

2003 Annual Conference Report

Charting a Course for the Future

The Canadian Association of Police Boards held its Fourteenth Annual Meeting and Conference in Halifax, Nova Scotia from August 20-23, 2003. This publication documents the proceedings of the Annual Meeting including Resolutions passed, and provides a summary of the presentations, workshops and discussion groups that took place at the Conference.

Annual Meeting

- [President's Report](#)
- [Nomination Report](#)
- [Resolutions](#)

Plenary Sessions

- [Keynote Address](#)
- [Response to Keynote Address](#)
- [Technology Trend: Panel on Lawful Access](#)
- [Department of Solicitor General Canada Update](#)
- [Luncheon Speaker](#)
- [International Best Practices Research Project](#)

Workshops / Discussion Groups

- [Small, Medium and Large Board Break-Out Sessions](#)
- [Concurrent Workshops](#)
 - [Principles & Practices of Board Governance](#)
 - [Planning for Future Needs: Ottawa's Strategic Staffing Initiative](#)
 - [Conflict Resolution & True Colours: Fostering Effective Communication](#)
 - [The Board's Role in Budgeting & Financial Control](#)

The CAPB gratefully acknowledges the financial contributions of:

Department of Solicitor General Canada
Halifax Regional Municipality
Edmonton Police Commission
Department of Justice, Province of Nova Scotia
RCMP, Nova Scotia Division
New Glasgow Board of Police Commissioners
Nova Scotia Association of Police Boards

**2004 CAPB ANNUAL MEETING & CONFERENCE
VANCOUVER, B.C. - AUGUST 19-21, 2004
WESTIN BAYSHORE RESORT & MARINA**

Don't forget to mark August 19-21, 2004 in your calendar (and August 18th too if you're a golfer)! Next year's conference will mark the CAPB's 15th Anniversary and we hope you'll be able to join us!

The Conference Report is a publication of the Canadian Association of Police Boards. All rights are reserved.

President's Report

Outgoing CAPB President, Herb Kreling, welcomed delegates to the 14th Annual Meeting of the Canadian Association of Police Boards.

Mr. Kreling observed how fitting it was that this year's conference was in Halifax as it marked the 10th anniversary of the last time the CAPB conference was held in Halifax. At that conference in 1993, the Opening Address on the topic of "How to Do More with Less" was delivered by Dr. Christopher Murphy, a criminologist at Dalhousie University.

Ten years later, the CAPB was pleased to welcome Dr. Murphy to the conference again to talk about some of the trends and challenges facing police services now. As in 1993, Dr. Murphy spoke about the challenge of trying to meet the increasing demands placed on municipal police with the decreasing resources at our disposal. The situation hasn't changed much in 10 years; we are still trying to find ways to do more with even less than we had then. Interestingly, other topics discussed at that conference 10 years ago included: new technology: what works and what can we afford; youth exploited for the sex trade; and labour relations. Again, all topics we continue to grapple with today.

This year's focus on Trends and Challenges Facing Policing was selected in response to feedback from last year's conference. Also in response to members' feedback, opportunities were again provided to allow for as much discussion and interaction between delegates as possible. It is hoped that everyone in attendance took full advantage of the opportunities to participate in discussion, share ideas, and learn from one another.

Mr. Kreling took the opportunity to recognize and thank the Department of the Solicitor General of Canada for its financial assistance in delivering this year's conference programming. Their support of our Association's work and our Annual Conference has been unwavering in recent years and is greatly appreciated. He also acknowledged several other organizations for their generous financial support of the conference (see last page of report for a list of financial contributors).

The CAPB was particularly delighted to welcome The Honourable Wayne Easter, Solicitor General of Canada, who addressed delegates at a luncheon about some of the priorities that are important to him. A copy of his prepared speech appears later in this report.

We were also pleased to have the opportunity to hear from Mr. Douglas Keefe, Deputy Minister of Justice for the Province of Nova Scotia, about the importance of police governance.

REPORT ON ACTIVITIES

Mr. Kreling reported on the following initiatives undertaken on members' behalf over the past year with the goal of improving police governance and policing in Canada.

Joint CAPB, CACP, CPA Meeting - In March the CAPB, the Canadian Police Association (now the newly named Canadian Professional Police Association) and the Canadian Association of Chiefs of Police continued to build on the collaboration and partnership gained over the past two years by holding its second annual joint meeting in Ottawa. The meeting allowed the boards of directors from the three associations to receive and discuss information about shared concerns - many of which were addressed during this year's conference. A third joint meeting is planned for next Spring to discuss mutual priorities. The CAPB Board is very pleased with the increased opportunities for collaboration and the willingness to work together that the three associations continue to demonstrate. There is no question that a unified position from the policing community on issues of national importance such as the Drug Strategy or Extra-Jurisdictional Policing Authority can have a powerful influence on our law makers, much more so than if we work alone.

Police Association Advisory Committee - In June 2002, officials from the Policing and Law Enforcement Branch of the Department of Solicitor General Canada organized the first meeting of a "Police Association Advisory Committee". The Committee is comprised of the Executive Directors of the three policing associations and Solicitor General Canada policy personnel, and is chaired by Patricia Hassard, Assistant Deputy Solicitor General for the Branch. The committee has continued to meet regularly over the past year with the goals of improving collaboration between the three national policing associations and the Dept. of Solicitor General Canada, and sharing information on upcoming events and priorities. The CAPB is grateful to Patricia and her staff for this excellent initiative to further improve relations and dialogue between the three associations and her Department.

In addition to the meetings with staff from Solicitor General Canada, the Executive Directors of the three national policing associations continue to hold regular meetings throughout the year to follow up on priorities and discuss other issues on which they can collaborate.

Meeting with Federal Ministers - In March of this year, the CAPB Board of Directors held its annual meetings with The Hon. Wayne Easter, Solicitor General of Canada, and The Hon. Martin Cauchon, Justice Minister and Attorney General of Canada. The meetings provided the CAPB Board with an opportunity to discuss your concerns as expressed through resolutions passed at our Annual Meetings. As always, the meetings were highly productive.

RESOLUTIONS ADDRESSED

Many of the CAPB's resolutions were addressed over the past year, or are in the process of being addressed through federal legislation.

Canada's Drug Strategy - Last year, the CAPB joined the CPA and CACP in endorsing a common position with regard to a national drug strategy. The resolution called on the Government of Canada to implement a Canadian Drug Strategy in partnership with municipalities, provinces and territories. It included a series of statements, one of which was that the three national police associations do not support or endorse the legalization of marijuana or any other currently illicit substances. It also emphasized a balanced approach that would reduce the adverse effects associated with drug use by limiting both supply of, and demand for, illicit drugs, and would enable an integrated approach to prevention, education, enforcement, treatment, rehabilitation and research.

The Government responded in May 2003 with the introduction of Bill C-38 - an Act to amend the Contraventions Act and the Controlled Drugs and Substances Act. The details of the proposed legislation are contained in CAPB Bulletin #73 available on our website, or on the Government of Canada website. While we are pleased that the Government has taken steps to introduce a comprehensive Drug Strategy, there are concerns with the proposed legislation. Prior to the introduction of a ticketing regime for possession of small quantities of marijuana, one problem

that must be addressed is driving when impaired by drugs. While the Government has stated it intends to invest more money into finding a way for police officers to detect drug impairment in those operating a motor vehicle, the issue remains a serious concern in the absence of legislation or technology to support the detection of drug impairment in drivers.

Also of concern is whether the funding committed as part of Canada's Drug Strategy - \$245 million over five years - is adequate to implement the strategy. (Note: the status of Bill C-38 is now unknown as it had not been passed when Parliament adjourned on Nov. 7/03.)

Marijuana Home Grows - Bill C-38 also addressed the problem of marijuana home grows. Last year, members approved two resolutions addressing concerns about the upsurge of marijuana home grow operations across the country (another resolution addressing this concern was approved this year). The CAPB asked that legislative changes be made to ensure effective deterrents are in place, not only in the form of incarceration, but also in the form of substantial financial penalties. The Federal Government has taken several steps to address this.

When the CAPB Board of Directors' met with Minister Cauchon in March, he indicated he would like to make changes to the sentencing regime for home grows as he recognized weak sentences are part of the problem. He has attempted to address this in Bill C-38 by doubling the penalties for cultivation. As noted earlier, further details of the proposed legislation are contained in CAPB Bulletin #73 available on our website, or on the Government of Canada website.

Continuing on the subject of marijuana grow-ops, in April the Justice Minister introduced legislation to create a new offence against setting deadly traps in places used to commit crimes. This proposal is aimed specifically at protecting police officers and other emergency workers from injury or death due to dangerous traps set in situations such as marijuana home grow operations or clandestine drug labs.

Since our last Annual Meeting, the Solicitor General of Canada has also appointed a member of the RCMP to serve as a national marijuana home grow operations coordinator.

Before turning to other matters, Mr. Kreling also advised that he has written to the Minister of Justice urging him to commence an appeal of a recent Ontario Court of Appeal judgement that determined the use of "Forward Looking Infrared Radar" (FLIR) to detect heat emanating from a private residence is not an "investigative technique" that can be used by police to detect home grows, but rather, constitutes a "search" and is therefore in breach of the Charter of Rights and Freedoms unless prior authorization has been obtained. This ruling is of great concern to police officers, who consider the use of FLIR to be a valuable tool in detecting home grows. To date, we have not heard from the Minister as to whether he will commence an appeal, but the CAPB will continue to follow this matter.

Extra-Jurisdictional Police Authority - One of the top priorities identified by the CACP last year and supported by the CAPB membership was the need for a legislative framework that would allow police officers to carry out their work in jurisdictions other than their own when required to do so. President Kreling reported that significant progress has been achieved on this subject. Under the leadership of the Uniform Law Conference of Canada, stakeholders including the CACP, CPA and CAPB as well as CACOLE (the Canadian Association for Civilian Oversight of Law Enforcement), have, through a series of meetings, reached consensus on draft model legislation that each province and territory can use. The draft legislation was approved by the Law Conference of Canada in August and has been sent to the provinces and territories for consideration. (Reference Resolution 03-2.)

National Sex Offender Registry - In December 2002 the Federal Government introduced Bill C-23 in response to longtime calls by the police community, victims rights groups and provinces for

a national sex offender registry. The new legislation was the subject of CAPB Bulletin #72, which outlined the highlights of the proposed bill and called on members to provide input. Mr. Kreling extended thanks to the many boards that sent in comments. There was unanimous support from members for the registry, but everyone also agreed it must be retroactive in nature; as it stands now, the registry would only apply to offenders convicted after the Bill is proclaimed as law and would exclude offenders currently serving sentences for previous convictions, as well as those convicted while the Bill is debated. Delegates approved a resolution at this year's AGM endorsing this position, which has been forwarded to the Federal Government. (Note: The Bill had not been passed when Parliament adjourned on Nov. 7/03.)

Protection of Children from Sexual Exploitation (Bill C-20) - In December 2002, the Federal Government introduced new legislation containing several proposed amendments to the Criminal Code of Canada aimed at better protecting children and other vulnerable persons from sexual exploitation. Among the proposed revisions was one to expand the existing definition of written child pornography to include material that describes prohibited sexual activity with children.

This proposal was especially welcome to the CAPB as it addressed a resolution approved by members at last year's conference. That resolution urged the federal government to show leadership in responding to the legislative loophole used by John Robin Sharpe in a Supreme Court of B.C. ruling in 2001. In that case, the Court deemed child pornographic material written by Mr. Sharpe to have "artistic merit", and Mr. Sharpe was subsequently acquitted of the charge connected to the written material. The proposed legislation would remove the contentious "artistic merit" defence, while requiring courts to assess whether works of child pornography serve the public good. We were very pleased to see this addressed through the amendments proposed in Bill C-20. (Note: This bill had not been passed when the House of Commons adjourned on Nov. 7/03.)

OTHER ACTIVITIES

DNA Data Bank Legislation - Last fall, input was sought from CAPB members on the federal government's DNA Data Bank Legislation Consultation Paper. The responses received were unanimously in favour of more comprehensive and widescale use of DNA testing and collection, and supported an expanded use of DNA similar to the current use of fingerprints. Your opinions were submitted to the Federal Government last November. The complete DNA legislation is due to be reviewed by Parliament in 2005 at which time the CAPB will be looking again for your input.

Law Commission of Canada Discussion Paper on the Future Roles of Public Police and Private Security - Last November 15th, the CAPB joined forces with the Ontario Association of Police Services Boards to deliver a one-day seminar on a discussion paper issued earlier in the year by the Law Commission of Canada entitled "In Search of Security: The Roles of Public Police and Private Agencies". The increasing role of private security firms has been of growing concern to police in the past few years. The purpose of the seminar was to provide board members from across the country with an opportunity to learn more about the issues at stake in the increasingly overlapping and competing worlds of public policing and private security, and to provide input into a response to the discussion paper.

