

CAPB 2008 RESOLUTIONS

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RESOLUTION 08 – 1

CRIMES OF VIOLENCE INVOLVING KNIVES

WHEREAS, according to Statistics Canada, in a comparison of violent crimes in which a firearm or a knife or other piercing/cutting instrument was used, in 2004 firearms were used in 32 percent of such crimes while 68 percent of these crimes involved a knife or other piercing instrument, and these rates remained constant in 2005 (31 percent and 69 percent, respectively);

WHEREAS section 85 of the *Criminal Code* creates an offence of using a firearm while committing or attempting to commit specified underlying offences, and prescribes minimum sentences for certain crimes involving firearms, e.g., section 272.1 of the *Criminal Code* (sexual assault with a weapon), but there are no minimum sentence requirements for the same crimes when a knife or other piercing object is used as the weapon;

WHEREAS the *Ontario Domestic Violence Death Review Committee Annual Report to the Chief Coroner 2006* revealed that, similar to findings imparted in previous reports, the most common cause of death for victims was from injuries inflicted by knives and other sharp objects (33 percent);

WHEREAS crimes of violence involving knives should not be viewed as less worthy of concern in the Canadian justice system;

WHEREAS the Canadian Association of Police Boards adopted Resolution 97-12 asking the Federal Government to enact legislation to provide minimum mandatory penalties for the use of a knife during the commission of an indictable offence;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Minister of Justice and Attorney General of Canada and the Minister of Public Safety Canada to initiate legislative changes and government initiatives recognizing the seriousness of crimes of violence involving knives.

RESOLUTION 08 – 2

CANADIAN MILITARY RESERVISTS – LEAVE OF ABSENCE

WHEREAS recent changes to the Ontario Employment Standards Act, 2000, S.O. 2000, c.41, under Part XIV, sections 50.2 and 51, now provide for job protected leaves of absences for military reservists serving on certain domestic operations and international deployments;

WHEREAS a similar legislative regime may exist in other jurisdictions across Canada;

WHEREAS there are considerable risks for disabling injuries or illnesses while deployed on Canadian Forces operations, some of which may not emerge for several weeks, months or even years after completion of military operations;

WHEREAS there are potential future liabilities that the Board will be required to bear in the unfortunate event that a member of police service becomes injured or ill as a result of their military deployment after their return to work with the police service;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Federal Government to provide extended health care benefit coverage to members of police services serving as reservists and assume responsibility for any costs that may be associated with military deployment operations.

RESOLUTION 08 – 3

REPEAT OFFENDERS

WHEREAS it is recognized that violent and/or serious crime has a substantial adverse effect on Canadian Society, and;

WHEREAS police services have identified that a small number of recidivist offenders are responsible for a large percentage of crime while they are out on judicial interim release, and;

WHEREAS it is recognized that many of these offenders are drug addicted and commit a significant number of crimes to support their addiction while out on judicial interim release and lack the proper supervision or support, and;

WHEREAS courts often release them back into the community where they re-offend, and are arrested again, over and over undermining public trust and confidence in the criminal justice system.

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards, in the interest of community safety, urge the Federal government to review and implement legislative reforms and implement program changes focused on keeping frequent offenders in secure treatment or other custody until the courts have ruled on their offences.

RESOLUTION 08 – 4

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 there currently is not a standardization of levels of service, contractual relations, billing standards, cost recovery, and dispute resolution for services provided by the telecommunications industry to law enforcement agencies across Canada, so as to ensure a continuation of a high level of uninterrupted service; and

WHEREAS on occasion this lack of standardization has resulted in an interruption of service provided by the telecommunications industry to law enforcement agencies so as to jeopardize ongoing investigations of major crimes and will continue to adversely impact future investigations; and

WHEREAS on two previous occasions resolutions of the Canadian Association of Police Boards have urged the Federal Government to make it a top priority to update the legal framework for Lawful Access in Resolutions 04-6 and 03-15;

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, and that the issue of costs for the telecommunications industry be dealt with, 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 08 – 5

PENALTIES FOR CRIMES INVOLVING ILLICIT DRUGS

WHEREAS illicit drugs are the foundation of organized crime and the source of property and violent crime in our communities;

