Agenda – Council – March 25, 2009

Report – Standing Policy Committee on Infrastructure Renewal and Public Works - March 10, 2009

Item No. 3 Winnipeg Park Police
File PR-7

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 2009, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That the Winnipeg Public Service continue with the reorganization with the Winnipeg Park Police at City Parks.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works submits the following to Council:

1. That the reorganizing of the Winnipeg Park Police at City Parks be halted and the current Winnipeg Park Police model be reinstated.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works - March 10, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 2009, the Executive Policy Committee did not concur in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the following to Council:

1. That the Winnipeg Public Service continue with the reorganization with the Winnipeg Park Police at City Parks.

Further on March 19, 2009, the Executive Policy Committee received submissions from the following in opposition to the reorganization of the Winnipeg Park Police at City Parks:

- Susanne Wherrett
- Dan Wasylkiw
- Mike Davidson, President, and Lee McLeod, National Staff Representative, Canadian Union of Public Employees (CUPE) Local 500

STANDING COMMITTEE RECOMMENDATION:

On March 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works recommended that the reorganizing of the Winnipeg Park Police at City Parks be halted and the current Winnipeg Park Police model be reinstated, and submitted the matter to the Executive Policy Committee and Council.

Further on March 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works received submissions in support of maintaining the current Winnipeg Park Police model at City Parks from the following:

- Susanne Wherrett submitted a presentation and petition purporting to contain the names of 72 citizens
- Mike Davidson, President, Canadian Union of Public Employees (CUPE) Local 500 submitted a presentation dated March 10, 2009.

On February 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works referred the January 28, 2009 Council motion to the Winnipeg Public Service for report back to its meeting on March 10, 2009.

Report – Standing Policy Committee on Infrastructure Renewal and Public Works - March 10, 2009

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

Further on February 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works requested that any proposed changes to status of the Winnipeg Park Police at City Parks not be proceeded with until the report has been submitted.

Also further on February 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works received submissions in support of the Council Motion dated January 28, 2009 from the following:

- Kim Wozniak, Association Manager on behalf of Garth Bromley, President, Mid Canada Marine Dealers Association submitted a communication dated February 9, 2009
- Tracy Moroz and Chad Garchinski submitted communication dated February 9, 2009
- Mike Davidson, President, Canadian Union of Public Employees (CUPE) Local 500, submitted a presentation dated February 10, 2009
- Jackie Dykeman submitted a communication dated February 10, 2009

COUNCIL DECISION:

On January 28, 2009, Council ruled automatic referral of the following motion to the Standing Policy Committee on Infrastructure Renewal and Public Works:

Moved by Councillor Gerbasi,
Seconded by Councillor Vandal,

WHEREAS on December 5th, 2008, the Winnipeg Park Police were given 90 days notice that they would cease to exist on March 2nd, 2009;

AND WHEREAS the staff will be reduced from 14 to 7 and “downgraded” to a new “park patrol” concept that will employ untrained seasonal staff as ambassadors;

AND WHEREAS response to crime in our parks is an issue of concern for citizens;

AND WHEREAS the proposed plan shifts the responsibility of dealing with crime issues in our parks to the already high workload of the Winnipeg Police Service (WPS);

Report – Standing Policy Committee on Infrastructure Renewal and Public Works - March 10, 2009

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

AND WHEREAS the new model will focus on the Assiniboine, Kildonan and St. Vital parks which could mean a lack of security in other City parks considering the high level of demand on the WPS for high priority calls;

AND WHEREAS the projected savings of $100,000 should be reinvested into park safety initiatives or the WPS rather than reducing coverage for City parks;

THEREFORE BE IT RESOLVED THAT the proposed changes to the status of the Winnipeg Park Police be referred to the Standing Policy Committee on Infrastructure Renewal and Public Works for review;

AND BE IT FURTHER RESOLVED THAT the Public Works Department and the Winnipeg Police Service be directed to provide further information regarding this matter to the Standing Policy Committee on Infrastructure Renewal and Public Works before this initiative proceeds.

RE: STATUS REPORT ON PARK POLICE

FOR SUBMISSION TO:	**Standing Policy Committee on Infrastructure Renewal and Public Works**
ORIGINAL REPORT SIGNED BY:	**Director of Public Works and the Chief of Police**
REPORT DATE:	**March 9, 2009**

RECOMMENDATION:

1) That this report be received as information.

Report Summary

Key Issues:

- The current Park Police model does not satisfactorily protect staff and the corporation and must be modified to satisfy the Workplace, Health and Safety Act and Bill C-45 Amendments to the Criminal Code affecting the Criminal Liability of Organizations.

- Under the authority delegated to the Chief Administrative Officer by Council on September 24, 2008, the 14 person Park Police unit is being re-organized to Park Patrol and Park Watch which will address safety and liability issues, expand park safety/security and customer services at peak season, and make clear that the Winnipeg Police Service has the primary responsibility for the enforcement of Federal and Provincial legislation such as the Criminal Code, the Narcotics Control Act, etc in the 12 regional parks under the jurisdiction of Park Police.

