

RESOLUTIONS

6 September 2006

RESOLUTIONS APPROVED AT THE 2006 CANADIAN ASSOCIATION OF POLICE BOARDS' ANNUAL MEETING

18 August 2006 – Edmonton, Alberta

RESOLUTION 06-1: NATIONAL DRUG STRATEGY AND DRUG TREATMENT COURTS

- WHEREAS the Federal Government has committed to pursuing a new National Drug Strategy; and
- WHEREAS there are at least four elements to an effective drug strategy – prevention, education, enforcement, and treatment; and
- WHEREAS the new National Drug Strategy addresses enforcement and prevention through a commitment to end house arrest and ensure mandatory minimum prison sentences for marijuana grow operators and producers and dealers of crystal meth and crack cocaine; and
- WHEREAS the new National Drug Strategy addresses education and prevention with plans for a nationwide awareness campaign to discourage people, particularly young people, from getting hooked on drugs in the first place; and
- WHEREAS the Canadian Association of Police Boards applauds the Federal Government's commitment to preventing the decriminalization of marijuana; and
- WHEREAS the new National Drug Strategy cannot be effective without an emphasis on treatment for illicit drug users to relieve those people of the burden of drug addiction and the criminal lifestyle that often accompanies such an affliction; and
- WHEREAS drug treatment court programs offer intensive court-supervised treatment, rehabilitation and monitoring, in place of traditional jail time, for non-violent addicts who get involved in drug-related criminal activity to support their habits; and

WHEREAS the alternative is a cycle of drug abuse and criminal recidivism, with a failure to help the victims improve their condition and an unfair demand on the resources of communities and their police services;

THEREFORE BE IT RESOLVED THAT the members of the Canadian Association of Police Boards urge the Federal Government's Department of Justice to renew a previous commitment to expand the number of drug treatment courts in Canada; and

BE IT FURTHER RESOLVED THAT the members of the Canadian Association of Police Boards urge the Federal Government to provide Health Canada with the funding it needs for a corresponding increase in the amount and/or capacity of facilities for detoxification and other treatment programs to which illicit drug users can be referred.

**RESOLUTION 06-2:
DISCLOSURE LEGISLATION**

WHEREAS crime on communications and information systems is likely to have become the leading crime in the world; and

WHEREAS crime on communications and information systems carries on without regard to national borders; and

WHEREAS major e-commerce service providers, financial institutions and data managers have demonstrated a reluctance to report offences against their communications and information systems or loss of private client data; and

WHEREAS crime using communications systems and against information systems requires a report from a victim before investigation and prosecution can commence; and

WHEREAS it is in the best interests of the people of Canada that the compromise of the privacy of personal and/or financial information held by e-commerce service providers, financial institutions and data managers be disclosed;

THEREFORE BE IT RESOLVED that the members of the Canadian Association of Police Boards call upon the Government of Canada to introduce and seek the passage, without delay, of legislation requiring disclosure to affected individuals and law enforcement authorities of incidents in which personal and/or financial information of individuals or businesses is compromised, for criminal or other purposes.

RESOLUTION 06-3:

RESOLUTION ON INJURING OR KILLING LAW ENFORCEMENT ANIMALS

WHEREAS law enforcement animals provide critical functions daily in support of Search and Rescue missions, Community-Oriented Policing, Emergency Response, Public Safety, as well as their role in promoting positive relations between the police and the community;

WHEREAS law enforcement animals, by virtue of their training and duties, are thrust into dangerous situations with no more legal protection than domestic animals;

WHEREAS, the relationship between police officers and their animal-partners is unique, personal and intense;

WHEREAS law enforcement animals continue to be severely injured or killed in the line of duty;

WHEREAS there is no offence in the Criminal Code of Canada for willfully injuring or killing a law enforcement animal;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Minister of Justice to amend the Criminal Code of Canada with respect to cruelty to animals to include a separate offence for persons who poison, injure or kill a law enforcement animal while it is aiding a peace officer engaged in the execution of his or her duties or a person assisting a peace officer.

