

## CAPB RESOLUTIONS 2012

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***RESOLUTION 2012 – 1 Saskatoon Board of Police Commissioners  
Funding for National Police Service***

**WHEREAS:** The Federal Government under the Ministry of Public Safety, through the stewardship of the Royal Canadian Mounted Police (RCMP), funds National Police Service (NPS) for the following programs;

- Canadian Police College
- Criminal Intelligence Service Canada
- Forensic Science and Identification Area (Crime Laboratories and Criminal Records)
- Canada Firearms Centre
- National Child Exploitation Centre

**WHEREAS:** All municipal, provincial, and federal law enforcement agencies across Canada rely on the services under the National Police Service for daily activity related to; criminal records, Canadian Police Information Center (CPIC), training at the Canadian Police College, intelligence work through the Criminal Intelligence Service Canada, services provided through the crime laboratories, and information obtained from the National Child Exploitation Center;

**WHEREAS:** The RCMP is currently required to fund the shortfall of funding for the National Police Service through their operating budget and cannot continue to offset funding shortages through their operating budget;

**WHEREAS:** There is a risk to public safety and police officer safety, if there is reduced service from the NPS due to insufficient funding from the Ministry of Public Safety;

**BE IT RESOLVED:** That the Ministry of Public Safety ensure policing across Canada maintains a level of service currently received from National Police Service;

**AND BE IT FURTHER RESOLVED:** That the Ministry of Public Safety adequately funds the National Police Service, thus ensuring a sustainable standard required for police and law enforcement agencies throughout Canada.

**RESOLUTION 2012 Prince Albert Board of Police Commissioners Crime Against Seniors (DEFEATED)**

~~Whereas the Criminal Code of Canada recognizes the fundamental principle that a sentence must be proportionate to the gravity of the offence;~~

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~~Whereas the age of the victim of a crime is currently recognized as a sentencing principle if they are under the age of eighteen or where the offender is in a position of trust;~~

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~~Whereas the same principle should be applied to senior citizens as an aggravating factor considered in sentencing to reflect the gravity of offending against elderly persons;~~

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~~Therefore Be It Resolved that the Canadian Association of Police Boards encourages the Government of Canada to amend the Criminal Code so that the objective of denunciation and deterrence of criminal conduct against seniors is addressed in sentencing.~~

**RESOLUTION 2012 Youth Criminal Justice Act (DEFEATED)**

~~Whereas Canadian society requires a youth criminal justice system that ensures accountability through meaningful consequences;~~

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~~Whereas the Youth Criminal Justice Act describes presumptive offences and occasions where an adult sentence shall be imposed on a young person;~~

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~~Whereas many violent offences are committed by a young person do not meet the criteria for adult sentencing as currently set out in the Act;~~

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~~Whereas in Canada there are many examples of a legislated increase in responsibility for a young person who has reached the age of sixteen years;~~

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~~Therefore It be Resolved that the Canadian Association of Police Boards encourages the government of Canada to enhance this legislation so that an adult sentence is imposed for any violent offence committed by a young person who has reached the age of sixteen years.~~

**RESOLUTION 2012-2 Delta Police Department Federal Funding for Independent Municipal Police Departments**

Whereas in the Province of British Columbia alone, the Federal Government transferred approximately \$57 million dollars to municipal RCMP forces in 2010;

Whereas municipal independent police forces do not receive any federal funding for policing;

Whereas municipal independent police forces contribute to integrated units, drug enforcement and port policing which are beyond the scope of municipal police departments;

Whereas 78% of municipalities in Canada, who are serviced by municipal independent police forces do not benefit from federal police funding;

Whereas Bill C-10 will impose changes to a number of previously debated *Acts* that will impact minimum sentencing for many crimes including child and immigrant sexual exploitation and Organized-Crime related drug charges as well as other victim-based reforms;

Whereas costs for the Provinces for Bill C-10, *Safe Streets and Communities Act*, will have a downstream effect on municipal independent police budgets;

**Therefore be it RESOLVED**, THAT the Canadian Association of Police Boards call on the provincial and federal governments to ensure that federal policing monies are equitably shared by all police services across Canada.

