization of Rewards no longer reflects the process set out in the City By-Laws, it is appropriate to seek the repeal of the By-Laws. The Service will be creating a new policy outlining the steps to be taken by our investigators in order to bring a Reward request to the Board for approval.

In certain exigent circumstances, investigators may feel that it is necessary to offer a Reward immediately. In such circumstances, it is in the public interest that the Chief of Police be given flexibility in the seeking approval of the Reward from the Chair of the Board. In such a case, the Chief of Police would bring the recommendation to the fully-constituted Board at its next regularly scheduled meeting.

GD/K. Leendertse
CITY OF HAMILTON

BY-LAW NO. _________

To Repeal By-law No. R79-178 of the Regional Municipality of Hamilton-Wentworth, a By-law to Regulate the Offering and Paying of Rewards on the Conviction of Offenders, and the Return of Missing Persons or Property

WHEREAS Council of the Regional Municipality of Hamilton-Wentworth enacted a by-law to regulate the offering and paying of rewards on the conviction of offenders, and the return of missing persons or property being By-law No. R79-178;

AND WHEREAS Council of the City of Hamilton wishes to repeal By-law No. R79-178;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. R79-178 of the Regional Municipality of Hamilton-Wentworth is repealed.

2. This By-law comes into force on the day it is passed.

PASSED this day of , 20 .

______________________       ______________________
Fred Eisenberger            Rose Caterini
MAYOR                      CLERK