



THE REGIONAL MUNICIPALITY OF HALTON

Report To:	Chairman and Members of the Administration and Finance Committee
From:	Mark G. Meneray, Director of Legal Services and Corporate Counsel
Date:	November 4, 2005
Re:	Halton Regional Police Accident Reconstruction Report By-law 2005-001
Report No.:	CA-55-05

RECOMMENDATION

THAT Halton Regional Police Services Board By-law No. 2005-001, a By-Law to impose Fees and Charges for Services and Activities related to the provision of Authorized Copies of Halton Regional Police Services Accident Reconstruction Reports to the public, be approved.

REPORT

The Halton Regional Police Services Board at their meeting held on October 27, 2005, passed By-Law 2005-001 to supersede and replace Halton Regional Police Services Board By-law 2000-02. This By-law imposes fees and charges for the services and activities provided by the Halton Regional Police Service in relation to the provision of detailed copies of Accident Reconstruction Reports to the public upon request or pursuant to a Court Order, which have been created by the Traffic Bureau.

Pursuant to Section 397(1) of the *Municipal Act* a by-law imposing fees or charges passed under this Part by a local board of a municipality does not come into force until the municipality passes a resolution approving the by-law. The purpose of this report is to obtain the necessary approval of By-law No. 2005-001 from Regional Council.

FINANCIAL/PROGRAM IMPLICATIONS

The imposition of fees and charges for the considerable time and effort expended by staff to retrieve, copy, verify the completeness of copies, edit, emboss, ensure legal compliance and deliver these reports, will reduce the overall cost of policing, within the Region of Halton. More importantly, the collection of these fees and charges will serve to ensure that taxpayers are not financing the costs of responding to these requests, particularly requests from those who do not reside within the Region but make use of these services.

1.2

Following a complete review of the procedures and staff time involved in responding to these requests, the Halton Regional Police Services Board has now reduced the fee it will charge from \$2000 to \$1300. A copy of the report from the Chief of Police to the Board and a copy of By-law 2005-001 are attached to this Report as Schedule "A".

RELATIONSHIP TO THE STRATEGIC PLAN

As this is an operational matter dealing with Fees and Charges, the recommendations contained in this report have no direct relationship to the Strategic Plan.

Respectfully submitted,



Mark G. Meneray
Director of Legal Services
and Corporate Counsel

Approved by



A. Brent Marshall
Chief Administrative Officer

If you have any questions on the content of this report, please contact: Bob Johnston

Tel. # 5223

HALTON REGIONAL POLICE SERVICE
PUBLIC AGENDA - RECOMMENDATION REPORT



TO: Chairman and Police Services Board Members	
FROM: Chief Ean Algar	
SUBJECT: ACCIDENT RECONSTRUCTION REPORT BY-LAW 2005-001	
REPORT #: P05-10-CS-R-09	DATE: October 17, 2005

RECOMMENDATION:

"That the Halton Regional Police Services Board approves and adopts By-Law 2005-001, a By-Law to impose Fees and Charges for the Services and Activities provided by the Halton Regional Police Service on behalf of the Halton Regional Police Services Board related to the provision of Authorized Copies of HRPS Accident Reconstruction Reports to the public."



Ean Algar
CHIEF OF POLICE

:RGJ

Attachments:

By-Law 2005-005 and Appendix "A"

INTRODUCTION AND BACKGROUND:

In October 2000, the Board authorized the imposition of fees and charges with respect to the provision of Accident Reconstruction Reports to the public when requested or ordered by the Courts.

The *Ontario Municipal Act, 2001, S.O. 2001, c. 25*, as amended, (hereinafter referred to as the *Municipal Act*), requires that all Municipalities and Municipal Boards entitled to impose fees and charges by way of By-Laws review those existing By-Laws and bring them up to date by no later than December 31, 2005.

Working with Legal Services, staff has reviewed all such By-Laws and amended and updated them as required. The last By-Law requiring amendment is this one dealing with the fees charged for the provision of Accident Reconstruction Reports.

