



CAPB National

February 2005



Legislative Update

RCMP Joins Forces to Address Child Sexual Exploitation

The RCMP and four international law enforcement partners recently launched a website to address the sexual exploitation of children online. The bilingual website, www.virtualglobaltaskforce.com, teaches children about the dangers of the Internet and educates them about how to protect themselves against potential online predators. Virtual Global Taskforce is an alliance of crime prevention authorities set up in 2003. The RCMP's National Child Exploitation Coordination Centre have teamed up, through their work with the taskforce, with the United States, Australia, Britain and Interpol to produce the website. Other partners in the website are Bell, Microsoft, Telus, Shar, Rogers, AOL Canada, MTS and Cogeco.

The site has links to phone numbers in four countries where children can contact authorities. The site also links users to other web addresses related to children's online safety. The federal government has also put its support behind a Manitoba tip site for Internet surfers who find child pornography online. The tip line (cybertip.ca) is credited with helping law enforcement officials lay 10 charges against individuals involved in possessing and distributing online child pornography.

National Sex Offender Registry

A national sex offender registry came into force early in December, requiring convicted offenders to register within 15 days after being released from prison, if they're ordered to register. Under a law passed in April, offenders will also be required to reregister annually and within two weeks of changing their home address. However, convicts who served their full sentences before the registry was created won't have to register.

Police agencies will have access to the information through a new national sex offender database maintained by the Mounties. The database allows police to conduct a search according to a full or partial address and the offence of a sex offender or both.

Information in the national database will only be accessible to accredited police agencies and will be used to investigate unsolved sex crimes, promise federal authorities. The database is designed to be searchable using a wide range of information, from names and addresses, to physical attributes of the offender, including tattoos and other distinguishing marks.

The federal government provided \$2 million in start-up money for the registry and will pay \$400,000 annually toward operational costs. However, it will be up to the provinces, territories and local police agencies to keep it running.

What's inside...

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Provincial**
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Legislative Update ...continued**New Offences Target Terrorist Hoaxes**

Early in December the federal government announced the coming into force of terrorist hoax provisions in the *Criminal Code*. New offences now target those who convey false information or commit acts leading to a mistaken belief in the occurrence of a terrorist act. They apply only in cases where the intent was to cause fear of death, bodily harm, substantial damage to property, or serious interference with the lawful use or operation of property.

The maximum penalty for the base terrorist hoax offence is five years imprisonment. Penalties increase to a maximum of ten years if the hoax causes bodily harm and life imprisonment if it causes death. Given the seriousness of these crimes, amendments have also been made to the *Criminal Code* provisions for intercepting private communications in appropriate cases to ensure they apply to these new offences.

These *Criminal Code* amendments build on the definition of "terrorist activity" established by the *Anti-Terrorism Act*, and criminalize those involved in terrorism hoaxes. The provisions were included in the *Public Safety Act*, legislation designed to improve Canada's capacity to prevent terrorist attacks, protect citizens and respond quickly should a threat be identified. The *Public Safety Act* received Royal Assent in May 2004. An online version of the legislation is available at: www.parl.gc.ca.

Regulations Supporting the *Firearms Act* Have Been Amended

Early in December the federal government announced that regulations supporting the *Firearms Act* have been amended. These amendments enable legislative changes contained in Bill C-10A to be brought into force. They are designed to improve service delivery, increase cost-efficiency and streamline processes. The regulatory amendments, along with the corresponding legislative amendments, are being brought into force in stages. Some of the regulations take effect immediately; others have been deferred to give affected businesses, individuals and public agencies the necessary time to develop or adjust procedures to implement the changes.

Some key changes include:

- The licence renewal process has been simplified by eliminating some questions where the information is already available through continuous eligibility screening and by removing the requirements for references and a photo guarantor;
- Upon renewal of a licence, conjugal partners of individuals who hold a Possession-Only Licence will have the same opportunity as conjugal partners of individuals who hold a Possession and Acquisition Licence to express concerns about their own or someone else's safety; and
- Some fees have been eliminated or reduced.