## **Background to Resolution 2012-2**

In its annual *Police Resources in British Columbia, 2010* publication, the Government of British Columbia produced a report on provincial and federal government contributions to policing. In the report, \$57 million in federal dollars was transferred to RCMP municipal forces in British Columbia with populations greater than 5000. An additional \$133 million in federal dollars funds policing in populations less than 5000. Changes in legislation and case law have had an impact on the increasing costs for policing at all levels of government. Local governments can no longer support the increasing costs that are placed on them through these increases and it is particularly difficult for those who do not receive funding from the Federal Government.

Delta Police Board applauds the Federal Government for ensuring the contents of Bill C-10<sup>1</sup> were brought forward to Parliament. Amending law in relation to sexual predators, organized crime and violent young offenders as well as focusing on victims of crime is exemplary. However, Delta Police Board is concerned that the changes to Federal law in Canada will have an impact on local police budgets. Historically, municipal police have participated in many initiatives and day-to-day policing that go beyond local scope including drug enforcement and border security. With amendments made through Bill C-10 and

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<sup>1</sup> Appendix A: Details of Bill C-10

the impact on costs for provincial and municipal governments, it is necessary to request assurance from the Federal Government that additional costs will be funded through Federal funds, specifically in the form of direct funding to municipal independent police agencies.

Appendix A:

The *Safe Streets and Communities Act* re-introduces the following reforms which were debated by Parliament during the previous session but never became law:

The *Protecting Children from Sexual Predators Act* (former Bill C-54), which proposes increased penalties for sexual offences against children, as well as creates two new offences aimed at conduct that could facilitate or enable the commission of a sexual offence against a child;

The *Penalties for Organized Drug Crime Act* (former Bill S-10), which would target organized crime by imposing tougher sentences for the production and possession of illicit drugs for the purposes of trafficking;

*Sébastien's Law (Protecting the Public from Violent Young Offenders)* (former Bill C-4), which would ensure that violent and repeat young offenders are held accountable for their actions and the protection of society is a paramount consideration in the treatment of young offenders by the justice system;

The *Ending House Arrest for Property and Other Serious Crimes by Serious and Violent Offenders Act* (former Bill C-16), which would eliminate the use of conditional sentences, or house arrest, for serious and violent crimes;

The *Increasing Offender Accountability Act* (former Bill C-39), which would enshrine a victim's right to participate in parole hearings and address inmate accountability, responsibility, and management under the *Corrections and Conditional Release Act*;

The *Eliminating Pardons for Serious Crimes Act* (former Bill C-23B), which would extend the ineligibility periods for applications for a record suspension (currently called a "pardon") to five years for summary conviction offences and to ten years for indictable offences;

The *Keeping Canadians Safe (International Transfer of Offenders) Act* (former Bill C-5), which would add additional criteria that the Minister of Public Safety could consider when deciding whether or not to allow the transfer of a Canadian offender back to Canada to serve their sentence;

The *Justice for Victims of Terrorism Act* and related amendments to the State Immunity Act (former Bill S-7), which would allow victims of terrorism to sue perpetrators and supporters of terrorism, including listed foreign states, for loss or damage that occurred as a result of an act of terrorism committed anywhere in the world; and

The *Preventing the Trafficking, Abuse and Exploitation of Vulnerable Immigrants Act* (former Bill C-56), which would authorize immigration officers to refuse work permits to vulnerable foreign nationals when it is determined that they are at risk

of humiliating or degrading treatment, including sexual exploitation or human trafficking.

