



RESOLUTION #10-1

PASS LAWFUL ACCESS LEGISLATION TO REDUCE LAWFUL ACCESS AND ELECTRONIC SURVEILLANCE DEFICIENCIES AND OBSOLESCENCE

WHEREAS current *Criminal Code* provisions in respect to police powers to conduct judicially authorized electronic interceptions and seizures are outdated and not in touch with modern realities; and

WHEREAS modernization of these legislative provisions is urgently required to reflect the significant advancements in communications technologies; and

WHEREAS there are no requirements for new telecommunications technologies to be intercept capable; and

WHEREAS the current legislative scheme has resulted in intercept safe havens;

THEREFORE be it resolved that the Canadian Association of Police Boards urge the Federal Government to pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept capable, to prevent intercept safe havens and to modernize electronic intercept provisions.

RESOLUTION #10-2

INTRODUCE ELECTRONIC COUNTERMEASURES LEGISLATION

WHEREAS Electronic Countermeasures (ECM) are available for purchase by the general public on the open market, and

WHEREAS the Federal *Radiocommunication Act* does not provide clear guidelines for the possession and use (application) of Electronic Countermeasures, or clear prohibitions which will allow for an effective law enforcement response; and

WHEREAS it has been proven that electronic countermeasures are effective tools, now being used by organized crime, to disrupt police communication systems including computer aided dispatch, police radios, and cell phones; and

WHEREAS officer and public safety is compromised when law enforcement officials are left without communications when dealing with individuals possessing this technology;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to introduce legislation pertaining to Electronic Countermeasures that will restrict the possession and use (or application) of this technology under the *Criminal Code* and the *Radiocommunication Act*. This legislation should give law enforcement officials the usual powers of arrest and detention, with the accompanying provisions for the search and seizure of this technology, when electronic devices are being used contrary to law.



RESOLUTION #10-3

INTRODUCE INVESTIGATIVE SUBPOENA LEGISLATION

WHEREAS many serious criminal investigations move slowly in Canada due to the inability of the police to compel reluctant witnesses to provide information; and

WHEREAS investigative subpoenas were once used in Canada when the Grand Jury system was still a part of the criminal justice system and are currently being used successfully in public inquiries and regulatory investigations under provincial securities legislation; and

WHEREAS the *Mutual Legal Assistance in Criminal Matters Act* allows law enforcement authorities from foreign countries to request an order to compel witnesses in Canada to provide evidence or information to assist them in their investigations, when an offence is believed to have been committed;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to amend the *Criminal Code* to allow the use of investigative subpoenas for criminal investigations into serious indictable offences, such as gang related offenses or homicides, to give law enforcement authorities the ability to compel witnesses with critical information to attend court and answer relevant questions during the course of an investigation.

RESOLUTION #10-4

PROVIDE 9-1-1 CELL PHONE CALL CUSTOMER NAME AND ADDRESS

WHEREAS we live in a society that now relies heavily on mobile communication; and,

WHEREAS there should be no difference in the level of safety available pursuant to a 9-1-1 call that is made from a landline and a call that is made from a cell phone; and,

WHEREAS there is a gap in the Canadian Radio-Television and Telecommunication Commission's policy that only requires the release of the number and not the name and address associated with a cell phone that an emergency call is originating from; and,

WHEREAS there are unnecessary delays occurring before the police can be dispatched to an emergency call made from a cell phone because of the current back grounding and risk assessment steps that are required on 9-1-1 calls from cell phones prior to the identification of the associated address and public safety is compromised when these delays occur;



THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to move forward with legislation that would require Wireless Service Providers to immediately provide Public Safety Answering Points with subscriber name and address on all 9-1-1 calls.

AND BE IT ALSO RESOLVED that the Canadian Association of Police Boards urge the Canadian Radio-television and Telecommunication Commission to take immediate steps to amend Telecom Decision 2003-053 by making it mandatory for Wireless Service Providers to provide subscriber name and address on all 9-1-1 calls from cell phones

RESOLUTION #10-5 - DEFEATED

RESOLUTION #10-6

FEDERAL SUPPORT TO DEVELOP SUSTAINABLE FUNDING SOURCES FOR LAW ENFORCEMENT

WHEREAS local police agencies are providing policing services to airports, seaports and other homeland security initiatives which are Federal policing responsibilities; and,

WHEREAS technology and the changing nature of crime is increasing the costs of policing beyond that of general inflation; and,

WHEREAS provincial legislative changes such as amendments to the British Columbia *Police Act* will have an impact on municipal policing costs; and,

WHEREAS local government tax bases does not have the resources to fund the growing needs of police agencies in a sustainable and viable way; and,

WHEREAS the Canadian Association of Police Boards has called upon the Government of Canada in the form of past resolutions to make changes to the Federal share of policing costs in Canada including:

1. Resolution 06-12: Sharing of funding for Municipal Police Departments;
2. Resolution 07-04: Federal policy support for capital costs of law enforcement; and
3. Resolution 08-07: Sharing policing costs with the federal government
4. Resolution 09-01: Federal Funding – 2500 police officers

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards call on the Government of Canada to develop a fair and sustainable funding model for both RCMP and Independent police agencies in recognition of local law enforcement assistance to Federal policing initiatives and to address the increasing financial pressures on Local Government.