A review of the existing By-Law was undertaken by Deputy Chief Kingston involving the Regional Traffic Bureau, Freedom of Information Bureau, and Legal Services. The documents included in an Accident Reconstruction Report were costed in accordance with HRPSB General Fees and Charges By-Law 2004-003. Also, in accordance with By-Law 2004-003, the additional staff time involved in creating an authorized copy HRPS Accident Reconstruction Report was included as it related to each stage of the process.

In conclusion, staff has determined the current average cost to create an authorized copy HRPB Accident Reconstruction Report is \$1,300. This is a reduction from the previous Fee of \$2,000 and amounts to a savings to the public of \$700 per Report.

On reviewing the current processes it became apparent that many technological investments and staffing changes over the past years has resulted in the Services ability to provide this Service at a lesser cost than before.

For example, the purchase of a Geodimeter Total Station with upgraded Robotics has enabled Regional Traffic to take precise digital measurements of collision scenes including evidence location and roadway configuration. This information is downloaded into a Computer Assisted Drafting program capable of producing exact diagrams more quickly and efficiently. This addition alone has eliminated the involvement of one Regional Traffic officer from all stages of the investigation and consequently simplifies the re-creation of the authorized copy of the Report.

Changes made in the format that the original reports are collected and maintained within Regional Traffic combined with changes in the processes and procedures relating to the compilation and creation of an authorized copy has resulted in fewer staff being involved in managing the various tasks and those involved being well trained and experienced at their function.

Particularly, increased staffing within the Records and FOI Bureaus combined with additional training and faster and more precise photocopiers has enabled the copying and review times necessary for these tasks to be reduced.

DISCUSSION/ANALYSIS:

Regional Traffic conducted a review of all matters for which a Reconstruction Report was created over the last three years. As a result of this review, it was determined that the average Report consisted of 150 pages of documents.

On review of the process, it was determined that the average Report would require photocopying in its entirety four times. Also, an average of five contact photo sheets is created, an average of three videos is created and the time and expertise of various staff are consumed in the process.

In addition to setting the fee, Schedule "A" sets out the various stages and processes involved with fees related to each process as set out in HRPB By-Law 2004-003.

ALTERNATIVES:

Impose fees for time and costs pursuant to the General Fees and Charges By-Law 2004-003 on a file by file basis.

In some cases, this may result in lower costs to some individuals. However, in many cases, the costs of obtaining a copy of this Report would be so high as to make them inaccessible to the general public.

Creating a standard fee based on the average Report balances the financial burden both to create and to purchase these documents with the concept of making these Reports truly accessible to all members of the public, not just those who can afford the Report. Of further

note, the most serious (largest Reports) wherein multiple parties may be involved in litigation for very serious injuries would be the ones most hindered by a case by case pricing.

CONSULTATION:

Deputy Chief Mike Kingston, Community Policing Administration
Bob Johnston, Legal Counsel
Sergeant Trevor Hay, Regional Traffic Bureau
Detective Constable Paul Davies, Regional Traffic Bureau
Nancy Groppo, Freedom of Information and Privacy Officer

FINANCIAL/HUMAN RESOURCE/LEGAL ISSUES:

The current By-Law will reduce the fee presently charged for these Reports from \$2,000 to \$1,300.

Upon approval and acceptance of this By-Law by the Police Services Board Police Legal Services will prepare the appropriate reports and execution forms to bring this matter to the attention of Region of Halton Council for their consideration and passing of an enacting by-law pursuant to Section 397 (1) of the *Ontario Municipal Act, 2001*, S.O. 2001, c. 25.

STRATEGIC MANAGEMENT ISSUES:

N/A



THE REGIONAL MUNICIPALITY OF HALTON
POLICE SERVICES BOARD
BY-LAW 2005-001

A by-law to impose Fees and Charges for the Services and Activities provided by the Halton Regional Police Service on behalf of the Regional Municipality of Halton Police Services Board related to the provision of Authorized Copies of HRPS Accident Reconstruction Reports to the public.