Taken from: September 20, 2011 Media Release by Federal Government ([www.parl.gc.ca](http://www.parl.gc.ca))

***RESOLUTION 2012-3 Calgary Police Commission Record all Firearm Transfers***

**WHEREAS** the current Federal Gun Registry is likely being abolished, and;

**WHEREAS** this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

**WHEREAS** non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

**WHEREAS** all firearms should be traceable in some manner;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to ensure point of sale and point of transfer recording of all firearm transfers, as defined in the Criminal code, including retail purchases, gifts, transfers and private sales so that non-restricted firearms are traceable in the hands of their owners and identifiable if lost, stolen or used in the commission of an offence;

**THEREFORE BE IT ALSO RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to require the recording of all firearms at the point of entry into Canada and, therefore, that all wholesale imports of weapons into the country require a complete and accurate manifest including make, model and serial number of all guns in the shipment, the source of the guns imported and the identification of the exporter and importer.

**Background to Resolution 2012-3**

Non-restricted firearms include all firearms that are neither restricted nor prohibited.

The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.



In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

(a) a handgun that

(i) has a barrel equal to or less than 105 mm in length, or

(ii) is designed or adapted to discharge a 25 or 32 calibre cartridge, but does not include any such handgun that is prescribed, where the handgun is for use in international sporting competitions governed by the rules of the International Shooting Union,

(b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,

(i) is less than 660 mm in length, or

(ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,

(c) an automatic firearm, whether or not it has been altered to discharge only one projectile with one pressure of the trigger, or

(d) any firearm that is prescribed to be a prohibited firearm;

and a restricted firearm as:

(a) a handgun that is not a prohibited firearm,

(b) a firearm that

(i) is not a prohibited firearm,

(ii) has a barrel less than 470 mm in length, and

(iii) is capable of discharging centre-fire ammunition in a semi-automatic manner,

(c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or

(d) a firearm of any other kind that is prescribed to be a restricted firearm;

This section of the Criminal Code also defines a transfer. Transfer “means sell, provide, barter, give, lend, rent, send, transport, ship, distribute or deliver.”

The Royal Canadian Mounted Police Canadian Firearms Program Frequently Asked Questions website (<http://www.rcmp-grc.gc.ca/cfp-pcaf/faq/index-eng.htm#a3>) describes non restricted firearms as “ordinary rifles and shotguns” that are not included in the restricted or prohibited firearm definitions.

Bill C-19, *An Act to Amend the Criminal Code and the Firearms Act*, removes all references to registration of non-restricted weapons, including transfers and destruction, thereby removing all tracking of these firearms in Canada.

As stated by the Coalition for Gun Control, the abolition of the Gun Registry, “will allow a licenced individual to acquire an unlimited number of guns without even checking if their licence is valid. There will also be no means to know who owns these powerful guns, who sold them or how many are owned. When long guns are recovered in crime, police will not be able to trace them back to their owners, losing an important investigative tool.”

Further into their report, the Coalition for Gun Control states that:

Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres. They are the guns most often used in suicide, domestic violence and the murder of police officers.

Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.

Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.

The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.

In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.

All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.

Most industrialized countries register firearms. The registry helps Canada meet its international obligations to trace firearms and combat the illegal gun trade.

This report states that:

Bill C-19 goes far beyond simply repealing elements of C-68, the 1995 legislation; it actually removes critical measures that have been in place since 1977. Bill C-19:

Makes verifying a firearms purchaser’s licence voluntary, which increases the chances unlicensed individuals will be sold rifles and shotguns.

Erases data on 7.1 million rifles and shotguns currently registered, despite the fact that the data could be useful as an investigative tool for police officers for firearm tracing purpose. Several international treaties require that countries maintain firearm sales records for the purpose of tracing.

Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

## ***RESOLUTION 2012-4 Reclassify Firearms***

**WHEREAS** the current Federal Gun Registry is likely being abolished, and;

**WHEREAS** this abolition will remove all controls from non-restricted firearms, including the requirement for an owner to hold a registration certificate for such a weapon and for stores and individuals to record transactions, and;

**WHEREAS** non-restricted firearms include the Ruger Mini-14 semi-automatic rifle, the Steyr-Mannlicher HS .50 sniper rifle, the L115A3 Long Range sniper rifle and the IWI Tavor TAR021 5.56mm, and;

**WHEREAS** these weapons are not typical hunting rifles or shotguns and should be traceable;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government of Canada to have the Commissioner of Firearms/Canadian Firearms Program reclassify a number of non-restricted firearms as restricted firearms, through orders in council, to ensure they remain traceable in the hands of their owners at all times.

