

2001 Annual Conference Report

The Canadian Association of Police Boards held its Twelfth Annual Meeting and Conference in Saskatoon, Saskatchewan from August 16 to 18, 2001.

This publication documents the proceedings of the Annual Meeting, including Resolutions passed, and provides a summary of the plenary sessions, workshops and group discussions that took place at the Conference.

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The CAPB gratefully acknowledges the financial contributions of the Department of Solicitor General Canada, the Saskatchewan Department of Justice, the Saskatoon Board of Police Commissioners, and the Regina Board of Police Commissioners.

The CAPB extends very special thanks to the Mayor of Saskatoon, Jim Maddin, the Saskatoon Board of Police Commissioners, and their Secretary, Carol Purich, for organizing all off-site functions and providing general assistance during the Conference. Their efforts helped make the 12th Annual Meeting and Conference a huge success!

President's Report

CAPB President, Dan MacLeod, was pleased to welcome delegates to the 12th Annual Meeting of the Canadian Association of Police Boards. He expressed particular pleasure that, for the first time, chiefs of police and representatives of police associations joined CAPB delegates in an

effort to gain better insights into each other's concerns as part of the conference theme of **"Developing a Framework for Cooperative Police Management"**. On behalf of the CAPB Board of Directors, he expressed the hope that the conference would be a significant step towards improved understanding and cooperation between police executives, associations and commissions.

Mr. MacLeod reported on some of the activities undertaken since the last annual meeting on behalf of the CAPB membership with the goal of improving police governance, and policing in general, in Canada.

Annual Meeting with Federal Ministers - In March the CAPB Board of Directors met with the Solicitor General of Canada - the Honourable Lawrence MacAulay, and with senior officials from the office of the Justice Minister, the Honourable Anne McLellan. The purpose of these meetings, which are held each year, is to present and discuss concerns of the CAPB membership as expressed through resolutions passed at our Annual General Meetings. As always, the meetings were highly productive for the CAPB and for the Ministers as well.

Bill C-24 - As in past years, many of the CAPB's resolutions have been or are in the process of being addressed through the introduction of federal legislation. This track record continued with the release in April of Bill C-24. The Bill attacks organized crime in a variety of ways, including amendments to the Criminal Code of Canada to provide an accountable process to protect law enforcement officers from criminal liability when they commit certain acts that would otherwise be considered illegal, while investigating and infiltrating criminal organizations.



CAPB Board of Directors: (back row l. to r.) Bob Dean, Herb Kreling, Ed Keyes, Don Robinson, Eric Simmons. (front row l. to r.) Wendy Fedec (Executive Director), Dan MacLeod, Shelley Lavallee, Florence Wong.

The proposed legislation responds to a Resolution passed at the 1999 Annual General Meeting, and is the result of extensive consultation by the federal government including the White Paper on Law Enforcement and Criminal Liability issued last year. The CAPB submitted its response to the White Paper in October 2000 after consulting with members and attending a stakeholders' meeting organized by the Department of Justice. Our response emphasized the CAPB's support for the proposed legislation and our belief in the need for police officers to have the tools provided by the draft legislation. At the same time, we expressed a sense of responsibility to ensure public confidence in the police is maintained and that appropriate safeguards against potential abuse are included in the legislation.

Having seen the results of last year's consultations incorporated into Bill C-24, the CAPB Board of Directors believes its concerns have been addressed through the inclusion of appropriate authorization and reporting mechanisms. The CAPB joins the Canadian Police Association and the Canadian Association of Chiefs of Police in urging the Federal Government to enact Bill C-24 as soon as possible.

Meeting with Immigration Officials - In addition to meeting with the Solicitor General of Canada and officials from the Justice Minister's office, the CAPB Board of Directors met with Citizenship and Immigration officials in March to discuss CAPB Resolution 00?1. Members will recall this resolution addressed the lack of sufficient controls to prevent immigrants with criminal records from entering Canada. At the meeting, CAPB Board member Florence Wong (now Vice President), who is also a member of the Vancouver Police Board, made a detailed presentation about the problems being experienced with regard to this issue, particularly in British Columbia. Ms. Wong subsequently appeared before the House of Commons Standing Committee on

Citizenship and Immigration at a meeting in Vancouver to convey our concerns and to comment on Bill C-11, introduced by the Government in February 2001. We are hopeful that the provisions of the new Bill will have a positive impact on the concerns identified by our members. This issue has become all the more significant in light of the terrorist attacks of September 11th.

National Youth Forum on Prevention of Violence and Gangs - In March 2001, CAPB Board member Bob Dean, a member of the Edmonton Police Commission, represented the Association at the second National Youth Forum on Prevention of Violence and Gangs, held in Winnipeg. The event, organized by Solicitor General Canada, brought together police, government officials, researchers, community practitioners and youth to highlight prevention strategies and programs that have been successful in preventing youth involvement in crime, including violence in schools, and bullying.

National Youth Justice Forum - Also in March, the CAPB was pleased to lend its support to the federal government's National Youth Justice Forum held in Ottawa. The Forum brought together police officers from across the country who work on the front-line with youth. It was a tremendous opportunity for the officers to share successful strategies for dealing with youth and to learn from each other. The officers were also briefed by Department of Justice officials on provisions of the new Youth Criminal Justice Act.

Human Resources Analysis of Public Policing in Canada - The CAPB continued its participation in this study conducted by PricewaterhouseCoopers on behalf of the Canadian Association of Chiefs of Police, the Canadian Police Association, and Human Resource Development Canada. Our Executive Director, Wendy Fedec, has served as a member of the national steering committee overseeing the project for the past 3 years. Through Ms. Fedec, the CAPB was able to ensure that human resource issues of concern to our members were addressed in the review. The final Steering Committee meeting was held in April, and the final report was scheduled to be released at the CACP conference in August.

Canadian Police College's Police Executive Centre - Ms. Fedec was also invited this year to participate in a steering group providing advice on the establishment of a new Police Executive Centre at the Canadian Police College. The program is intended to address a full range of continuous learning needs for Canadian police executives, particularly those of new and existing chiefs of police and deputies. Along with the CAPB's former Executive Director, Frederick Biro (now Peel Regional Police Services Board's Executive Director), and Carol Quartermain of the B.C. Ministry of the Attorney General's Police Services Division, Ms. Fedec has also provided advice specifically on the governance component to be offered to police executives.

The CAPB Board of Directors and the Executive Director look forward to continuing to work on your behalf over the coming year.

On to [Nomination Report](#)

Nomination Report

The Nominating Committee consisted of Mike Badham, Past President (Regina); Eric Simmons (Victoria); and Ken Langille (New Glasgow-Westville). The following individuals were elected as the CAPB Board of Directors and Executive for 2001/2002:

Executive:

Herb Kreling, President	Ottawa, ON
Florence Wong, Vice President	Vancouver, BC
Don Robinson, Secretary-Treasurer	Halton, ON

Directors-at-Large:

Wayne Hunter	Central Saanich, BC
Edward Keyes	Saint John, NB
Emil Kolb	Region of Peel, ON
Shelley Lavallee	Regina, SK
David Ruptash	Edmonton, AB
Dan MacLeod, (Past President)	New Glasgow, NS

The CAPB extends very special thanks to outgoing President Dan MacLeod, who served in that capacity for two years and will remain on the Board for one more year. Thanks and appreciation are also extended to retiring board members Bob Dean (Edmonton) and Eric Simmons (Victoria), who both served four years on the Board.

Resolutions

The following resolutions received the support of the membership:

Resolution 01-1:

Incarceration in Minimum Security Facilities

WHEREAS there are insufficient controls to prevent criminals convicted of first degree murder from being incarcerated in minimum security facilities; and

WHEREAS some of these criminals have simply walked away from these institutions to become a serious risk to society as well as a tremendous drain on police resources in seeking out the return of these offenders; and

WHEREAS the escape of these criminals from these insecure facilities causes serious public alarm;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards express its concern to the Solicitor General of Canada about criminals convicted of first degree murder being incarcerated in minimum security facilities, and request that immediate corrective action through changes to corrections policy be taken to prohibit the incarceration of criminals convicted of first degree murder in minimum security facilities.

Resolution 01-2:

Raves

WHEREAS several young people in Canada have died as a result of drugs taken while attending raves, or as a result of traffic accidents involving fatigued youth leaving all-night raves; and

WHEREAS research undertaken by police services in Canada and the United States has revealed that dangerous psycho-active "designer" drugs such as Ecstasy, GHB and Ketamine are readily available at raves and are consumed by the majority of people attending raves; and

WHEREAS rave organizers fail to require identification as the events are advertised as non-alcoholic, and police are concerned that children under the age of 16 attending raves are in violation of the curfew in the Child and Family Services Act or other similar statutes;

WHEREAS raves are often held in unsafe and overcrowded venues, causing concern for police and fire marshals; and

WHEREAS there is a critical need for youth, parents, paramedics and emergency room personnel to gain an understanding of raves, the health risks associated with them, and the effects of using various "designer drugs" in combination;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the federal government to:

- a) in collaboration with police organizations, develop and disseminate educational programs regarding the dangers of raves and related drugs;
- b) examine possible legislative actions that could be taken in response to the dangers posed by raves; and
- c) develop a proactive harm reduction approach to providing support to those adversely affected by said psycho-active designer drugs.

Resolution 01-3:

National Radio Bandwidth for Police Use

WHEREAS Industry Canada is responsible for allocating radio frequency bands; and

WHEREAS there is currently no common radio bandwidth for use by police in Canada; and

WHEREAS a common radio bandwidth for police and emergency personnel would enhance public safety for all Canadians; and

WHEREAS the RCMP, along with other police agencies across Canada, is involved in ongoing discussions to dedicate radio frequency bands to allow for the development of communications infrastructures for use by police services across the country;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards write to the Minister of Industry and the Solicitor General of Canada to express its support for the designation of a common radio frequency band for use by police and emergency personnel in Canada.

Resolution 01-4:

Pro-Active Conduct Program

WHEREAS the Canadian Association of Police Boards acknowledges that employees of police services demonstrate integrity and a commitment to the core values of policing; and,

WHEREAS it is recognized community expectations of the high ethical standards of police services are in part contingent upon internal pro-active anti-corruption strategies; and,

WHEREAS a commitment to identifying, monitoring, tracking, analyzing and addressing practices or conduct of personnel identified as "high risk" before behaviours become entrenched is essential to the health of police services; and,

WHEREAS the development of a comprehensive strategy to address personnel and behaviours provides for a holistic approach to early intervention as a focus of preventing future misconduct;

THEREFORE BE IT RESOLVED THAT the members of the Canadian Association of Police Boards support and promote Education, Assessment & Intervention Programs (E.A.I.P.) in their jurisdictions in order to reinforce and build on the positive reputation of their police services.

Resolution 01-5:

Internet Crime

(some "whereas" clauses have been omitted for the sake of brevity)

WHEREAS there is a concern amongst police agencies that the incidents of computer related frauds has increased substantially; and,

WHEREAS there is a concern amongst police agencies the incidents of computer "Hacking" and "Denial of Service" are increasing; and,

WHEREAS there is an increasing number of incidents of criminal threats via the Internet using E-mail proxy servers; and,

WHEREAS there has been a proliferation of all types of pornography, including child pornography, related to computer technology and an increase in the circulation of child pornography images via the Internet; and,

WHEREAS in order to investigate these types of offenses, investigators require extensive training and specialized equipment; and,

WHEREAS the required training and equipment is extremely costly; and

WHEREAS the CAPB membership approved a similar resolution in 1997;

THEREFORE BE IT RESOLVED the Canadian Association of Police Boards urge the Federal Minister of Justice and the Solicitor General of Canada to assist in the fight against Internet Crime by providing adequate resources in this area in terms of personnel and technology on a national and international basis.

Resolution 01-6:

Health Information Act

WHEREAS Police Commissions and Police Services recognize the importance of privacy regarding health information; and,

WHEREAS Police Commissions and Police Services remain committed to the well being and safety of the Canadian public; and,

WHEREAS a number of provinces in Canada, namely the province of Alberta and the province of Ontario, are implementing new Health Information Acts, which severely restrict the access of police services to basic registration information; and

WHEREAS restricting access to basic registration information can significantly restrict the ability of Police Services to conduct criminal investigations and in doing so can create a serious community safety concern; and,

WHEREAS the police are NOT seeking access to medical or confidential doctor/patient information without a warrant, but wish only to continue the cooperative relationship which has existed with the health care providers in hospitals during criminal investigations; and,

WHEREAS police and emergency hospital room staff deal with situations which are urgent and where time is often of the essence for obtaining information for police investigations and without the ability to confirm the presence of a person in a hospital will severely restrict police investigations and jeopardize public safety; and

WHEREAS the Charter of Rights and Freedoms, which guarantees the rights and freedoms of every Canadian, recognizes that these rights are subject to reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society (Section 1); and,

WHEREAS there is a need to achieve a balance between individual privacy and the community expectation for protection and safety.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Ministers of Justice in all provinces to include in all Health Act legislations a section which allows the disclosure of basic registration information to a municipal or provincial police officer who has reasonable grounds to believe that the individual who is the subject of the information has committed an offence pursuant to the Criminal Code of Canada.