RESOLUTION #10-7

MARIJUANA MEDICAL ACCESS REGULATIONS - LICENSED MARIJUANA GROW OPERATIONS

WHEREAS in June 2001, the federal government implemented the Marijuana Medical Access Regulations (MMAR) which allows for licensed marijuana grow operations. The MMAR authorizes Health Canada to issues licenses to possess, as well as produce, marijuana indoor and/or outdoor for persons suffering with certain medical conditions. It also allows for designated third parties to produce marijuana for persons with medical conditions; and,

WHEREAS the Canadian Association of Police Boards recognizes that there are substantial health risks associated with Indoor Marijuana Grow Operations, legal or illegal, due to mould, elevated levels of carbon dioxide, electrical hazards and other chemicals and pesticides used to foster plant growth; and,

WHEREAS administered by Health Canada, the MMAR do not supersede other legislation including municipal by-laws. Individuals licensed under the MMAR are required to observe all other laws such as zoning, fire and electrical regulations. Health Canada maintains that it is not part of their mandate to verify the safety standards of each production site; and,

WHEREAS there is no mechanism in place to ensure that individuals licensed to grow marijuana under the MMAR adhere to federal, provincial laws and municipal building, fire and electrical regulations. Consequently, there is an increased and unaddressed risk to building occupants and others including emergency personnel;

THEREFORE BE IT RESOLVED, that the Canadian Association of Police Boards calls upon Health Canada to require electrical, fire and building inspections as a condition of licensing to produce medicinal marijuana under the MMAR; and

BE IT FURTHER RESOLVED, that the Canadian Association of Police Boards calls upon Health Canada to notify local governments and police services of locations licensed to produce marijuana in accordance with MMAR, therefore, enabling regional and municipal authorities to ensure sites are compliant with pertinent laws and regulations.

RESOLUTION #10-8

CALL FOR FEDERAL ACTION TO SUPPORT SUSTAINABLE PUBLIC POLICING

WHEREAS the Canadian Association of Police Boards recognizes the financial constraints facing the federal government as well as other levels of government; and



WHEREAS, despite the current fiscal reality, the CAPB believes the federal government can and should undertake budgetary decisions as well as legislative reform that require no additional funding from the federal government but would assist municipal police services in limiting police costs and increase the effective and efficient delivery of local police services; and

WHEREAS the CAPB believes similar measures as those set out in this resolution should be undertaken by provincial governments working with their provincial police partners; and

WHEREAS it would make eminent sense and be the rational approach for every level of government to commit to a coherent and consistent strategy to control costs as there is only one taxpayer;

THEREFORE BE IT RESOLVED that the CAPB requests that the federal government undertake the following actions to assist police boards, and their funding municipalities to control police budget costs and increase the efficient and effective delivery of police services:

- 1) Maintain existing commitments to facilitate long-term planning and avoid a sudden impact on local police service budgets;
- 2) Partner with the CAPB and other involved groups to identify and 'fast track' legislation that would assist local police boards to control costs and/or increase efficiency;
- 3) Introduce a 'viability' or 'means' test for any new federal legislation or regulation to avoid any additional 'download' cost to local police boards, the 'viability' test to be based on the principle of 'if there are additional costs – who pays and how';
- 4) Avoid any federal actions or budget decisions that will have the impact of increasing local police service costs;

FURTHER BE IT RESOLVED that the CAPB circulate this resolution to the political parties represented in the House of Commons, the Federation of Canadian Municipalities, the Canadian Association of Chiefs of Police and the Canadian Police Association seeking their support for this resolution.

RESOLUTION #10-9

CALL FOR DECRIMINALIZATION OF MANDATORY LONG FORM CENSUS

WHEREAS, police services boards/commissions and police services throughout Canada depend on reliable, comprehensive demographic statistical information provided by Statistics Canada to establish policing priorities and to determine policing services for their communities;

WHEREAS, the Government of Canada is constitutionally responsible for the periodic collection and dissemination of such statistical information;

WHEREAS, the mandatory long form census used by Statistics Canada is the basic tool for gathering the necessary statistical information while protecting the confidentiality of such information; and,



WHEREAS, the Canadian Association of Police Boards supports the decriminalization of mandatory long form census.

BE IT THEREFORE RESOLVED, that the Canadian Association of Police Boards request the Government of Canada to restore the use of the mandatory long form census for the collection of census information by Statistics Canada; and,

BE IT FURTHER RESOLVED, that the Canadian Association of Police Boards support the decision of the Government of Canada to remove the provision of imprisonment for anyone who fails to participate in the mandatory long form census.

RESOLUTION #10-10 - DEFEATED