



## TRANSIT POLICE

# ENDORSEMENTS, DONATIONS, GIFTS AND OTHER BENEFITS

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Office of Primary Responsibility: Manager Strategic Services

## POLICY

### Definitions

Chief Officer – The Transit Police Chief Officer or delegate.

Committee – The Transit Police Charitable Program and Endorsement Committee established by the Chief Officer, with responsibilities set forth in this policy or as otherwise assigned by the Chief Officer.

Coordinator – The staff person assigned responsibility for coordinating the Transit Police involvement in each approved non-commercial endorsement or related effort.

Donations - When an organization, company, or individual provides a product, service or funds to the Transit Police to help the Transit Police achieve an organizational goal or an Endorsement objective (e.g., donation of bicycle for operational use, golf tournament gift to support Special Olympics).

Employee – All sworn police officers and civilian staff (whether unionized or exempt), who are employed by TSML.

Endorsement – When the Transit Police gives approval or support to an organization, individual, product, service or activity. Endorsement includes when providing personnel or resources to help seek donations or raise funds for charitable causes (e.g., United Way, Cops for Cancer). Endorsements can be non-commercial or commercial, as follows:

- Commercial Endorsement – When a business receives a commercial benefit or profit through association with the Transit Police.
- Non-commercial Endorsement – When Transit Police support to an organization, individual, product, service or activity does not involve a commercial benefit or profit (e.g., Special Olympics).

Member – A Designated Constable, the Chief Officer or a Deputy Chief Officer of the Transit Police.

Police Board – The South Coast British Columbia Transportation Authority Police Board.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

TransLink – Common name for the South Coast British Columbia Transportation Authority.

TSML – TransLink Security Management Limited, a subsidiary of TransLink that is the entity for the Transit Police and employs Transit Police personnel.

### Authority

1. Transit Police employees must operate within the *Police Act*, the law, policies of the Transit Police and, where applicable, policies of TransLink and TSML, including TSML policy No. 001 – Director and Employee Code of Conduct. Members must be particularly mindful of their professional conduct obligations under Part 11 of the *Police Act*.

### GENERAL

2. This policy applies to employees and volunteers of the Transit Police, the Transit Police Social Club, and sporting teams affiliated with the Transit Police. (This policy may be applied to contractors to the Transit Police, on a case by case basis.)
3. This policy is to be read in conjunction with the policies identified below. If conflict should arise between this policy and related TransLink enterprise or TSML policy, this policy will take precedence.

**[Refer to: AC020 - Outside Employment, AC050 – Conflict of Interest, AD090 – Acquisition of Goods and Services and TSML policy No. 001– Director and Employee Code of Conduct Policy, TSML policy No. 008 – Consumption of Alcohol Policy]**

### Gifts and Other Benefits

4. Gifts, hospitality or other benefits that could reasonably be perceived by the public to influence employees in their judgment and performance of official Transit Police duties and responsibilities must be declined by employees. This means the employee must not accept gifts, hospitality or other benefits that are offered by persons, groups or organizations having business/commercial dealings with TSML, Transit Police or the TransLink enterprise, except as described below.
  1. Exception: The acceptance of a gift, hospitality or gratuity is permissible where the gift, hospitality or gratuity meets all of the following conditions:
    - a. is offered as the result of a customary or hospitable practice;
    - b. is of insignificant economic value (e.g., coffee mug, commemorative T-shirt, pen);
    - c. would not be viewed or reasonably be perceived by the public as placing any obligation on the employee or impact their impartiality; and
    - d. would not compromise the integrity of operations or administration of Transit Police, TSML or the TransLink enterprise.

5. It may be exceptionally difficult to decline gifts, hospitality or other benefits offered by individuals or organizations from different cultures with particular approaches to gifts. In such cases, every effort should be made to decline the gifts, hospitality or other benefit without offending the persons involved. If it is not possible to decline the gift, hospitality or other benefits, employees must immediately report the matter to a manager or supervisor who will advise the Office of the Deputy Chief Officer – Support Services. (Where possible, the employee to seek guidance in advance.)
6. Should any reward, gifts, gratuity or unauthorized compensation come into an employee's possession or the possession of the Transit Police, it will be immediately forwarded to the Office of the Deputy Chief Officer Support Services, accompanied by a written explanation of the circumstances. The Deputy Chief Officer Support Services will assess the circumstances and make recommendation to the Chief Officer. The Chief Officer will determine disposition (e.g., to be returned, retained by the Transit Police, donated to charity, or dealt with in another appropriate manner).