Resolution 01-7:

Review of Funding Responsibilities for Public Policing

WHEREAS the Federal Government has balanced its operating budget by downloading many of its costs to provincial governments; and

WHEREAS many provincial governments have also balanced their respective operating budgets by downloading many costs on to municipal governments; and

WHEREAS the need for police services funding has not kept up with population growth, technological evolution and general facilities maintenance;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to, in concert with all provincial governments, review their respective responsibilities for policing and together, take immediate action to relieve some of the financial burden currently imposed on municipal governments.

Resolution 01-8:

Impairment by a Drug other than Alcohol/Drug Recognition Experts

WHEREAS more than 30% of all drivers killed in British Columbia in impaired driving collisions are impaired by drugs other than alcohol; and

WHEREAS drivers impaired by drug pose a significant hazard to the public; and

WHEREAS there is no federal or provincial legislation requiring drivers to submit to testing for the purpose of determining impairment by a drug other than alcohol; and

WHEREAS there would be an additional benefit of trained Drug Recognition Experts as they could be utilized in other police investigations and the assessing of witnesses, suspects and victims; and

WHEREAS Drug Recognition Expert testing is an internationally recognized and reliable means of objectively testing for drug impairment; and

WHEREAS there are only a minimal number of police officers currently trained as Drug Recognition Experts, the majority in British Columbia;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge:

- a) the Federal Government to amend the Criminal Code to require that drivers suspected of being impaired by a drug other than alcohol submit to drug testing; and
- b) Police services across Canada to increase the number of trained Drug Recognition Experts.

Resolution 01-9:

Implications of an "Open Border" Concept

WHEREAS recent media reports indicate the Government of Canada is advancing the concept of an "open border" between Canada and the United States; and

WHEREAS under this proposal the border controls now in place would be replaced by a perimeter control model, similar to the European Union, which would allow the free movement of people and goods between Canada and the U.S.; and

WHEREAS government officials have indicated this proposal is under active consideration by federal working groups and has been the subject of discussions with U.S. officials; and

WHEREAS there is no indication that any of the implications of an open border on law enforcement and the possible proliferation of crime in areas such as gun trafficking, drug trafficking and transport of illegal immigrants has been considered;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards strongly urge the Government of Canada to institute a comprehensive review in concert with provincial authorities, and a wide public consultation with the law enforcement community on the implications of an open border as part of any discussion on altering the current status of border controls between Canada and the United States.

On to [Plenary Sessions: Developing a Framework for Cooperative Police Management](#)

Reports from Break-Out Groups

All delegates were assigned to a discussion group based on the size of the police service they work for or govern. To further encourage the conference objectives of developing a framework for cooperative police management, chiefs of police and members of police associations registered as delegates were included for the first time in the small, medium and large police board break-out groups.

Small Boards

CAPB Board Member Ed Keyes (Saint John) reported on the issues discussed in the break-out session for boards responsible for small police services. Mr. Keyes said the group first discussed the outdated communication systems that some of the smaller forces are still using; some are of 1960's and 70's vintage. One of their concerns is that even with newer systems the same types of problems can occur. A suggestion was made to look at consultants in the communications and telecommunications industries to see what digital technologies are available that might address some of the "dead spots" that occur.

Chief Selection processes were also discussed, including competency based selection criteria and the process the Board should follow. The group identified that there are a lot of resources available through the CAPB and the Ontario Association of Police Services Boards (OAPSB) for hiring Chiefs. This resource information is available to all members through the CAPB's Executive

Director, Wendy Fedec or the OAPSB. A Police Association member was present throughout this discussion and stated that from their point of view, the Chief Selection process is the most important job the Board has because the selection of the Chief will dictate the future direction of the force.

The lobby power of the CAPB was discussed, and all present agreed that the CAPB has increased their profile over the last number of years and that results are starting to be seen in the way the CAPB is treated by Ministers in Ottawa. With regard to resolutions put forward at the Annual Meeting, it was suggested that the CAPB also revisit prior resolutions to see if there are any that need to be brought back to the membership. It was noted that as governments change, so do their agendas and some of these resolutions may need to be re-addressed.

The group also discussed specialized services and shared services between municipalities as a way to deal with the increase in OPP and RCMP contracting out police services in communities. Contracts are often entered into with outlying municipalities for the provision of services to ensure that liabilities are covered.

The issue of absenteeism and sick time in small forces and how boards are dealing with this problem was raised. An Association representative in attendance suggested that if there is a high rate of sick time it is generally an indication that there is a systemic problem in the force. It is something that needs to be addressed as association members are affected by coworkers' absenteeism. He believed it was an issue that all members of the "three-legged stool" need to work on together to address the underlying cause of the problem.

Finally, the small boards' group requested that to make it easier to contact one another, all delegates should make their email addresses and phone numbers available so that a complete list of names and contact information can be circulated. [Note: this will be done at next year's conference.]

Medium Boards

Shelley Lavalley (Regina) facilitated the discussion among the medium boards. She reported that the group first discussed auxiliary services and special events. They learned that in Thunder Bay there is a youth core of about 50 trained unpaid security volunteers who are mentored by the police. The Youth Core members wear non-police uniforms. The core function of a police officer was also discussed.

The group also discussed Raves. It was agreed that there is a need to educate parents and that this has become a national issue. It was suggested that each board/commission contact their provincial Solicitor General or Justice Minister, as well as Health and Education Ministers, to work together on finding solutions.

The issue of overtime and its repercussions on the health and safety of officers was reviewed. Reasons identified as effecting overtime were contracting and budgeting. The issue of low recruitment levels was also discussed. It was suggested that there is more opportunity now for people entering policing with higher education. The use of a central recruiting agency was suggested as a way to lower recruitment costs. A cadet-training program for grade 12 students was discussed as a possible way to attract young people to policing. Economics, housing, location costs, environmental factors and lifestyles were identified as factors which may be beyond the control of a police force, but which may either attract or detract interest in a police service.

The group also discussed the retention of officers, and wondered whether there was a need to change the philosophy of being a police officer to make it a more appealing career. It was suggested that more flexibility was needed and that perhaps job sharing might be a solution. Also

mentioned was the possibility of reward or recognition programs as a means of improving retention.

A poll of participants identified the following additional concerns that the group did not have time to discuss: court time payments; boards, associations and chiefs working together; training for board members; recruiting visible minorities to represent demographics; social problems, issues and training; possible power shifts; staggered board membership; youth crimes; car theft; the immigrant community's awareness of Canadian police services; hiring practices; and internal training. It was found that many of the boards' concerns were shared by the Canadian Police Association representatives in attendance.

Large Boards

Florence Wong (Vancouver) reported on the break out session for boards overseeing large police services. She reported that one of the issues discussed by the group was labour concerns, including the perception of a militant police association in Ontario. It was suggested that problems between boards and associations stem from rumours and a lack of respect for each other. It takes time to rebuild trust, but there has to be a conscious effort to do it. The issue of who has authority to negotiate contracts was also raised and it was found that different provinces have different practices.

The length of employment for Chiefs and the differences between jurisdictions was discussed. Some police services have contracts for 3, 5 or 7 years while others are part of the collective agreement at the officer level. The governing legislation differs in this regard as well.

Public awareness and respect for officers was another topic discussed. Participants commented that there is often a perception among the media and the public that police are not doing enough when "bad guys" are let go. The "revolving door" image of the justice system adds to this perception. The group acknowledged a need for greater community recognition of the good work done by police, and discussed ways to achieve this. For example, it was suggested that boards can help by promoting the inclusion of "commendation letters" on public board agendas. Another way to increase respect for police officers would be to influence attitudes of young people by having officers work with them in the schools or community.

A discussion about cultural diversity was held. Demographic representation, lack of demographic statistics, and better recruitment strategies were the main issues raised. Strategies for improving relations and enhancing diversity within the police service included police being actively involved in the community and attending community functions; and initiating positive race relations and diversity programs.

The group identified some of the stickiest problems as being working with different personalities and leadership styles, and enhancing relationships between boards, chiefs and associations. The importance of having independent review bodies was also raised.

Other issues the group identified but did not have time to address included: the tenure and continuity of board governors; full vs. part-time chairs; media relations; civilianization of senior positions; and the relationship between boards and civilian employees.

On to [Concurrent Workshops](#)

Concurrent Workshops

A series of concurrent workshops were organized to give delegates an opportunity to share ideas and to learn from one another. Four different topics were covered and each workshop was led by people chosen for their expertise in the respective areas of concern. The workshops were offered twice during the conference so delegates could attend more than one. Each session began with a presentation or overview by the workshop leader(s), following which participants worked on assignments related to the topic. Summaries of the workshops are provided below.

- [Added Value: Making Accountability Work](#)
- [Succession Planning](#)
- [Building a Sustainable Budget](#)
- [Achieving Staffing Increases Through Effective Workload Analysis](#)

Workshop: Added Value - Making Accountability Work

The Workshop Leaders for this session were **Ms. Lillian Waldie-Lawson, Ministry of Correctional Services** and **Mr. Don Robinson, Member, Halton Regional Police Services Board and Secretary-Treasurer of the CAPB Board of Directors.**

Mr. Robinson provided a brief overview of the purpose of the workshop, noting that police services boards are responsible for the governance of police services within their communities. In explaining the difference between governance and management, he stated governance is:

- the exercise of authority, direction and control on behalf of a public or private organization
- primarily concerned with activities of policy development and monitoring progress towards objectives.

Management is the act or manner of controlling or conducting affairs, and the effective and efficient use of means to accomplish a defined purpose. Effective management is concerned with how an organization attains its goals. This involves high level planning (establishing outcomes/goals), policy development and monitoring progress towards the objectives. In summary, governance is "what to do" and management is "how to do it". The Board is responsible for the governance and the Chief is responsible for the management.

Expanding further on Mr. Robinson's comments, Ms. Waldie-Lawson indicated that Boards are also accountable to the public. In order to be able to report to the public, a Board must set goals and objectives. These goals and objectives are the "what to do". The Chief implements the goals and objectives and reports to the Board with results-based information about the effectiveness of their programs and services.

Ms. Waldie-Lawson noted that the key elements to accountability include:

Defining Expectations - This requires that the roles, duties, responsibilities and performance expectations be clearly defined. Performance expectations set out the measures by which performance will be evaluated.

Monitoring and Reporting on Performance - Reporting should be based upon established measures and processes to report on performance in relation to the defined expectations.

Taking Action Based upon Results - Parties work together to address gaps between performance and expectations, and analyze results so that responsibilities and resources can be aligned to continuously improve performance. Future goals and objectives are based on a comparison of the results achieved and performance expectations.

A variety of mechanisms are employed to support each key element of accountability, such as policies and measurements. It was identified that these key elements are cyclical in nature and are therefore on-going. The expectations need to be flexible enough to allow for change as a result of situations which may occur in the community.

Ms. Waldie-Lawson reviewed the benefits which may be achieved with improved accountability. These include: a better sense of direction by focussing on the fundamentals (e.g. outcomes, results to be achieved and assessment of results); better understanding of roles and responsibilities; reliable, timely results-based information to support decision making such as deployment of resources and budget considerations, all which support the mandate of being accountable to the public.

It was stressed that any accountability framework must provide useful, relevant information about programs and services that enable the Board and senior management to make informed decisions, and provide information to the general public about the effectiveness of programs and services, and the steps being taken to improve the programs and services.

In their concluding remarks, the Workshop Leaders noted that good governance and effective accountability are linked such that one is not possible without the other. Governance is key to ensuring that the public is being well served and accountability is the cornerstone to good governance.

The first group was given an exercise that addressed an issue of concern to a local community related to the number of raves and bush parties being held. The participants were asked, based on the information presented during the workshop, to identify outcomes to be achieved and measurement tools for reporting on the outcome. Following discussions at each table, the group identified a number of outcomes and well as strategies for responding to those outcomes.

The second group chose not to work through an exercise. Instead, they discussed how Boards can be more visible to the community, and how to strengthen their role. It was suggested that being accountable to the public by reporting on their goals and objectives would promote the Board to the public. In addition, it would establish the reporting relationship of the Chief to the Board. Trust, respect and openness were stressed as being important elements in developing the relationship between the Board and Chief. In addition, in order for the Board to establish its goals and objectives, the Board must consult with the public and any other affected stakeholders.

Participants also discussed how smaller boards with little administrative support can achieve their mandate by sharing with other Services or municipalities. Partnerships are indicators of success.

In summary, accountability is a cyclical and on-going process which is supported by a long range Strategic or Business Plan and the annual budget process. The Business Planning exercise cannot be done without input from all stakeholders and the budget cannot be set without knowing the priorities for the Service. The goals and objectives must be flexible enough to respond to change and must be consulted for every decision made by the Board or the Chief. It was also noted that there is no template available to measure accountability. Each Board needs to respond to its own unique circumstances.