### **Background To Resolution 2012 - 4**

A number of non-restricted firearms are assumed to be restricted by most individuals as they are more powerful or include additional features or capabilities than many traditional hunting rifles and shotguns do not have.

Recently, a number of non-restricted weapons have been reclassified. There are a number of semi-automatic rifles on the non-restricted firearms list. Those that have been reclassified include the Armi Jager AP80, a semi-automatic rifle that is a member of the AK-47 family; the Walther G22 rifle, a semi-automatic rifle which resembles a Beretta Storm carbine; and other firearms that resemble assault weapons. (Davis, J. Jan 6, 2012. *Rcmp to Seize more 'scary-looking' guns before registry dies*. Postmedia News.)

This reclassification should continue and restrict additional weapons.

Non-restricted firearms include all firearms that are neither restricted nor prohibited.

The Criminal Code, in section 2, defines a firearm as:

a barrelled weapon from which any shot, bullet or other projectile can be discharged and that is capable of causing serious bodily injury or death to a person, and includes any frame or receiver of such a barrelled weapon and anything that can be adapted for use as a firearm.

In Part III of the Criminal Code, Firearms and Other Weapons, section 84 defines a prohibited firearms as:

- (a) a handgun that
  - (i) has a barrel equal to or less than 105 mm in length, or
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- (b) a firearm that is adapted from a rifle or shotgun, whether by sawing, cutting or any other alteration, and that, as so adapted,
  - (i) is less than 660 mm in length, or
  - (ii) is 660 mm or greater in length and has a barrel less than 457 mm in length,
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and a restricted firearm as:

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- (c) a firearm that is designed or adapted to be fired when reduced to a length of less than 660 mm by folding, telescoping or otherwise, or
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Further into their report, the Coalition for Gun Control states that:  
Non-restricted rifles and shotguns are used in homicides, suicides and unintentional injury and account for a substantial proportion of firearms recovered in crime, even in large urban centres. They are the guns most often used in suicide, domestic violence and the murder of police officers.  
Screening and licensing firearm owners reduces the risks that dangerous people will have access to weapons and registration reinforces licensing, as it holds gun owners accountable for their firearms and reduces the chances that their guns will be diverted to unlicensed owners.  
Registering firearms helps police enforce prohibition orders and remove guns from dangerous people.  
The gun registry has aided police investigations, including the prosecution of accessories to the murder of four RCMP officers in Mayerthorpe, Alberta.  
In Canada, rates of firearm death and injury have fallen with successively stronger firearms regulation, particularly those focusing on rifles and shotguns, the firearms most often in Canadian homes.  
All illegal firearms begin as legal firearms. Controls over legal guns are essential to preventing diversion and choking off the illegal supply.  
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Omits provisions to reinstate the requirement that businesses keep records of sales. This has been a requirement since 1977, and was removed when the *Firearms Act* passed in 1995 as the information would be in the registry. Without this information there is no way for police to investigate the source of rifles and shotguns recovered from crime scenes or seized from suspects.

Destroys a tool widely used by police officers to remove guns from dangerous or suicidal people, enforce prohibition orders and take preventive actions.

(See: Coalition for Gun Control. (November 2011). *Discussion of Bill C-19: Brief to the Standing Committee on Public Safety and National Security*. p.2.)

### **RESOLUTION 2012-5 Theft of Electricity**

**WHEREAS** organized crime and illegal drug grow operations routinely steal utilities, and;

**WHEREAS** this utility theft often results in identifiable spikes on utility meters and safety threats, and;

**WHEREAS** utility companies are well placed to assist police in identifying organized crime and illegal drug grow operations through technology that can identify these operations, and;

**WHEREAS** there is a disincentive for utility companies to identify and eliminate utility theft due to the current utility marketplace;

**THEREFORE BE IT RESOLVED** that the Canadian Association of Police Boards urge the Federal Government to penalize the activities of utility companies who enable organized crime through inaction.