The revised regulations reflect many of the recommendations received from program partners and key stakeholders including firearm associations, provincial wildlife associations, businesses, police, public-safety groups and victims groups during consultations held in 2003 and as part of the 2004 Ministerial Review of the Firearms Program.

The Canada Firearms Centre continues to work with Canadians and its public safety partners to promote the responsible use and ownership of firearms. Almost seven million firearms have been registered and close to two million firearms licences have been issued.

This represents a compliance rate approaching 90 percent. Since 1998, law enforcement officers, including police and border services agencies, have queried the Canadian Firearms Information System more than 3.5 million times to support them in fighting crime and protecting the public. In addition, the Government is reducing the overall cost of the Program. For more information, please visit the website: www.cfc-cafc.gc.ca.



In the News...

National News

Money Laundering

The Financial Transactions and Reports Analysis Centre (Fintrac) recently reported on the status of money laundering in Canada through its annual report. Fintrac was created by the federal government in 2000 to help uncover illegal financial activities. Over the past year and a half the government has been working to complete the reporting requirements for a wide variety of entities, including banks, brokerage firms, mutual funds, real estate agents and casinos.

According to Fintrac close to 200 cases involving \$700 million in suspect financial transactions were investigated over the past fiscal year. That's significantly more than the \$460 million tracked the previous year of 2002-2003. Of the \$700 million tracked over the past year, about 10 per cent is thought to be linked to terrorist activity financing "and threats to the security of Canada." In 2003-04, 44 specific cases were related to suspected terrorist activity while another four involved both suspected money laundering and terrorist financing activity. 149 cases involved money laundering.

Since its creation, Fintrac has disclosed almost \$2 billion in suspected money laundering and terrorism financing.

Government to Fund New Drug Treatment Courts

The federal government recently launched a call for proposals to establish new drug treatment courts across Canada. Drug treatment courts aim to reduce crime committed as a result of drug dependency through court-monitored treatment and community service support for offenders with drug addictions. By helping non-violent offenders deal with their addictions and improve their social stability, the program also reduces the criminal behaviour associated with substance abuse.

Two drug treatment courts are already in operation in Toronto and Vancouver. As part of the renewal of Canada's Drug Strategy in May 2003, the Government of Canada committed to expanding the use of drug treatment courts in Canada. The federal government will contribute funding for at least three new courts. Each court could receive up to a maximum of \$750,000 per fiscal year, for an initial period of up to four years. Partnerships at the provincial and local levels are key to ensuring adequate funding of any proposal and the ultimate success of drug treatment courts in achieving their objectives.

The new courts will be established under the Drug Treatment Court Funding Program, available to national, provincial, municipal, Aboriginal, community-based or professional organizations. Provincial, territorial, municipal and regional governments, institutions or agencies are also eligible. The application deadline was January 17, 2005.



We Want Your Input!

If your Board has something it would like featured in the newsletter, please send it to us either by email to wendy.fedec@ottawa.ca or by snail mail. We can only share information that we are aware of, so please, send in your latest policies, innovations and challenges.

We would also appreciate any feedback you have on the newsletter. Does it meet your Board's needs? How can we improve to serve you better?

National News...continued

Wireless Priority Service

Late in November the federal government announced the introduction of wireless priority service (WPS) for use in times of emergency.

Wireless priority service provides selected wireless telephone users with top-priority access to the network even if it is heavily congested. In times of crisis, WPS ensures that key public safety officials involved in managing emergency response will still be able to use the wireless telephone system to communicate. This capability is a critical step forward in enabling public safety officials to maintain necessary communications in times of natural or man-made disaster.

Canada's wireless priority service will further enhance the capacity of our officials and first-line responders to communicate during times of emergency. Rogers Wireless is the first wireless service provider to make WPS available in Canada.

WPS works by giving a limited number of government-authorized wireless phone users priority access to the wireless network. If wireless network capacity is strained during an emergency, WPS ensures that authorized users' calls queue on the next available wireless channel. More information on WPS can be found at <http://spectrum.ic.gc.ca/urgent/english/wps.html>.