Special thanks to Dorothy McDonald, Executive Director, Halton Regional Police Services Board, for reporting on this workshop.

On to [Workshops: Succession Planning](#)

Workshop: Succession Planning

This workshop was led by **Chief of Police Terry Coleman, Moose Jaw Police Service**. After providing an overview and outline of the session, he explained the difference between succession planning and succession management. Succession planning is typically "job based", has a ladder of successive positions, is a "slating" process, is short term, and identifies successors, but doesn't necessarily develop them. Succession management is long term, people-based, considers the individual as part of the leadership team, ensures development of the individual employee, is a strategic responsibility that ensures the organization's needs are met, and creates a pool of potential. The ideas discussed were based on the assumption that all police boards and services are committed to the organizational strategy of Community or Contemporary Policing.

Succession management should be linked to an organizational strategy of contemporary policing through a human resource strategy that uses competency-based human resource management. The traditional police culture is not conducive to succession management due to its closed personnel systems and institutionalized career progression in which seniority is used for promotion. Candidates for the pool of potential need to be identified, developed, placed and retained. The process is lengthy and there is no quick fix. Police boards have an important role in succession management. They enable the direction of the police service by ensuring development and placement of competent police leaders. Their commitment to human resource development and long term resources is essential.

Delegates were provided with a copy of the presentation and placed into groups to discuss one of three topics:

1. A model for those in the succession pool that focuses on opportunities to learn and develop competencies required of a police executive.
2. How to retain potential, and what it would take to implement your recommendation(s).
3. How to remove barriers to a Competency-Based Human Resource Strategy and how to change, or positively influence, the police culture to one which is conducive to placement, and reward based on merit rather than entitlement.

All groups chose to discuss the second topic and created lists of ideas on how to retain potential. These included: attractive salaries and benefits, reward and recognition systems, opportunities for variety in duties, educational and training opportunities, career planning, ensuring the corporate vision exists throughout the organization, an effective recruitment strategy, an organization that has good communication and working relationships among all levels including the police board and the association. The groups also discussed the challenges they would face in implementing succession management. These included: getting all employees to buy in, changing collective agreements, lack of human resource expertise, and the ability for boards to maintain a long term plan.

Special thanks to Carol Edwards, Secretary, Regina Board of Police Commissioners, for reporting on this workshop.

Workshop: Building a Sustainable Budget

Mr. Emil Kolb, Chair, and Mr. Frederick Biro, Executive Director, Peel Police Services Board, led the workshop on 'Building a Sustainable Budget'. The session began with Mr. Kolb defining what makes a sustainable police budget. He described it as one which represents current budgets that are essentially maintained (averaged over a several year period) on a consistent level, taking into consideration inflation and assessment growth. He stated, however, that this did not include special one-time costs due to major incidents such as the train derailment in Mississauga, Ontario, or the demonstration in Québec City, Québec.

Mr. Kolb referred to Peel's budget philosophy as outlined in their Financial Control By-law, which states:

"The success of the Peel Police Service budget process rests on the solid foundation of our budget principles. Five budget principles guide staff throughout the budget process:

1. *Sustainability: Budget decisions made today should be affordable today and tomorrow.*
2. *Interdependency: Capital and operating budgets are interdependent. Capital decisions will invariably have mill rate implications for the following budget year.*
3. *Pay as You Go: Peel's future will not be mortgaged by debt. Asset replacement will be well planned and appropriate 'down payments' on infrastructure will be made.*
4. *Fee for Service: Peel will ensure that user fees will be used to cover costs for appropriate services.*
5. *Management Excellence: Peel will maximize program efficiencies while maintaining program effectiveness. "*

Each discussion group was asked to determine the most unique or different features of a police budget that set it apart from most other services. Groups identified factors such as unpredictability relating to unforeseen enforcement issues, confidentiality, budget approval process, overtime costs, governance structure, and public scrutiny. They were then asked to consider other public sector services that have similar mandated requirements to respond to calls for services. The group generally agreed that similarities existed in fire, ambulance, health care, family and social services, sewer, water and hydro.

Groups were required to identify the top five 'drivers' that they felt would impact police services over the next decade. An extensive list was generated, which included the cost of technology (i.e. DNA sampling), changes in population and demographics, recruitment and attrition, succession planning (i.e. executive development), disclosure process such as court costs, collective bargaining matters, civil actions, mandated training requirements and changes in legislation. Mr. Kolb then asked if these same 'drivers' would also impact on the public services. There was no consensus. Responses varied from yes, no, to maybe, but only in some specific areas. At the completion of the exercise, delegates were generally of the opinion that sustainable police budgets were not realistic.

Mr. Kolb indicated that the most unique feature of a police budget that sets it apart from most other public services is salaries and benefits, which represents approximately 85% of the total budget. The reserve contributions, which account for such items as police cars, radios, and other equipment, are usually a relatively small amount. Therefore, it is difficult to build savings from the reserves or goods and services. For that reason, the key to achieving a sustainable budget is for Boards to concentrate on the salaries and benefits component.

Mr. Kolb also emphasized the importance of obtaining the cooperation of key stakeholders - municipal councils, police boards, chiefs of police, and police associations. He highlighted the need for the Regional Chair (or Mayor) to make assurances to Council as political authority is required in order to raise the base budget. It also re-confirms a certain level of commitment.

Sustainable police budgets also require predictability. Mr. Kolb introduced a 'full cost formula', which is based on the principle that decisions made today do not impact on future budgets. Full cost refers to both direct and indirect costs and the methodology for internal and external costs means that taxpayers do not partially fund external services.

Mr. Kolb gave a specific example of how the 'full cost formula' should be applied. He stated the full cost for one police officer at the first-class constable level is approximately \$100,000. This figure also takes into consideration the cost for equipment/supplies, training/recruiting and support staff. This calculation is used for all constables regardless of their current class level (i.e. 4th, 3rd, 2nd). Each individual constable is accounted for at the top of his/her salary range. By using the full cost formula, police services are able to allocate monies for capital financing, achieve more goals and maintain a sustainable budget. It also allows for reserves to be committed to long-term planning initiatives.

Peel's philosophy is one that can be applied to all police services. Mr. Kolb stated, "it's not the size or amount of a budget that's important, but how they are developed." Police services boards are able to build sustainable budgets by focusing on the salaries and benefits component and implementing the full wage costing formula. However, he noted this can only be achieved through the co-operation of local Councils, chiefs of police, police associations, and public consultation to address key service delivery issues.

Special thanks to Deb Morton, Board Administrator, Niagara Regional Police Services Board, for reporting on this workshop.

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Workshop: Achieving Staffing Increases Through Effective Workload Analysis

Workshop leaders **Inspector Doug LePard** and **Sergeant Steve Schnitzer of the Vancouver Police Department's Planning, Research and Audit Section** began their presentation with the history of budget reductions experienced by the Vancouver Police Department (VPD) from 1993 to 2000. In that period the VPD had 50 positions eliminated, 18 positions were civilianized and 47 positions were removed for transfer of responsibility. While some positions were cut due to efficiencies by the VPD, the City budget reductions resulted in 42 positions being cut. However, the police workload increased dramatically during the 1990s.

This situation was further impacted by: having four Chiefs in one decade; changes in the manner that the authorized strength numbers were calculated; and the VPD creating 91 new positions during the same period (e.g., diversity relations, sexual offence squad, internal investigations, school liaison). All of these positions were created without reporting increased workload to City Council. The net result was a 98 position decrease to patrol and traffic sections during the seven year period. By the end of 2000, the real authorized strength was 1,066.

The VPD workload study went beyond the typical workload data report. Information was solicited from every area of the Department and they focused on the impact of key court decisions,

legislation changes and new government policy. The qualitative analysis was complemented by quantitative information where possible. While the City of Vancouver population had increased by over 60,000 during the 1990s, the daily influx of commuters and tourists into the City doubles the population and significantly increases demands on the police service. Insp. LePard and Sgt. Schnitzer wanted to think outside the box -- they conducted the research like a major investigation and multiple sources of evidence were sought wherever possible. For example, they found that the number of court hours increased by 60% during the period, although the number of cases processed decreased, and it was police officers at the front end of that process doing more complex, time consuming investigations.

The research found that workload was impacted by a variety of court decisions and legislative changes such as: disclosure, search and seizure, surveillance techniques, DNA warrants and database, KGB statements, entry in dwellings to effect arrests, court decisions/legislation affecting impaired driving investigations, criminal harassment legislation, impact of Charter of Rights and resulting legislation, and a new BC Police Act. Government policy changes which impacted police included: no early consultation now allowed with Crown Counsel, Driver's License Warrants, warrants needed to access phone records, Attorney General's Violence Against Women in Relationship Policy, Violent Crime Linkage Analysis System, and Mental Health Act arrests due to downsizing of mental health facilities. Other issues were identified, including the accommodation of members with health restrictions.

A comprehensive report was produced which was approved by the VPD Executive Committee and then supported by the Police Board and key City staff. The Board provided the report to Council for their review and a formal presentation followed.

Though the report identified at least another 123 police officers were needed, the VPD requested that the increases be done in phases. The first phase approved 20 temporary positions being made permanent plus the addition of 30 new positions for a total of 50, and a 2001 authorized strength of 1,096. This approach was reasonable given attrition rates and recruitment capacity. There was also a commitment among the parties to discuss the balance of the request prior to the 2002 budget.

Further research is still in progress including a longitudinal analysis of patrol reports to Crown Counsels, analysis of Investigation Division Reports, community and employee surveys, and a workload study of civilian employees.

This project found that workload and authorized strength changes must be properly documented on a regular basis, and new services should be reported to Council, with all the hard and soft costs. Assigning the right staff with the right experience and ability is crucial to this type of planning, and City staff need to be involved to help gain Council's support. Finally, if you don't ask, you won't get!

It was noted the BC Lower Mainland does not have a regional force, so statistical comparison to other metropolitan areas is complex. Participants emphasized the importance of educating City Council on the scope of services provided by the police and changing demands being placed on police organizations. Building public support was suggested as key to gaining increased resources for police. Consensus is needed on what level of police service citizens and government desire and can afford. There are increasing numbers of specialized police units, yet funding has not kept up.

Workshops participants were provided with a CD Rom containing a summary of the presentation and the complete workload report.

Special thanks to Beth Nielsen, Executive Assistant, Vancouver Police Board, for reporting on this workshop.

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Plenary Sessions

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Developing a Framework for Cooperative Police Management

Developing a Framework for Cooperative Police Management was the theme of this year's conference and the first morning was dedicated to working toward this goal. The morning began with a Keynote Address delivered by **Ms. Tonita Murray, Director of the Canadian Police College, as well as Director of the Police Futures Group**, a policy think-tank affiliated with the Canadian Association of Chiefs of Police (CACP). Ms. Murray's comments set the stage for the discussions that followed. She was immediately succeeded by a panel of three speakers representing the three partners in police management: chiefs, boards and associations.

They were:

- **Vince Bevan, Chief of Police, Ottawa Police Service and Vice President of the CACP**
- **Margaret Black, Mayor of King Township in the Regional Municipality of York and Chair of the York Regional Police Services Board, and**
- **Grant Obst, President of the Canadian Police Association and a Constable with the Saskatoon Police Service.**

It was their task to identify challenges and roadblocks to cooperative police management from their own perspective. Following the panel, delegates and invited chiefs of police and association representatives were divided into 12 small groups to discuss solutions to the challenges identified. The morning's sessions wrapped up with concluding observations by **Rick Linden, Associate Dean of Arts & Professor of Sociology, University of Manitoba.**

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Plenary Sessions: Keynote Address

Ms. Murray's Keynote Address is reproduced below in its entirety.

"The purpose of my opening remarks is to discuss some basic facts about policing, and to raise some ideas to help stimulate our thinking about a framework for cooperative police management.

Governments create police forces to ensure government policies have effect. In totalitarian states policing is totalitarian while, in democracies, police protect democratic principles and institutions. Municipal policing was introduced into Canada during the 1840's. Together with the constabulary policing of the RCMP, the OPP and the SQ., it has come to be a mainstay of the civil society that allows other institutions and functions to flourish. Trade and commerce, education, medicine, the family, or protection of the environment, for example, all need stability, security, and public order in its broadest sense to optimize their value. Arguably, then, policing is the most fundamental and necessary element of our society and, not surprisingly, costs society a lot of money: \$6.3 billion at the last count in 1998 (*Statistics Canada, Canadian Centre for Justice Statistics, Police Resources in Canada, 1999, Ottawa, 1999, Catalogue no.85-225-XIE, p.4*).