WHEREAS many drugs in Canada are exported to the United States in exchange for other drugs, guns and illicit products that are used by criminals in Canada;

WHEREAS the availability of illicit drugs is a significant threat to young people who, by experimenting with their peers, risk cognitive and physical impairment, psychosocial problems, and addiction;

WHEREAS conditional sentences and other minimum sentences for crimes involving the manufacture, trafficking, and importing and/or exporting of illicit drugs have proven ineffective in combating the lucrative drug trade and putting its operators permanently out of business;

WHEREAS the Canadian Association of Police Boards has previously lobbied the Federal Government to adopt tougher sentencing for violent and drug trafficking crimes in Resolution 05-3;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the judiciary to consider the deleterious effects of drugs on individuals and

communities in sentencing criminals who manufacture, traffic, and import and/or export illicit drugs; and that in light of these considerations the judiciary impose stiffer sentences within the current legislative framework.

RESOLUTION 08 – 6

CREATION OF CONDUCTED ENERGY WEAPON (CEW) WORKING GROUP

WHEREAS the Conducted Energy Weapon is increasingly being used by police officers across Canada as a tool in policing our communities;

WHEREAS the issue of the use of Conducted Energy Weapons by police officers is a matter of great public interest across Canada; and

WHEREAS there is currently no group examining the issue of a consistent standard for the use of Conducted Energy Weapons by police services across Canada.

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards (CAPB) establish a working group on Conducted Energy Weapons, comprised of representatives from CAPB, the Canadian Association of Chiefs of Police (CACFP), the Canadian Police Research Centre and other appropriate partners, to collect and disseminate information related to the use and effects of Conducted Energy Weapons from Canada and elsewhere, as well as to develop a national standard for the use of Conducted Energy Weapons by Canadian police services;

AND that such a governance framework include a national consistent reporting format so that municipal police services all collect and report the same data regarding the use of Conducted Energy Weapons.

RESOLUTION 08 – 7

SHARING POLICING COSTS WITH THE FEDERAL GOVERNMENT

WHEREAS it is widely recognized that municipalities across Canada are assuming a growing burden for the cost of policing; and

WHEREAS the federal share of the cost of provincial and municipal RCMP contract services has declined steadily over time, from 50% in 1976 to between 10 and 30 per cent by 1990, and down to zero for all municipal contracts signed after 1992; and

WHEREAS municipally contracted RCMP officers are assumed to spend a minimum of between 10 and 30 per cent of their time enforcing federal laws, from which it follows that municipal police officers would be expected to spend between 10 and 30 per cent of their time enforcing federal laws;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards support the recommendations of the Federation of Canadian Municipalities, found in its report, "Towards Equity and Efficiency in Policing" (May, 2008), namely, that 1) Pending

a full review of the existing policing regime, the Government of Canada should provide an equity and efficiency allocation to: a. compensate municipal governments for their role in enforcing federal policing mandates; and b. provide funding sufficient for municipalities to meet their growing responsibilities, an amount equivalent to no less than 10 per cent of a municipal force's annual budget; and 2) The Government of Canada should appoint a special panel to review the existing distribution of policing functions.

RESOLUTION 08 – 8

NON-RETURNABLE WARRANTS

WHEREAS it is recognized that police officers throughout Canada often come into contact with persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, and unless the jurisdiction issuing the warrant agrees to provide for transportation, these individuals will likely not ever be held accountable for the offence;

WHEREAS it is further recognized that police officers are rarely successful in returning these persons to the issuing jurisdiction because the legal procedures for doing so are excessively cumbersome, time-consuming, and expensive;

WHEREAS the Canadian Association of Police Boards adopted Resolutions 97-7, 98-7 and 06-7, urging the federal government to accelerate its efforts to develop the necessary legislation for an effective system to handle non-returnable warrants;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards call upon the federal Minister of Justice and the Minister of Public Safety to implement a program to assume responsibility for the return of persons wanted on warrants, where the radius of the warrant is outside of their jurisdiction, thereby enabling an operationally practical and cost-effective transportation policy, and ensuring these individuals cannot bring the administration of justice into disrepute by simply fleeing to another jurisdiction.