WHEREAS pursuant to Part XII, Section 391 of the *Ontario Municipal Act, 2001*, S.O. 2001, c. 25, as amended, (hereinafter referred to as the *Municipal Act*) a municipality and a local board may pass by-laws imposing fees or charges on any class of persons,

- (a) for services or activities provided or done by or on behalf of it;
- (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board;
- (c) for the use of its property including property under its control; and
- (d) for capital costs payable by it for sewage and water services or activities which will be provided or done by or on behalf of it after the fees or charges are imposed.

AND WHEREAS The Regional Municipality of Halton Police Services Board is a Board of the Regional Municipality of Halton established pursuant to Section 5 (1) 1 of the *Police Services Act of Ontario*, R.S.O. 1990, c. P-15 (hereinafter referred to as the *PSA*), as mandated by Section 4 of the *PSA* and is a local board pursuant to Section 390 of the *Municipal Act* and thereby permitted to impose Fees and Charges under Part XII, Section 391 of the *Municipal Act*.

AND WHEREAS pursuant to Section 396 (1) of the *Municipal Act* a by-law under this Part may provide for,

- (a) interest charges and other penalties, including the payment of collection costs, for fees and charges that are due and unpaid;
- (b) discounts and other benefits for early payment of fees and charges;
- (c) fees and charges that vary on any basis the municipality or local board considers appropriate and specifies in the by-law, including the level or frequency of the service or activity provided or done, the time of day or of year the service or activity is provided and whether the class of persons paying the fee or charge are residents or non-residents of the municipality;
- (d) different classes of persons and deal with each class in a different way; and
- (e) the exemption, in whole or in part, of any class of persons from all or any part of the by-law. 2001, c. 25, s. 396 (1).

AND WHEREAS pursuant to Section 396 (2) of the *Municipal Act* a by-law under this Part shall set out when and in what manner,

- (a) the fees and charges are to be paid; and
- (b) the interest charges and other penalties, if any, for fees and charges that are due and unpaid and the discounts and other benefits, if any, for early payment of the fees and charges are to be paid. 2001, c. 25, s. 396 (2).

AND WHEREAS Section 392 of the *Municipal Act* requires that a municipality and a local board shall establish and maintain a list for public inspection indicating which of its services and activities and the use of which properties will be subject to fees or charges under this Part and the amount of each fee or charge.

AND WHEREAS pursuant to Section 397 (1) of the *Municipal Act* a by-law imposing fees or charges passed under this Part by a local board of a municipality which is not a local board of any other municipality shall not come into force until the municipality passes a resolution approving the by-law.

AND WHEREAS pursuant to Section 398 (1) of the *Municipal Act* Fees and Charges imposed by a municipality or local board on a person under this Part constitute a debt of the person to the municipality or local board.

AND WHEREAS Section 398 (2) of the *Municipal Act* provides that the treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, under this Part to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges.

AND WHEREAS the Halton Regional Police Service makes available to the public upon request or through receipt of an Order of the Court, detailed copies of Accident Reconstruction Reports created by the Regional Traffic Bureau;

AND WHEREAS the Halton Regional Police Service incurs costs responding to these requests and Orders as considerable time and effort of staff is required to retrieve, copy (multiple), verify completeness of copies, edit, emboss, ensure legal compliance, and deliver these Reports;

AND WHEREAS on the 10th day of August, 2000, the Regional Municipality of Halton Police Services Board approved by-law 2000-02, which authorized the imposition of fees and service charges in relation to the creation of Accident Reconstruction Reports to be made available to the public;

AND WHEREAS The Regional Municipality of Halton passed a by-law that brought into force Regional Municipality of Halton Police Services Board by-law 2000-02;

NOW THEREFORE The Regional Municipality of Halton Police Services Board does hereby impose, approve and adopt this by-law to supersede The Regional Municipality of Halton Police Services Board by-law 2000-02 imposing fees and charges for the services provided by the Halton Regional Police Service on behalf of the Regional Municipality of Halton Police Services Board with respect to the provision of copies of Accident Reconstruction Reports to the public on request or pursuant to a Court Order;

AND FURTHERMORE all charges and fees for the services and activities provided or done by the Halton Regional Police Service with respect to the imposition, and collection of fees and charges relating to Accident Reconstruction Reports shall be due as set out within this by-law and the attached Schedule "A" that shall form part of this by-law.