This was the first major collaborative venture between the CAPB and the OAPSB. It was very successful and marked the beginning of a new partnership between the two organizations that should prove very productive for both in the coming years.

CAPB members were invited to submit their comments on the discussion paper and in February, a response was submitted to the Law Commission on your behalf. The response included recommendations on: standardizing uniforms & equipment; setting minimum training standards; the importance of adequate funding for public policing; oversight of private security by a body

other than police boards; establishing policies for the acceptance of private donations and sponsorships; and public education on the role and authority of private security and complaint mechanisms available.

The Law Commission is expected to submit a report with recommendations to the Federal Government this fall, to which the Justice Minister will respond. This issue is also currently under review by the Ministry of Public Safety and Security in the Province of Ontario. We will continue to keep you informed of developments.

OUTSTANDING ISSUES

Funding Responsibilities - A priority that the CAPB will continue to address is that of equitable and adequate funding for municipal policing. While it is recognized that all levels of government have many competing demands placed on them and that funds are always short, municipalities cannot continue to bear the financial burden of chronic downloading from the provincial and federal governments. Since 9/11, there has been significant federal and provincial investments in counter-terrorism intelligence, enforcement and response. However, these investments do not appear to be reaching the municipal front-line level where they are needed by the people who would be the first to respond to terrorist incidents in our communities.

On April 8th, the CAPB was represented at a presentation made by board members of some of the largest police services in Ontario to the federal government's sub-committee on National Security, about the crucial need for more funding for municipal first responders. The presenters also highlighted the absence of effective, multi-tiered counter-terrorism mitigation plans, resources, and measures, particularly regarding infrastructure of national importance.

The delegation emphasized the need for a direct funding relationship between the federal government and municipalities, as available funds are not currently flowing down to the municipal level. At the same time they stressed that a one-time only funding arrangement with the federal government is not sufficient. A summary of their presentation is contained in Bulletin #71 available on the CAPB website. These issues are addressed in two resolutions approved by the membership this year.

First Degree Murderers in Minimum Security Prisons - CAPB resolutions approved in 2001 and 2002 calling on the federal government to amend its policies so that first degree murderers are not kept in minimum security prisons continue to be ignored. The 2001 resolution was re-submitted by the Amherstburg Police Services Board this year and was approved again by the CAPB membership. This aspect of correctional services policy continues to be a great source of frustration for many people in our communities as well as police officers.

Lawful Access - Last August the Federal Government began a review of legislation concerning lawful access to information and communications by releasing a Consultation Document. Lawful Access refers to the lawful interception of communications and the search and seizure of information which law enforcement and national security agencies use to conduct investigations. This very complex issue has been a priority for the CACP and was the subject of a panel discussion at the conference (see page 16) and two resolutions approved at the Annual Meeting.

CAPB Website - On an administrative level, Mr. Kreling reminded members that the CAPB website is a great resource and he encouraged members to visit it at www.capb.ca. It was completely redesigned last year and includes a "members section" with online training for new board members, discussion forums where you can share information with other members, and an online order form for resource material available through the CAPB. The discussion forums in particular have tremendous potential to assist board members in researching whether other boards have policies or by-laws they could use. Unfortunately, this feature has not been well-

utilized to date. Members are encouraged to take advantage of this great tool that's been set up for your use. Please take a few minutes each week to check the forums, to see whether you might be able to answer someone's question and help another board.

The CAPB Board of Directors and Executive Director look forward to continuing to work on your behalf over the coming year. On to [Nomination Report](#)
Back to [Conference 2003: Table of Contents](#)

Nomination Report

The Nominating Committee consisted of Mike Badham, a Past President and the Committee Chair (Regina); Bob Boychyn (Durham); and Diane Bennett-Cook (Truro). The following individuals were elected as the CAPB Board of Directors and Executive for 2003/2004:

Executive: Edward Keyes, President -- Saint John, NB
Don Robinson, Vice President -- Halton, ON
Lynne Kennedy, Secretary-Treasurer -- Vancouver, BC
Herb Kreling, Past President -- Ottawa, ON

Directors-at-Large:

Lynne Fox -- Amherstburg, ON
Emil Kolb -- Region of Peel, ON
Maureen Meikle -- Victoria, BC
Shelley Lavalley -- Regina, SK
Eartha Monard -- Halifax, NS
David Ruptash -- Edmonton, AB

Outgoing President, Herb Kreling, was honoured at the Conference Banquet for the two years he has led the Association. He is credited with contributing significantly to improved relations and collaboration with the CACP and CPA over the past two years, and was an excellent spokesperson for our organization. He will remain on the Board for one more term as Past President.

Incoming President, Edward Keyes, is Chair of the Saint John Board of Police Commissioners and will be serving his sixth year on the CAPB Board of Directors.

Next: [Resolutions](#)

Resolutions

The following resolutions received the support of the membership:

Resolution 03-1:

INCARCERATION IN MINIMUM SECURITY FACILITIES
(previously approved as Resolution 01-1)

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 03-2:
EXTRA-JURISDICTIONAL POLICE AUTHORITY**

WHEREAS police in Canada need the ability to perform police duties outside of the jurisdiction in which they are sworn; and

WHEREAS the Federal, Provincial and Territorial mechanisms which are currently in place for the conferring of police officer status on out-of-province police officers are often cumbersome and time consuming; and

WHEREAS there is an ever-increasing need for police to investigate serious crimes, organized crime and outlaw motorcycle gangs within other jurisdictions in Canada; and

WHEREAS given the advent of the threat of terrorism, police will now be required to conduct counter terrorism investigations within other jurisdictions in Canada; and

WHEREAS the Uniform Law Conference of Canada has been asked by the Government of Canada to develop a solution to this concern; and

WHEREAS the Canadian Police Association, the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police have worked in partnership with the Uniform Law Conference of Canada and the Canadian Association for the Civilian Oversight of Law Enforcement to develop draft model legislation;

THEREFORE BE IT RESOLVED THAT:

- a) The Canadian Police Association, the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police are jointly committed to endorsing the draft model legislation prepared by the Uniform Law Conference of Canada;
- b) The Canadian Police Association, the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police will continue to work together with the Uniform Law Conference of Canada and the Canadian Association for the Civilian Oversight of Law Enforcement to further the implementation of the proposal;

c) The Canadian Police Association, the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police will seek opportunities to inform and encourage Federal, Provincial and Territorial officials with respect to the importance of this proposal.

**RESOLUTION 03-3:
LAWFUL ACCESS - FEES FOR COURT ORDERS**

WHEREAS Canadian police, in carrying out their duties to protect life and property and apprehend criminals frequently receive, obtain and execute orders made by the courts pursuant to the Criminal Code and other federal and provincial statutes; and

WHEREAS failure to comply with an order of the court can result in civil and criminal sanctions including criminal contempt of court; and

WHEREAS it is vital to the administration of justice and the protection of the public that orders of the courts made during the course of a criminal investigation such as search warrants and assistance orders be effectively and efficiently executed; and

WHEREAS the growth in modern information technologies means that very often the subject matter of the court order or evidence being sought can only be acquired with the help or expertise of the person or agencies to which the order is directed; and

WHEREAS there is a growing trend in Canada for some corporations and organizations to endeavor to impose a fee or fees upon police agencies as a prerequisite to compliance with the court order; and WHEREAS this growing trend with respect to the attempt to impose fees on law enforcement agencies as a prerequisite to compliance with court orders diminishes the authority of the courts and compromises the rule of law; and

WHEREAS the Canadian Association of Police Boards believes that it is in the interests of all Canadians that the authority of the courts remain unchallenged and that all citizens, corporate or otherwise, be required to comply with court orders made in the course of a criminal investigation without attempting to impose extrajudicial conditions such as a fee for service;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards call upon the Minister of Justice to amend the Criminal Code of Canada to prohibit the imposition of a fee by any person in relation to an order made pursuant to a criminal investigation.

**RESOLUTION 03-4:
SEX OFFENDER INFORMATION REGISTRATION ACT / NATIONAL SEX OFFENDER
REGISTRY**

WHEREAS the Government of Canada has given second reading to Bill C-23, the Sex Offender Information Registration Act, which allows for the creation of a National Sex Offender Registry; and

WHEREAS this proposed legislation, although supported in principle by police services across Canada, falls short of the scope and effectiveness envisioned by the policing community, namely:

- No photograph is required, even though this tool is most effective in identifying offenders
- The proposed database fields are restricted to only the most basic information such as name, address, physical description, scars, marks, tattoos and postal code which falls far short of the investigative value of the Ontario model

- The proposed national database search capabilities are restricted to postal code and address queries which do not allow for immediate, accurate geo-mapping radius searches
- The proposed non-compliance first conviction penalty of \$10,000 or six months in jail is far too low
- Sex offenders only have to register at the nearest police facility to their residence - not necessarily with the local police service responsible for their residence
- The Registry is not retroactive - meaning existing sex offenders in custody will not be entered. Since records would only be entered from the "Go Live" date, this tool could take years before it builds a critical mass; and

WHEREAS the Ontario Sex Offender Registry has proven to be a very effective tool since its inception in April of 2001 for police to investigate, monitor, prevent and solve crimes of a sexual nature; and

WHEREAS the Ontario model has consistently maintained in excess of a 92% compliance rate and is considered the world leader;

THEREFORE BE IT RESOLVED THAT the Government of Canada revisit the functionality of the proposed national registry and expand its capabilities to meet or exceed the functionality of the Ontario Sex Offender Registry prior to the passage of legislation.

**RESOLUTION 03-5:
HOME GROWS AND CLANDESTINE LAB OPERATIONS**

WHEREAS hydroponics operations that are designed to grow and harvest marijuana continue to pose a significant problem, and

WHEREAS methamphetamine labs have now migrated into Canada from the United States and are becoming an overwhelming problem, and

WHEREAS cocaine continues to be a drug of choice and is synonymous with firearms and organized criminal groups, and

WHEREAS the vast majority of drugs are tied directly to and provide the fuel for gang activity resulting in disputes over customers and territory, many times culminating in homicides and serious injury,

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards present these concerns to the Departments of Justice Canada and Solicitor General Canada and that the federal government join with their respective Provincial and Territorial counterparts in developing harmonious strategies, including but not restricted to, joint forces operations, federal and provincial funding, standards, public education, and medical concerns.

**RESOLUTION 03-6:
COST BENEFIT ANALYSIS OF GUN REGISTRATION LEGISLATION**

WHEREAS gang activity does not appear to comply with legislation governing gun registration; and

WHEREAS debate respecting gun registration has not abated; and

WHEREAS the cost for implementing, maintaining and sustaining gun registration in Canada will exceed more than one billion dollars;

THEREFORE be it resolved that the Canadian Association of Police Boards go on record and urge the Federal Government to revisit gun registration, do a cost benefit analysis and prove beyond any shadow of doubt that gun registration legislation is more than public safety and more than a financial drain on the public purse.

**RESOLUTION 03-7:
CBRN FUNDING FOR MUNICIPAL POLICE FORCES**

WHEREAS society has placed significant emphasis on crisis and consequence management capacity in response to terrorist acts based on Chemical, Biological, Radiological and Nuclear (CBRN) events; and

WHEREAS police services, and other first responders, will be the first to attend CBRN incidents within their local jurisdictions; and

WHEREAS the lives of citizens will be directly impacted on the capacity of those first responders; and

WHEREAS the acquisition and maintenance of these capabilities is very expensive; and

WHEREAS the current method of obtaining CBRN funding for municipal police services is through the Joint Emergency Preparedness Program (JEPP) grant, disbursed by the Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP) after Provincial and Municipal government approval; and

WHEREAS this present method of obtaining extraordinary funding has proven to be inadequate, time consuming and cumbersome;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Federal and Provincial governments to provide increased and streamlined funding opportunities for crisis and consequence management of Chemical, Biological, Radiological and Nuclear events directly to municipal police services (based on their current and identified police responsibilities).

**RESOLUTION 03-8:
CAPB ETHICAL FRAMEWORK**

WHEREAS at the 2002 Annual General Meeting, the CAPB membership approved a resolution requesting that the CAPB assess the Canadian Association of Chiefs of Police (CACCP) Ethical Framework for the policing profession, with the objective of adopting the Code of

Conduct as is, or with modifications, as the Code of Conduct on Ethics for the Canadian Association of Police Boards; and

WHEREAS in accordance with the direction given at last year's Annual General Meeting, the CACP Ethical Framework has been reviewed and adapted to make it relevant for police services board members; and

WHEREAS it is incumbent upon members of the CAPB to safeguard the public trust by acting ethically and to work diligently in support of Canadian democratic values that are enshrined in the Constitution and the Charter of Rights and Freedoms;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards adopt the CAPB Ethical Framework to assist all police board members in fostering a professional ethical environment.