I am talking of course of a policing role that encompasses so much more than mere crime control. We sometimes fail to appreciate how multi-tasked the police are. They are mandated to keep the peace. Keeping the peace is a suitably general concept that can include anything: crime prevention, crime control, law enforcement, highway patrol, protecting minority rights, intervening in domestic disputes, crowd and riot control, response to major disasters and emergencies, checking on isolated and vulnerable people, rescuing cats from trees, guarding property, providing security at a rock concert or teaching law at a high school. Police can be called upon to do practically anything - and at any time of the day, night or year. They are the generalist social intervenors who are constantly nudging society back onto the tracks of civility, order and safety. It is an essential role that no other group in society can fulfill.

To be able to fulfill this range of responsibilities, police officers are granted powers to intervene and coerce that are not held by other citizens. Such powers exercised improperly could soon undermine democratic values. Democracies are therefore nervous about handing over such powers to some members of society and so they put safeguards in place to prevent abuse. This is why police are constantly under scrutiny. Oversight and scrutiny from a variety of different agencies - police boards, complaints commissions, the media, the courts - is a condition of being a police officer. Police officers are accountable for their actions on many different levels: to the law, to the federal or provincial governments, to local police boards, to the community and to individual citizens.

While police generally accept that accountability and scrutiny are necessary and legitimate, there is little doubt that the requirements present particular challenges to police officers and, in the situation we are discussing today, to police management. The police executive serves more than one master, and satisfying one may be at the expense of annoying another. Decision-making and managing take place as if in a goldfish bowl: everything is on view.

Because of the multi-tasking of their organizations, police executives are also sometimes asked to do contradictory or impossible things. Mark Moore, a professor at the John Kennedy School of Public Administration at Harvard, has written about this phenomenon. To give one of his examples: police executives are expected to protect human rights and, at the same time, to prevent crime - but to be effective at one is to fail at the other (*Mark H Moore, "Police Leadership: the Impossible Dream?", Impossible Jobs in Public Management, pp.73-102, Kansas, University Press of Kansas, 1990*).

Added to these inherent role difficulties, are more recent challenges: changes in public sector administrative practices, the movement to make police organizations more cost-effective, changing values and public expectations, police reform, growing police professionalism, and so on. It is now a commonplace to observe that police executives must now act like chief executive officers of large corporations - except they have less room to manoeuvre. No other class of executives, in either the public or the private sectors, has to act in such a public manner; nor are its mistakes on such public view.

This may be why 15 per cent of Canadian police executives has come to grief in the last decade, and more continue to come to grief. A study undertaken by the Police Futures Group (*Frederick Biro, Peter Campbell, Paul McKenna and Tonita Murray, Police Executives under Pressure: a Study and Discussion of the Issues, Ottawa, Police Futures Group, Canadian Association of Chiefs of Police, 2000.*) showed that the unfortunate ones were often among the best and the brightest: those with reform agendas, and those prepared to take risks when necessary. They faced formidable obstacles: the resistance of personnel to change, the lack of support or confidence of police boards, the opposition of police unions, unrealistic public expectations and irresponsible news media more interested in a sensational story than the facts.

A similar phenomenon has been observed in the United States and is beginning to affect recruitment of police executives. At the end of July of this year, the New York Times published an article on the difficulty of finding police recruits and police chiefs alike. While the lures of the high-tech industry or other well-paying jobs may be responsible for drawing away potential police recruits, reluctance to accept a job that marks the pinnacle of a career is less easily understood. One explanation may be provided by an assistant police chief in Seattle:

"I would absolutely not take a job as a police chief," said John Diaz, an assistant police chief in Seattle, who at 44 already has a good national reputation and is sought after by recruiter's for a chief's post.

"The politics of being a police chief have become so insane no one wants the job," said Mr. Diaz, who is particularly attractive to recruiters because he is Hispanic. "I work an 11-hour day, but our chief is here before me every day and doesn't leave until I'm gone, and all he gets is attacked in the media all the time." (*Fox Butterfield, "Urban Police Jobs Are Losing Their Appeal", New York Times, July 30, 2001.*)

Of course, it would be silly to paint chiefs as saints. They make mistakes. The Police Futures Group study found that despite their often having the right ideas for reform, they did not always manage their relations well with their police boards, their police associations or the news media. A significant number demonstrated a lack of understanding of the role of police boards and their accountability to them. Often they did not consult or communicate well, lacked knowledge and experience in bringing about the organizational change required and, despite being well educated, were often not well-prepared for the jobs they assumed.

Whenever there is a police executive under pressure, a police board is involved, whether the police board is the source of the pressure or not, because the police board is the police executive's employer. They also originate local policing policies, provide local oversight and embody the community for the police. The authority of police boards derives from a provincial police Act and, in effect, they act at the local level on behalf of a provincial government, which is responsible for policing in a province. Boards are also the mechanism by which police operate at arm's length from the political function of government. Thus, they are meant to protect the police from the personal or political influence of politicians.

The responsibilities of police boards may differ somewhat across the country but, in general, they appoint police officers, recruit police chiefs, develop budget requests, engage in collective

bargaining, decide the objectives and priorities of police services and provide general direction to the chief. Such arrangements are designed to ensure that police do not act in a manner contrary to the constitution or community desires. A board also relieves the chief of some of the administrative burden of policing, and provides him or her with a source of independent advice when needed. Over the last 30 or so years, the strengthening of the external governance of the police has contributed significantly to police accountability, to their professionalization and to the high degree of public confidence that they now enjoy.

But police governance, in its turn, is not perfect. While boards are monitored by the provincial authority, they are not subjected to the sort of scrutiny and accountability for their performance and decisions that police executives are. It is therefore easy for poor boards to escape attention. The rotational nature of positions on police boards also means that just as members start to understand and contribute effectively they are replaced by others. Many board members do not receive adequate training and therefore know little of the history, constitutional status, role and processes of policing. All of which militates against them providing effective support to their police service or holding them accountable.

One of the greatest difficulties for many police boards is separating policy from operational functions. Of all the provincial police Acts, the Ontario Police Services Act provides the clearest direction in this respect. Section 31 (1) (b) and (c) specifies that a board determines objectives and priorities after consultation with the chief of police and establishes policies for the effective management of the police force, while section 31 (4) states that a board shall not direct the chief with respect to specific operational decisions or to the day-to-day operations of a police force. The definitions in the Act appear unequivocal but, in practice, the line between policy and operations is often open to interpretation and therefore can be a source of friction and confusion for both police chiefs and boards.

As the Police Futures Group found, such reasons are responsible for the view of police executives that, when they encounter difficulties, they cannot rely on their boards to give them support or advice. While some police boards are evidently very effective, others do not function in a way that provides clear and appropriate direction to the police chief or prevents the board from crossing the line between policy and operations.

The third element in the management of policing is the police associations or unions, which represent the interests of police officers as employees. Given that the direct delivery of police services is dependent on police officers, that policing is a knowledge profession, and that over 80 per cent of any police budget is spent on salaries, it is obvious that good labour relations are crucial if only to protect the public investment in policing. It makes good sense to look after the health and safety of police officers, their training and their salaries and benefits, first to encourage them to perform to the best of their abilities and secondly to demonstrate the esteem and value in which they are held. A valued professional group is likely to act more responsibly than one that is not, and its authority with the public is more likely to be heeded.

Beyond this, it also makes good sense for police boards and chiefs to include police association representatives in any organizational decision-making affecting personnel. The wise board and police chief might go even further by including association representatives in all organizational decision-making. The wisdom of this approach is evident in the RCMP where staff representatives are members of the senior executive committee and attend all meetings. As a result the number of staff relations issues is negligible and the RCMP has the advantage of knowing that because organizational decisions were made with the advice and support of staff representatives that they are sounder decisions and more likely to be accepted by personnel. Even at the most cynical level, including police union members in organizational decision-making means they see at first hand the complexity of management decision-making, a circumstance that can bring the realization that sometimes labour interests must be subordinated to higher-level imperatives.

There is evidence to suggest that police associations sometimes fail to appreciate the complexity and importance of broader policing issues and, more particularly, do not fully understand the role of a board and a chief. The Police Futures Group study of police chiefs under pressure found that police association members criticized police chiefs for being 'political'. What they thought was 'political' was 'failure to maintain independence from ministers and politicians, 'pandering to special interest groups', 'knee-jerk responses to public outcry', or 'acting as spokespersons of employers'. Excluding those chiefs who may indeed have lost their objectivity, these statements might say more about the biases of the police association members than the behaviour of police chiefs. In democracies, ministers and politicians have the right to direct police in policy matters, and chiefs are expected to heed public outcry and to respect the rights of minority and special interest groups. Chiefs and boards have to temper their responses and actions to competing and conflicting demands - all of which may be legitimate - and have to make decisions in the public interest that may well not be popular with their police officers. There are few clear-cut decisions to be made at the executive level, and so those who see the world in black and white terms are often incensed at what they see as indecision, or "political" behaviour.

It is ironic that police associations disapprove of the art of the possible that chiefs and boards must practice but engage in much more overt political activities themselves. They lobby politicians on Parliament Hill, hold no-confidence votes on their police chiefs, make bold statements to the news media, and take very public stands on particular issues. Unlike chiefs, they are protected in their right to speak out in their own interests and on particular issues, and to engage in what is clearly political behaviour.

These then are the strengths, weaknesses and inconsistencies of the three elements of police management in their interaction with each other. Each of the three has a particular role to play, so each approaches police management from a different perspective. The challenge is how to harmonize the three approaches so that their interactions create a synergy that improves police management. The challenge is intensified by the fact that there other dynamics at work that can complicate the task and obscure a clear line into the future.

Among these dynamics are the integration of small into larger municipalities, often incorporating both rural and urban areas. While creating large regional police organizations will mean better equipped and standardized police services, the accessibility and local accountability of the small police service may well be lost, to the detriment of community policing. Next, tight government fiscal policies and the trend to less government could have the effect of giving the police more responsibility, probably without a real increase in resources. Certainly, provinces struggling with the costs of health and education will not be sympathetic to municipal requirements for more police resources, while municipalities will be trying to put limits on the large slice of total municipal resources that policing consumes.

As for the police themselves, they are acquiring a better sense of themselves as problem-solvers and knowledge workers, which is stimulating the growth of police professionalism. At the same time, police unionism is still assertive and at times militant. Added to this already potent mix, present police demographic trends have led to a high retirement rate among police executives and are creating a shortage of police recruits. The trends will mean a significant change in the age and composition of police forces in the next decade. If the right people cannot be found to fill the vacancies, it may mean at least a falter in the progress that has been the dominant feature of policing in the last two decades or so. Shortage of finances and shortage of police personnel could well mean that local government may have to consider the use of private policing options.

The evolutionary forces at work are obviously pushing and pulling at the same time, thereby creating a complex and at times tense situation. So now, more than at any other time, it is important for the three most important elements in policing to make sure that they are working together and have a common direction. There are some quite fundamental issues that have to be considered for this to happen:

- better understanding by police boards, executives and associations of each other's role and value;
- improvement in relationships among police boards, executives and associations;
- consideration of the contributory roles of other elements of the larger policing system, for example, the CAPB, the CACP and the CPA;
- the better preparation of police chiefs for their positions through executive development and continuous learning programs;
- the provision of more learning opportunities for police board chairs and members;
- identification of the obstacles to better police management and the acceptance of new management approaches in policing such as inclusive management, greater mobility among police services at all rank levels, and improved communication;
- development of mechanisms that prevent problems arising and provide the means to resolve tensions and misunderstanding.

Ultimately what we need to do is to keep talking and holding more sessions such as this one. In the panel discussion which follows, a practitioner from each of the three elements will explore the issues I have raised in more detail and start a dialogue and debate that could become the beginning for a framework for future police management that we can all embrace."



Toni Murray leading one of 12 discussion groups.

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Plenary Sessions: Panel Presentations

Mayor Margaret Black, Chair, York Regional Police Services Board, began the panel by addressing the challenges encountered by police governance bodies in achieving cooperative police management. She highlighted the following roadblocks:

An "Us" versus "Them" Mentality: The dilemma of civilian governance is that boards are legislatively responsible for governing police services, yet they are not law enforcement experts. Board members bring pre-conceived notions about policing to the table, and those perceptions may either help or hinder their ability to govern. It is essential to recognize the perceptions, realities and misconceptions that exist, and that if boards view police as "them", they in turn will view boards as "them". Mayor Black used the phrase "you haven't walked a mile in my shoes, yet you govern me" to illustrate her point.

Not Understanding Our Respective Roles: The fine line between governance and operational matters is a constant challenge. When boards encroach on the legislative responsibilities of the chief or vice versa, conflict can result.

Poor Communications: There are several aspects to this common roadblock including not sharing information, failing to share a common vision / values, and not trusting one another.

Dealing with Change: Mayor Black addressed the trend of police associations opting to use militant approaches to force change through confrontation, political pressure or public embarrassment. This approach works against achieving positive relations.

Lack of Resources: Boards would love to provide enough money to give police the resources they need to fight the growing sophistication of organized crime. The reality is that there just isn't enough money to go around. That causes frustration and puts pressure on relations between boards and police chiefs and officers.