AND BE IT FURTHER RESOLVED THAT the Canadian Association of Police Boards express its support for the offence provisions outlined in Section 182.7 of Bill C-50.

RESOLUTION 06-4: Withdrawn

RESOLUTION 06-5: CBRN FUNDING FOR MUNICIPAL POLICE FORCES

WHEREAS police forces of jurisdiction, and other first responders, will be the first to attend Chemical, Biological, Radiological, Nuclear (CBRN) incidents within their local jurisdictions where the lives of citizens will be directly impacted by the capacity of those first responders, and

WHEREAS the acquisition and maintenance of these response capabilities, through appropriate and consistent regional training and education, provision of equipment, supplies and resources, is very expensive and the current method of obtaining CBRN funding for municipal police services is through the Joint Emergency Preparedness Program (JEPP) grant, disbursed by Public Safety

Canada (PSC) after Provincial and Municipal government approval 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 direct funding for CBRN response readiness identified by the federal governments risk management process, directly to municipal polices services.

**RESOLUTION 06-6:
ADDRESSING THE FUNDING GAP BETWEEN FEDERAL AND MUNICIPAL
COUNTER TERRORISM AND NATIONAL SECURITY EFFORTS AND RESPONSES
TO TERRORISTS EVENTS**

WHEREAS municipal policing agencies are increasingly called upon to respond to and prepare for Chemical/Biological/Radiological/Nuclear (CBRN) terrorist incidents and disaster response, and that a vast assortment of equipment and training is required to respond to these incidents that are federal mandates outside of their funding stream;

WHEREAS a gap exists between the federal and municipal responsibilities surrounding Counter Terrorism and National Security efforts, and that Bill S-7 the *Security Offence Act* currently contains restrictive federal responsibility for Counter Terrorism and National Security and is not reflective of the evolution of terrorism being the responsibility of all levels of policing, yet federal funding for Counter Terrorism and National Security efforts is only provided to federal entities such as CSIS or the RCMP:

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards requests Federal Government authorities, specifically the Federal Government to:

- provide funding for Counter Terrorism and National Security response and enforcement actions at an equitable level identified by the federal governments risk management process, directly to all levels of policing;
- amend Bill S-7 the *Security Offence Act* to reflect the shared responsibility for Counter Terrorism and National Security issues among all levels of policing, and;
- Direct Federal Agencies involved in Counter Terrorism and National Security efforts to design, implement, and maintain a mandated national intelligence sharing and incident notification network involving all levels of policing.

**RESOLUTION 06-7:
NON-RETURNABLE WARRANTS**

WHEREAS, the courts and the Crown, when issuing or requesting a warrant for the arrest of an offender, often impose a geographical limitation on the warrant where the practical effect of this geographical limitation encourages the offender to flee the jurisdiction in which the warrant is valid, and that these types of outstanding warrants, which are generally referred to by the police community as “non-returnable warrants,” are left unenforced by police officers who contact these offenders in jurisdictions beyond the radius of the warrant;

WHEREAS, a 2005 study conducted by the Vancouver Police Department found that 84% of these offenders had more than one prior criminal conviction, while at least 55% of these offenders had 11 or more prior criminal convictions, and that permitting violent and/or chronic offenders to avoid prosecution through inter-provincial flight endangers the safety of Canadians and brings the administration of justice into disrepute:

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards call upon the appropriate Provincial Minister(s), the Minister of Justice, and the Minister of Public Safety to:

- take affirmative action to prevent the threat to public safety and the erosion of public confidence in the criminal justice system caused by the proliferation of “non-returnable” warrants, and;
- Assist in developing and funding an operationally practical and cost effective, national transportation system that will ensure that those individuals who are arrested on inter-provincial warrants are brought before the justice system.