RESOLUTION 03-9:

GLOBAL STANDARDS TO COMBAT CORRUPTION IN POLICE FORCES/SERVICES

WHEREAS the Interpol Group of Experts on Corruption has developed Global Standards to Combat Corruption in Police Forces/Services; and

WHEREAS the Standards were ratified by the member countries at the 71st Interpol General Assembly in October 2002; and

WHEREAS Canadian police services are generally respected worldwide and the great majority of our law enforcement officials govern themselves according to the highest standards of ethics; and

WHEREAS the adoption of the Standards by the CAPB would represent an universal statement of our collective commitment to implementing and encouraging high standards of integrity in the international police and law enforcement community, and would reflect leadership worldwide in the advancement of ethical standards and measurements in policing and law enforcement; and

WHEREAS the Standards constitute a statement of principles that is in no way intended to replace existing codes of ethics and codes of conduct governing police forces in Canada;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards endorse the Global Standards to Combat Corruption in Police Forces/Services developed by the Interpol Group of Experts on Corruption.

RESOLUTION 03-10:

CALLING FOR A NATIONAL COUNTER-TERRORISM STRATEGY REGARDING RISK MITIGATION BY FIRST-RESPONDERS

WHEREAS the tragically shocking events of September 11th, 2001, have highlighted the need for effective counter-terrorism plans and capabilities in North America; and

WHEREAS the Government of Canada has since taken many new steps to counter terrorism, both domestically and internationally; and

WHEREAS there exists no comprehensive assessment of national infrastructure vulnerabilities, risks, security needs, or mitigation plans pertaining to potential terrorist threats; and

WHEREAS the burden of responsibility to respond during and immediately after a terrorist attack on national infrastructure falls upon local, municipal first-responders; and

WHEREAS municipal first responders are woefully unprepared and under-equipped to respond to the range of potential terrorist attacks on national infrastructure within municipal boundaries; and

WHEREAS several members of the Canadian Association of Police Boards appeared before the Parliamentary Sub-Committee on National Security on April 8th, 2003; and

WHEREAS the Sub-Committee acknowledged that municipal concerns embrace five (5) major themes, those being inadequacies in: planning, equipment, training, intelligence, and communications compatibility; and

WHEREAS the Sub-Committee further acknowledged that federal counter-terrorism funding has generally not been provided to municipal first-responders; and

WHEREAS the Canadian Association of Police Boards, as leaders in public safety, have a moral obligation to address these inadequacies; and

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards aggressively pursue the establishment of a comprehensive national counter-terrorism strategy regarding risk mitigation by municipal first-responders, that includes a national needs assessment, initiates independent assessment of local mitigation measures, and ultimately addresses all counter-terrorism gaps with appropriate needs-driven national and provincial funding provided directly to municipal first-responders.

RESOLUTION 03-11: INTEGRATED CHILD EXPLOITATION INVESTIGATION UNITS

WHEREAS all Provinces need a timely and coordinated approach to deal with the increasing number of child pornography offences; and

WHEREAS increased internet use has resulted in international child pornography networks that require timely information to secure search warrants and additional resources to investigate these offences; and

WHEREAS the creation of uniform Provincial Integrated Child Exploitation Investigation units with the mandate to aggressively investigate child pornography offences needs to involve municipal, provincial, and federal agencies to ensure a timely and coordinated approach;

THEREFORE BE IT RESOLVED that the CAPB request that the Federal Government support the creation of provincial Integrated Child Exploitation Investigation units to aggressively investigate child pornography and sexual exploitation of children offences and establish a mechanism to promote a timely and coordinated response involving municipal, provincial and federal police agencies.

RESOLUTION 03-12: INTEGRATED PROCEEDS OF CRIME FUNDING

WHEREAS in 1996 the Federal Cabinet approved the implementation of 13 Integrated Proceeds of Crime (IPOC) units across Canada; and

WHEREAS IPOC is mandated to investigate organized crime groups in order to seize, restrain and forfeit assets gained through criminal activity, including terrorist money laundering; and

WHEREAS IPOC is funded on a cost recovery basis, receiving a "loan" each year to operate and that this amount must be repaid from the forfeited value of seized assets; and

WHEREAS the investigation of crimes and the forfeiture of assets that do not have a third party claim are critical to the success of IPOC units and as a result, the vast majority of files that are investigated are drug targets; and

WHEREAS other organized criminal groups do not always receive the benefit of IPOC investigations as these forfeitures tend to have a third party claim; and

WHEREAS the Federal Government and the RCMP have been negotiating to change the funding of IPOC units from cost recovery to base funding. This would allow IPOC units to investigate all organized crime and enterprise crimes regardless of third party claims;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards encourage the Federal Government and the RCMP to expedite negotiations for a change in the funding of IPOC units from cost recovery to base funding; and

BE IT FURTHER RESOLVED that the Canadian Association of Police Boards urge the Federal Government to revise its funding requirements so that municipal police forces can apply directly to the Federal Government for funding from proceeds of crime to offset municipal police department operations and to recoup funds lost by police departments via undercover operations involved in the POC matter.

RESOLUTION 03-13: REQUEST TO RE-INTRODUCE CUMULATIVE SENTENCING BILL

WHEREAS in 1998 the House of Commons voted 81 to 3 in favour of a Private Members' Bill (Bill C-251) from Mississauga East MP Albina Guarnieri to amend the Criminal Code and the Corrections and Conditional Release Act to require convicted murderers and rapists to serve sentences for each victim consecutively instead of concurrently; and

WHEREAS the Bill received third reading and was passed by the House of Commons on 7 June 1999 and was also given first reading in the Senate, but later died on the order paper when the Parliamentary Session ended on 18 September 1999; and

WHEREAS the CAPB Board of Directors in January 1999 voted unanimously to support the Private Members' Bill on Cumulative Sentencing for serious criminals such as sexual predators and multiple murderers; and

WHEREAS CAPB members have asked that this matter be re-visited;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards write to the Federal Minister of Justice and Solicitor General of Canada urging them to re-introduce cumulative sentencing legislation that would require convicted murderers and rapists to serve sentences for each victim consecutively instead of concurrently.

RESOLUTION 03-14: RED LIGHT CAMERAS

WHEREAS the Ottawa Police Services Board has indicated that it supports the use of appropriate technologies (eg. red light cameras at intersections) by its law enforcement agencies; and

WHEREAS police forces in Canada should have access to all appropriate technologies (eg. red light cameras) as they attempt to apply the laws governing safety on our urban roadways; and

WHEREAS the use of these technologies has been shown to be cost effective in many jurisdictions throughout the world, including some in Canada;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the federal and provincial governments to work together to remove all remaining legal impediments to the routine use of red light cameras by municipal police forces

**RESOLUTION 03-15:
REQUEST FOR IMMEDIATE ACTION ON LAWFUL ACCESS**

WHEREAS the current provisions of the Criminal Code that govern the lawful interception of private communications were enacted in 1974 and have not been adapted to meet the challenges of modern technology and trends such as high speed Internet, wireless telecommunications devices, deregulation of the telecommunications industry, global and cross border criminal activity and cyber crime; and

WHEREAS the gap between the law and the reality of today's technology poses a serious threat to public safety and creates a safe zone where criminals can operate free from fear of detection and apprehension; and

WHEREAS the current situation is hampering the ability of police to investigate criminal offences and apprehend offenders; and

WHEREAS the Canadian Association of Police Boards recognizes concerns about the possible erosion of individual privacy rights;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to make it a top priority to update the legal framework for Lawful Access so that police maintain the ability to lawfully intercept communications and search and seize data in order to investigate and support prosecution of crimes, but that the circumstances in which police may intercept private communications and search and seize data continue to be the subject of prior court approval.

**RESOLUTION 03-16:
MOTOR VEHICLE SAFETY REGULATIONS TO MANDATE ANTI-THEFT IMMOBILIZERS**

WHEREAS vehicle theft is a serious threat to public safety, particularly in light of stolen vehicles often being used to commit other crimes and injure bystanders; and

WHEREAS the objective of Project 6116 is to reduce the incidence of vehicle theft in an effort to improve public safety; and

WHEREAS there is a Canadian National Standard ("CAN/ULC-S338-98"), recognized by the Standards Council of Canada, prescribing the minimum level of effectiveness for automotive theft deterrent systems; and

WHEREAS a resolution adopted at a meeting on February 13-14, 2002 of Provincial and Territorial Ministers Responsible for Justice called upon automobile manufacturers to work in collaboration with Transport Canada and other stakeholder, including the insurance industry, to ensure that immobilizers meet the Canadian National Standard on all vehicles as soon as practicable;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards support the initiatives of Project # 6116: National Committee to Reduce Auto Theft, and request that Transport Canada's Proposed Amendments to Motor Vehicle Safety Regulations requiring vehicle immobilizers in all new light vehicles follow the guideline that vehicle immobilization systems must meet the Canadian Standard ("CAN/ULC-S338-98") and that systems which meet other technical standards or general guidelines would be required to qualify under the Canadian Standard as well.

On to [Keynote Address](#)

Plenary Session 1:

COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN Guest Speaker: ¢ Ms. Cherry Kingsley, Special Advisor, International Centre to Combat Exploitation of Children and National Coordinator, Canadian National Coalition of Experiential Women. Protecting Our Children was the theme of this year's conference and most of the plenary sessions were dedicated to addressing various facets of this issue. The first guest speaker, Ms. Cherry Kingsley, is an activist who works to promote the safety, human rights and equality of sex workers nationally, while combating the exploitation, trafficking, forced labour and slavery of women and children. She delivered a poignant and at times heart-rending account of her personal experiences within the sex trade as a teenager, and the years of opportunity and honour she has had dialoguing with women and children in the sex industry. After a childhood of violence, alcoholism, neglect and sexual abuse in the home, she was placed in state care at the age of 10 and lived in 20 different placements within the child welfare system as a permanent ward. Between the ages of 14 and 22, she endured eight years of exploitation and IV drug use in the sex trade. By the age of 15, Ms. Kingsley was a heroin and cocaine addict. She emphasized that at the age of 14 she looked about 11, but was never questioned while walking through lobbies of hotels with older men at 3:00 a.m., purchasing condoms and cigarettes, or paying guest fees to hotel desk clerks. At the age of 18, Ms. Kingsley became involved in the Human Rights and Peace movement. This began her healing process, which consisted of having somewhere to go, finding a voice and connecting with her First Nations culture. At the age of 24, an encounter with a Native Elder led to her understanding, for the first time, that her life was sacred and of value. She was finally given the opportunity, resources and support not just to survive, but to thrive and shine. Historically, both the public and police have viewed women and children associated with the sex trade as criminal, liable, nuisances, and even disposable. Government policies, legislation and community attitudes can at times keep them voiceless, invisible and impoverished, without rights and opportunities or even choice as to whether they remain in the sex trade or whether they survive. They are not only vulnerable, but are targets of violence, rape, slavery and perhaps most damaging of all, exclusion. Ms. Kingsley noted there are four isolating factors facing children and youth in the sex trade: 1) Age - it is easier to manipulate and lie to someone who is young and small; 2) Laws - that marginalize children and youth; 3) Market - some individuals want to buy young people for many reasons; a lack of diseases such as