### **Endorsements**

7. The Transit Police may provide an endorsement if the cause, event or activity:
  1. supports the Transit Police mission (e.g., promoting transit rider safety, or working with the community to reduce violence, crime and fear);
  2. does not create an actual, potential or perceived conflict of interest between the organization and the Transit Police;
  3. provides a positive image for the Transit Police;
  4. does not compromise or impose or imply conditions that will limit, or appear to limit, the Transit Police's ability to carry out its functions fully and impartially;
  5. does not provide a commercial benefit or profit (see ss.11 -12); and
  7. does not guarantee endorsement commitment for future years (refer to s. 31).
8. All endorsements by the Transit Police must first receive the approval of the Chief Officer or designate.
9. All requestors seeking Transit Police endorsement (including a Transit Police staff person, a government agency, not-for-profit organization, or charity) are required to submit a formal written request ("application") using Transit Police Form AZ1440 (Form AZ1440). Offers of significant donations will also be required to complete a Form AZ1440, or as otherwise required by the Deputy Chief Officer Support Services.
10. The Committee will review applications for endorsement (as well as offers of significant donation) and make recommendations to the Chief Officer regarding approval, including the terms and conditions of the endorsement if approved. To assist in the review process, the Committee may also wish to seek advice from Transit Police legal counsel.

### Commercial Endorsement

11. Commercial endorsement is prohibited by the Transit Police. The Transit Police will not endorse organizations, individuals, products, services or activities where the endorsement will result in a commercial benefit.
12. Businesses may advertise that they are a supplier of products or services to the Transit Police, but the supplier must not use images of Transit Police employees or police equipment (including motor vehicles) in advertising or promotions.

*NOTE: Commercial endorsement is high risk and it may have negative implications for the Transit Police and its employees (including safety issues). When employees attend a commercial event in a private capacity (private citizen), the employee must avoid creating the impression that they are there in an official capacity, and they must ensure their actions are consistent with the Police Act, and professional conduct requirements within. Where an employee's attendance in a private capacity may create an actual, potential or perceived conflict of interest, the employee must notify their supervisor prior to attending and cooperate in managing the conflict, including complying with applicable conflict of interest policies.*

13. Employees will refer any request for commercial endorsement or advertising to the Committee.

### **Donations**

14. Employees must not use their official capacity for soliciting donations for any cause without first requesting approval through the prescribed process (Form AZ1440) and obtaining the written approval of the Chief Officer.
15. Members will not publicly solicit donations for any cause while in uniform unless written approval is obtained from the Chief Officer.
16. Where a donation is received by the Transit Police, the goods and services must be utilized for the purpose that the goods or service was accepted.
17. Donations must be direct to the Transit Police and not routed through a third party.
18. Offers of significant donation to the Transit Police (e.g., equipment or vehicles) will be processed in the same manner as outlined in this policy for endorsement applications, as set out in ss. 7-10. Transit Police receipt of significant donations will require the approval of the Chief Officer.

### **Non-compliance with Policy**

19. When an employee becomes aware of any suspected non-compliance with this policy, the employee will inform their manager. Any uncertainty by an employee is to be checked with the employee's manager. The manager will take action as outlined in TSML policy No. 001 and as required by Transit Police policies and the *Police Act*.

**Financial Accountability**

20. Unless specifically authorized by the Chief Officer, no Transit Police employee is permitted to manage or open outside accounts with respect to any endorsement event or activity covered by this policy. Funds collected and/or dispersed in relation to Transit Police endorsements will be administered through the Transit Police finance section, under the supervision of the Finance Manager, and handled consistent with regular accounting protocols.
21. Any proposed Transit Police cash endorsement/donations from the Transit Police budget that are over \$1,000, will require approval from the Police Board.

**Reporting and Records**

22. Annually, the Transit Police will submit to the Transit Police Board (via the Governance Committee) and TSML Board a summary report of all endorsement or donation agreements valued over \$1,000.
23. An endorsement and donation registry will be maintained by the Office of the Deputy Chief Officer Support Services (including requests and approvals), and be made available to the Transit Police Board and TSML Board upon request.