**THEREFORE BE IT ALSO RESOLVED** that the Canadian Association of Police Boards urge its members to lobby their Provincial Government to be part of a standardized national solution to:

consult with key stakeholders and other provinces on best practices;  
require utility companies to be transparent about line loss;  
implement and use current technology to identify line loss and theft; and  
monitor lines for theft, and disclose theft to police and other appropriate agencies/organizations, in an effort to reduce electricity theft and close down organized crime and illegal drug grow operations.

### **Background to Resolution 2012-5**

British Columbia and Ontario have legislation and codes that can be used as a guide for the development of legislation that requires monitoring and reporting of suspected utility theft. Note that after a court challenge, the BC legislation requires a warrant for an inspection to occur.

BC Example:

SAFETY STANDARDS ACT, SBC 2003, c.39

### **Division 3 — Residential Electricity Information**

#### **Definitions**

19.1 In this Division:

"account information" means

- (a) the name of the account holder with respect to,
- (b) the service address of and billing address for, and
- (c) the electricity consumption data with respect to, a residence to which an electricity distributor distributes electricity;

"electricity consumption data" means available electricity consumption data

- (a) for the most recently completed billing period at the time a request is made under section 19.2 (1), and
- (b) for the previous 24-month billing period;

"electricity distributor" means

- (a) the British Columbia Hydro and Power Authority continued under the *Hydro and Power Authority Act*,
- (b) a public utility, within the meaning of the *Utilities Commission Act*, that owns or operates electricity equipment or facilities, and
- (c) a municipality that owns or operates electricity equipment or facilities and that would be a public utility within the meaning of the *Utilities Commission Act*, but for paragraph (c) of the definition of "public utility" in that Act;

"residence" means premises designed for use as a private dwelling, and any other building or structure adjacent to those premises that is intended for the private use of the owner or occupier of those premises;

"residential electricity information" means the available account information for all of the residences that

- (a) are within the jurisdictional boundaries of a local government that makes a request under section 19.2 (1), and
- (b) according to the current records of the electricity distributor distributing electricity to the residences, are consuming electricity at a level within a range prescribed by regulation.

#### **Residential electricity information**

19.2 (1) A local government may request, in writing, from an electricity distributor the residential electricity information with respect to the residences within its jurisdictional boundaries.

(2) If an electricity distributor receives a request under subsection (1), the electricity distributor must provide that residential electricity information to the local government within a reasonable time.

(3) A local government that receives residential electricity information from an electricity distributor under this section may disclose account information derived from that residential electricity information, or a portion of that account information, to

(a) an authority to which the administration of the Act has been delegated under Part 2 or Part 12, and

(b) a provincial police force or a municipal police department, as those terms are defined in the *Police Act*.

#### **Notice of inspection**

19.3 (1) If, after receiving account information under section 19.2 (3), a safety officer intends on the basis of that information to exercise the power granted under section 18 (1) (c) and (d) with respect to a residence identified in the account information, the safety officer must give a notice to the owner or occupier of that residence.

(2) The notice under subsection (1) must

(a) be in writing,

(b) state the safety officer's intention to enter the residence and conduct an inspection, and the reasons for the intended entry and inspection,

(c) set out the date by which the owner or occupier must reply to the notice to arrange a date and time for the safety officer to enter the residence and conduct an inspection,

(d) set out how to reply to the notice, and

(e) state that the safety officer may issue a compliance order if the owner or occupier does not

(i) reply to the notice within 2 days of the date on which it was received,

(ii) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, or

(iii) allow the safety officer to enter the residence at the arranged date and time.