AIDS is one. 4) Poverty, homelessness and abuse make young people vulnerable. By identifying some of the entry points or circumstances that create these conditions, we can begin to address them. Ms. Kingsley stated instances of child or youth involvement in any aspect of the sex trade must be viewed as abuse and exploitation, and we must intervene in a way that no longer punishes or criminalizes the child or youth. We must get beyond voicing outrage or horror, to a place of action that reflects the principle of genuine commitment toward change. If one is serious about protecting children and youth from being used in pornography, prostitution or trafficking, then laws and how they are enforced must reflect this most basic principle: that children and youth need food, water, shelter, education and access to health, not solely based on whether or not they have cooperated with police or judicial actions, but because it is a fundamental human right and necessary for their basic survival. Ms. Kingsley explained that at times she wanted to ask police for help, but she was afraid she would be the one in trouble because she had run away from state care, was in the sex trade and was using drugs. Everyone around her fed this fear. Many youth in this situation don't know who to call on for help. She emphasized it would be very helpful if youth knew who to call, that they wouldn't get into trouble, and that they would be protected and not prosecuted. Senator Landon Pearson saw the value of Ms. Kingsley's life and believed in the work she was doing. Together they worked on the United Nations Convention on the Rights of the Child (UNCRC), which is a template for the human rights of children. It provides governments and institutions with a vision of the inherent rights of all children and provides guidance on what programs, policies and laws are required to redress instances of gross human rights abuses. The Declaration and Agenda for Action from the "Out From the Shadows - International Summit of Sexually Exploited Youth" can be found at www.sen.parl.gc.ca/lpearson. Both documents provide a complementary perspective on what is needed for change. The UNCRC, the most widely ratified human rights document in history, is both a statement and a demand for what governments around the world agree are fundamental for all children. The Declaration and Agenda for Action are what young people with CSEC have articulated as the direct response to both the prevention and intervention to their global issues. There is much debate as to what we should do about the adult sex industry. Missing from the debate are the voices of the women most impacted. Women in the sex industry are not advocates of trafficking, exploitation, violence, coercion, slavery, or forced labour, and certainly not of the use of children and youth. Yet millions of women and children around the world are living in such conditions and struggling for their most basic of human rights. If we are to achieve movement that recognizes the need for safety, equality and basic human rights of women while challenging their rape, exploitation, enslavement, trafficking and forced labour, then we must have dialogue that includes women in and from the sex trade. Police, as both an institution and community, have an incredible individual and collective voice, impact and influence. Children and youth in the sex trade do not have this voice. Police have the potential to be advocates for laws, policies and programs that will create a climate of change to challenge the current reality in which children and youth are bought and sold worldwide. Police efforts must reflect a belief that regardless of the reality or appearance of consent to be engaged in the

sex trade/industry, sex trade workers are entitled to protection, human rights, safety and equality. Police must understand that the criminalization of women in the sex trade/industry challenges all of those basic principles. Police around the world must see the value of fighting for our most basic of human rights and our protection, not based on our cooperation, information or intelligence, but because they are committed to our equal worth as human beings. Looking only from a law and order perspective, some of the crucial pieces for young people are missing. It is perceived that to arrest a young person is to protect them, but it isn't. As police and as individuals, we must continue to advocate for the protection and basic needs of young people. As a community, there is the potential, the opportunity, the voice, the power, and the mechanism to create the change that is needed at the community, national and global level. The voice that we have is so much stronger than the voice of a young person in the sex trade. The fact that they are in the sex trade is proof that someone has devalued them. Ms. Kingsley urged police leaders to try to encourage an attitude shift in the relationship between police and sexually exploited young people. It is important for police to begin to change their attitude, to send a message to our young people that police are there to help, and to begin to challenge the behaviour of those who would buy or sell children. Ms. Kingsley felt if those three things could be done as a community, it would be a significant achievement. Ms. Kingsley concluded by remarking that, after having spoken to hundreds of people from the trade, she did not believe she was that unusual - the same worth and potential exists in everyone. She expressed her personal wish that police could hear from those whose lives have been changed and saved by police intervention. She reiterated that the potential and opportunities for change do exist, and that police have a role to play in achieving that change. In discussion following the presentation, Ms. Kingsley was asked her opinion about the federal government's plans to decriminalize marijuana. She responded by saying that in her experience, marijuana is an entry drug that begins the process of youth becoming disconnected from their families, communities and school. She supported the CAPB's position that marijuana not be decriminalized until certain related issues (such as drug impaired driving) are addressed and a comprehensive strategy is in place. Ms. Kingsley directed delegates to the International Centre to Combat Exploitation of Children at www.iccec.ca to obtain lists of community contacts and other resources that can be used to provide help to people trying to get out of the sex trade/industry.

Cherry Kingsley Mike Buisson

Response to Keynote Address

Speaker: Assistant Commissioner Dwight Bishop, Commanding Officer RCMP - Province of Nova Scotia

In response to Dr. Murphy's Keynote Address, Assistant Commissioner Bishop offered the following views.

He acknowledged there are strong pressures creating increasing demands on Chiefs of Police in North America and that policing has changed greatly, but he felt police were responding to pressures adequately. He believed the key trends identified by Dr. Murphy have been captured by most major police services in their strategic planning. He hoped that boards have also captured these trends in their direction to their respective Chiefs of Police, and he emphasized the need for open communication. He stated that policing in its very basic form exists as a service to the community, but that the community in turn is responsible to ensure that police are provided with the necessary tools.

In response to Dr. Murphy's views on private and public policing, Asst. Commissioner Bishop acknowledged this has been an area of tremendous pressure, although he questioned whether it warrants the amount of attention given it in some circles. He believed it is the prerogative of large companies to hire their own guards or internal investigators, provided there are standards to measure them by and adhere to. At the same time, he acknowledged there is a shortcoming in Canada with regard to general standards for police officers. While there is a desire to have standards for private security guards, and while standards exist for police officers in some provinces, there are none that are enforceable in most areas of Canada, a problem that he believed required resolution.

Asst. Commissioner Bishop said he believes in the necessity to work closely with private security, and that many activities should come under the general family of 'policing' in terms of private or quasi-police-related functions. He acknowledged that most police services have portioned out many functions that had once been assigned to regular members. He has done this himself through programs such as Citizens on Patrol, Neighbourhood Watch, and through restorative justice programs. In addition, the RCMP employs Auxiliary Constables who ride along with regular members.

The Assistant Commissioner felt globalization was probably the most driving force behind matters affecting the communities in which we live. Because of technological advances brought about by globalization, geographical isolation no longer exists but borders remain, which plays into criminals' hands.

On a positive note, Asst. Commissioner Bishop believed there has been an increased willingness on the part of different police departments and agencies to work together to resolve problems. The Assistant Commissioner felt the way to move forward is to build relationships between police services. He cited the example of the police service in Halifax where the rationalization and leveraging of services among different police organizations has led to a strengthening of service. The process has freed up resources to deal with other aspects of policing. He believed this approach can work not only in larger metropolitan areas, but also in smaller municipalities. He expressed the view that in addition to the need for police services to look outside or to look to other agencies to deal with some of the pressures identified by Dr. Murphy, they also need to look at the strengths available within their own communities.

He offered that the concept of community planning used in Britain could take community policing here one step further. In that model, police, health and safety, and community service organizations have a mandated responsibility to develop a plan to work together to deliver services. He also spoke about the need for people from all backgrounds to achieve a sense of empowerment. He believed that it is not possible to effectively police a community unless that community wants to be a part of the policing solution.

In closing, Asst. Commissioner Bishop noted that Canada has three levels of policing and a variety of funding mixes and degrees of accountability. He felt that regardless of whatever funding arrangements are made, it is the community to whom the police service reports, is accountable to, and, fundamentally, for whom it exists.

Both speakers entertained questions following their presentations. Discussions touched on: the absence of an independent civilian governance body for the RCMP; the implications for police associations of introducing lower-salaried officers with reduced functions as proposed by Dr. Murphy; the need for mandated coordination between police and other security providers and law enforcement agencies to properly address security threats such as terrorism; the crucial need for law enforcement and private security agencies to share information about potential threats; and concerns about the shift away from the notion of "no call too small".

Technology Trend: Panel on Lawful Access

Panelists:

- Paul Pierlot, Senior Policy Advisor, Department of Justice Canada
- Acting Inspector Al Sauve, Edmonton Police Service, representing the Canadian Association of Chiefs of Police
- Jay Thomson, President, Canadian Association of Internet Service Providers
- Stephanie Perrin, President, Digital Discretion.

In keeping with this year's conference theme of "Charting a Course for the Future", this Panel explored one of the issues facing police as a result of modern advances in communication technology, specifically, the lawful interception of communications and search and seizure of information. Much of Canada's legislation governing lawful access was introduced at a time when telecommunications technology was far less sophisticated than it is today. New technical and legal challenges to the kind of lawful access methods police have traditionally used now exist because of changes such as the deregulation of the telecommunications industry, the advent of the internet, and the use of cell phones, wireless e-mail and high speed fibre-optic networks.

The Panel began with an overview of the Federal Government's consultation process on Lawful Access, following which the views of three different stakeholders were presented.

Paul Pierlot, Senior Policy Advisor, Department of Justice Canada, advised that Justice Canada is attempting to develop solutions to some of the complexities in the area of lawful access. He noted lawful access is prescribed in the Criminal Code, the CSIS Act and other Acts of Parliament such as the Competition Act. Its most important use is as an essential tool in the prevention, investigation and prosecution of serious crimes and security threats to Canada. He noted these Acts provide law enforcement and national security agencies with the power to carry out lawful access in a manner consistent with the rights and freedoms guaranteed in the Canadian Charter, especially the right to be secure against unreasonable search and seizure. He emphasized that lawful access is not the indiscriminate monitoring of internet activity and other communications of Canadians, whether they are suspected of criminal or terrorist activity or not. He believed it was unfortunate that lawful access has been widely misrepresented by the media as some sort of mass surveillance system.

Mr. Pierlot explained the policy and legislative proposals put forward by a partnership between Justice Canada, Solicitor General Canada (SGC) and Industry Canada were the result of a comprehensive legal review that commenced three years earlier. In carrying out the legislative review, it was recognized that if solutions are to be effective, the need for safety and security must be balanced with that of the privacy and economic well-being of Canadians. In addition, there must be assurances that no competitive disadvantages will be placed on industry, and that no unreasonable burden is placed on the public. Mr. Pierlot emphasized that protecting Canadians' safety and security also allows for the protection of privacy, economic well-being and

other benefits enjoyed in a free democratic society. Mr. Pierlot outlined that the Government's consultation paper was divided into two sets of proposals: the first related to ensuring that communications service providers have the technical capability to provide for lawful access; and the second related to amendments to the Criminal Code and other Acts of Parliament to help keep pace with new technology and international developments. The first requirement would always be subject to law enforcement or national security having lawful authority to intercept communications or search and seize data. With regard to amending the Criminal Code, Mr. Pierlot focused on the following subset of amendments he deemed to be most important:

General Production Orders (GPO's)

- Similar to a search warrant, the service provider or other third-party custodian of documents or data puts together the information rather than the police.
- GPO's are particularly useful where data is digitized or computerized, and the custodian of that information is often the best-placed to assemble the information.
- GPO's would have similar safeguards as search warrants and are often considered less obtrusive as police do not need to conduct a physical search of the premises.
- GPO's are included in Bill C-46 (Capital Market Fraud Bill), tabled by the government in June 2003. Although the Production Orders in C-46 are not focused exclusively on communications service providers, they could be served on this type of organization.

Specific Production Orders (SPO's)

- Would allow law enforcement working under lawful authority to obtain telecommunications-associated data, i.e., internet traffic data; the logs created by internet service providers.
- SPO's would not apply to content; they are strictly for traffic data, and would likely require a standard lower than that of a search warrant or GPO.

Preservation Orders (PO's)

- Used to deal with volatile computer data that could be easily deleted.
- Would require a service provider to keep the existing data or information of a specific identified individual who is the subject of an investigation (it is not intended to be a data retention regime as introduced in some countries where data is saved indiscriminately for possible future use).
- Only a "do not delete" order that freezes data; police would still need a judicially-authorized search warrant or Production Order to preserve the information.

Interception and Seizure of E-mail or Lawful Access to E-mail

- Access to e-mail by law enforcement with lawful authority already exists; it can be obtained with either a search warrant or an interception authorization.
- The proposal is not aimed at providing lawful access where it didn't previously exist; but rather is trying to standardize the practice across the country.
- A possible solution to alleviating existing uncertainty is to create a new provision in the Criminal Code specifically for e-mail. However, the situation is not straightforward and much analysis is being undertaken.

Mr. Pierlot stated consultations were launched a year ago to seek stakeholder views and ran until mid December 2002. Justice Canada made the consultation paper available on-line and meetings

were held with stakeholders in the law enforcement industry, civil society, and privacy commissioners. The public was also invited to provide input; in total, over 300 written submissions were received. Mr. Pierlot said that since the close of consultations, the department had reviewed submissions and released a summary report on August 6th which is available on-line. He noted that consultations to explore the issue of operational costs are contemplated for Fall 2003.

Acting Inspector Al Sauve, Edmonton Police Service, representing the CACP, reported the CACP is extremely supportive of the Government of Canada's initiative with respect to Lawful Access.

A/Insp. Sauve explained that lawful access is used in serious criminal investigations such as those dealing with child pornography and child luring. He emphasized that there is a need to enhance law enforcement's capabilities to investigate these types of crimes due to rapid advances in communications technology. Each new aspect of communications technology has created issues for law enforcement and national security in terms of lawful interception. Also, the deregulation of the telecommunications industry has had a dramatic effect on law enforcement's ability to conduct lawful intercepts. The speaker suggested that in the near future, problems with lawful access will only multiply due to an increased use of digital technology and the internet as a combined communications medium.

A/Insp. Sauve said globalization is also having an effect on lawful access as criminals are using the internet for their activities without regard for borders, while Canadian and foreign law enforcement agencies are bound to operate within the laws of their respective countries.

He voiced frustration with law enforcement's inability to use old legislation on new, constantly evolving technology. In practical terms, this could mean that in courtroom situations opportunities could present themselves for defence counsels to make new challenges that were previously unheard of, as a result of trying to fit old legislation to the new technology.