Young Offender Laws Hinder Car Theft Prosecutions

Canada's young offender laws (YCJA) are hindering provincial prosecutors trying to deal with chronic car thieves in Manitoba, British Columbia, Alberta, Saskatchewan and Nova Scotia. This issue was on the agenda when the federal Minister met with his provincial counterparts on January 25 in Ottawa.

Manitoba's justice minister believes the Youth Criminal Justice Act has to provide wider access to custody of repeat auto thieves and he has suggested that sentencing guidelines under the act have to be more flexible. In many cases, a youth is only sentenced to several months of custody and community supervision after release. There is rarely adult time even if the youth is a repeat offender.

Nova Scotia's provincial justice minister wants automobile theft to be made an indictable offence under the Criminal Code and treated as a potentially violent crime, not a property offence. He believes the federal YCJA should be changed to reflect the violent nature of car theft and joyriding.

Manitoba's Justice Minister will support Nova Scotia when the issue is raised at a meeting of provincial and territorial justice ministers in January. Manitoba is also going to increase its efforts to see immobilizers, which make it impossible to start a vehicle without a key, mandatory in all new vehicles purchased in Canada. Ottawa plans to make the devices mandatory in passenger vehicles in about four years.

Provincial News

Combating Drinking and Driving

New rules to combat drinking and driving started to take effect in B.C. in time for the holiday season. Police are now able to impound vehicles at the roadside immediately for 24 hours when someone is found to have been drinking and driving. Starting New Year's Day, the minimum fine for drivers operating a vehicle while prohibited or suspended increased to \$500 from \$300. Early in January, police were given the power to rely on the results of roadside screening devices when drivers in the Graduated Licensing Program challenge the results. Up until this change was made, a new or learning driver could ask for a blood test.

Provincial News ...continued**Crack Down on Marijuana**

The British Columbia government is considering regulating stores that sell hydroponics equipment as a way of cracking down on the marijuana trade. Provincial officials are studying a proposed law that would force hydroponics equipment sellers to keep a registry of their buyers, which could then be forwarded to police.

New Tough Legislation on Criminal Proceeds to be Introduced

The B.C. government will introduce new legislation in the spring to get tough on criminals who benefit from the proceeds of crime. The legislation will target people who have bought a house, fancy cars, big screen TV's or anything else from criminal proceeds will be subject to the new law.

The province will use the bill and tax laws to go in and seize those assets and will require people to prove to the police and Crown that they bought the goods with legal money. The bill will be modeled on similar legislation already used in Ontario.

New Code of Ethics for B.C. Police Officers

In January, British Columbia Police Chiefs, the head of the RCMP and all police labour organizations signed an official code of ethics (Police Code of Ethics) that will apply to all police officers in that province. Reported to be the first of its kind in Canada, the code will become part of the curriculum at the Justice Institute of B.C. Developing the Police Code of Ethics was a four year effort.

Alberta's Funding for Police Services

A recent report from the Alberta Urban Municipalities Association suggests the province is under funding police, relative to other provincial governments. The government provided funding equivalent to \$32.10 per capita in 2002 – the lowest in Canada. Most provinces paid about \$60 per capita and Newfoundland paid the highest at \$127.60.

In Alberta the province covers 100 percent of policing costs for towns with less than 5,000 people, while larger cities pay a majority of the cost of providing police services to the community. According to the report the province pays 10 percent of Calgary's police budget.

University of Regina to Establish a Chair in Police Studies

The University of Regina is establishing a chair in police studies to help address aboriginal concerns about the administration of justice and recruit more natives to policing. The chair is being established with a grant of \$750,000 to the University of Regina Building Dreams and Futures campaign and it is hoped it will act as a catalyst to create the finest police studies program in this country.

The Law Foundation's funds come from the interest earned on client money held in general trust by Saskatchewan lawyers. Having more aboriginal students in police studies and educating all police studies students on aboriginal issues will contribute to making the province a better place.

Provincial News ...continued**Pay Increase**

A nearly 11 percent increase in pay for police officers will keep Regina's police service competitive with other Canadian cities, the city's mayor said late in November. The police board and Regina Police Association recently released details of a three-year agreement that was ratified. The contract, which is retroactive to July 1, 2004, provides sworn officers with a total 10.9 percent raise. The salary of a fifth-year, first-class constable will rise to \$67,591 in the final year of the contract.

