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HAMILTON POLICE SERVICE

RECIPIENT OF THE WEBBER SEAVEY AWARD FOR QUALITY IN LAW ENFORCEMENT
RECOGNIZED AS ONE OF CANADA'S TOP 100 EMPLOYERS

5.21

CONFIDENTIAL

February 28, 2008

Mr. Glen Peace
City Manager
City of Hamilton
77 James Street North
Hamilton, Ontario
L8R 2K3

Dear Mr. Peace:

RE: Police Investigation – Breach of Confidential Information

We are in receipt of a City Clerk's Division *Council Follow-Up Notice* dated February 21, 2008, which illustrates that at the City Council meeting, of February 13, 2008, a Resolution was passed, as follows, "That the Chief of Police formally outline in writing the process the police would follow to investigate a breach of confidential information from a closed session meeting of Committee or Council".

As you may be aware, a breach of confidential information from a closed session of a Committee or Council meeting could possibly be a Breach of Trust of a Public Official under Section 122 of the Criminal Code of Canada or a violation of the *Municipal Act* in relation to an oath of office. That having been said, when issues of Municipal corruption come forward, involving Members of Council or elected officials, it is essential that an arms-length investigation be conducted. That having been the case, there is a strong likelihood that I would be calling upon another police service to conduct the criminal investigation on our behalf. Such an investigation would be time consuming and complex.

The *Council Follow-up Notice* also requested that the process the police would follow to investigate in this matter be outlined. The investigative steps undertaken during any investigation are not discussed openly and if they would it would undermine the process of determining the truth. That having been said, I am not at liberty to discuss in any further detail, the process or steps that the police service of jurisdiction would take in pursuing this matter. I am sure that you understand the reasoning for that position.

If you have any further questions or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian J. Mullan", followed by a long horizontal flourish line.

Brian J. Mullan, M.O.M.
Chief of Police

BJM:nu