#### **Compliance with notice**

19.4 An owner or occupier who receives a notice under section 19.3 (1) must

(a) reply to the notice within 2 days of the date on which it was received,

(b) within a reasonable time complete arrangements to the satisfaction of the safety officer for the safety officer to enter the residence and conduct an inspection, and

(c) allow the safety officer to enter the residence at the arranged date and time.

Ontario Example:

Ontario Energy Board. Distribution System Code, Last revised on October 1, 2011

### 4.3 Unauthorized Energy Use

4.3.1 A distributor shall use its discretion in taking action to mitigate unauthorized energy use. Upon identification of possible unauthorized energy use, a distributor shall notify, if appropriate, Measurement Canada, the Electrical Safety Authority,



police officials, retailers that service consumers affected by the unauthorized energy use, or other entities.

4.3.2 A distributor shall monitor losses and unaccounted for energy use on an annual basis to detect any upward trends that may indicate the need for management policies to moderate unauthorized energy use.

4.3.3 A distributor may recover from the customer responsible for the unauthorized energy use all reasonable costs incurred by the distributor arising from unauthorized energy use.

Editorial:

Time to take drug growers' power theft seriously

By Diane Colley-Urquhart, Calgary Herald, January 13, 2012

Much has changed over the past decade since deregulation of the retail electricity market, as the Herald recently profiled - including the theft of power.

I have one way of curbing utility rates in Alberta; stop organized crime from stealing power. Every month when you and I pay our utility bill, we are subsidizing organized crime operations. Outraged? You should be. Organized crime steals unbelievable amounts of power to run their marijuana growing farms in houses across our city.

The problem is much bigger than you could ever imagine.

As the magnitude of grow ops has escalated over the past 10 years, it is not uncommon for police to remove well over 1,000 plants in a single home. Over the past five years alone, joint operations of the Calgary Police Service, RCMP and Alberta Law Enforcement Response Teams have seized more than \$372 million worth of marijuana out of Calgary and area - that's 298,000 plants in 590 homes. Over the past eight years that I have been working on this issue, 95 per cent of the grow ops taken down were stealing power. This is a Criminal Code offence that raises the question as to where responsibility lies when utility companies know power is being stolen and either fail to act or disguise it as general line loss.

Gangs could be stealing power right beside you by bypassing the meter and running huge amounts of power through ballast boxes, set to automated timers, and powering their personal grid of 500-watt light bulbs. Organized crime can also monitor their timers remotely, running high-temperature lights reaching 500 F in 12-hour cycles every day of the year and harvesting three crops a year out of one house. An average grow op consumes roughly 10 times the power of a typical home. If they actually paid for this power, the bill would be substantial and utility companies would be able to readily detect the extreme over-consumption of power . . . but they don't.

These large-scale marijuana grow farms, run by gangs and organized crime, are lucrative and provide them with their primary revenue source to move drugs throughout the province and North America. Marijuana is an integral component of the drug trade and the drug problem many of our communities face, and the

ecstasy our kids die from. If we stopped the theft of power, we could bring organized crime to its knees.

The problem is that utility companies don't take the theft of power seriously, or worse, they turn a blind eye.

They refuse to admit to the magnitude of the problem. Their ambivalence and failure to admit this theft is happening means we have no idea whether we have 500 grow houses or 5,000.

Whatever the number is, every grow op is stealing power, we are paying for it, and they are putting kids and first responders in harm's way. Remember the Citadel fires in December 2009 from a grow op stealing power? Five homes burned to the ground with two more damaged. Grow ops are 40 per cent more likely to catch fire than a regular house.

Rough estimates from experts such as retired Calgary police staff sergeant Roger Morrison put the theft of power well into the millions in Calgary alone.

The magnitude of the problem when viewed province-wide is staggering.

When Morrison was on the southern Alberta marijuana investigation team, he attended and investigated more than 750 marijuana grow operations and almost all were stealing power. He is recognized today as a qualified and sought-after court expert, and I agree with his view that, "in Alberta's deregulated electricity market, there is a disincentive to reduce generation, and a monetary benefit to increase it. The utilities are following the rules set in place, but they have a social responsibility to act."