Leadership Challenges: In today's world we expect chiefs to be ethical, visionary, inspirational to their staff, political and agents of change. The challenge for boards is to provide police leaders with the opportunities for learning and development that will enable them to fulfill these roles that are expected of them.

Chief Vince Bevan, Ottawa Police Service said that in preparing his remarks he was mindful of the need to maintain focus on the demands of our changing world which impact police services directly; the nature of the relationship between boards and chief which are, in many cases, very ill defined; and on accountability, trust and partnership.

According to the Carver Model of Board Governance, boards are responsible for policy development and implementation, maintaining a focus on vision and mission, keeping police services and chiefs on track, and measuring goals and objectives against what is set out in the strategic plan. The role of the board is to govern and not manage, to maintain a relationship with the chief and the associations based on trust, and to hold chiefs accountable.

The role of the chief on the other hand, according to Carver, is to be responsible to the board as a whole, to work in partnership with the board, and to ensure directions established by the board are followed. The chief is also exclusively responsible for the management of budgets and human resources policies, day-to-day operations, and leadership of the organization. Having said that, Chief Bevan posed the question, "how do we seek solutions, and what are the questions, the challenges and roadblocks?". He identified the following:

Focussing on Positions Rather than Interest: Chief Bevan stated there are times when stakeholders draw a line in the sand, which encourages intractable positions. By bargaining or conducting business over positions, we compromise the relationships we are trying to build. The deeper we dig in, the harder it is to consider new alternatives and information. There will be times when the three primary stakeholders will seem to be moving apart. Sometimes we forget to ask the community for their perspective. If we have to make tough choices in the context of finite resources, we should ask the most important stakeholders, the community, what their top five concerns are.

The Evolving Roles and Responsibilities of the Board and the Office of the Chief: If we reflect on the differing roles and responsibilities of boards, executives and associations, we can sometimes perceive that we have competing objectives and agendas. What compounds this roadblock is that these differing roles have evolved during troubled times in recent years. While statutes usually spell out what is required of police service boards, in reality, the line between the Chief/Commissioner and the board can sometimes be blurry. At the same time, police associations are broadening their role beyond representing the interests of front-line members. Collectively they lobby different levels of government to make changes to legislation and police oversight mechanisms. Sometimes we share similar agendas, but at times, we seem to be at odds.

Communication Gaps and Timing: Members of the law enforcement community are not alone in their quest to open lines of communication and find new avenues for consultation. Most organizations acknowledge the intrinsic value of good communication amongst all stakeholders. The proper timing of communication seems to be important in the police domain. When dealing with issues such as police conduct and complaints, boards, chiefs, and associations can be criticized if they speak prematurely and likewise if they slow down the process to get more facts.

Chief Bevan posed the question, "do communication forums you participate in occur at regular intervals, are they pre-determined or are they more to put out fires that arise from time to time?"

Searching for Objectives and Standards: Sometimes when we find ourselves in circumstances where disparate positions seem to be emerging, objective measures to help us determine a logical course of action are often elusive. In the absence of some standards, digging into our positions can actually hold us back. Where do we look to find benchmarks set by others inside and outside the police domain? The Chief suggested that forums such as the Canadian Association of Police Boards conference go a long way towards this by providing a venue in which to find answers from others.

Data Driven Decision Making: Chief Bevan asked delegates to think about how they gather, interpret and integrate data into their individual decision making processes, and how much of the raw material comes from anecdotes as opposed to empirical data. He suggested that in certain situations, we may be predisposed to take a course of action based on a very small slice of reality that fits nicely into our mental map. He believed this was perilous, as it is difficult to respond to stressful or time-sensitive situations, such as serious incidents and police conduct issues, without having accurate and comprehensive information. We train our recruits to always get as much information as possible when circumstances permit. He suggested perhaps we all need to practice exactly what we preach in this regard.

Planning: Chief Bevan believed the challenge in planning is to come up with road maps that incorporate input from all stakeholders. In Ottawa, the most recent business planning process incorporated consultations with the Police Services Board, the Police Executive, all ranks, civilian members, association representatives, as well as the community. In the context of today's discussions, communication presents a key challenge to breathing life into our plans. There is at times a gap between the vision for change of executives and the understanding of that vision by all internal stakeholders. Opportunities for ongoing input and feedback among police executives, boards and associations, can seem elusive.

The Effects of Organizational Change - How are we Doing Along the Way: Organizational change can test the foundation of cooperation, collaboration and communication. A clear understanding of change management check-points and milestones seems to be wanting in organizational change rolled out in some police services. Increasingly, chiefs and boards are asked to use performance measures and various accountability frameworks to review progress along the way. One challenge is to find that delicate balance and transition between the time spent doing analysis, the knowing part of the equation, determining priorities and taking action.

Using Internal or External Advocates During Conflict: Another roadblock is the enlisting of internal and external advocates during conflict. Toni Murray's Police Futures Group research found instances where associations have appealed directly to police governing bodies. In other situations, one of the primary stakeholders will enlist the help of an advocate, such as the media, without giving the other stakeholders an opportunity to respond accordingly. The Canadian Police Association has offered three circumstances when associations are more likely to apply external pressure to resolve concerns: when there is no independent and impartial third party resolution; when the systems or processes are not working in terms of addressing the legitimate interest of the Association and it's members; or, when they are not being afforded an opportunity and an appropriate role in the decision making process. This approach can damage or undo long standing relationships that have been built between the stakeholders.

Partnerships: Chief Bevan stated that most of us in the policing community know we can't do the job ourselves, we need to enlist the support of the community at large. He has always recognized the value in leveraging external partnerships and this is especially true when those partners bring new resources, skills and insights to the table.

Succession Planning for the Future: Chief Bevan noted that recruits joining police services today have more education, life experience, work experience, and other skills at a time when access to information seems boundless. While this is desirable for all concerned, it presents us with a challenge in retaining and continually developing their talents. With this high standard comes high expectations from all of our people. New officers are called upon to operate in an environment where critical thinking and problem solving are strongly encouraged by management and the community. The task of large, modern agencies demands contemporary management knowledge, skills and abilities. The demographics of policing are such that many members at all ranks will be retiring in the near future, making succession planning for all three stakeholders critical.

In his concluding remarks, Chief Bevan stated we need to find common ground wherever possible. We need to enhance our abilities to synthesize complex issues into a win-win, collaborative road map for managing change and dealing with disparate interests. He asked participants to join him in discovering new ways to edit out the road blocks and replace them with opportunities for improving the existing framework for police management. He noted that, ultimately, we need to remember we are the instruments of public safety and the public counts on us. He believed if the three stakeholders can find more ways to put smaller cooperative wins together between the major milestones, we will be well on our way towards drafting a more cooperative police management road map.

Although he found it difficult to present roadblocks without also presenting solutions, **Constable Grant Obst, President, Canadian Police Association** told delegates about some of the challenges other police association leaders across the country had shared with him.

- Chiefs and police boards in some cases have little appreciation and respect for what the role of the union is. Conversely, the association has to have a clear understanding of the roles of the chief and board.
- In some cases the board has a lack of understanding as to what exactly the police do, how they do it, what it costs, and the impact it has on members of the police service and the public.
- Meetings between labour and management either do not happen or happen too infrequently.
- In some cases there is no relationship between the police board and the association.
- In some cases, communication is lacking. The police management body fails to consult or effectively communicate with the union prior to making changes that impact the association membership.
- Police chiefs and boards do not always recognize that the Association is a valid, bona fide stakeholder in the service delivery model.
- Some parties fail to realize or recognize that the three components - the chief, the board and the association - are actually involved in a partnership, all with similar or related goals and objectives.
- The bottom line is there must be communication; not simply a situation where police administration advise the association what they plan to do, but a commitment to involve everyone in the decision making process.

Cst. Obst stated that a common theme developed as he reviewed what his colleagues had said; terms such as mutual respect, recognition, inclusion, understanding, constructive relationships and good communication appeared repeatedly. Police officers want recognition that the association is a level of management within the police service.

In addition to the above, the Constable identified some additional issues that he saw as major challenges. He believed a situation has developed in police governance that almost sets us up for

failure. Police boards were developed to provide a civilian oversight aspect to policing and to provide a buffer between the political aspect - city council in most cases - and the police service. In most cases in Saskatchewan, the Mayor serves as Chair of the police board, or at least as a member of the board. Cst. Obst believed politics will never be separated from policing in our current model, and maybe it doesn't have to be. However, he felt it does create a bit of a "dicey" area where political influence can leak through.

Cst. Obst wished to emphasize another challenge associated with the current model: due to pressure from the public or special interest groups, the board and/or city council sometimes attempt to influence the operational aspect of the police service.

He also spoke about the challenges in preparing budgets for policing. The Chief has to explain to the board how much money is needed but in many cases, he is unable to fully explain what the money is for. As an example, Cst. Obst explained that he works in the Vice Section of the Saskatoon Police Service. The unit works on a lot of projects that have confidential and undercover aspects to them. He noted they don't tell other people in the police service what they are working on, let alone the board of police commissioners. Yet money is needed for these projects as well as those in sections dealing with organized crime, serious crime, drugs and all units doing police work with a confidential aspect to them. They are all expensive investigations due to a number of factors, such as case law and disclosure, that have affected budgets during the past ten to twenty years. To further complicate matters, Cst. Obst stated board members are for the most part laypersons who don't have a clear understanding of what employees are doing in each unit of the police service. He questioned how one could expect the board to know, but also questioned how the board makes its decisions without this knowledge.

Cst. Obst stated police association executives look to the chief for leadership and have a great deal of respect for chiefs of police and the difficult job they do. Association members look to the Chief to fight for the things they need, but recognize the chief is in a quandary because he/she has political masters who, in some cases, are focused on being re-elected. The way to get re-elected is to keep taxes low, which creates fiscal and budget restraints. He commented again that the relationship seems to be set up to create the challenges we are trying to resolve.

In conclusion, Cst. Obst told delegates that the police association recognizes this dilemma. They see there are problems in the system, but they also believe those problems can be rectified. He stated it is difficult to accept when there is no more money, but associations would like the opportunity to sit down with boards and chiefs to discuss how we are going to spend the money we have. He asked that associations be allowed to play a part in achieving mutual respect, recognition, inclusion, understanding, constructive relationships and good communication.

As evidenced by the comments of the three panelists it is clear the three parties share many of the same concerns, and recognize they have much in common. This is reflected in the discussion groups results that follow.

On to [Discussion Groups](#)

Plenary Sessions: Discussion Groups

Delegates and invited chiefs and association members were assigned to 12 small discussion groups following the panel presentation. Using a scenario situation as an example, the objectives were:

1. to gain a better understanding of each other's roles, responsibilities and concerns;
2. to think about ways of improving relationships between chiefs, boards and associations; and
3. to produce a list of approaches and practices that will help achieve a more cooperative police management environment.

A summary of responses from the twelve groups appear below.

Tools, Practices and Approaches for Cooperative Police Management

1. Better communication & consultation between the three parties. The establishment of a "Mutual Interest Committee" between the association executive and management, such as that which exists in Saint John, NB, was recommended. The Committee meets once a month to discuss issues of concern, using an interest-based negotiation model to resolve differences.
2. Development of a Strategic Plan, with broad consultation from stakeholders.
3. Communication with all partners, including the public.
4. Use of problem solving & conflict resolution mechanisms, including outside facilitators and mediators.
5. Use of a competency based selection process and training for Board members.
6. A "relationship agreement" such as that developed by the Edmonton Police Commission and Service, that defines roles & responsibilities of parties, with agreement on grey areas.
7. Knowledge & understanding of each others roles & responsibilities.
8. Communication, Cooperation, Coordination, Collaboration & Evaluation.
9. Accountability of all stakeholders through evaluation after things have been put in place.
10. Recognize boards' accountability to the community to reduce influence of external and internal pressures.
11. Development of a competency profile with input from all stakeholders and using a facilitator. Need for continuing education for all three parties.
12. Preparation of members on their role, planning, fostering partnerships, being inclusive; taking advantage of consultants and experts.



Professor Rick Linden leading one of 12 discussion groups.

On to [Plenary Sessions: Concluding Remarks](#)

Plenary Sessions: Keynote Concluding Remarks

Professor Rick Linden, University of Manitoba, was in attendance throughout the morning's proceedings and offered his own observations on what he had heard.

He stated that, as many of the speakers have noted, the step toward cooperative management is long overdue and one might reasonably ask why it hasn't been done before. The best answer he could come up with is that the normal way in which the "criminal justice system" operates is not a

systematic one at all. We are used to working in little silos or stove pipes without talking to the other parts of the system. It is a loosely articulated system, which means the parts don't fit together very well.