- The Winnipeg Police Service supports the new model of Park Patrol and Park Watch, and will now be the sole policing agency to address higher risk law enforcement in the 12 regional parks. The Winnipeg Police Service has been and continues to be responsible for all law enforcement in the City Of Winnipeg's other 1,000 plus parks and open spaces.

- Seven members of the current Park Police Unit will be incumbent in the new Park Patrol Unit and 7 others, in accordance with the Collective Agreement, will be re-deployed to other jobs in the Public Service.

- This change addresses both officer and public safety and liability issues by placing higher risk activities in the hands of the WPS who are appropriately staffed, trained, armed and supported by a sophisticated police system.

- The new Park Patrol and Park Watch model will refocus the unit on park safety, security and ambassadorship with by-law and other lower risk enforcement

activities (peak season staffing, April to September, will be 7 Park Patrol Officers and 20 Seasonal Park Watch Ambassadors for a total of 27 staff compared to the current 14 staff).

- The new model will provide increased patrol visibility, accessibility and response to routine matters in regional parks by the Park Police/Park Watch unit.

Implications of the Recommendation(s):

General Implications

X None
For the organization overall and/or for other departments
For the community and/or organizations external to the City
Involves a multi-year contract
Comment(s):

Policy Implications

X No
Yes
Comment(s):

Regulatory Implications

X None
Eliminates or reduces regulatory impact
Proposes regulatory impact
Comment(s):

Environmental Implications

X No
Yes
Comment(s):

Human Resources Implications

No
X Yes
Comment(s): Redeploying 7 Park Police within the City of Winnipeg

Financial Implications

X Within approved current and/or capital budget
Current and/or capital budget adjustment required
Comment(s):

Report

REASON FOR THE REPORT:

On January 28, 2009, Council passed a motion that the Public Works Department and the Winnipeg Police Service be directed to provide further information to the Standing Policy Committee on Infrastructure Renewal and Public Works regarding the proposed changes to the status of the Winnipeg Park Police for review before this initiative proceeds.

On February 10, 2009, the Standing Policy Committee on Infrastructure Renewal and Public Works passed a motion requesting that the Public Service report back on the status of Park Police at its meeting on March 10, 2009.

HISTORY:

On February 15, 2005, the CAO accepted the recommendation of the Public Works Department (PWD), as supported by the Legal Services Department, that Park Police be converted to Park Patrol and that further assessment be done to determine if and how the unit may fit within the WPS.

From 2005 to December 2007, the PWD and WPS carried out further assessments with input from Departmental and Corporate Human Resources, Legal Services, along with preliminary discussions with CUPE local 500 and the Winnipeg Police Association.

In January of 2008, the PWD and WPS met, and, after lengthy study, the PWD determined that the most practical and feasible fit (financially and organizationally) for park patrol focusing on park security would be the Parks and Open Space Division (in accordance with the current Council Policy – Parks C161 – Policing of City Parks).

In February 2008, during the 2008-2010 budget discussion, Public Works identified a number of potential efficiencies, including converting the Park Police to Park Patrol / Park Watch.

On September 24, 2008, Council delegated to the Chief Administrative Officer authority to make any changes to the organizational structure as it relates to the Winnipeg Public Service.

On December 3, 2008, in accordance with the Collective Agreement, the Public Works Department gave CUPE Local 500 90 days notice in the change in operation from Park Police to Park Patrol and Park Watch with the new operation to be phased in beginning March 3, 2009.

Over the last 5 years, and again in January 2009, the Winnipeg Police Service has been consulted and the Chief of Police confirmed his support for this change, as did the Chief Administrative Officer.

DISCUSSION:

1. Background

Historically, the Winnipeg Park Police were ex-officio constables who were empowered by the Public Parks Act of 1897, later receiving special constable appointments to enforce parks related matters. This entity was intended to be quasi-police or enhanced security with limited practical 'policing' responsibilities and duties within regional parks (12). Over the years, this entity has experienced 'scope creep' to the point that the Park Police currently have full policing status even though their primary responsibility, as per Council Policy – Parks C161 – Policing of City Parks, remains as "providing security within the regional parks and their facilities" and assisting the Winnipeg Police Service with the enforcement of Federal and Provincial legislation such as The Narcotics Control Act and The Criminal Code. The 12 regional parks where their authority applies include: Assiniboine; St.Vital; Kildonan; Kilcona/Harbourview; Crescent Drive; Whittier; La Barriere; Little Mountain; Juba (Waterfront Drive); King's; Churchill Drive and Blumberg Sports Park. All law enforcement activities in the City's other 1000 plus parks and open spaces have been, and remain the responsibility of the Winnipeg Police Service.

The intent of Park Police was to support the Winnipeg Police Service, not to replace the Winnipeg Police Service on higher risk law enforcement matters in regional parks.