Acknowledging that this is a very complicated issue, A/Insp. Sauve outlined the following five guiding principles the CACP has adopted on issues involving lawful access:

1. The interception of private communications must always be pursuant to a court order.
2. There must be no intercept "safe havens"; i.e. technology immune from interception to which criminal activity would likely gravitate.
3. There must be a balance between global competitiveness and effective public safety.
4. The legislation must reflect the cross-border nature of crime.
5. The costs must not erode the authority of the courts.

In terms of costs, A/Insp. Sauve said police boards and commissions play a key role as they are responsible for acquiring, governing, and approving police budgets. Using the City of Edmonton as an example, he estimated the cost of implementing new measures for a population of 750-800,000 and a police population of slightly over 1,200 members would be a million-dollar decision for the Edmonton Police Service.

It is the CACP's position that these costs should be borne by service providers and users as part of the cost of doing business; everyone who provides a communications service should provide an intercept solution as well. He acknowledged there are costs involved in providing lawful access to law enforcement agencies with authorization, and said that reasonable cost-recovery should be available to the service providers. However, it should not be on the backs of law enforcement, nor at the cost of public safety. Speaking to a resolution before the CAPB at this year's Annual Meeting, A/Insp. Sauve stressed that attaching costs to a court order would erode

its integrity and diminish the courts' authority. Also, he cautioned that putting a cost to court orders might lead to different service standards based on whether or not a service can afford to pay for investigations.

In closing, A/Insp. Sauve emphasized the need to work cooperatively with industry to find solutions that were beneficial to all. He noted the CACP first put forward resolutions with respect to lawful access in 1998 and has continued to lobby for changes ever since. He hoped the CAPB would support their request for revised lawful access legislation (see Resolutions #03-3 and #03-15). Jay Thomson, President, Canadian Association of Internet-Service Providers (CAIP), stated his organization is the only national association representing internet service providers (ISP's), and is comprised of about 100 members including AOL Canada, Bell Canada, TELUS, Allstream (formerly AT&T Canada), Sprint, MCI, and many smaller ISP's across the country. He is presenting on behalf of his association and of ISP's in particular and not on behalf of the whole telecommunications industry. Notwithstanding this caveat, he said many of his concerns are shared by other telecommunications service providers.

When the lawful access proposals were first issued over a year ago, concerns were raised about what they meant and what kind of impact they would have on industry and consumers. A concern about "Big Brother" being imposed was shared by many. Mr. Thomson stated everyone in the industry wants to ensure a safe internet experience for Canadians and wants police to have the necessary tools to ensure this safety. However, he questioned the government's proposal in terms of whether it was justified, whether it was appropriately backed by information, and whether it provided the details required for a proper assessment. He said industry was also not comfortable with some of the proposals which appear to lower the kind of standards law enforcement has been required to abide by in the past.

Mr. Thomson addressed data preservation, noting the industry has accepted in principle the concept of a data preservation order provided there are safeguards in place and that it does not equate to data retention. He acknowledged that law enforcement agencies feel this is an important issue, but said from the industry's standpoint more debate is required. He also noted that the National Subscriber Database, another proposal in the lawful access consultation document, is something the industry strongly opposes on the basis that it would create a burden on the industry and would be an infringement on customers' privacy. He did not think Canadians should have to register with the police in order to be able to use the internet.

The speaker then addressed intercept capability: the obligation to require service providers to provide a base intercept capability so police can access specific communications transmitted over the service provider's facility, subject to a lawful warrant. He noted the government had said intercept capability is going to be established in legislation, that details would appear in regulations to follow, and that costs of providing a lawful access capability would be borne by industry whenever new technologies were introduced or following significant system upgrades. He said industry's response to this is an acceptance that police have a job to perform, and that lawful access is an effective and important law enforcement tool. However, it was felt the consultation paper suggested certain proposals but failed to provide adequate details in order to allow for an impact assessment, failed to explain what operational changes would be necessary (and why), and what the overall costs would be. On this last point, he noted that one consultant's report in the Fall of 2002 estimated potential costs at around US \$50,000.00 per ISP.

Mr. Thomson said that of approximately 400 ISP's in Canada, many are small, struggling, or losing money. He emphasized the ISP industry has limited resources and that in a competitive marketplace they cannot divert money from operating budgets towards other areas. He suggested if the industry has to bear what could amount to highly significant costs, many smaller companies will disappear, which would have a direct impact on Canadians. A reduction in competition could drive prices up, and quality and service levels down. Mr. Thomson suggested that since this is something the government has decided is necessary, it should be willing to help

defray the associated costs. In closing, he stressed the need for the government to provide the industry with more details to allow for a proper assessment of the merits of lawful access to all stakeholders, prior to proceeding with the initiative.

Stephanie Perrin, President, Digital Discretion, stressed the need for public debate and discussion on the complex issues surrounding lawful access, which include not only technology, but economics, global competition, and global data flow. She said the increasingly complex nature of these issues tend to mitigate against having good public discussion, a trend she felt was on the rise in government. Echoing earlier speakers, Ms. Perrin also felt the Justice Canada consultation paper had been lean on both detail and analysis.

Traditionally, privacy has been defined as the right to be left alone. In Canada, legislation currently safeguards privacy from a civil liberties perspective, and provides freedom from intrusion and unreasonable search and seizure. With the move into the information age, privacy is now more about data protection. Ms. Perrin emphasized that within a democracy, there is a presumption of innocence and that individuals have a right to live without the threat of constant state surveillance. She felt that lawful access, as proposed, was the start of a slippery slope. With regard to data preservation/data retention, she noted ISP's could be exposed to security costs and other liabilities, i.e. the potential for infiltration and cybercrime insider abuse.

She stated new telecommunications systems such as those using the internet, facilitate surveillance by providing more data than old fashioned wiretaps. People are generally unaware of the amount of personal data they are making available through, for example, their use of internet banking, and they are not familiar enough with the workings of banking authentication systems to be able to understand how much data can be revealed about them and their actions. Ms. Perrin said the failure of privacy commissioners and oversight bodies to effectively understand this is the result of inadequate funding to perform the research necessary to arrive at an understanding of the intricacies of the problem.

Ms. Perrin summarized her views on what was inherently wrong with lawful access:

- Data would be kept for new purposes; it is fundamental to privacy that data be gathered for one purpose, but it could now be kept for potential use in law enforcement in the event of data preservation.
- Nobody has any understanding about who would be accessing data.
- There is little understanding of how the internet or complex systems work. For instance, some global corporations might store their data abroad rather than in North America, raising concerns about how well the data might be protected. This stresses the need for international standards.
- The potential for data to be kept indefinitely.
- Police systems not being subject to sufficient oversight.
- The potential for discrimination and concerns over civil liberties abuses.
- The inability for people to take any effective steps to protect their privacy, partly because of a lack of knowledge on the subject.

In closing, Ms. Perrin proposed some steps on how she felt progress in this area could be achieved. She stressed the need for dialogue and a need for greater understanding between all stakeholders. As well, she felt there was a need for effective oversight with respected independent systems, as well as for complaints handling systems. She felt the Department of Justice needs to be more transparent, and needs to provide detailed information on the potential impacts to society. Citing a lack of available funding to attain these goals, she said it was imperative to find the money for research into how these objectives could be achieved.

During the ensuing question and answer session, the following points were discussed.

- Data retention vs. data preservation - The former refers to the keeping of large amounts of data either for long periods of time or in perpetuity, whereas the latter refers to the capture or preservation of specific existing data, subject to a police warrant or production order, for a specified period of time for purposes of an investigation.
- Time frame for data preservation - Department of Justice consultations asked what would be appropriate, but suggested 30 to 60 days based on how quickly a search warrant or production order could be followed up after the fact.
- Data stream encryption as a criminal response to lawful access - It was noted that although encrypted data could be accessed, it would be unusable to law enforcement officials and was difficult to stop. It was felt that it would be better to concentrate efforts in other areas of cybercrime.
- The need for law enforcement agencies at a national or provincial level to have staff with leading edge technological capabilities and the need for common solutions - Views were expressed that problems arose because the industry was highly competitive and was often reluctant to share information with other agencies. There was acknowledgement that across Canada, the ability for law enforcement communities to keep up with changing technology is quickly being exceeded. However, rather than trying to develop costly high-tech capabilities locally, it was felt there was a need for government and industry to work together in order to create solutions that are acceptable and cost-feasible for all.
- Combating criminal cyber crime activity - A delegate asked what was currently being done in terms of legislation to combat cyber crime activities, in light of law enforcement's inability to use methods similar to those currently used by criminals in the perpetration of their acts. In response, it was noted there are laws that currently prevent the unlawful interception of communications to which police are subject. Lawful access is seen as the first step towards being able to stop criminals from continuing their activities.

In closing, it was stressed that there is a need to bring forward a law that would allow police, now and in future, to intercept private communications when lawfully authorized by the courts, to enable them to keep up with criminal activities.

Department of Solicitor General Canada Update

Ms. Patricia Hassard, Assistant Deputy Solicitor General, Policing and Law Enforcement Directorate, Solicitor General Canada, provided an overview of the Department of the Solicitor General, and actions taken to address resolutions adopted by the CAPB membership last year as well as other key areas of interest.

Departmental Overview

Ms. Hassard began her presentation by explaining that the Portfolio of the Solicitor General consists of the Department of the Solicitor General, the RCMP, CSIS, the Correctional Service of Canada, the National Parole Board, and the Canadian Firearms Centre. In addition, it includes three review bodies; the Commission for Public Complaints Against the RCMP, the RCMP External Review Committee, and the Office of the Correctional Investigator. She estimated the staff complement for her department at around 295 individuals, and the total Ministerial portfolio at 40,000 people. Ms. Hassard believed the good links being developed with the CAPB will, over time, help to advance Canada's public safety agenda.

Ms. Hassard believed the Office of the Solicitor General's main value rests in its ability to drive complex interdepartmental and trans-jurisdictional issues that require consultations with

stakeholders throughout Canada. Examples include the department's work with the National Drug Strategy, Child Exploitation, the Internet and DNA database legislation. She explained the department's role as one of defining and prioritizing issues, assembling evidence, forming clear and convincing arguments, and delivery of same to decision makers. In terms of its policy development role, the department also serves to ensure that information is shared among partners and that momentum is kept up on long-term files. Acting on input provided by stakeholders and from Ministerial direction, the department also strives to coordinate the bringing together of policy drivers, to articulate information accurately, and to implement policy.

Ms. Hassard spoke to the factors that direct national law enforcement policy. She noted that although statistics point to a decline in the crime rate since the early 1990's, a closer examination shows that organized crime, corporate fraud, internet crime and certain kinds of violent interpersonal crime continue to pose concerns. A recent Statistics Canada survey indicated that 66% of Canadians believe the police are doing a good job, yet concerns remain about other areas in the criminal justice system such as the courts, and there is a persistent skepticism about the ability of the justice system to meet victims' needs.

In order to maximize resources, Ms. Hassard noted police have gained experience through the integration of law enforcement operations. These integrated efforts are yielding advances in terms of strengthening law enforcement and security agencies' abilities to respond to emerging public safety challenges, and she argued that it is also necessary to integrate policy development strategies.

Ms. Hassard felt it was important for Canada to work with the United States to strengthen cross-border law enforcement as progress in this area is vital to the nation's economic prosperity. She acknowledged that debate would likely ensue over the need to balance public security with individual rights and freedoms, and privacy. She also recognized a need to be mindful of public concerns on the issue of police accountability. She said major changes since 9/11 have created an uncertain security environment which has led to skepticism. As a consequence, there is more public scrutiny of police activities, particularly with respect to sensitive investigations. Following the implementation of Bill C-36 (the Anti-Terrorism Act) and the introduction of the Public Safety Act, which would give the RCMP authority to look at air passenger data to screen for terrorists, several public interest groups have called for greater oversight of the RCMP's counter-terrorism powers. Ms. Hassard felt that public confidence in police services is critical, as is the need for police boards to ensure that the best accountability mechanisms are in place to demonstrate integrity, balance and effectiveness.

RESPONSE TO CAPB RESOLUTIONS

Renewed National Drug Strategy - The new drug strategy proposed in Bill C-38 builds on the portfolio's existing capacity to reduce the supply of and demand for illegal drugs. The Department will receive new funding to ensure that drug control activities are coordinated and consistent with the broad objectives of the overall government strategy. With the implementation of the strategy, \$150M will be invested annually toward drug prevention, harm reduction, enforcement and treatment-related activities. In addition, funding will be allocated for the development of an evaluation framework, to be conducted bi-annually. This will mean that portfolio efforts are measured and that funding will be directed to effective programs over the life cycle of the strategy. (Note: Bill C-38 had not been approved when the House of Commons adjourned on Nov. 7/03.)