As an example, he spoke about community policing and how it is developed. A typical example is that of Winnipeg in the early 1990's, when Professor Linden was part of a planning and implementation team to introduce community policing. People were working in silos and vacuums. City council had a Parks and Protection Committee that wanted community policing, but had no understanding of what it was. There was the Implementation Committee that he was involved with, that recommended bringing the union in from day one. But that wasn't the way the police department operated in those days, so the committee couldn't talk to the union. Naturally the rest of the implementation process became a fight with the union, not necessarily because they didn't like what was going on, but because they weren't part of it. They didn't feel they had been involved in consultation. The Chief supported the program but was totally hands off, which meant he didn't know what was going on and the people in the field didn't know the extent of his commitment because he never came out and told them about it. With the Chief working in his office, not talking with the membership, the Association was able to convince some of the councillors that the model being implemented was a bad one.

The scenario used in today's discussion groups alluded to a Chief coming in and implementing community policing against a lot of resistance. Professor Linden said this is very typical all over North America. He suggested it would have been much simpler for all parties to sit down and talk about what the implications were from day one.

As was pointed out in many of the discussion groups' recommendations, a necessary step to better policing is sitting down together and developing a framework for cooperation. However, sitting down and talking won't necessarily take one the whole way in the tasks of oversight and independent advice.

The Professor believed Mayor Black's comments about the complexities of the role of police boards were critical. It is not a simple task. If we look at a few of the police governance issues that have been in the newspapers in the last few weeks, they strike at the heart of our society. For example, the APEC inquiry dealt with very fundamental issues involving police competence and political interference. Another example is the reports about the ongoing efforts of Chief Julian Fantino in Toronto to try and rein in some of the more outrageous activities in which the Toronto Police Association has become involved. What role should a police board play in a relationship between an association and a chief?

Almost every city is still floundering with community policing in some way. The budget issues that you all deal with make for a very complex environment in which to work. In addition to these complexities, Ms. Murray's presentation pointed out there are structural factors that prevent boards from making a greater contribution in the two critical areas of oversight and providing independent advice, which would be very valuable for a police chief.

The rotation of members on police commissions means that members may not serve long enough to develop the expertise to give independent advice. A lack of training may mean that board members can never develop this expertise. They simply develop it experientially, but the limited terms mean that by the time they get the experience, their term is up and they're gone.

Sitting down and cooperating with other partners is positive, but it's also critical that police boards/commissions find some way to develop the expertise about policing issues. How can you follow the issues, such as helping develop a vision and mission, if you don't know about policing? How do you help the police service develop goals and objectives? How do you hold chiefs accountable for what they do if you don't have the background to know what it is the police should

be doing? One issue raised in the scenario was that of hiring. How do you know what competencies a chief should have unless you have enough fundamental understanding about policing to know what it is a chief should be doing? Professor Linden stated that those who try to do these things will find it a real challenge. Using community policing as an example again, he asked "where do you go to find out what community policing is?" How do you find out what model of community policing is best for your community? Where can you find objective standards to which you can then hold your Chief accountable in terms of implementing that model? How do you make the data-driven decisions that Chief Bevan spoke about with regard to how well the vision is being carried out?

The simple answer is that one really can't find out. Professor Linden stated that in Canada we essentially have no research and information dissemination capacity in the area of policing. We have a multi-billion dollar industry that spends almost nothing on research and development.

Delegates' efforts to develop this framework for cooperative police management is a critical first step toward improving policing in Canada. He stated it is also critical that we work to develop the information we need to do our jobs properly, and find a way of communicating that information to the people who are in our positions across the country.

Legislatively, there needs to be some training on the roles and responsibilities of a police commission, which the people in the scenario obviously lacked. That kind of training is valuable, however, it alone does not give one a notion of what you are supposed to be doing or the concrete knowledge that you need to develop visions.

The Canadian Police College's Police Executive Centre helps police chiefs and deputy chiefs to come up to speed on some of the issues. Is there a centre like this for members of police boards and commissions? What mechanism is there to train people who may, for a short period of time, be in a position that is fundamentally important to all of us in communities across the country?

Professor Linden concluded by saying that when delegates have the opportunity to talk later in the day with Solicitor General Canada officials, he hoped they would bring to their attention the need for the Federal Government to begin to do research and development in policing, and develop training as they once did about twenty years ago. The training should be expanded to boards and commissions so they can do a proper job of advising chiefs and exercising accountability. This can reduce some of the stress on police chiefs and provide police officers with better tools to do their important work. Professor Linden congratulated the discussion groups for their efforts and recommendations. He believed this exercise will help point the way to a much stronger future in which cooperation between the three groups will be very productive.

On to [Department of Solicitor General Canada](#)

Department of Solicitor General Canada Update

Dr. Danielle Lacasse, Acting Director, Organized Crime Policy and Coordination Division, Policing and Law Enforcement Directorate, Solicitor General Canada, provided an overview on actions taken by the Government of Canada to address resolutions adopted by the CAPB membership last year, as well as other issues of concern to the Association. She was joined by **Mr. Shawn Scromeda, Legal Counsel, Criminal Law Policy Section, Department of Justice**, who addressed issues within the Justice Department's mandate.

Their presentation focused on three main areas: initiatives of the federal government to address organized crime, which has been their number one law enforcement priority in the last year;

legislative measures that address some of the CAPB's 2000 resolutions; and key crime prevention and law enforcement projects currently underway to deal with emerging youth issues such as joyriding and raves.

Speaking to the fight against organized crime, Dr. Lacasse reported that "Red Book Three", the Liberal Party of Canada's Platform, committed the government to introducing additional anti-organized crime measures to target proceeds of crime, facilitate the investigation and prosecution of organized crime, protect members of the justice system from intimidation, and strengthen anti-gang laws. In the most recent speech from the Throne, the Government of Canada reiterated its commitment to fighting organized crime by providing law enforcement with enhanced tools to deal with emerging crimes such as cyber-crime.

She emphasized the fight against organized crime is not a task the Government of Canada can tackle alone. Since the adoption of the joint statement on organized crime in 1997, the Department of the Solicitor General has been working closely with provincial and territorial governments to address this problem. Collective efforts led to the National Agenda to Combat Organized Crime adopted by federal, provincial and territorial ministers responsible for justice in September 2000 in Iqaluit.

The National Agenda provides a shared plan of action to deal with organized crime through a multi-disciplinary approach. It proposes a number of initiatives in four areas: national and regional coordination; research and analysis; communications; and legislation. Progress in implementing the National Agenda is attributable to the involvement of all partners concerned, including government at all levels as well as prosecutors and police.

In terms of national and regional policy coordination, the National Agenda established a new mechanism to assist in setting and addressing strategic policy priorities. Recognizing the strong linkages between policy development and law enforcement, ministers attributed a key role to the National Coordinating Committee (NCC) on organized crime within this mechanism. With strong representation from the police, the NCC met in January 2001 in Ottawa to develop strategies to address national priorities and other emerging concerns endorsed by ministers. These priorities include: outlaw motorcycle gangs; illegal drugs; economic crime; high tech crime; money laundering; prostitution and trafficking in human beings.

As directed in the National Agenda, the NCC is also working on other pressing and emerging concerns, some of which mirror the Association's interests, such as the issue of auto theft. Another meeting is expected in October to follow up on issues that will be raised at the Ministerial meeting in September in Halifax. Dr. Lacasse noted the Department will be counting on the valued input of the police in furthering work to address these priorities, and possibly identify new ones. The National Agenda recognized that basic data on organized crime is currently lacking. It affects the ability of governments to plan strategically and the capacity of the police to focus their efforts effectively. To breach a knowledge gap, ministers endorsed the establishment of a national strategy to collect data on organized crime in Canada, and the development of assessment tools to gauge the impact of organized crime on Canadians.

A federal, provincial and territorial working group on research and analysis, with representatives from the police community, has been meeting regularly since last Fall to advance work in this area. With funding provided by the Department of the Solicitor General, Justice Canada, the RCMP, the B.C. Ministry of the Attorney General and the Ontario Ministry of the Solicitor General, a contractor was hired to develop an organized crime data collection and impact assessment framework. Based on consultations with policy makers and law enforcement experts across jurisdictions, the study identified three phases in implementing such a framework. The first phase would focus on collection and analysis of basic statistical data through an annual survey of police and other law enforcement agencies. The second would focus on the development of impact indicators, and the third, criminal markets and their economic dimensions.

The engagement of the police community will be critical to the overall project and more specifically throughout phase one. The Canadian Centre for Justice Statistics is currently developing a survey questionnaire and will begin consultations with police on data elements through CACP's Police Information and Statistics Committee in October. Input will be needed from the Association and also from the CPA into the development of the questionnaire and its pilot testing in the Fall.

The National Agenda recognizes communications and public education are important. As a first step, ministers endorsed a number of shared key messages which assist in building a common understanding in the media and among Canadians concerning the negative impacts of organized crime. Building on these broad messages, ministers directed their officials to develop more focused, better targeted communications and public awareness strategies. Governments first needed to know where Canadians stood on the issue of organized crime.

At the beginning of the year, a public survey was conducted on behalf of Justice Canada and the Department of the Solicitor General. The survey polled 1,200 Canadians from across the country. It examined public awareness concerns and preferred policy options regarding organized crime in Canada. Among its main findings the survey indicated that, when asked specifically about crime priorities, a strong majority (74%) believed organized crime should be the number one priority for the Government of Canada. Fifty-eight percent believed the federal government should have leadership in this area and 89% strongly supported taking aggressive measures to address the problem. However, other evidence in the survey suggests caution with respect to these findings. For instance, the survey indicated that crime in general is a mid-level priority for most Canadians, behind issues of education and health care. A strong majority agreed organized crime is a serious problem that must be addressed, however, the majority of Canadians don't believe it affects their day-to-day lives. These findings suggest strongly that governments and law enforcement officials should better focus their message on the impact of organized crime on local communities.

Dr. Lacasse introduced Mr. Scromeda to address the legislative component of the National Agenda.

Mr. Scromeda thanked Dr. Lacasse and said he was very grateful to Justice Canada for the opportunity to collaborate with organizations such as the Canadian Association of Police Boards. He stated the Association's input had a significant impact in focussing and shaping some of the National Legislative Agenda.

Mr. Scromeda said he would be covering Bill C-24, an Act primarily dealing with organized crime but also law enforcement, as well as Bill C-15 which addresses a number of other legislative initiatives including disarming police officers, measures to protect children, injuring or endangering police animals and communicable disease notification.

Continued:

[Bill C-24](#)
[Bill C-15](#)
[Bill C-217](#)

Bill C-24

Bill C-24 was introduced in April 2001 and is the product of extensive policy work and consultations, including specific input from the CAPB most notably with respect to protection for police officers from criminal liability. It responds to the Canadian Government's law enforcement priority on organized crime and the strong need to provide the police and prosecutors with

additional tools with respect to organized crime. The Bill includes legislative initiatives in four main categories:

1. Measures to improve protection from intimidation for persons playing a role in the criminal justice system;
2. Measures to create an accountable process to protect law enforcement officers from criminal liability for illegal acts committed in the course of an investigation;
3. Provisions to broaden the power of law enforcement to forfeit the proceeds of crime and to seize property used in crime; and
4. New offences targeting involvement in criminal organizations.

Mr. Scromeda noted that there is already a section in the criminal code (section 423) that deals with intimidation. One of the amendments that has been made to that section is to change it from a summary offence to a hybrid offence. As well, there is a new provision of the criminal code that has been added to 423.1 which specifically addresses the intimidation of justice system participants. It is defined quite broadly under the legislation, ranging from Members of Parliament and Provincial Legislatures to police, peace officers, and witnesses.

He explained the other area with respect to protection of persons against intimidation addresses the jury process and protecting the privacy of juries. As well, there are provisions with regard in allowing witnesses to give their testimony from behind screens or even outside of the courtroom in certain cases involving organized crime.

Mr. Scromeda next spoke about the protection from criminal liability for law enforcement, an area of Bill C-24 that has received a fair amount of publicity, and the one in which the CAPB has been most involved. There was a specific resolution from the CAPB two years ago asking the Government of Canada to establish a legislative exemption regime in response to the Supreme Court decision on Campbell and Shirose. That April 1999 decision ruled there was no inherent immunity for police for good faith action taken in the course of an investigation. The court implicitly acknowledged the police might have to break the law in the course of such investigations, however immunity from the law must be granted by Parliament.

The ruling had a significant negative impact on law enforcement, and Bill C-24 is the Government's response. There are a number of areas in which police have traditionally relied on the concept of having some immunity from prosecution for good faith actions during investigations. This could include anything from purchasing counterfeit currency to gathering evidence on the street, to undercover police operations in which they temporarily play along with the activities of their targets before bringing the activities to an end. A White Paper was issued by the federal government in June 2000 with a specific legislative proposal, and was the subject of extensive consultations including commentary from police and the CAPB.

Mr. Scromeda clarified that the justification for engaging in illegal acts is limited and not all acts are permitted. There are specific acts that are excluded entirely such as murder and sexual offences, and other acts such as damage to property or directing an agent that are subject to special authorization. As requested by the CAPB and other stakeholders, the scheme also includes an enhanced accountability structure including internal reporting, a public annual report, notification of serious loss or damage to property, and a requirement for a full parliamentary review after three years.