**PROCEDURES****Charitable Program and Endorsement Committee (Committee)**

24. The Chief Officer will appoint a Committee who will be responsible for:
  1. assessing and reviewing requests and applications for endorsement and offers of significant donation;
  2. identifying and estimating direct and in-direct costs to the Transit Police of the endorsement or donation;
  3. providing oversight of Transit Police involvement in endorsements and receipt of donations;
  4. addressing public or internal concerns related to this policy; and
  5. providing advice and recommendations (in writing) to the Chief Officer regarding requests, applications, compliance and emerging issues.
25. The Committee will be composed of the Deputy Chief Officer Support Services, Manager Strategic Services and the Manager Risk & Information, or as otherwise determined by the Chief Officer. The Committee will convene at the call of the Deputy Chief Officer Support Services.

### Coordinator

26. An employee will be assigned overall responsibility for coordinating (“Coordinator”) the Transit Police involvement in each approved endorsement or donation arrangement.
27. The Coordinator will ensure that the event or activity receives the agreed benefits from the Transit Police. The endorsement or donation arrangement must be monitored throughout the lifespan of the agreement to ensure compliance. Any discrepancy will be promptly brought to the attention of the Deputy Chief Officer Support Services.

### Agreements

28. Once the Chief Officer has approved an event or activity for endorsement and the type of police assistance to be provided, then the endorsement offer will be made to the applicant. A similar process will be followed for offers of significant donation to the Transit Police.
29. The endorsement or donation arrangement will be set out in a written letter of agreement. The letter will contain some or all of the following points, as applicable the particular event or donation matter:
  1. the submitting organization’s full corporate name;
  2. a description of the event or activity to be endorsed;
  3. the time period of the event or activity;
  4. the objective of the event or activity;
  5. the nature of the endorsement that the Transit Police will provide;
  6. contact details of the assigned Transit Police Coordinator;
  7. any obligations, rights and responsibilities of either party, such as:
    - a. use of Transit Police insignia, branding, and police officer and police service images;
    - b. the Transit Police right to veto the content of any articles or advertising material developed by the organization in relation to, or referring to, the event;
  8. a statement that the endorsement has no impact on the impartial execution by the Transit Police of their duties;

9. a statement that the Transit Police may at any time, and without prior notice, withdraw any personnel provided to the endorsement event or activity for the purposes of dealing with an emergency;
  10. any other terms and conditions of the approval; and
  11. the termination conditions, including a period of notice.
30. At the completion of the event or activity, the assigned Coordinator will be required to submit a timely, summary report (including applicable financial statements) to the Committee.
  31. An endorsement approval of an application is a one-time approval. Endorsement in a previous year(s) does not guarantee further endorsement. Each application must be assessed on its individual merits (circumstances may change or a more detailed analysis may identify unacceptable risks or costs).
  32. For public accountability and audit purposes, a record of the application, correspondence with applicant, assessment, approval, agreement and related documents will be maintained by the Office of the Deputy Chief Officer Support Services.

#### **Termination of Endorsement or Donation Arrangement**

33. The Transit Police will not enter into or may (in its sole discretion and at any point after an endorsement or donation agreement is entered into), discontinue the endorsement or agreement in circumstances including but not limited to:
  1. criminal investigations involving the sponsor/organization are taking place;
  2. in the public's perception, the Transit Police's integrity is discredited or compromised or professional reputation negatively impacted as a result of association with the organization, individual, product, service or activity.
34. When the Transit Police has entered into an endorsement or agreement and any of these issues develop or are later identified, or other risks are identified, they must be brought to the attention of the Committee. The Committee will reconsider the suitability of continuation of the agreement and make recommendation to the Chief Officer regarding continuation, varying or termination of the agreement or disposal of the donation.

#### **Key References**

British Columbia Police Act [RSBC 1996, Chapter 367]

Transit Police policy AC020 - Outside Employment

Transit Police policy AC050 – Conflict of Interest

Transit Police policy AD090 – Acquisition of Goods and Services

TransLink Security Management Limited policy No. 001– Director and Employee Code of Conduct Policy

TransLink Security Management Limited policy No. 008– Consumption of Alcohol Policy