Protecting Canadian children - Enacted in July of 2002, Bill C-15A is one of the toughest anti-child pornography laws in the world. It makes it illegal to transmit or send child pornography from one person to another, to export child pornography, to post or link to child pornography on an internet web site, and to use the internet to lure a child for the purposes of committing a sexual

act. The proposed Bill C-20 is a response to the Regina vs. Sharpe case and would serve to remove the "artistic merit" defence. It also proposes to criminalize voyeurism and the posting of voyeuristic material on the internet. (Note: Bill C-20 had not been approved when the House of Commons adjourned on Nov. 7/03.) Internationally, Canada is working with its G-8 partners to create an international database of child pornography images to assist in the location of victims and in suspect identification. In January 2003, Minister Easter announced a joint RCMP/OPP steering committee to develop operational strategies to help police across the country combat child pornography. The Office of the Solicitor General, along with Justice Canada, will help implement the steering committee's recommendations, and help to ensure the availability of adequate resources.

Correctional Services Concerns - The sex offender registry model outlined in Bill C-23 was developed as a consensus by all provinces and territories, many of which had different ideas about the concept of a registry. As such, it does not meet with unanimous approval, but the compromise was critical to the Solicitor General in proceeding with legislation. The consultative Parliamentary process continues, with the government committed to bringing forward further amendments to address areas of concern later in the fall of 2003. Although comparisons have been made with Ontario's registry, which includes features such as geo-mapping, not all jurisdictions are equally technologically equipped. C-23 is founded on common areas where all jurisdictions believe they can support registry implementation; however, individual jurisdictions may add their own customized features which may allow them to work with the registry data. The Office of the Solicitor General is also working to upgrade the Canadian Police Information Centre (CPIC) to give CPIC the capacity to add a photographic application to the registry within the next two years. (Note: Bill C-23 had not been approved when the House of Commons adjourned on Nov. 7/03.)

The placement of "lifers" in minimum-security institutions - While acknowledging the serious nature of the offences which earn perpetrators mandatory 25-year life sentences with no eligibility for parole, it was noted they will eventually be released into the community. For this reason, the correctional system's goal of ensuring their safe reintegration into society is emphasized. Research was quoted that demonstrates reintegration can best be achieved by a planned program of a gradual lessening of restrictions, and the provision of opportunities to learn to adapt to a changed world. The Correctional Service of Canada is world-renowned for its risk assessment technology and the tools it uses to assess potential offender risks work well in the majority of cases.

It is felt that the placement of offenders in minimum security institutions allows for controls to be maintained during program delivery while the offender learns to readapt to society. Should this fail, the service is then in a position to be able to reclassify the offender to a medium-security controlled environment. The alternative would be to release an offender into the community, having given them no opportunity to develop the life skills necessary to survive in today's world.

Extra-jurisdictional Police Authority - The police community's efforts (including the CAPB) to develop model legislation designed for all provinces and territories have paid off with the passing of a resolution by the Uniform Law Conference of Canada recommending its adoption. This could facilitate the tasks of integrated policing, which is required more and more to meet the challenges of cross-border and organized crime, and should also allow police to better facilitate major functions such as the G-8 Summit. Federal officials will use existing federal, provincial and territorial forums to try to move this initiative and the legislation forward. It is expected, however, that it may take several years.

Funding for Municipal Police Forces and First Responders - In Canada, responsibility for the provision of policing is shared among all levels of government. Post 9/11, normal jurisdictional public safety responsibilities continue to apply, with the cost for municipal policing and administration of justice falling within the provincial realm. A \$7.7 billion commitment in the

December 2001 federal budget strengthened the criminal justice system to the benefit of all. Furthermore, the federal government has pursued a public safety and security strategy involving significant resource commitments designed to benefit all security infrastructure levels, notably local police and first responders (police, fire and paramedic personnel). Of particular benefit to provinces, municipalities and first responders is the work of the Office of Critical Infrastructure and Infrastructure Protection and Emergency Preparedness. The 2001 budget included \$20 million for heavy urban search and rescue, \$59 million for chemical, biological, radiological and nuclear (CBRN) initiatives, including training for first responders, and \$10 million for CBRN equipment purchases. Basic and intermediate CBRN training packages have been developed and vetted, and equipment money has been allocated to projects across the country. While more work needs to be done, the government is committed to partnering with provincial and local jurisdictions towards improving public safety and national security.

Canadian Firearms Centre - Headed by Commissioner Bill Baker, this new portfolio partner was added to the Department in April of 2003. The Policing and Law Enforcement Directorate works closely with the Centre to ensure that the Solicitor General can effectively deliver the government's Action Plan on Gun Control, which includes addressing the program's cost overruns, reviewing future program spending, ensuring a high degree of accountability for public funds, and implementing the recently-passed Bill C-10A, designed to make the program more cost-effective and responsive to the needs of firearms owners and police. The Action Plan also includes the transference of the National Weapons Enforcement Support Team to the RCMP.

Following Ms. Hassard's presentation, a question and answer session ensued at which the following topics were discussed:

Inadequate federal funding for municipal police services - While acknowledging the need to be mindful of the potential burden to taxpayers, Ms Hassard agreed there is a need to better integrate services, improve sharing among jurisdictions, and build on individual strengths in order to bring police services across Canada to the highest possible level of competency. The achievement of these goals is deemed paramount in order to combat the activities of criminals who are able to circumvent the law because of their ability to utilize illicit financial resources and technology.

Inappropriate sentencing of murderers of police officers - It was noted that some of these offenders, while having been sentenced to a maximum of 25 years for their offences, have been placed in minimum-security facilities for rehabilitative purposes before half of their sentences had elapsed, to the great concern of the police community. While acknowledging the serious nature of these crimes, Ms. Hassard reiterated the philosophy of the Corrections Act as being one that those in the federal government believe in, although she recognized it might be in stark contradiction to the beliefs and attitudes of Canadian policing. While she understood the desire to address these issues on the part of police organizations, she held out that there were other considerations to be weighed; i.e., fairness in terms of how the murderers of civilians should be treated in comparison, and how victims' families would feel. She encouraged discussions with the Minister on this issue for clarification.

Lack of clarity regarding marijuana legislation - Noting that marijuana home-grow operations are fast becoming a large entrepreneurial area in Canada, Ms. Hassard acknowledged the frustrations felt by the police community in terms of trying to uphold legislation that was felt to be unclear, and which is under challenge by the courts. She emphasized that a concerted effort is required and police should not be alone in this regard. She explained that the federal government's intent is to maintain marijuana as an illegal substance, and that new legislation currently before Parliament would double the penalties for its cultivation. Ms. Hassard also noted that the Policing and Law Enforcement Directorate recently developed a national strategy against grow-ops which would be presented to federal, provincial, and territorial ministers for endorsement at the end of September.

Provincial non-compliance with federal gun registry legislation - Ms. Hassard believed that while some provincial governments have indicated they would not prosecute or charge individuals found to be in contravention of federal gun registry legislation, she felt that overall, provincial governments support the policy, particularly in light of the fact that Parliament has passed it into law.

Luncheon Speaker

LUNCHEON SPEAKER: THE HONOURABLE WAYNE EASTER, SOLICITOR GENERAL OF CANADA

The following is a copy of the prepared remarks delivered by the Honourable Wayne Easter, Solicitor General of Canada, during lunch on Friday, August 22, 2003:

Thank you for inviting me today.

This is my first time meeting all of you here together and I appreciate the opportunity. Since becoming Solicitor General, I have had the opportunity to meet with a number of your members and I've welcomed your advice and your support.

I'd like to share with you what I see as our priorities in the coming months - as a Government and in this Portfolio.

As you know, my duties cover a broad range of policing, corrections and security issues. I've met children at risk who have benefited from crime prevention programs. I have walked the streets of Vancouver's downtown east side with the police. Countless officers in cities, at borders and in our ports have talked openly with me about their jobs. I have visited First Nations communities and toured federal penitentiaries.

My appreciation for the work done by the people who are a part of my Portfolio, and by those who work so closely with us, continues to grow by the day.

I am a firm believer in building from the ground up and learning from all levels of the policing community. When I work hand in hand with you and your colleagues, I can be a more effective advocate for law enforcement issues in Cabinet and before Parliament.

It is only by working strategically together that we can make sound, and lasting, progress in addressing law enforcement and national security challenges in a rapidly changing environment, and one that is increasingly characterized by fiscal restraint for all levels of government.

Let me acknowledge the continued commitment of your membership in resolving the issue of provincial and territorial police officers to maintain their authority outside of their own jurisdictions. Your input into the draft model legislation is valued. This is an especially important issue in order to have a seamless and collaborative effort to combat organized crime.

And just as we continue in our efforts to integrate law enforcement capabilities across the country, we also have to make sure that our policies and our laws are integrated and up to date.

As a nation, as a government, and as individuals, we are still affected by the events of September 11th. Public safety and security are top of mind. The Government of Canada's priorities reflect this.

We have made efforts to improve transportation and marine security. We have put in place more Integrated Border Enforcement Teams across the country. We are addressing corporate fraud by creating Integrated Market Enforcement Teams. We have been working closely with our partners in the U.S. on various issues through our Cross-Border Crime Forum and in my own meetings with U.S. Attorney General John Ashcroft. And we are taking steps to ensure our laws and policies affecting law enforcement reflect today's challenges.

Take for example lawful access to communications and information. We received over 300 submissions - mostly from law enforcement stakeholders - in public consultations last year.

The need for careful, effective and long-overdue improvements to our laws was clearly spelled out. And that information will help us advance some practical solutions.

To update our collective efforts to combat illicit drugs, I joined my colleagues at Health and Justice to announce a renewed Drug Strategy.

The Strategy includes new resources to target and dismantle marijuana grow operations and illegal labs. We are also addressing drug impaired driving and looking to train more officers in drug recognition expertise.

Like you, I am concerned that Canadians, especially our youth, are aware of the risks of illicit drugs. The renewed Strategy includes a strong prevention and public education campaign, as well as increased support for the RCMP's national prevention and drug awareness initiatives.

I look forward to working with the law enforcement community as we put this strategy in place.

Information sharing is critical to combating the illicit drug trade. As I will tell the Chiefs in the coming days, my Department and the RCMP will host a first-ever International Policing Conference on Drug Issues to be held this September in Aylmer, Quebec. I encourage you to participate, as we aim to make it one-of-a-kind opportunity to have an impact on drug policy and learn from policing colleagues around the world.

Another area where we are making progress is on the issue of Internet-based child pornography. It strikes at our very core. Protecting our families and our children lies at the heart of public safety. As our awareness of new threats to our children has grown, we have become even more determined to safeguard their innocence.

I can assure you that the Government of Canada is committed to identify, investigate and prosecute those who sexually exploit children. We will continue to evaluate and amend legislation so that it can keep pace with changes in criminal activity and methods.

Like so many crimes today, child pornography is not bound by any border. That's why Canada has been active internationally, working with the G8, the United Nations, and the European Commission to develop strategies to address this problem here at home and beyond.

In January of this year, I announced an RCMP/OPP Steering Committee to develop operational strategies to combat child pornography. That Committee has endorsed a national CyberTip line, based on a pilot project launched last year in Manitoba. I'm pleased that my department will

contribute 55 thousand dollars to ensure that "Cybertip.ca" remains a front-line asset for law enforcement.

Whether it's child pornography, drugs, terrorism or any other challenge we have before us, fighting crime has become more complex. It's become that much more important for us to encourage integration, bringing all parts of the justice system together with one goal -- to increase public safety.

And while doing that, we have to also consider all of those challenges and emerging issues in the context of our changing demographic.

Canada today is a multicultural society. Multiculturalism is an essential aspect of our country's nature. This is who we are and we are proud of it.

Over 18 per cent of our population was born outside of Canada. That's the highest level in 70 years. One out of every six Canadians has a language other than English or French as their mother tongue. And for the first time since 1945, most of Canada's growth has come from immigration.

But too often, we see the lines of public trust in the police erode along racial lines. We can't allow that to happen. And I need your help to restore that confidence in our police so that Canadians know and can feel confident that the system is accountable to the public it serves.

Respect for, and preservation of, fundamental human rights forms the backbone of any law enforcement effort in this country. When I am talking about policing, I'm talking about protecting human rights.

And it is our experience in Canadian policing that the more transparent we are, the more accountable we are. And the more we respect human rights, the more trust and cooperation we foster with the communities we serve.

We must make policing relevant and effective for our newest citizens. We need to train and recruit with cultural diversity and sensitivity in mind, and communicate to new Canadians that our policies and laws balance personal freedoms with the need to protect society at large.

Together, I firmly believe that we can build lasting and meaningful policies and laws that work well for the law enforcement community and for Canadians. And you have an important role to play in helping to make sure that the police are still the keepers of the peace.