You are probably wondering how this could be allowed to happen. Utility companies are able to operate in the generation and distribution side. They sell electricity into the pool from one subsidiary of the corporation and sell you the electricity in another. All power produced gets sold into the grid and doesn't incur theft losses at this stage. Utility companies get paid for all the electricity produced by selling it into the Alberta power pool.

The distribution side charges us for line loss, which is an all-encompassing figure reflective of theft, inefficiencies and statistical losses. So whatever is stolen just gets added automatically to your bill, and the utility incurs no loss. In fact, the more power stolen, the greater the "sales" of the distribution company.

The threat to public safety is significant and municipalities and the provincial government must demand this issue be addressed either through co-operation or regulation. Changes to legislation could require utility companies to be more transparent about line loss, monitor their lines for theft and disclose, or even better, make distribution companies bear financial losses from theft instead of us. The technology and monitoring equipment to detect gangs stealing power is remarkably simple, proven, tested and available.

In two recent community pilot projects, more than a dozen grow ops stealing power were identified in a few minutes. With the recent landmark Supreme Court ruling in favour of using this technology, provincial legislation is timely and necessary to get utility companies to act.

We need to stop marijuana grow ops from ever starting up in the first place, rather than spending millions in surveillance, taking them down and dealing with our city's drug problem.

We need better monitoring and accountability of line loss by utility companies and regulators. We need a smart metering system that readily identifies and analyses line loss. We need utility companies to be socially responsible. At the end of the day, it is Calgarians who own the transmission wires and we should be able to demand that we don't want our assets being used to fund organized crime.

Diane Colley-Urquhart is the City of Calgary's alderman for Ward 13.

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***RESOLUTION 2012-6 National Protocol for the Management of Inter-Jurisdictional Offenders***

**WHEREAS** the supervision of offenders in the community is a shared responsibility and is essential in preserving the public's safety, and;

**WHEREAS** a portion of federal offenders under the care of the Correctional Service of Canada are subject to detention during the period of statutory release and not paroled, however, sections 810.1 and 810.2 of the *Criminal Code of Canada* assist in securing the "good conduct" of persons feared, on reasonable grounds, to pose a risk of harm to the public, and;

**WHEREAS** there is no national protocol that provides clarity as to how police agencies and other responsible stakeholders in Canada make applications, monitor and transfer the supervision of offenders bound by 810.1 and 810.2 recognizance between agencies and Provinces, and;

**WHEREAS** without a national protocol there exists a gap in the inter-operability of offender management in Canada, particularly with offenders subject to detention during the period of statutory release, which elevates the risk to the community in that an offender may lack any supervision, appropriate supervision, or continuity of supervision.

**THEREFORE LET IT BE RESOLVED THAT** the Canadian Association of Police Boards urge the Canadian Association of Chiefs of Police to ratify a national protocol to set out a uniform process to coordinate an inter-jurisdictional response to offender release at the expiry of sentence, and promote a greater clarity in both the use of section 810.1 or section 810.2 and which jurisdiction will be responsible for the same.

**Background to Resolution 2012-6**

Under the *Corrections and Conditional Release Act*, certain offenders can be detained during what would normally be their period of statutory release (ss. 129-131). Statutory release allows for an offender to be released back into the community in a controlled and supervised manner. A detention order for offenders under the care of the Correctional Service of Canada is confirmed by the Parole Board of Canada and is made in response to a reasonable belief that the offender will likely commit a serious offence prior to the expiry of that offender's sentence. Therefore the offender is not provided a gradual and

controlled return to the community prior to the end of the offender's sentence (no parole).

Offenders subject to detention during their period of statutory release are frequently considered to be high-risk offenders.

