

RESOLUTIONS

APPROVED AT THE 1998
CANADIAN ASSOCIATION OF POLICE BOARDS' ANNUAL MEETING
22 AUGUST 1998 - EDMONTON, ALBERTA

RESOLUTION 98-1: NATIONAL STRATEGY ON ORGANIZED CRIME

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards endorse the BC Regional Coordinating Committee *National Organized Crime Strategy* and advocate urgent action by the Federal Government on BC's recommendations:

- a) Strengthen efforts to combat money laundering by:
 - Establishing a national system of Mandatory Suspect Transaction Reporting (MSTR);
 - Establishing a national system of mandatory reporting of cross-border movement of currency and monetary instruments (CMIR).
- b) Safeguard, supplement and streamline the National Police Services involving intelligence and information systems, forensic laboratories, drug testing, police training and other measures needed to combat organized crime by renegotiating the 1966 Federal-Provincial Agreements, which were a response to the growth in organized crime in Canada and which gave rise to the National Police Services.

The objective would be to put in place "Millennium" agreements with assured federal support to enlarge upon and update the National Police Services to meet police needs in the 21st Century.

- c) Strengthen measures to take the profit out of organized crime by enlarging the list of Enterprise Crimes in the *Criminal Code* to include illegal immigration; document, credit card and telecommunications frauds; smuggling; and related offenses.
- d) Strengthen national intelligence collection and coordination by creating "desks" at CISC to provide national focal points for collection, coordination and sharing of intelligence associated with i) gambling offences/offenders; and ii) crimes threatening the integrity of Canada's ports.
- e) Enhance the integrity of Canadian ports and Canadian business by having the Federal Department of Transport provide additional portable x-ray machines and operators for inspection of containers at ports.
- f) Extend the Canada-United States Cross Border Crime Forum to address concerns across Canada.
- g) Provide the RCMP with *new* money to fund the federal share of provincial police positions.
- h) Amend the *Criminal Code* to provide Canada-wide jurisdiction for police officers

carrying out investigations in association with police of local jurisdiction.

RESOLUTION 98-2: SEXUALLY EXPLOITED YOUTH & AGE OF CONSENT

WHEREAS, under the Criminal Code of Canada, it is not a criminal offence for an adult to engage in sexual activity with a young person aged 14 years or older if the young person consents to the sexual activity with certain exceptions (i.e. it is a criminal offence for an adult in a position of trust or authority over a young person to engage in consensual sexual activity with a young person 14 years or older; and it is a criminal offence for an adult to obtain, for consideration, the sexual services of a person under the age of 18);

WHEREAS raising the age of consent from 14 years could assist in the prosecution of adults who buy sex from young people because it would permit a prosecution for sexual assault without the necessity of proof that there was payment of money or other consideration;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Federal Government to amend the *Criminal Code of Canada* to raise the age of consent to sexual activity from 14 years to 16 years for those offences enumerated in s. 150.1.

RESOLUTION 98-3: SEXUALLY EXPLOITED YOUTH & AMENDMENT TO S.212.4

WHEREAS, although s. 212(4) permits the use of undercover police officers posing as persons under the age of 18, as it is presently worded, this section is still difficult to enforce because of the necessity to prove that a person attempted to obtain the sexual services of a person whom they believed to be under the age of 18;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards continue to strongly urge the Federal Government to:

- a) Amend s. 212(4) to read as follows: "Every person who, in any place obtains or communicates with any person for the purpose of obtaining, for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years."; and
- b) Repeal s. 212(5).

RESOLUTION 98-4: SEXUALLY EXPLOITED YOUTH AND ADDITIONS OF S. 212(2), S. 212(4), S. 212(2.1) AND S. 210(1) OF THE CRIMINAL CODE TO S. 183.