As I approach the first year anniversary of my time as Solicitor General, I have been inspired by the creativity and dedication of police officers and their leaders, and by the support they have in their communities.

Canadians appreciate and respect their police. They know about their personal sacrifices in the name of the public good. They know that our communities remain among the safest in the world, thanks in large part to the calibre of our police forces.

It's been a pleasure to be here today. Let me wish you well in the remainder of your meeting and, again, thank you for the invitation

International Best Practices Research Project

Speaker: Professor Norm Taylor, Police Foundations Program, Durham College, Ontario, & Coordinator, Commercial Programs, Centre for Integrated Justice Studies.

In 2002, Professor Norm Taylor was approached by the Executive Board of the Canadian Association of Chiefs of Police (CACP) to research and develop a prototype model for the International Best Practices Research Project (IBPRP), an intensive experiential learning program for senior criminal justice executives. He subsequently coordinated the technical design team and served as the IBPRP's lead facilitator. Eleven police executives were engaged in the IBPRP project over six months, which concluded with a report presented at this year's CACP conference in late August.

Professor Taylor addressed why it had been considered necessary to send Canadian police leaders abroad to look for best practices when Canada is recognized as a leader, and further, why police organizations would see this as a worthwhile undertaking. Despite a long and proud history of training, executive development and police learning, there is a need to continue to find ways to meet new challenges. Two years earlier, members of the CACP Executive struggled with this question and considered the notion of creating a learning experience that went beyond the classroom; a learning model that would challenge leaders and introduce them to new and different ways of approaching their jobs and their ways of thinking. The IBPRP was designed to be a "deep learning" model premised on the idea that learning would impact on different levels simultaneously. Participants would be introduced to new knowledge and new concepts, but with the added opportunity to develop new skills leading to changes in their attitudes and perspectives, and resulting in a new world view. Because only eleven people could participate, it was important that they be able to extend their learning to their entire police systems. One of the challenges was to determine whether the whole system could grow from the learning experiences of a few.

The experience was framed around an unprecedented global benchmarking of Canada's public safety and security system. Team members were given the mandate to compare their own response to challenges with those of other nations, with a view towards finding new ways of doing things. Their deliverable was to come back, inform, challenge and stimulate their respective criminal justice communities with new ideas, new insights and new ways of thinking.

A six month design effort was undertaken by a technical design team consisting of leading police educators from the Canadian Police College, the Ontario Police College, the RCMP, the Ottawa Police Service, the Rotman School, and private sector partners. This produced an unique five-month program of learning and field study which the project participants commenced in late March 2003.

Participants started with a web-based forum for learning, assessment and interaction created specifically for this purpose, which was a "virtual" meeting place throughout the five month project that allowed participants from across the country to exchange files and communicate on project-related issues. Traditional elements of learning included an intensive ten-day workshop in April at the Canadian Police College, 12-15 day global study tours, and a week-long follow-up workshop which included synthesizing the amassed results. The culmination of the project was a presentation to peers at the CACP conference in late August, following which the team was tasked with producing a final report.

The eleven individuals from a mix of municipal, provincial and federal police and military backgrounds organized themselves into three study teams:

- Team 1 focused its inquiries in the areas of integrated policing, information and intelligence sharing, and outcome measurements specifically pertaining to the mandates, systems, structures and strategies used by agencies and organizations in Germany, the Netherlands and the United Kingdom in attacking organized crime and terrorism.
- Team 2 went to Australia and New Zealand to examine practices in terms of service to diverse communities and diversity within police organizations, and emerging crime trends which might be relevant to Canadian policing.
- Team 3 examined how the governance structures of organizations in the U.S., France and Italy effectively and efficiently addressed multi-jurisdictional issues and used emerging technologies.

A second focus of the workshop was to challenge team members to enhance their research skills by immersing them in two challenging projects that forced them to view matters from outside of their regular policing contexts. The first project, the Nunavut Leadership Challenge, centred on making meaningful recommendations to a guest panel from the Nunavut community regarding the sensitive social issue of an extremely high suicide rate among their youth. Within a period of four days, the team had to research as much as possible about the impact of the area's socio-economic, legal and judicial conditions on youth, and then make recommendations to the guest panel. The sensitive topic challenged team members from a cross-cultural perspective, in that they were asked to present recommendations to a community of which they were not a part. The exercise was deemed a success, with the panel from Nunavut leaving much impressed with the insights gained and the research that had been undertaken.

The team was also tasked with a second exercise, the Gatineau (Québec) Organizational Assessment, where they were given one day to prepare an assessment report, with recommendations, on the state of the newly amalgamated and integrated Gatineau Police Service. The report was based on interviews with Chief John Janusz and other members of his senior staff. This aspect of the project, culminating with the presentation of the report later the same day, was designed as a preparatory exercise for the global study tours in which team members would be immersed in a foreign culture and would have only a limited amount of time in which to gather and process information.

The workshop's third focus was to examine cultural issues by introducing the concepts of cognitive and behavioural flex, described as the ability to become immersed in cultures different from one's own. This would become a necessity for the team, as valuable time could be wasted in attempting to breach cross-cultural barriers.

A fourth focus of the workshop centred on progressive theoretical preparation and involved exercises in learning to filter, process and analyze the raw data that team members would gather in their travels. Preparations included an introduction to systems thinking and logic modelling, with the goal being that team members would be able to make the best possible use of the information gathered and be able to validate their findings.

The fifth focus of the workshop was to prepare the team through exercises to work and travel together, and to keep up with the steady pace required. It was noted that the team's confidence in its abilities was greatly enhanced through the use of these exercises prior to tackling the study tours.

Addressing how the police community would benefit from the study or understand the world differently because of it, Professor Taylor said that over the next few months assessments will be undertaken to ascertain what the participants gained as police leaders as a result of this project versus that which could be learned from books or other courses of study. Beyond being a new model for the education and development of future police leaders, the study will provide new insights for Canada within the context of world events, and what to do with this information.

Professor Taylor said the CACP Executive is committed to working with the challenges identified by the team, but recognize it will require significant support and commitment. Although he did not foresee the creation of a second IBPRP project, he felt that other innovative and creative ways of challenging the capacities of Canada's police systems would continue to present themselves.

Speaking to the team's findings, Professor Taylor noted the most important message to emerge was that Canada enjoys a very proud global stature. This view was reinforced in every country the teams visited, both in terms of the high degree of respect they received from their hosts, and in comparison with the best practices of host countries. However, he pointed out there are still challenges to be faced in terms of the recognition of risks, which have perhaps yet to manifest themselves in this country as they have elsewhere. Professor Taylor further noted that common themes emerged in all of the different locations visited. Central among them were: a call to action for greater integrated effectiveness, a subject of urgency on most policing agendas; new insights to face the challenges of diversity; and a greater emphasis on public accountability for the whole policing system. He noted the final report will also speak to country-specific findings, some 'snapshots' of interest, and the identification of areas for future study.

At the conclusion of his presentation, Professor Taylor said he hoped members would find the report of interest and that it would stimulate discussion. He thanked the CAPB for its interest in the project, and acknowledged that the continued support of police boards for this kind of innovative learning model will be important in terms of how police leadership continues to grow and progress in the future.

Note: The International Best Practices Research Project Report is expected to be published in late 2003 and will cover not just operational aspects, but global directions and pressures that police boards/commissions and police services will have to address in future. Delegates expressed a keen interest in hearing about the results of the Project at next year's conference, and this is in the process of being arranged.

Small, Medium and Large Board Break-Out Sessions

All members of police boards or commissions at the conference were assigned to a discussion group based on the size of the police service they govern.

SMALL BOARDS

Small Boards' Break-out Group

The Small Boards' group was led by Ed Keyes (Saint John) and Eartha Monard (Halifax). The following topics were discussed:

Regionalization - Participants discussed regionalization in terms of policing standards and implications regarding the funding costs of local police boards, as well as local police services versus provincial services.

"No Call Too Small" - This was discussed in terms of placing limitations on the types of calls that are responded to, which could have an impact on statistics.

Small Towns / Temporarily Large Populations - Due to seasonal visitors or community events, the population of small towns can swell temporarily. Having to finance police services for such large populations with a regular police complement was a big issue for these communities.

Vandalism/Young Offenders - The Town of Timmins' "Project Turnaround" was discussed as an effective way of dealing with vandalism.

"Pop to Cop" Ratios - It was noted that population-to-police ratios should not be used alone when allocating police; a number of other factors should be taken into consideration such as social issues and frequency of criminal activities.

Gang-Related Drugs - Developing partnership approaches was discussed as one solution to fighting criminal activities around drugs.

Priority Setting - Discussions centred on not having highly trained officers doing less skilled tasks, such as enforcement of no-smoking bylaws, etc.

Sources of Funding - Alternate potential sources of funding were discussed, including whether any boards were seeking funding from foundations, organizations or businesses.

Other concerns identified for discussion included: amalgamations; sharing of services as a cost-saving measure; lack of resources for police services; OPP contracts and the high cost of police officers; Mayors chairing police services boards; and local police services vs. provincial ones.

MEDIUM BOARDS

Don Robinson (Halton) facilitated the discussion for the medium sized Police Boards. The topics discussed included the following:

Board Continuity - Because of the sophistication of policing today, it was felt that a staggered appointment process with longer terms for board members should be implemented to ensure continuity.

Tiered Policing - It was suggested that a reassignment of some specific policing responsibilities within the community (eg. to social agencies) could have a positive economic impact on the high cost of policing.

12-Hour Shifts - Shift length, scheduling and resulting stresses were discussed, but it was recognized that these issues are subject to negotiations with police associations and are an administrative rather than a governance function.

Citizens on Patrol and Proactive Volunteer Services - It was noted that volunteer services allow for monitoring of operations in the community which could result in better and more economical policing. Delegates agreed there was a greater need to reach out into the community.

Relationships Between Boards and Councils - It was noted that some jurisdictions do not maintain an arms' length relationship between boards and councils for economic reasons. It was pointed out that in Ontario, the Police Services Act establishes boards as provincially legislated entities separate from municipal councils, although the municipalities pay the bill. There was an acknowledgement of the necessity to maintain a high level of communication with council through the Councillors who serve on police boards and commissions, particularly with regard to the budget.

Court Security Costs - This was discussed in terms of judges' requirements for armed police constables to be present in the courts for purposes of their own protection, despite the cost to police services.

Board Support and Executive Directors - It was noted that some Boards can afford Executive Directors, while others rely on other resources (such as the Chief's secretary) to do their work. It was suggested that smaller boards with lesser resources could communicate with other boards or their provincial associations to get information they require (eg. bylaws for their commissions or boards).

Offset of Revenue - Possible solutions to this economic problem include imposing fines for responding to alarm services, added costs for writing tickets, or the establishment of central accident reporting centres. It was noted that this latter example is partly funded and maintained by some insurance carriers, which allows police to be deployed elsewhere to perform more critical tasks.

Police Union Influence - The tremendous influence that police unions have was discussed along with the acknowledgement that they are better organized and better funded than boards, and have a strong lobbying impact. It was felt that police services boards, in carrying out their governance functions, could become better at lobbying elected officials at all levels.

Sex Offender Registry - Questions arose as to what liabilities could be placed on Boards, as the bodies responsible for public safety, in the event that police cannot afford to monitor released sexual offenders deemed likely to re-offend.

LARGE BOARDS

Large Boards' Break-out Group

Lynne Kennedy (Vancouver) and Emil Kolb (Peel), assisted by Frederick Biro (Peel), facilitated the discussion for the large Police Boards. Topics discussed included the following:

Collective Agreements - Discussion centred on whether the impact of recent Ontario settlements would become a new standard for the rest of Canada. Like the medium-sized boards, there was a realization that police associations throughout Canada are better organized and communicate better than police boards, and it was felt that Boards need to do a better job with respect to communicating and preparing for collective bargaining as it represents the bulk of police budgets.

Governance versus Operations - This discussion centred on the determination of what falls under the board's jurisdiction and what belongs to the Chief of Police. Although no clear conclusions were reached, it was acknowledged that a grey area would always exist. In order to address this, it is necessary for boards to build trust with their Chiefs and police services.

Board Continuity - In terms of appointments and succession planning, there was agreement that Boards should have phased changes and appointments with longer terms to ensure a degree of continuity, and to ensure that boards always have a degree of corporate memory. This concern was raised by the medium-sized boards also.

Hiring of Chiefs of Police - Discussions centred on experiences from different jurisdictions from across Canada, including the merits of hiring internal vs. external. It was noted that the job of hiring the right person for the position of Chief of Police was likely the most important job the board will do.