**RESOLUTION 06-8:
COORDINATED ACTION ON CYBER CRIME**

WHEREAS the internet has resulted in a revolution in borderless knowledge and information sharing; and

WHEREAS more and more people are accessing the internet, or are able to access the internet; and

WHEREAS criminals have seized on this technology to vastly expand the potential victims they can access; and

WHEREAS the range of crimes committed utilizing the internet include child sexual exploitation, economic crimes against seniors and others, and identity theft; and
WHEREAS individual police services, on their own, have limited capacity to investigate these crimes or to apprehend the criminals involved; and

WHEREAS responding to cyber crime requires a coordinated effort at a national and international level.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards lobby the Federal Government to:

1. establish a mechanism to support and coordinate Canadian efforts at combating cyber crime;
2. modify existing legislation to incorporate advancements in communications technology, and
3. Direct law enforcement agencies to compile statistics on cyber crime.

**RESOLUTION 06-9:
POLICE COSTS RELATED TO THE ADMINISTRATION OF JUSTICE**

WHEREAS police agencies across Canada spend millions of dollars on court time and related overtime; and

WHEREAS many of the cases involved are settled at the last minute through plea bargains; and

WHEREAS these plea bargains result in police officers not having to testify as expected; and

WHEREAS this results in approximately 80% of the time of officers being unproductive while they are engaged with the court system.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards encourage the Federal and Provincial Governments to develop processes to reduce the inefficiencies created by these justice processes.

**RESOLUTION 06-10:
HATE & BIAS CRIME**

WHEREAS all citizens are entitled to equal protection and treatment under Canadian laws; and

WHEREAS Canada has a rich diversity of citizens; and

WHEREAS hate and bias crimes can be directed at anyone perceived to be different because of age, gender, sexual orientation, race, religion, language, or other similar factors; and

WHEREAS police services need to be attuned to and sensitive to incidents of hate and bias crimes.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards encourage the Federal and Provincial Governments to proactively establish strategies to detect and suppress such hate and bias crimes.

**RESOLUTION 06-11:
POLICE TRAINING PROGRAMS FOR MENTAL HEALTH**

WHEREAS the increasing incidents of contact between police services and citizens suffering from mental health occur.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards request the assistance of the Federal and Provincial Governments in funding and developing police training programs to recognize and deal with citizens suffering from mental illness and that further, crisis intervention programs and alternatives to traditional enforcement be developed and supported, including such initiatives as mental health courts.

**RESOLUTION 06-12:
SHARING OF FUNDING FOR MUNICIPAL POLICE DEPARTMENTS**

WHEREAS the Federal Government Budget 2006 has provided \$1.4 billion to protect Canadian families and communities; and

WHEREAS the Budget 2006 provides \$161 million over two years in part for the RCMP to expand the number of police officers across Canada; and

WHEREAS Municipal governments across Canada are responsible for providing policing services within their respective boundaries and many municipalities do not employ the services of the RCMP; and

WHEREAS Canadian police services are embracing joint policing as a concept to guide collaborative operational work across jurisdictional and agency boundaries, to meet the expectation of citizens and enhance public safety initiatives;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urges the ***Federal Government to:***

1. Recognize that policing is the responsibility of all levels of government, Federal, Provincial and Municipal;
2. Explore opportunities to assist with joint policing initiatives and to enhance public safety initiatives at all levels of government;
3. establish a policy framework which would enable all levels of government to access funding for public safety and policing initiatives across Canada; and

4. Provide funding for public safety initiatives at the Municipal level in areas not policed by the RCMP.

**RESOLUTION 06-13:
RESOLUTION IN SUPPORT OF BILL C-19 – STREET RACING**

WHEREAS street racing has been a recognized threat to the safety of the Canadian public for many years;

And WHEREAS despite numerous attempts by government and police authorities to educate the public as to the dangers of street racing, such efforts having little or no discernable affect;

And WHEREAS the federal government has introduced legislation (Bill c-19) to impose mandatory sentencing and prohibitions to be imposed at sentencing upon conviction of charges associated with street racing;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards fully endorses and supports Bill C-19, and that it urge all parties in the House of Commons and the Senate to move forward in an expeditious and cooperative manner to ensure passage of Bill C-19 as soon as practical.