2. Safety and Liability

On the advice of legal and policing experts, the existing Park Police Model and structure has been assessed as an unsafe and inappropriate model given current day social realities (crime, gangs, weapons, drugs and the related risks to the public and Park Police Officers); especially considering the unit does not have firearms, tasers, and access to much other policing equipment, a dispatch system, on-going training and other police support systems. Under the Workplace, Health and Safety Act and Bill C-45 Amendments to the Criminal Code Affecting the Criminal Liability of Organizations, the employer is responsible to take all reasonable steps to ensure both the safety of employees and those who may be affected by the services that those employees provide. As such, the City needs to shift high risk policing activities to the Winnipeg Police Service, and retain park security and safety in an appropriately tasked Park Patrol/Park Watch unit which can support the WPS. In this manner, the City is taking appropriate steps to ensure both public and employee safety, improve park safety/security and customer services, and manage organizational risk/liability.

3. Options Considered

The following options for park police/patrol and security were considered:

1. Eliminate the 14 person Park Police Unit and have the Winnipeg Police Service take over responsibility within their existing resources;

2. Convert the 14 person Park Police Unit to a 14 person Park Patrol Unit within the Public Works Department;

3. Eliminate the Park Police Unit and transfer existing funding ($900,000) and responsibilities to the Winnipeg Police Service;

4. Contract out Park Policing; and

5. Re-organize the Park Police unit to a Park Patrol/Park Watch unit.

The first option was not selected because it would only stretch the already strained resources of the Winnipeg Police Service. Moreover, it would have resulted in a dramatic reduction in park patrol and security services.

Similarly, the second option was not selected. While it could address some of the safety and liability issues, it would continue to provide inadequate visibility, accessibility and response to day–to –day routine matters, particularly during peak season when the parks are far busier and numerous well-attended major events are held.

The third option was not seen as feasible because the Winnipeg Police Service indicated the Park Police would be compelled to meet their policing standards regarding staffing, equipment, vehicles, supervision, facilities and systems resulting in additional expenditures of up to $3.8 million dollars. This potential cost increase, or even a fraction of this estimate, was viewed as disproportionate to park safety/security and customer service needs, and as such was not seen as a viable option.

The fourth option, the contracting out of Park Police, was not seen as feasible as the Park Patrol function includes the need for a wide variety of special constable functions that need to be approved by Manitoba Justice and supported by the Winnipeg Police Service, including enforcing provincial statutes, City Of Winnipeg by-laws, as well as providing park information and other customer services. Such enforcement and citizen/customer services can best be handled through a co-operative effort by Park Patrol/Park Watch and the Winnipeg Police Service. Subsequently, contracting out Park Police functions involves many complex legal liabilities.

The final option, the re-organization of the Park Police unit to a Park Patrol/Park Watch model, was selected as the best alternative to meet the requirements of a modern day parks law enforcement unit. The new model will increase patrol visibility, accessibility and response to routine matters in regional parks by the Park Patrol/Park Watch unit. This model also addresses safety and liability issues, expands park safety/security and customer services, and ensures the Winnipeg Police Service has the primary responsibility for the enforcement of Federal and Provincial legislation such as the Criminal Code, the Narcotics Control Act, etc. Unlike the existing Park Police, the WPS are appropriately staffed, trained, armed and supported by a sophisticated police system to handle high risk policing matters.

In accordance with the Collective Agreement, 7 Park Police Officers will be re-deployed to other positions within the Public Service and the Department will recruit for 20 Seasonal Student Park Watch Ambassadors. This spring and summer there will be a total of 27 Park Patrol/Park Watch staff compared to 14 Park Police in past years. Starting in 2010, a volunteer park watch component will be added with the potential to utilize more than 100 volunteers simply as extra eyes and ears to assist staff.

5. Summary

The Park Police has provided quality service to the citizens of Winnipeg for 112 years, however, for the aforementioned safety, liability, and customer service reasons, the unit needs to be converted to a Park Patrol/Park Watch model with higher risk law enforcement activities being handled by the Winnipeg Police Service. The City of Winnipeg has over 1,000 parks. Within these parks, law enforcement activities have always been, and will continue to be, the responsibility of the WPS.

Winnipeg Police Service and Public Works Department will review and assess this initiative after one year.

Financial Impact Statement

Date: March 9, 2009

Project Name:
STATUS REPORT ON PARK POLICE

First Year of Program **2009**

	2009	2010	2011	2012	2013
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ (100,000)	$ (100,000)	$ (100,000)	$ (100,000)	$ (100,000)
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ (100,000)	$ (100,000)	$ (100,000)	$ (100,000)	$ (100,000)
Less: Existing Budget Amounts	(100,000)	(100,000)	(100,000)	(100,000)	(100,000)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: This report is being submitted for information only at this time.

"original signed by D. Stewart, C.A."
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Marty Dahl, Manager of Human Resources, Public Works Department
Chief McCaskill, Chief of Police, Winnipeg Police Service

External Consultation With:

THIS REPORT SUBMITTED BY:

Department: Public Works
Division: Parks and Open Space
Prepared by: Don Budinsky/Dave Domke
File No.