Topics discussed in less detail included: duplication or sharing of services; lack of clarity on certain pieces of federal legislation, eg. the marijuana laws and federal gun registry; and provincial downloading (this was discussed in terms of how people are handling downloaded provincial responsibilities within their own jurisdictions).

Concurrent Workshops

A series of concurrent workshops were organized to give delegates an opportunity to learn in small-group settings and to share ideas with one another. Four different topics were covered and each workshop was led by people chosen for their expertise in the respective areas. 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 discussed or worked on assignments related to the topic. Summaries of the workshops are provided below.

- [Principles & Practices of Board Governance](#)
- [Planning for Future Needs: Ottawa's Strategic Staffing Initiative](#)
- [Conflict Resolution & True Colours: Fostering Effective Communication](#)
- [The Board's Role in Budgeting & Financial Control](#)

PRINCIPLES & PRACTICES OF BOARD GOVERNANCE

Presented by:

- Frederick Biro, Executive Director, Regional Municipality of Peel Police Service Board and
- Dave Griffin, Executive Officer, Canadian Professional Police Association

Workshop participants were led through a series of exercises that focused on accountability, roles and responsibilities of Police Boards. A Police Board is accountable to: the public; the police service members; its appointing body; its funding body; its oversight agencies; and itself. A Police Board is accountable for: the performance of the chief of police, and through the chief, the performance of the police service. The role of the Police Board is to: represent meaningful, civilian authority and governance of its local police service; be an independent, arms-length body to ensure autonomy and freedom of decision making from overt (or perception of overt) political considerations; and, depending on its legislative authority, act as the employer for the members of the police service. The Police Board is responsible for: ensuring the provision of adequate local police services; establishing - with the chief of police - priorities, goals and objectives; ensuring the delivery of adequate police services in an efficient and effective manner; and, ensuring the police service works in partnership with the community it serves.

Participants discussed the functional operation of a Police Board and key components that should be in place, including: procedural policy, a process for policy development, policies in key areas, board member orientation and training, succession planning, strategic planning, adequate resources, a process for compliance with legal and statutory requirements, and clearly articulated roles for the Chair, Vice-Chair, Chief and Board Members.

Mr. Biro traced the history of police boards from the United Kingdom to the United States and then to Canada, and addressed the rationale and purpose of police boards. Modern police boards must operate in accordance with the provincial legislation that establishes the board and sets out

its mandate, authority and limitations. Further, the board must operate in accordance with jurisprudence and with relevant municipal, provincial and federal legislation.

Mr. Griffin spoke about labour relations and police boards, and the need for clearly understood and enunciated roles and responsibilities of and between the following: Board Chair, Vice Chair, Board Member, Bargaining Committee Members, Chief of Police, Police Staff, Independent Advisors, Legal Counsel, and Association Executive and President. There needs to be adequate resources available for the Board and committees. Police Boards were encouraged to meet regularly with their Association Executive and to consult with the Association on key strategic and policy issues. The Board Chair was encouraged to maintain open and informal communication with the Association President. As well, Mr. Griffin recommended that issues be fully explored before seeking third party intervention, and that the Board track and evaluate performance with respect to grievance experiences, disciplinary results and relationship issues.

During the workshop, participants engaged in a fun, but informative, self-quiz on the three areas covered. The quiz led to lively discussion around Board governance issues.

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

PLANNING FOR FUTURE NEEDS: OTTAWA'S STRATEGIC STAFFING INITIATIVE

Presented by:

- Acting Superintendent Charles Bordeleau, Ottawa Police Service.

A/Supt. Bordeleau advised that the Strategic Staffing Initiative (SSI) was approved by the Ottawa Police Services Board in February 2002 with the goals of:

- Meeting the Board's Strategic Agenda and the Police Service's Business Plan
- Providing uninterrupted services
- Minimizing the impact of retirements
- Responding more effectively to community traffic issues
- Responding more effectively to youth crime and disorder issues
- Delivering community-based services where there was no provision in the existing staffing model.

The SSI is comprised of three components:

100% Active Staffing Plan

In any given quarter, the Ottawa Police Service has 60 officers on leave (ie. long term sick leave, parental, maternity, job sharing, suspension, secondment). The goal of the SSI was to create a "pool" of 60 officers that could be used to backfill these vacant positions. The 60 officers required for the creation of the pool were to be acquired through new individuals being hired (35) in 2002 and 2003, and a revision of the platoon shift schedule (25).

Complement Review

A comprehensive review of services in 2001 identified a number of new positions were required to deal with existing gaps in service, enhance the quality of service to the public, and meet new and emerging community needs and pressures resulting from growth and changing demographics. It included 44 new sworn officers and 8 re-allocated to the front lines from other

areas of the Service, plus 47 new civilian positions. These new positions will be phased in over a four-year period from 2002 to 2005.

Just-In-Time Replacement Plan

A long lead time is required to train new officers and dispatchers (9-12 months), and operational roles were not being filled during this training period after a member had retired. Analysis indicated that there are about 50 sworn officer retirements and 12 communication centre retirements per year. The Just-In-Time Replacement Plan increases the sworn officer complement by 50 and the civilian complement by 12 to close the existing training gap. These positions will be phased in over a four-year period from 2002-2005.

Including replacements for anticipated retirements, the SSI will see approximately 390 new sworn officers and 59 civilians hired by the end of 2005. Funding for the additional staff in 2002 and 2003 (\$1.0 million) was found within the existing budget, however additional costs will start to be phased in as of 2004. The total cost (operating and capital) is forecast to be \$16.8 million dollars.

The SSI was overseen by a Project Team comprised of members of Human Resources, Facilities/Accommodations, Superintendents, Information Technology, Corporate Communications, Finance/Fleet/ Quartermaster, Professional Development Centre and Corporate Planning. Of this group, four members are assigned to the SSI Project on a full-time basis.

A/Supt. Bordeleau provided an overview of the challenges and opportunities the SSI has introduced. One challenge is the need to maintain a blend of experienced and new officers in the front line platoons. As the current platoon complement is 360 sworn officers and the objective of SSI is to hire 390 new sworn officers by December 31, 2005, the majority of front line officers will have less than 3 years' service with the Ottawa Police by the end of 2005. In order to meet these kinds of challenges, Human Resources is reviewing and developing a number of programs such as the promotion policy, transfer policy and training for officers going into bureaus.

In addition, several key management tools have been developed to support the SSI initiative. For instance, a four-year Sworn Hiring Plan identifies 11 distinct steps which must be completed over a 12 month period to secure a "Road Ready Recruit". A four-year Sworn Allocation Plan tracks people and positions entering the Ottawa Police Service and allows for proactive planning of transfers and related succession and training activities. It also ensures that balanced staffing levels are maintained throughout the service (ie. all bureaus at 85% of complement, instead of one being at 90% and another 80% of complement).

To meet these recruitment goals, the Ottawa Police Service is involved in an outreach recruitment program to attract applicants from all segments of the community and to proactively promote policing as a career. They are also focusing on retention by ensuring supports are in place for employees, reviewing existing programs (coach officer, compensation, etc.) and conducting internal focus groups to look at existing processes.

A/Supt. Bordeleau concluded the workshop by stating the SSI is one of the most aggressive corporate initiatives ever undertaken by the Ottawa Police Service. It has not only demonstrated the strength of the relationship between the Police Service, the Police Services Board and the City Council, but is also helping to solve historical staffing issues and will position the Ottawa Police Service to respond to future needs of the community.

Special thanks to Shelley Porteous, Executive Assistant, Peel Regional Police Services Board, for reporting on this workshop.

CONFLICT RESOLUTION & TRUE COLOURS: FOSTERING EFFECTIVE COMMUNICATION

Mr. Bill Spears and Ms. Sandy Blasco, educators, led this inter-active and fun session. It provided participants with a break from the police governance topics of the conference and allowed them to explore why people react differently to similar situations.

True Colours is a program to help us understand our personality, values and behaviour and how these relate to effective conflict resolution. The goal of the workshop was to open people's minds to their own potential and recognize and encourage the potential in others. It was designed to help people bridge the gap in communication with others by understanding their behaviour.

Sandy Blasco and Bill Spears explained that the True Colours program is one of many tools used to gauge people's personalities. Sandy and Bill engaged the participants in a variety of exercises. These exercises were used to score participants' reaction to activities and pictures depicting such things as family values, adventure, risk taking and academics. The scores were then tallied to identify the participant's "true colour" - gold, green, blue or orange. These colour traits can be translated into leadership styles, each having different characteristics, motivators and fears. Knowing a person's colour allows others to adjust the way they interact with them to enhance cooperative working relationships and avoid conflict.

The group exercises revealed that our reactions to situations are based on our own values, preferences, wants, needs, motives and desires. Recognizing the range of intrinsic orientations toward interpersonal relationships provides one with the opportunity to understand and value differences. In so doing, we learn to draw on the strengths of others and to develop our own best attributes.

In summary, the different strengths of each person are important to a team. The session was a reminder that everyone approaches a situation with different values and experiences and we should appreciate their viewpoint and utilize their strengths. It also emphasized the need to interact with people differently depending on what their expectations and motivations are, and that doing so can minimize potential conflict.

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

THE BOARD'S ROLE IN BUDGETING & FINANCIAL CONTROL

Presented by:

- Ms. Debra Frazer, Director General of Corporate Services, Ottawa Police Service.

Ms. Frazer began by acknowledging that provincial legislation usually places overall responsibility for budgeting and financial control with the Board. Boards set the policies and the Chief is responsible for administering the Service in accordance with Board policies.

Police organizations command significant budgets primarily funded from the municipal property tax base. Operational issues make it difficult to use traditional financial controls, which can be problematic for the municipal funder. Given the nature of policing, it's hard to know where every dollar gets spent (eg. drug buys, informant funds), but police services have to recognize that rules must apply.

In general, it is important to remember that the 'buck stops with the Board' and policies must clearly delineate between policy and operational issues. The Board must monitor to determine the degree to which Board policies are being fulfilled. Police staff need to ensure there is sufficient information flowing back and forth regularly to the Board and Chief to avoid any surprises. If Boards are surprised, then financial staff are not doing their job. Ms. Frazer indicated that being asleep at the "financial wheel" can also result in missed opportunities.

When structuring the police environment, Ms. Frazer recommended that the Board hire a professional (eg. Chief Administrative Officer) and stated the Chief must give this individual formal authority at the Executive level within the police service. Treating this individual as an 'equal player' is key to a Chief's success. Boards are encouraged to support their Chief's request to bring in professional staff and to establish a strong relationship with them.

Boards must also establish financial reporting requirements for the police service and use the financial cycle to their advantage. For some Boards, the financial cycle may appear to be invisible because it's largely run internally at the staff level. The first step in the cycle is the budget development and approval process, which represents about 80% of the effort in financial control.

There must be formal discussions about the guidelines for the budget, such as the impact of collective agreements and salary settlement trends which represent about 85% of the total police budget. The guidelines should also require multi-year operating budgets over three years, and capital budgets/forecasts over a 5 to 10 year timeframe.

Boards should ask as many questions as possible and share the budget information with their municipal partners. This will ensure better tax increase management, as increases can be planned for and implemented on a gradual basis. Spikes in tax bills demonstrate little planning and show no concept of future funding requirements over the long term.

The next step in the financial cycle is monitoring and control of processes and transactions. This requires the Board and police service to set out policies and procedures delegating the level of spending authority and clearly identifying the approach to securing goods and services. The Board, through its policies, needs to formally direct the Chief to ensure financial procedures are outlined in a manual to avoid fiscal jeopardy and to ensure actual expenditures don't deviate materially from Board priorities.

Boards should make it a basic requirement to conduct quarterly reviews and analysis of accounts. This information should be tabled formally at public Board meetings to ensure transparency. It is critical that staff not only tell the Board the police services' current position, but also the forecasted year-end position. During the analysis and reporting of the year-end position, a Board should ask questions such as: Is there a surplus or a deficit? What factors caused the surplus/deficit? What's the status of time bank liabilities (i.e. sick leave, overtime, court time, annual leave, statutory holidays)? What is relevant for the next financial year?

Finally, there should be an annual financial audit by an external auditor. This is usually consolidated into municipal financial statements. In most legislation across Canada, there is a mandated requirement to have an annual financial audit completed by an external auditor. Other tools that support financial control are internal audits and program evaluations. An internal audit focuses on policies and procedures to determine that they are being followed. Program evaluations focus on whether programs are meeting their stated objectives and examine value for money.

In summary, Ms. Frazer attributed successful financial planning and control to five key success factors: structuring the police executive to maximize financial control; establishing financial reporting requirements for the police service, developing a partnership with the municipal funding

authority; setting the 'bar' with best practices; and exploring the role that external auditors can play. However, successful financial planning and management can only be achieved through maintaining a good working relationship with Council, sharing information early, and focusing on looking for solutions to address key service delivery issues.

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