Mr. Scromeda emphasized the accountability structures that have been built in are considered to be a supplement to, and not a replacement for, existing accountability structures. The police, with respect to this power as well as all others, remain subject to codes of conduct, independent oversight and managerial control by senior officers within the force.

There have been a few points of controversy as the Bill has worked its way through Parliament. The Bill does not include judicial authorization nor is it specifically restricted to organized crime investigations. Certainly, organized crime investigations are probably where it will most often be used, but in fact, the routine purchase of contraband can occur in all sorts of areas, even in police or public officer investigations of fisheries or environmental offences. As pointed out by the CAPB, training for police officers is key to ensure the justification scheme is used appropriately.

With respect to the third element of the Bill, proceeds of crime provisions within the Criminal Code have been expanded to apply to all federal indictable offences, except those excluded by regulation, and the definition of offence-related property has now been made in relation to all indictable offences and includes real property. There are also new powers to enforce foreign confiscation orders in recognition of the fact that much of organized crime is international and the assets exist all over the world.

The final category addresses new criminal organization provisions, another aspect that has received a lot of media attention. First and foremost, Bill C-24 includes a new simplified definition of "criminal organization" that is consistent with international definitions, and also includes three new criminal organization offences to replace the current single offence under the Code. The three new offences are:

1. Participation in or contribution to the activities of a criminal organization with a maximum penalty of five years.
2. Commission of an indictable offence for the benefit of, at the direction of, or in association with a criminal organization, with a maximum penalty of fourteen years in prison. This is over and above the penalty for committing the indictable offence itself.
3. Instructing the commission of offence for the benefit of, at the direction of, or in association with a criminal organization. This offence targets the leaders of criminal organizations and carries with it a maximum penalty of life imprisonment.

Punishment for these offences is to be served consecutively. There have been some calls for simply criminalizing membership in criminal organizations, which was not done in Bill C-24. The government believes this would present serious potential Charter concerns, and would likely be less effective than the three new offences.

Mr. Scromeda commented on the current status of Bill C-24, saying it was passed by the House of Commons in June and is currently awaiting consideration by the Senate. [Note: at time of print Bill C-24 had received second reading in the Senate and had been referred to a Senate Committee.] The Bill will bring changes to the law in many areas and training will be key. It is recognized that Justice Canada has the responsibility to train on the provisions of the Bill.

Bill C-15

Government recognizes the risks faced by police officers in the line of duty and that these risks are measurably increased by attempts to disarm a police officer in the course of duty. Bill C-15 addresses these concerns by making it an offence to take away or attempt to take away a weapon in the possession of a police officer while on duty. This would be a hybrid offence with a maximum punishment of five years if proceeding on indictment. Mr. Scromeda was grateful to the CAPB for its input on this issue in the past.

There are also special legislative measures to protect children in Bill C-15, specifically with respect to the internet. There is a new provision against internet luring, punishable by five years in prison. The transmission, posting or exporting of child pornography over the internet is a crime,

punishable by ten years in prison. There are new provisions allowing judicial orders for the deletion of child pornography from websites and forfeiture of computer materials and equipment.

Currently in the Criminal Code there are provisions that allow for the conviction of a person who kills, maims, wounds, poisons or injures an animal, however, the penalty under the existing provision is extremely light. Under Bill C-15, such conduct would become a hybrid offence punishable by five years in prison on indictment. A separate offence has not been created with respect to police animals, which was the subject of a past CAPB resolution. Mr. Scromeda felt it important to emphasize, however, that the new provisions will apply to all animals including police animals killed in the line of duty. [Note: Bill C-15 has since been split into two bills. Bill C-15A addresses the issues of disarming a police officer and measures to protect children; it has been passed by the House of Commons and has been referred to a Senate Committee. The issue of injuring or endangering an animal is included in Bill C-15B. It is still in the House of Commons and is being considered by the Standing Committee on Justice and Human Rights.]

Bill C-217

Another issue the CAPB has considered in the past is communicable disease notification. It is the subject of a Private Member's Bill, C-217, currently before the House of Commons Standing Committee on Justice and Human Rights. The Bill would allow for search warrants to obtain and test blood samples when persons of designated functions may have been infected by certain viruses, e.g. HIV, and Hepatitis B and C. It is a reintroduction of a Bill (C-244) introduced in the previous parliament for which the CAPB expressed support.

Mr. Scromeda explained Canada recognizes the goal of this Bill is addressing health concerns and providing a certain measure of piece of mind to people who may have been infected by these diseases in the course of their duties. However, very serious concerns have been raised about human rights and also about whether the criminal law is the appropriate way to proceed. There have been serious questions raised as to whether the provisions of the Bill would actually be successful and effective in addressing health concerns. The Bill is still before Parliament and debate will continue on these provisions. Dr. Lacasse stated a lot has been done within the past year and she wanted to highlight another legislative initiative. The federal government is concerned with criminals who take advantage of our immigration system to commit crime. The Immigration and Refugee Protection Act, C-11, which was re-tabled on 21 February 2001 by the Minister of Citizenship and Immigration, goes a long way towards correcting the situation. While it doesn't focus exclusively on the criminal dimensions of immigration, Bill C-11 contains a number of measures to address the growing problem of human smuggling and trafficking by organized criminal groups.

Specifically, the provisions include: creating a new offence to deal with trafficking persons in compliance with the United Nations protocol to prevent, suppress and punish trafficking in persons, especially women and children; stiffer penalties for immigration offences including a fine of up to \$1 million and life imprisonment for convicted human smugglers and traffickers; extending proceeds of crime legislation to immigration offences; and creating more effective laws to deal with the use of fraudulent documents.

Other measures aimed at combating illegal migration include increasing the number of immigration control officers overseas who work with transportation companies and foreign governments to prevent the use of fraudulent documents to board aircraft, and front-end security screening of refugee claimants. The Bill is through the House of Commons and will be going to the Senate in the Fall.

Dr. Lacasse noted that legislation is not an answer to all problems. The National Agenda demonstrates the importance of a multi-disciplinary approach. In partnership with other federal departments and the police community, the Department of the Solicitor General has been working on a number of law enforcement and crime prevention initiatives which address a number of the Association's concerns, including the sexual victimization of children, raves and auto theft.

Earlier, Mr. Scromeda outlined how Bill C-15 addresses specific aspects of the sexual victimization of children through legislative amendments. This is an area where prevention and public awareness are critical. The Government of Canada launched a national strategy to address illegal and offensive content on the internet in February 2001. The strategy aims to increase public awareness of issues relating to illegal and offensive content on the internet by providing parents and teachers with access to a broad collection of tools and resources to keep their families safe while online. The Department of the Solicitor General is working closely with the police community, involving the OPP, SQ, and RCMP in ensuring that law enforcement considerations inform the overall strategy.

The dangers associated with raves such as drug use, clandestine locations, and inadequate facilities, pose a threat to youth safety and an increasing challenge to the law enforcement community. While work in this area is still in the developmental stage, there is nevertheless a recognition that more attention should be paid to the problem. Just recently, representatives from the Department of the Solicitor General, the RCMP and the Ottawa Police Service participated in a video conference to discuss the emerging issues of raves and club drugs. Participants agreed to engage in further discussions concerning the development of specialized training for law enforcement personnel and the possibility of holding regional and national workshops on raves. Furthermore, the Department will be participating in the Health Canada led initiative this Fall that will bring stakeholders together to develop a multi-partner prevention strategy to address issues related to club drugs.

Finally, on the issue of auto theft, a significant portion of cars are stolen for the purpose of joy riding. The Department's collective approach in responding to this problem exemplifies the true partnership that often exists between the government and the police community. The federal government has contributed \$100,000 to the CACP to undertake a program of action to address the problem of joy riding under the National Strategy of Community Safety and Crime Prevention. Led by the CACP, with assistance from the Department of the Solicitor General, Transport Canada and Justice Canada, the project will result in a Public Education Program which police and educators can use in schools across the country. Because youth are a key resource in working with their peers to prevent crime, they have also become critical partners in this initiative.

In conclusion, Dr. Lacasse explained they would like to reiterate their commitment to continuing to work with the CAPB in addressing public safety issues, and she thanked the Association for the opportunity to discuss recent accomplishments.

Following the presentations Dr. Lacasse and Mr. Scromeda fielded questions from the delegates. Responding to concerns expressed about the lack of funding resources available to municipal police to enforce the country's laws, Dr. Lacasse stated the Minister of Justice and the Solicitor General of Canada have announced new funding to combat organized crime. The funding will go to the RCMP, but also to a new federal prosecution strategy which will have an impact regionally and locally. She stated the government is enhancing the federal structure to be able to back up locally. Dr. Lacasse also stated that Ministers responsible for Justice will be meeting in September to discuss the resource implications for local communities and municipalities. Finally, she noted the Minister of Justice and the Department of the Solicitor General have announced a renewal of the national prevention strategy which will affect local communities across Canada. The Department is aware that these issues need to be addressed.

Dr. Lacasse also responded to a question about whether law enforcement issues will be taken into consideration by the federal government in examining the creation of a seamless border between Canada and the United States. She stated the Solicitor General co-chairs the Canada/US Cross Border Crime Forum with Mr. John Ashcroft, US Attorney General, which last met in Ottawa in June. One of the issues discussed at the meeting was how to ensure a balance between facilitating the flow of people and goods, while controlling crime. The Department of Solicitor General is currently defining a position that will involve the RCMP, CSIS and Corrections.

On to [Regina's Citizens' Police Academy](#)

Regina's Citizens Police Academy

Staff Sergeant Wyatt gave a presentation on the Regina Police Service Citizens' Police Academy. He began by saying the concept was originally developed in 1977 by the Devon and Cornwall Constabulary of Middlemooor England. In 1985, the Orlando, Florida Police Department adopted the British model and in March 1986, classes for the first Regina Citizens' Police Academy got underway.

The Academy offers an eleven-week course, with three-hour sessions every Wednesday night at Police Headquarters. There are spring and fall sessions and each class contains 25 students. Participants are drawn from the general public: they must be 19 years of age or older, have no criminal record in the previous two years and have had no serious offence ever. There is a two-year waiting list for this program which is provided at no cost to participants. The total cost per session to the Regina Police Service is approximately \$715. Staff Sergeant Wyatt believed it was a small amount of money compared to the benefits the program generates for the Police Service.

The speaker described the course agenda. It begins with an orientation session, followed by the introduction of coordinators and instructors, a welcome from the Police Chief and a tour of the Regina Police Service headquarters; any required materials are then distributed. The second class always deals with Cultural Relations, where participants gain an idea of what it would be like to go to another country. From that point on, the classes can be adjusted and include use-of-force, drugs and alcohol, polygraph, gangs and Firearms Training.

Speaking to the benefits of the program, Staff Sergeant Wyatt said it helps participants see the human side of police work and makes them ambassadors for the Regina Police Service. He stated the program has also helped improve relations between the Police Service and the media, who are invited to attend. It has helped build bridges between the police and ethnic communities, including the aboriginal community, through a Student Policing class. It provides a pool of volunteers to be drawn from for things such as SWAT training scenarios, building tours, charity events and as actors for the Crime Stoppers Program.

Staff Sergeant Wyatt presented a video of a ride-along attended by one of the Police Academy participants. He indicated this was one of several five-minute clips produced by the Global Television Network about the Citizens' Police Academy and broadcast for one week. He said that applications to the program increased tenfold after the first night's presentation.

Staff Sergeant Wyatt concluded his presentation by saying that, when the Citizens' Police Academy program first began, a lot of the force's members were hesitant about it. Now, a lot of friendships have developed. He believed the program could be of great benefit to any police service in any city.

On to [Organized Crime Panel](#)

Organized Crime Panel

The Nature and Extent of Organized Crime

Three presenters comprised the panel on Organized Crime; **Dave Douglas, Chief Officer, Organized Crime Agency of British Columbia** led off with an overview of the extent of organized crime in Canada today.

He began by emphasizing that organized crime affects every person in this country. Its citizenship is global, its motive is profit, its currency is cash and its by-product is human misery. Chief Officer Douglas said many Canadians feel that organized crime does not affect them. He proceeded to illustrate how the ongoing activities of organized crime affect all Canadians, from vehicle theft to drug-related crimes, to senseless violence leading to death, to fraud and counterfeit credit cards, to organized crime's ability to intimidate the judicial system and elected officials.

Chief Officer Douglas spoke about police organizations seeing the world as a place with borders and jurisdictions, whereas organized crime sees it as a seamless place for criminal activity. International criminal networks have taken advantage of opportunities resulting from revolutionary changes in world politics, business technology and communications that strengthen democracy and free markets. The globalization of business and the increased number of people engaged in international travel are also significant factors in the expansion of global criminal groups. Police organizations cannot compete with this kind of mobility. The dynamics of globalization have allowed criminals to extend both their global reach and their criminal business interests. The International Monetary Fund estimates the size of their illegal businesses could be somewhere between one and three trillion U.S. each year, an amount equivalent to two to five percent of all goods and services legally produced throughout the world annually.