WHEREAS s. 183 of the *Criminal Code of Canada* defines the offences for which an authorization to intercept a private communication can be granted;

WHEREAS it is often difficult to obtain evidence about prostitution related offences because of the reluctance of those involved in prostitution to give statements to police and/or testify in court;

WHEREAS the offences set out in s. 212(2) - *living on avails of a person under 18 years of age*; s. 212(4) - *obtaining, or attempting to obtain, sexual services of a person under the age of 18*; s. 212(2.1) - *living off avails for profit or through coercion*; and s. 210(1) - *keeping a bawdy house* - are sufficiently serious offences to warrant inclusion in s. 183;

WHEREAS the use of wiretap could make it easier for law enforcement officials to obtain evidence about prostitution related offences which does not rely exclusively on the testimony of a child or youth;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the federal government to amend s. 183 of the Criminal Code of Canada to include s. 212(2), s. 212(4), s. 212(2.1) and s. 210(1) of the Criminal Code.

RESOLUTION 98-5: SECURE SHELTER & SEXUALLY EXPLOITED YOUTH

THEREFORE BE IT RESOLVED THAT members of the Canadian Association of Police Boards urge the federal government to work with provincial governments to provide adequate funding for the necessary number of safe shelters for children and youth running away from abusive situations or otherwise forced onto the streets, and that such shelters: be staffed by people with direct personal realities of street youth; have access to support services; and be open 24 hours a day to meet the complex needs of street youth.

RESOLUTION 98-6: MANDATORY LIFE SENTENCES FOR DRUG TRAFFICKERS

THEREFORE BE IT RESOLVED THAT, as recommended in the 1994 B.C. Chief Coroner's *Report of the Task Force into Illicit Narcotic Overdose Deaths in British Columbia*, the Canadian Association of Police Boards request the Minister of Justice and the Solicitor General of Canada to examine the merits of mandatory maximum life sentences, without parole, for people importing and trafficking in large quantities of narcotic substances.

RESOLUTION 98-7: ACTION ON NON-RETURNABLE WARRANTS

WHEREAS some offenders with outstanding arrest warrants from other jurisdictions go to other jurisdictions to avoid the warrant and to continue their criminal activity, thereby continuing to subvert justice while exacting both a considerable toll on society and increasing the strain on limited police resources;

WHEREAS the Canadian Association of Police Boards adopted a Resolution at their 1997 AGM urging the federal government to accelerate its efforts to develop the necessary legislation for an effective system to handle non-returnable warrants, taking

into account such mechanisms as:

- statutory right to arrest when a warrant is in existence
- establishment of a transport centre and system to ensure offenders face trial in the jurisdiction where the offence occurred
- an increased transportation "window" from 6 days to 14 days
- show-cause hearings through video or teleconferencing
- a national cost-sharing arrangement;

BE IT RESOLVED THAT the Canadian Association of Police Boards continue to take a strong position with regards to the lack of federal government action on non-returnable warrants and that it be emphasized to the federal government that the safety and protection of the public is being severely impacted by the lack of a national system for non-returnable warrants and immediate action is justified; the issue of funding must be tackled now.

RESOLUTION 98-8: PROTECTION OF CHILDREN AND PARDONS

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards support generally Bill C-284 (an amendment to the *Criminal Records Act* which would provide for a specific instance where the public interest in a limited disclosure of a record of a conviction that has been pardoned supersedes the right to privacy of the pardoned person. This instance is where the conviction was for a sexual offence against a child and the person convicted applies for a position of trust with respect to a child or children), but continue to strongly urge the federal government to:

- amend the *Criminal Records Act* so that pardons can never be granted for convictions involving child molestation, child pornography, child prostitution or any other form of child abuse or child sexual exploitation
- or, as a minimum, amend the *Criminal Records Act* to allow police officers access on CPIC or any other criminal record system to check the existence of a pardon during investigation, conviction and sentencing of the aforementioned crimes, and therefore, enable the police to make the necessary request for release of the criminal record.

RESOLUTION 98-9: CHARITY CASINOS/GAMING CLUBS

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the federal government, in conjunction with the police community, to establish the necessary standard reporting system to have gaming occurrences, and gaming related occurrences, collected on C.P.I.C.; and

BE IT FURTHER RESOLVED that the Canadian Association of Police Boards urge research be undertaken by the appropriate federal agencies into the effect and impact of legalized and illegal gaming.