AND FURTHERMORE the Chairman of the Regional Municipality of Halton Police Services Board shall direct the Chief of Police to, as required from time to time at the discretion of the Chief, create, update, and maintain those Policies, Procedures and Directives necessary in the opinion of the Chief of Police to effectively and efficiently operate and enforce this by-law.

NOW THEREFORE the Regional Municipality of Halton Police Services Board hereby enacts as follows:

ARTICLE 1: DEFINITIONS.

1.1 In this By-Law;

1.1(a) *Original Accident Reconstruction Report* means the Original copy of all documents collected or created by Members of the Halton Regional Police Service Regional Traffic Bureau with respect to an investigation undertaken by that bureau and includes all supporting documents, photographs, video tapes, and etc. relevant to and forming part of that investigation, and specifically includes;

- (i) Collision Report (MTO),
- (ii) Field Sketch,
- (iii) Officer's Technical Notes,
- (iv) Ident Contact Sheet(s),
- (v) Ident Video(s)
- (vi) Scale Diagram,
- (vii) Technical Data Report,
- (viii) Vehicle Mechanical Inspection Report,
- (ix) Post-Investigative Report,
- (x) Officer Notebook Entries.

- 1.1(b) *Authorized Copy HRPS Accident Reconstruction Report* means a copy of the *Original Accident Reconstruction Report* that has been edited as required by Law pursuant to the ***Municipal Freedom of Information Act*** R.S.O. 1990, c. M-56, and any other Federal or Provincial Act or Regulation or common law duty or obligation as applicable under the circumstances of each request or Order.

- 1.1 (c) *Collision Report (MTO)*, means

- 1.1 (d) *Field Sketch*,

- 1.1 (e) *Officer's Technical Notes*,

- 1.1 (f) *Ident Contact Sheet(s)*,

- 1.1 (g) *Ident Video(s)*,

- 1.1 (h) *Scale Diagram*,

- 1.1 (i) *Technical Data Report*,

- 1.1 (j) *Vehicle Mechanical Inspection Report*,

- 1.1 (k) *Post-Investigative Report*,

- 1.1 (l) *Officer Notebook Entries*,

ARTICLE 2: COLLECTION OF FEES AND CHARGES.

- 2.1 All Fees and Charges as set out in Schedule "A" to this By-Law are due in full prior to the release by the Halton Regional Police Service of any *Authorized Copy HRPS Accident Reconstruction Report*, except in those circumstances where alternate payment arrangements are authorized by Legal Counsel acting reasonably.

- 2.2 Halton Regional Police Service Members are to collect the Fees and Charges set out in Schedule "A" prior to commencing any work related to the compilation of an *Authorized Copy HRPS Accident Reconstruction Report*, unless otherwise directed and authorized by Halton Regional Police Services Legal Counsel.
- 2.3 The Fees and Charges contemplated by this By-Law shall be collected in cash, by certified cheque, by Lawyers Trust Account cheque, by valid credit card, or as otherwise deemed acceptable at the discretion of the Chief of Police acting reasonably.

ARTICLE 3: METHOD OF CALCULATING FEES AND CHARGES.

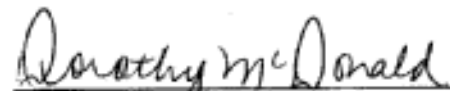
- 3.1 The Fees and Charges relating to this By-Law shall be based on the average Accident Reconstruction Report created by Regional Traffic Investigators on review of the previous three years of incidents investigated and Reports created.
- 3.2 In accordance with Article 3.1 the average Accident Reconstruction Report has been determined to equate to a 150 page report and the Fees set out in Appendix "A" shall reflect this size of a document.
- 3.3 Regardless the "Actual Size" of any one Accident Reconstruction Report, all *Authorized Copies HRPS Accident Reconstruction Report* created by the Service shall be charged at the average rate as determined in Article 3.2 as set out in Appendix "A" to this By-Law.