**RESOLUTION 06-14:
RESOLUTION IN SUPPORT OF NEW DEAL FOR POLICING**

WHEREAS: all orders of government, including municipalities, share responsibility for policing and have distinct roles to perform in order to execute their responsibilities; and

WHEREAS: Canadian police services increasingly work in an integrated fashion across jurisdictional and police agency boundaries, to meet the expectations of citizens and orders of government; and

WHEREAS: more than sixty percent of police officers work at the municipal level, where they are first responders to crime and public safety incidents that may arise from global crime and terrorist threats; and

WHEREAS: governments have the responsibility to ensure that barriers, resource and operational inefficiencies, duplication and fragmentation are eliminated so that Canadian municipalities are prepared for unexpected serious threats to public safety; and

WHEREAS: Canadian police agencies, governance bodies, municipal representatives, independent research and government officials have agreed that tax-payers and police agencies are entitled to clarity about respective policing roles and responsibilities of orders of government; and

WHEREAS: tax payers desire transparency around public resource expenditure and allocation, and clear accountability for results; and

WHEREAS: the Government of Canada has noted in Budget 2006 that “blurred lines of accountability...make it more difficult for Canadians to determine which order of government should be held accountable for specific priorities and initiatives”; and

WHEREAS: the Canadian Association of Police Boards, the Federation of Canadian Municipalities and the Canadian Association of Chiefs of Police have repeatedly identified the urgent need for a new look at policing arrangements in Canada; and

WHEREAS: the Canadian Association of Police Boards has drawn attention to municipal policing concerns in relation to national priorities through the adoption of resolutions in 2003 (#03-7, #03-10), 2004 (#04-3) and 2005 (#05-6,#05-9);

THEREFORE BE IT RESOLVED:

That the Canadian Association of Police Boards calls upon the federal and provincial governments to:

- 1) respond to repeated expressions of concern by Canada’s policing leaders and stakeholders that current policing arrangements are not sustainable and cannot meet current and future national security and community safety needs for an integrated response by police as part of an overall organized justice response;
- 2) Work actively with representatives of the municipal order of government to develop a New Deal for Policing to support police agencies in operating within Canada’s multi-jurisdictional policing environment;
- 3) set out, in this New Deal, an accountability framework that clearly states the policing roles and responsibilities of each order of government and the expected results from the policing expenditures of each order of government; and

4) Seek the advice of police governance bodies in developing an action plan for integrated policing in Canada.

**RESOLUTION 06-15:
RESOLUTION IN SUPPORT OF FUNDING POLICING**

WHEREAS it is recognized that local police services are best situated to understand their own communities and to provide effective policing, whether it be to prevent or investigate criminal activity thus fostering safe and secure environments;

And WHEREAS the vast majority of Canadians reside in communities policed by local police services whether municipal or under contract, which are governed by local boards, and which are largely reliant upon municipal property taxes for their funding;

And WHEREAS over recent years, and especially since the tragic events of 9/11, local police services have been required to perform numerous policing activities directly linked to federal responsibilities, especially, but not solely related to the investigation and prevention of terrorist activities;

And WHEREAS this has placed an unexpected, substantial and ultimately unsustainable burden on local taxpayers, a fact recognized by the Conservative Party of Canada during the last federal election where the Conservative Party committed to funding in partnership an additional new and permanent 2,500 municipal police officers to help offset the new requirements that have been placed on local police services;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the federal government to fulfill its commitment as made during the election to fund the hiring of 2,500 additional municipal police officers;

FURTHER BE IT RESOLVED that the Canadian Association of Police Boards commit to working with the federal government, along with the Canadian Association of Chiefs of Police and the Canadian Police Association, to develop an equitable formula that will ensure that the additional municipal police officers are allocated to meet demonstrated need, maximize the effectiveness of the funds being disbursed, and ensure the sustainability of the program without creating future additional funding pressures at the local level.