Civilian employees at the Regina Police Service will get a two per cent raise, though there is provision to reopen negotiations for those workers. The city's 340 sworn officers will see their pay increase by 1.6 per cent in July 2004, 3.6 percent in each of January 2005 and January 2006, and 2.1 in January 2007. Meanwhile, 135 civilian employees will see no increase in 2004, and one percent in each of 2005 and 2006.

The pay hike for civilians falls in line with the provincial government's mandate for public sector employees. The 2002 contract, which also provided an almost 11 percent salary hike, was the first in several years reached through negotiation and not arbitration. In addition to more money, the new deal also provides flexibility in shift start times, which will enable the chief to ensure the "proper" number of police officers are on the street.

Post-Trial Counseling for Jurors

Manitoba's justice minister says the province plans to be the first in Canada to offer post-trial counseling for jurors. The provincial government has been working out the details of a soon-to-be launched pilot project. It will offer mandatory "debriefing" for all Manitoba jurors and make long-term counseling available for those who need it. Graphic crime scene and autopsy photos, together with testimony, can have a significant effect on jurors.

Canadian jurors are forbidden from talking about any aspect of their deliberations, even with members of their own family.

Tough Penalties Proposed for Exploitation of Children

The Manitoba government is proposing tough provincial penalties for people who sexually exploit children. It tabled a bill in early December that will boost the maximum penalty from its current level of \$500 and/or three months in jail, to a maximum of \$50,000 and/or 24 months in jail. That's as well as any Criminal Code charges and prison terms.

The provincial government says it wants to send a strong signal condemning the sexual exploitation of children. The penalties will apply to anyone who lures a child into a sexual act. Since the province doesn't have the jurisdiction to impose penalties for criminal offences, the proposed fines and jail time being have been tabled under the Child and Family Services Act.

New Approach to Crime Watch

The City of Winnipeg recently announced a new crime watch program where garbage collectors/drivers are being trained by police to recognize and report suspicious activities to police and fire or paramedic services. This program is similar to ones in Regina and Saskatoon.

Provincial News ...continued**Photo Radar Works**

Photo radar was installed in Winnipeg in January 2003 and since then the city's speed cameras have earned almost \$29 million in revenue from fines, according to provincial court figures. Winnipeg has 36 intersection camera locations and five mobile photo radar units which issue tickets for speeding and running red lights. By 2007, Winnipeg will have 60 camera locations.

Police in Winnipeg have said at least three more years are needed for a definitive analysis on road safety and whether the cameras have helped to reduce collisions, traffic deaths and injuries and speeding offences. Police believe the 25 percent less than expected revenue since the cameras were introduced is a sign people are slowing down and the cameras are working.

Anti-Gang Law to Take Effect

Among the toughest provincial anti-gang law in Canada has cleared its final hurdle and took effect in mid-December. The Manitoba government has worked out detailed regulations under its Criminal Property Forfeiture Act. This law will strip suspected gang members of their assets even if they have not been convicted of a crime. The law will allow the seizure of homes, cars, cash and other assets of any person as long as police can convince a judge that a suspect is a member of a criminal organization. The onus will then be on the suspected gang member to prove the assets were earned through a legitimate income and not the proceeds of crime.

The government will be allowed to designate a sheriff's officer or any other person to sell the seized property via a public auction or call for tenders. The money collected - minus the expenses of the police force that seized the assets, the government's costs and the costs of the person conducting the sale - is to go to legal aid or into a fund that helps victims of crime.

People who want to buy a suspected gang member's assets may be asked to put down a deposit. If the buyer can't come up with the rest of the money in a reasonable time, the deposit is forfeited.

Proposed Revisions to Motor Vehicle Act

New drivers in New Brunswick will face fines if they're caught driving alone after midnight, under newly proposed revisions to the province's Motor Vehicle Act.