NOW THEREFORE The Regional Municipality of Halton Police Services Board **HEREBY APPROVES AND ADOPTS THIS BY-LAW** and directs that this by-law come into effect immediately upon the date the Regional Municipality of Halton passes a resolution by way of a Regional by-law approving this by-law.

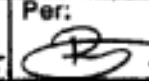
APPROVED AND ADOPTED THIS 27th DAY OF OCTOBER, 2005,



 Keith Bird, Chairman
 The Regional Municipality of Halton
 Police Services Board



 Dorothy McDonald, Executive Director
 The Regional Municipality of Halton
 Police Services Board

Approved as to form and content Legal Counsel	
Date: 24/ OCT/05	Per: 

APPENDIX "A"
**TO THE REGIONAL MUNICIPALITY OF HALTON
POLICE SERVICES BOARD BY-LAW 2005-005**

FEE SCHEDULE

THE TOTAL FEE FOR THE CREATION AND PROVISION OF AN AUTHORIZED COPY HRPS ACCIDENT RECONSTRUCTION REPORT SHALL BE \$1,300.00.

FEES ARE BASED ON AN AVERAGE ACCIDENT RECONSTRUCTION REPORT CONSISTING OF 150 PAGES OF DOCUMENTS.

SAID FEE SHALL ENCOMPASS THE PROVISION OF THE FOLLOWING SERVICES:

1. Receipt of and review of request. (FOI and Sgt. Regional Traffic).
Opening of file, Memo's and e-mail necessary to collect information required.

1.0 Hrs @ \$40.00 p/hr = **\$40.00**

2. Legal Services: correspondences, review of documents, attendances at Court as required from time to time.

1.0 Hrs @ \$225.00 p/hr = **\$225.00**

3. Compilation of and review of file by Regional Traffic Officer.

2.0 Hrs @ \$40.00 p/hr = **\$80.00**

4. Attendance of (Average 4 Officers) at HQ to personally deliver and await photo-copying and return of Notebooks.

4.0 Hrs @ \$40.00 p/hr = **\$160.00**

5. Identification Bureau copying videos
(Avg. 3 per matter)

3 videos X \$50.00 per/video = **\$150.00**

6. Identification Bureau Photo Technician creating "Contact Sheets"
(Avg. 5 per matter)

5 Contact Sheets X \$20.00 = **\$100.00**

7. Freedom of Information Bureau receipt and review of all submitted materials. Copy's made for editing, copies made of edited materials, all documents embossed/stamped to confirm as an authentic copy for Court purposes.

Time: Avg. 3.0 Hrs @ \$40.00 per/hr = **\$120.00**

Materials: Avg. 150 pages @ \$1.00 per page + **\$450.00**

8. Final processing, compilation, reviews, obtaining of payment and Courier of docs.

Time: 1 Hrs @ \$40.00 per/hr = **\$20.00**

Courier: \$10.00 Avg. = **\$10.00**

ACTUAL COSTS FOR AN AVERAGE REPORT: \$1,355.00.

COST IF C.D. ORDERED INSTEAD OF
PHOTO CONTACT SHEETS: \$1,305.00

*(C. D. Rom of Contact Sheet
enabling reproduction as required
by client= \$50.00. \$50.00 difference as
1 C.D. vs. 5 Contact Sheets AT \$100.00)*

TOTAL FEE RECOMMENDED: \$1,300 for ALL Reports.

ADDITIONAL COSTS NOT INCLUDED IN THIS BY-LAW:

- Individual 8 X 10 photos as selected from Contact Sheets: \$20.00 per photo.
- Interview with Officer: Cost based on HRPSB By-Law 2005-003. Rate dependant on Rank.