Sections 810.1 and 810.2 of the Criminal Code allow for a court to issue a recognizance, to keep the peace and be of good behaviour, in respect of any individual who it is feared, on reasonable grounds, will commit a sexual offence or a serious personal injury offence. This allows an individual who is a potential threat to public safety to be placed under conditions for a period of no more than one year or no more than two years if they have a previous conviction for a sexual offence against a person under the age of 16 or a personal injury offence. This provides for the supervision of offenders who did not have a controlled return into the community through parole but were held in custody under a detention order until the end of their sentence.

There is a lack of clarity around who is responsible for obtaining and enforcing a recognizance under sections 810.1 and 810.2 where an offender leaves the jurisdiction (province) in which he or she is released from custody and relocates to another jurisdiction (province), either at the time of release or at a later date. This confusion can have the result of an offender slipping through the cracks and not being placed under recognizance upon release and not being properly supervised in the community.

***EMERGENCY RESOLUTION #2012-7 Legislative Amendment to Address Banning the Re-activation of Stolen Cellular Phones***

Submitted by the Vancouver Police Board *and the Toronto Police Services Board* to the Canadian Association of Police Boards

WHEREAS the number of cell phone robberies has increased significantly over the past few years; and,

WHEREAS the increase in cell phone thefts reflects a market for purchasing stolen cell phones that can be re-activated; and,

WHEREAS there is currently no legislation, in Canada, directed towards banning the re-activation of stolen cellular phones; and,

WHEREAS successfully implemented legislation to ban the re-activation of cellular phones has positively impacted numerous jurisdictions including the United States of America and the United Kingdom;

THEREFORE, BE IT RESOLVED that the Canadian Association of Police Boards recommends that the Government of Canada create legislation to specifically address banning the re-activation of stolen cellular phones and introduce legislative change that would compel cellular phone service providers to provide technology which would permit the disabling of a cellular phone after it is stolen and that the Federal Minister of Public Safety and the Minister of Industry work with wireless telecommunication providers to facilitate the creation of a functional cellular device registry;

AND THAT the Canadian Association of Police Boards recommends that the Ministries request that telecommunications service providers adopt the following strategies to deter smartphone theft and protect personal data;

- *Implement Databases to Prevent Reactivation of Stolen Smartphones*
- *Notify Consumers of Features to Secure/Lock Smartphones with Passwords*
- *Educate Consumers of Features to Secure/Lock Smartphones with Passwords*
- *Inform Consumers about Applications to Remotely Lock/Locate/Erase Data from Smartphones*
- *Educate Consumers about Smartphone Theft, Protections and Preventative Measures*

## **Background to Resolution 2012-7:**

### **INTRODUCTION OF LEGISLATIVE MEASURES INTENDED TO COMPLETELY BLOCK THE AIRWAVES OF STOLEN CELLULAR TELEPHONES**

*As put forth by the Law Amendments Committee  
Of the CACP*

#### Observations

While the theft of cellular telephones may seem trivial at first glance, the consequences of this type of crime on victims far exceed the simple material loss they encounter. These are not simple thefts, but rather robberies involving violence and having severe impacts on victims.

The theft of cellular telephones on the street and on public transit systems constitutes a growing phenomenon across Canada. All Canadian police forces are conscious of this new form of crime, which can open the door to the

marginalisation and criminal involvement of young people who commonly commit these crimes and, ultimately to their joining a street gang.

A number of prevention programs intended for the users of portable equipment have been developed to counteract the negative consequences of this phenomenon. Despite repeated prevention messages and multiple enforcement actions, the violence perpetrated on victims has increased drastically in the last year alone.

The approach recommended for cellular telephone companies to reduce this crime would be to completely block the airwaves of stolen cellular telephones, by way of a sharing of International Mobile Equipment Identity or IMEI information (IP address) of stolen phones between telephone service providers.

Totally blocking the airwaves would make it impossible to reactivate these telephones, rendering them useless, hence of no interest for thieves.

Currently, all a thief needs to do is to go to an electronic device retailer to reactivate a telephone and resell it via a parallel market. Since cellular telephone companies do not share IMEI information, a thief can easily reactivate a stolen telephone by turning to another mobile telephone service provider.