The Public Safety Minister introduced amendments to the provincial law in the legislature early in December that would ban young drivers from the roads between midnight and 5 a.m., unless they are with a fully licensed driver. The legislative change will apply to any newly licensed drivers no matter what his or her age is. Under New Brunswick's graduated licence system, it takes two years to achieve driver independence.

Bootleggers Shut Down

Early in December, in Charlottetown, PEI police officers were given new powers to address bootlegging. The P.E.I. government moved forward with new legislation more than doubling the fines for first time offences, allowing police to enter homes of people suspected of selling liquor illegally without a warrant and providing police officers with the power to seize anything in those homes from liquor to computers to money.

The minister responsible for the Liquor Control Commission said the province is reacting to concerns raised from residents, police and municipalities across the Island. This direction puts teeth into the legislation and gives the police the necessary tools to deal with the illicit sale of alcohol. The new legislation is far reaching with fines for selling liquor illegally increasing from \$2,000 to \$5,000 for a first time offence. Those charged will now have to appear in court. Up until now, bootleggers could pay their fine much like somebody pays a parking ticket.



Upcoming Events

Human Resources Conference “Operational Challenges in Managing Human Resources”

March 20 - 22, 2005
Vancouver Fairmont Hotel
Vancouver, B.C.

Hosted by the CACP Human Resources Committee in partnership with the Justice Institute of B.C. Chiefs, senior police executives, high potential succession management candidates, front line commanders and public safety executives will have an opportunity to strengthen their abilities to deliver Human Resources excellence. Visit the CACP web site at www.cacp.ca for more information.

OAPSB 2005 Conference

May 5, 6, 7, 2005
Valhalla Inn
Thunder Bay, Ontario

International Conference of Police & Peace Officer Leaders and Executives “Leading in Times of Crisis”

May 25 – 27, 2005
Calgary, Alberta

Organized by the CACP, AACP, the Delta Police Department and Canadian Professional Management Services.

This conference is a great opportunity for police board members to gain valuable insight and knowledge about the issues impacting the careers of police leaders and help them with their governance and accountability responsibilities. CAPB members will receive a 10% discount off the registration fee in recognition of the important role they play in times of crisis. Please quote 2527PB on your registration form.

Additional information about the conference is available at www.internationalpoliceconference.com.

Ontario Association of Chiefs of Police Conference

June 19 - 22, 2005
Toronto Harbour Castle
Westin Hotel
Toronto, Ontario

The Toronto Police Service will host the OACP's 54th Annual Conference. Watch for further details.

CAPB 2005 Conference

August 18 - 20, 2005
Westin Ottawa Hotel
11 Colonel By Drive
Ottawa, Ontario

A golf tournament will be held prior to the conference on August 17. Rooms can be booked at the Westin by calling 800-937-8461 or 613-560-7000. The CAPB conference rate is \$155/night plus taxes. Further details will be available in the spring.



Appointments

CSIS Appointment

Jim Judd has taken over the job of protecting Canada from a terrorist attack, among other responsibilities as the Director of the Canadian Security Intelligence Service. Judd is a former deputy minister of defence. He has also served as a foreign policy adviser to past prime ministers.

Federal Court Judicial Appointment

In November, the Minister of Justice and Attorney General of Canada announced the following appointment which took effect immediately: **Yves de Montigny**, of Gatineau, is appointed a judge of the Federal Court. Mr. Justice de Montigny received a Bachelor of Laws from *l'Université de Montréal* in 1978, and a Masters of Law, also from *l'Université de Montréal*, in 1979. As well, he holds a Masters in Political Philosophy from University of Oxford. He was admitted to the *Barreau du Québec* in 1983.

Dr. James Young Takes New Position

Dr. James Young, Commissioner of Emergency Management for the Province of Ontario will be joining the federal department of Public Safety and Emergency Preparedness as Senior Advisor to the Deputy Minister effective January 31, 2005. Dr. Young played a lead role in co-ordinating the Ontario government's responses to the SARS emergency and the power blackout in 2003. He also had responsibilities as Assistant Deputy Minister, Public Safety Division, for the Ministry of Community Safety and Correctional Services, and Commissioner of Public Safety and Security. For 14 years, he was Chief Coroner for the Province of Ontario.