**RESOLUTION 06-16:
RESOLUTION IN SUPPORT OF ENHANCEMENT TO YOUNG PERSONS
NECESSARY TO SUPPORT THE YOUTH CRIMINAL JUSTICE ACT (YCJA)**

WHEREAS, the implementation of the YCJA has reduced the incarceration of young persons and increased the number of young persons serving dispositions in the community; and,

WHEREAS, the principles in the YCJA cannot be achieved without the services in the community to support young people; and,

WHEREAS, services and supports in the community such as, mental health, child welfare, and addiction services were not enhanced in preparation for enactment of the YCJA. and,

WHEREAS, to date the promise of a more meaningful youth justice system has been empty for many, as young people remain in the community without the necessary support to overcome the very social conditions that brought them in conflict with the law; and,

WHEREAS, the result is an increasing number of young persons in the community without a social safety net, which will only lead to an increase in criminal activity; and,

WHEREAS, the Canadian Association of Police Boards believe that Federal, Provincial and Territorial Governments share responsibility to provide services to youth.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urges the Federal, Provincial and Territorial Governments to ensure adequate funding for services to assist children and youth with their underlying problems in the community.

**RESOLUTION 06-17:
RESOLUTION IN SUPPORT OF AMENDMENTS TO THE YOUTH CRIMINAL
JUSTICE ACT (YCJA)**

WHEREAS, the primary purpose of Criminal Law is the protection of the public; and,

WHEREAS, the YCJA is first and foremost Criminal law; and,

WHEREAS, the YCJA gives protection of the public a lower priority; and,

WHEREAS, the YCJA is premised on the belief that the all young people, with proper guidance and support, can overcome past criminal behavior and develop into law-abiding citizens; and,

WHEREAS, the YCJA fails to recognize that there are a small group of incorrigible young people whose activities pose a risk, and that the criminal law must provide mechanisms to protect society from their behavior; and,

WHEREAS, the YCJA contains a clear bias against detention of young people in all but the most extreme cases restricting the use of detention to violent offences or where there has been a history of non-compliance with non-custodial sentences; and,

WHEREAS, courts have found that the provision in the YCJA which allows the use of custody in cases where a young person has failed to comply with previous non-custodial sentences does not include breaches of undertakings, repeatedly failing to comply with the same sentence, or for previous breaches of the YOA.

WHEREAS, the current definition of violent offence does not include offences which fall short of causing or attempting to cause bodily harm regardless of how dangerous the offence is to the public; and,

WHEREAS, the failure to address the fundamental concern of protection of the public will risk undermining the entire legislation; and,

WHEREAS, the YCJA is substantially good legislation and could be enhanced with limited changes which could improve public safety.

THEREFORE BE IT RESOLVED that the CAPB calls upon the Minister of Justice to respond to the concerns for public safety in the YCJA by;

1. Amending the Declaration of Principles and the Purpose and Principles of sentencing of the YJCA to make it clear that the protection and safety of the public is the primary principle in interpreting the legislation; and,
2. Amending s.39(1)(a) of the YCJA to allow custody for offences or young persons posing a danger to the public; and,
3. Amending s.39 (1) (b) of the YCJA to allow for detention for failing to comply with undertakings or YOA dispositions, or repeated breaches of a sentence.

**RESOLUTION 06-18:
CRIMINAL RECORDS CHECKS – STANDARD GUIDELINES**

WHEREAS organizations, businesses and agencies across Canada frequently require that certain employees and volunteers provide the results of a Criminal Records Check (also referred to as a Criminal Background Check or Police Reference Check), as a condition of employment; and

WHEREAS police services across Canada are the only providers of such Criminal Records Checks, and

WHEREAS there is significant variation between police jurisdictions regarding the scope, detail and timeliness of Criminal Records Checks, and

WHEREAS these inconsistencies pose risks to public safety by facilitating “shopping for incomplete reference checks” by some individuals, as well as justifiable concerns for individuals rights and freedoms by other members of the public,

THEREFORE BE IT RESOLVED THAT the Government of Canada be urged to develop mandatory guidelines regarding Criminal Records Checks that promote, with consistency between police jurisdictions, the most appropriate balance between community safety, individual rights and freedoms, and customer service