Chief Officer Douglas went on to describe the fusion of criminal groups. They are run like corporations, and the turf wars of the past that caused internal disruptions are over. Groups form themselves into cells like terrorists to avoid prosecution under Bill C-95. Mr. Douglas cited the hydroponic growth of marijuana in British Columbia as an example of a cell, with the Hell's Angels controlling the entire operation. He said experience has made organized crime groups superb at diversifying quickly to meet demand and at choosing locations where the cost of doing business is low. In a recent targeted investigation, criminal activities in a two week period included the exportation of "B.C. Bud" to the U.S., the importation of cocaine, credit card fraud, alien smuggling, weapons trafficking and conspiracy to commit murder. Mr. Douglas questioned how a policing organization can react to these challenges that are international in scope.

Chief Officer Douglas noted that state-of-the-art technology has become a major tool of sophisticated criminal networks. The interactive capabilities of advanced computers and telecommunications systems are used to develop market strategies for drugs and other illicit commodities. Governments and international bodies attempting to come to grips with cyber-crime through new legislation and techniques are fighting a losing battle. Internet e-commerce, while providing a seemingly helpful tool for investors, has become an excellent tool for perpetrators of fraud. The number of investors trading on-line grew to over 5 million in 1999, with 25% of all stock sold over the Internet, and attempts at cracking stock markets and financial institutions have increased. The Internet has also made it more difficult to follow the money trail by enabling illicit funds to be transferred around the world at the touch of a button without the perpetrators having to put in a personal appearance.

Chief Officer Douglas listed structure, communication and leadership as the critical components of organizational effectiveness. The Hell's Angels, with their rigid command/control structure, domestic and world-wide communications capabilities and a hierarchy built around leadership and experience is a good example of a criminal "corporation". He spoke about law enforcement

having been slow to react to the changing face of organized crime. Law enforcement agencies need to improve both internal and external communications. They need to use national criminal intelligence databases to their advantage, to move away from the old jurisdictional issues and territoriality of the past. Organized crime has gotten over this in the past five to ten years whereas law enforcement is still trying to deal with it.

Chief Officer Douglas suggested that the solution to organized crime in Canada is simple: it requires political will, funding and leadership. He spoke about the introduction of Bill C-24, an organized crime and law enforcement initiative to counter organized crime. He described a number of its components, noting that the Bill will allow Canadian authorities to enforce forfeiture orders of other countries when proceeds of crime are located in Canada. Bill C-24 will create exemption provisions that will allow police to engage in certain investigative techniques that are technically illegal, such as buying counterfeit currency from an organized crime group, but which are necessary to infiltrate and gather evidence on sophisticated criminal organizations.

Enforcement agencies need to be sufficiently funded. Investigations are long-term, complex, international in scope and very expensive. State-of-the-art technology must also be used to law enforcement organizations' advantage. Chief Officer Douglas spoke about the first test of the anti-gang law in Edmonton, where 33 accused and two corporations face charges of money laundering, conspiracy and drug trafficking. The trial should last six months and the jury will need to bring in over 200 verdicts; the Crown's case involves 70,000 pages of documents and 450 tapes containing 4,300 conversations.

The funding of organized crime investigations continues to be a daily struggle. Budgets are being cut or held to the status quo. The Solicitor General, at the Canadian Association of Chiefs of Police 2000 conference in Saint John, announced that the RCMP would receive \$200 million to fight organized crime. In reality, only \$15 million went to the RCMP's organized crime initiative and only \$750,000 came to British Columbia. Upon the announcement of the additional \$200 million, the B.C. Ministry of the Solicitor General responded that the federal government should dictate money to police agencies mandated to investigate organized crime. Law enforcement must be able to access provincial Proceeds of Crime funds for particular provincial and municipal organized crime initiatives. Ontario and Saskatchewan have some mechanisms in place, and they are working very well.

Chief Officer Douglas then spoke about the need for leadership. New operational enforcement models must be developed if we are to be more effective in fighting organized crime. Law enforcement agencies must mirror what organized crime does and adopt their best practices. Enforcement partners must develop strong alliances and use the strategic targeting process to identify real versus perceived threats. Proactive policing is the only viable solution to the threat of organized crime. It involves the effective use of intelligence assessments to complete intelligence-led investigations that identify and exploit the vulnerabilities of the target group, detect emerging trends and determine the most effective deployment of resources.



CAPB Board member Edward Keyes introducing Chief Officer Dave Douglas and Detective Rick Stewart (from l. to

Chief Officer Douglas described the Organized Crime Agency of British Columbia, saying it is the only structure in North America that can effectively attack contemporary organized crime groups in a coordinated way. Created in May 1999, OCABC is an independent, designated law enforcement agency with full police powers. It is provincial in scope and operates in close partnership with other law enforcement agencies. Its investigator base is a secondment model which is half RCMP and half municipal police officers. Its mandate is to facilitate the disruption and suppression of organized crime which affects British Columbians. The OCABC effectively uses intelligence assessments to determine real versus perceived threats to target people and organizations regardless of what commodity they are involved in. It utilizes a coordinated investigation and prosecution strategy of short term, high impact investigations to disrupt, and long term projects to suppress targets through arrest and seizure of assets. Last year, it exceeded its own operating budget in proceeds of crime seizures by seizing approximately \$14.1 million in cash. Six hundred and fifty charges were laid against 175 people. The agency is currently working with the provincial government and the RCMP to develop a high tech computer fraud investigation unit.

Chief Officer Douglas concluded his presentation by saying that law enforcement agencies face these challenges collectively and need to collectively share the responsibility. He reiterated the solution to organized crime is not difficult: it requires political will, funding and leadership.

Continued:

[Youth Gangs: They Aren't Youth Gangs Anymore!](#)
[Money Laundering: The Financial Transactions and Reports Analysis Centre](#)

Organized Crime Panel

Youth Gangs: They Aren't Youth Gangs Anymore!

Detective Rick Stewart, a 22-year member of the **Edmonton Police Service** currently assigned to the Major Crimes and Gang Unit, was the second presenter on the Organized Crime panel. He has been investigating street gangs since 1995. In September 2000, the Edmonton unit received a national award from Criminal Intelligence Services for its efforts in educating both police members and the public about gangs. Detective Stewart began his presentation by asking, what is a gang, and how does the public perceive them? He explained that in fact, gangs are "equal opportunity employers"; it doesn't matter who or what a person is - gangs will use anyone, regardless of race or gender, who can provide an opportunity to make a profit. In his experience, the street gangs of just a few years ago were made up of approximately 80% young offenders and 20% adults. Over the past few years however, gangs have changed to be 80% adults and 20% young offenders.

According to Criminal Intelligence Services Canada (CISC), a gang is a group of persons consorting to engage in unlawful activity. The criteria used to identify someone as a gang member includes involvement (either directly or indirectly) in a "gang motivated" crime, plus two other criteria such as reliable source information, admission of gang involvement, previous court findings, common or symbolic gang identification, or police information provided as a direct result of observed association with other gang members.

Detective Stewart explained that in July 2000, gang members in federal prisons included persons from outlawed motorcycle gangs, aboriginal based street gangs, traditional organized crime (the Mafia) and street gangs. While incarcerated, these individuals continue networking on how not to get back inside and how to model themselves on success. Crime does not stop while these

persons are incarcerated: one individual was ordering drugs and arms from Central America from his prison cell.

Detective Stewart next discussed what factors influence the behaviour of young people and lead them to join gangs. He noted media and music are both very powerful influences. Other contributing factors are changes in cultural values; the erosion of the family unit and family interactions; and a lack of supervision, accountability and accepted norms. There are also numerous books available that lay out blueprints on how to organize and run a gang.

Gangs communicate with kids - they offer protection, safety, security, a sense of family and respect. Kids join gangs to meet the three basic social needs: to belong, to be cared about, and to be recognized for what they do. Many want to experience adventure and excitement. Some want to escape conditions at home. Others join for environmental survival. To get in, they have to do anything they are instructed to do. Some are voted in because a family member is in the gang, others buy their way in with money or information, or beat up someone on demand.

Gangs use the tools of intimidation and violence. They are involved in a whole range of crimes, with drugs and prostitution being the primary ones. Other crimes include property crimes such as theft, break-and-enters, auto theft and mischief, as well as crimes against persons such as robbery, assault, murder, weapons offences, extortion and sexual assaults. On a monthly basis in 2000, the Edmonton unit was arresting 60 gang members or associates, executing 75 warrants and laying 100 charges.

The Edmonton Police Gang Unit believes the problem has to be approached through education, prevention and suppression. A key element in their strategy is communicating about gangs with the community and with fellow officers; their existence cannot be denied, they cannot be ignored, and response cannot be delayed. Detective Stewart concluded his presentation by emphasizing the need for community members and organizations to work together, because the gang crime cycle will continue if nothing is done.

On to [Money Laundering: The Financial Transactions and Reports Analysis Centre](#)

Organized Crime Panel

Money Laundering: The Financial Transactions and Reports Analysis Centre

The third speaker on the Organized Crime panel was **Richard Robert, Policy Analyst, Financial Transactions and Reports Analysis Centre (FINTRAC)**. He explained that FINTRAC is an independent federal agency created in July 2000 that acts as a central repository for information about suspected money laundering activities in Canada.

In June 2000, the Proceeds of Crime Money Laundering Act was passed by Parliament. The key principles of the Act are to detect and deter money laundering, to provide vital tools to law enforcement, to strike a balance between privacy rights and enforcement needs and to fulfill Canada's commitment to fighting trans-national crime.

Mr. Robert said that in the late 1980s, the G-7 initiated an international effort against money laundering and the Financial Action Task Force was established. Headquartered in Paris, it is associated with the Organization of Economic Cooperation and Development. Financial intelligence units were subsequently set up in many countries. Mr. Robert noted that Canada, which had lagged behind, is now establishing a unit that will be operational in October 2001. Once it is operational, the Ottawa FINTRAC unit will require various entities to report on three types of transactions:

1. suspicious transactions (starting in November);
2. international electronic funds transfers (later in the winter);
3. large cash transactions of sums over \$10,000 (in 2002).

Mr. Robert noted that currently financial institutions, mostly banks, can voluntarily provide information to the RCMP. The new legislation will mandate reporting entities to provide the information to FINTRAC. A broad spectrum of services will be covered, not only financial institutions but life insurance brokers and agents, lawyers, money services and other reporting entities. FINTRAC will also be in a position to receive voluntary information from reporting entities, from the public, from law enforcement and from its international partners. There will be formal agreements and Memorandums of Understanding with international counterparts. FINTRAC will seek to access law enforcement databases, as is provided for in the Act that established the centre. Regulations were pre-published for a 90-day comment period and will be phased-in between November 2001 and the spring of 2002.

FINTRAC is an independent agency mandated to collect, analyze and disclose information to assist in the detection, prevention and deterrence of money laundering. It is headquartered in Ottawa but regional offices will be opening in Montreal, Toronto and Vancouver. Its role is the following:

- to provide law enforcement with key intelligence;
- to play a key role in the national initiative to combat money laundering;
- to enhance Canada's domestic and international efforts in combating organized crime and money laundering;
- to contribute to the integrity of Canada's financial infrastructure.

Mr. Robert explained that once reports are received at FINTRAC an analysis section will sift through the information and disclose suspicions of money laundering to enforcement agencies. This will be an arms-length relationship since the centre can only release very basic information, referred to as "tombstone" data. FINTRAC will also ensure compliance with the reporting requirements under the Act and regulations. It will undertake strategic research on issues related to money laundering, advise the government on the nature and scope of money laundering, promote public awareness and provide feedback to reporting entities. In addition to having to meet record-keeping requirements, reporting entities must also have in place a compliance regime with the following criteria: a compliance officer; policies and procedures; training programs and periodic reviews of the compliance regime to see how it is functioning.

Analysis of the information coming in to FINTRAC will be housed in a highly secure computer facility to ensure the integrity of the data and its privacy. Information may only be disclosed where there are reasonable grounds to suspect it would be relevant to an investigation or to the prosecution of a money laundering offence. Designated "tombstone" information will be disclosed to the appropriate law enforcement agency; to acquire any further information an enforcement agency must obtain a production order.

Mr. Robert said FINTRAC's reason for being is to support the efforts of law enforcement. The centre is sensitive to the heavy workload of enforcement agencies, and its goal is to provide high quality, useful information to assist them in their investigations. An arms-length relationship has to be maintained: law enforcement agencies cannot access FINTRAC's databases nor can they task the centre. Law enforcement can provide voluntary information to assist FINTRAC in determining the relevance of that information to a money laundering investigation or prosecution.

Mr. Robert concluded his presentation by saying that FINTRAC is committed to developing productive relationships with law enforcement, with reporting entities, and with its international counterparts, to produce high quality analysis and assessments of suspected money laundering

operations, and contribute to the fight against national and international money laundering activities.

End of 2001 Conference Report