



Canadian Association of Police Boards

110 Laurier Avenue West, Ottawa, Ontario, K1P 1J1
(613) 560-1312, Fax: (613) 580-2728, <http://www.capb.ca>

CAPB National

March 2004

CAPB Activities

MARIHUANA GROW OPERATIONS REPORT & RECOMMENDATIONS

BACKGROUND

In 2002, both the CAPB and the CACP approved resolutions calling on the Federal Government to address the escalating problem of marihuana home grow operations (CAPB resolution 02-2 and 02-3). The CAPB Board recently endorsed the National Coordinating Committee on Organized Crime (NCC) Report and Recommendations on Marihuana Grow Operations. The Board also directed that the Report be forwarded to all CAPB members, requesting that members share it with their municipal Council and Chief of Police, with the objective of examining the recommendations that fall under their jurisdiction for implementation.

In November 2002, the problem of marihuana grow operations was identified by the Federal/Provincial/Territorial (FPT) Ministers as a top priority. At that time, they requested that their Deputies develop options to combat marihuana grow operations (MGOs). The Deputies turned to the National Coordinating Committee on Organized Crime (NCC) for assistance.

A Working Group of the NCC was struck and over the course of the next year it developed a report and recommendations, which were presented to and approved by the FPT Ministers in September 2003.

THE NCC REPORT AND RECOMMENDATIONS

The NCC Working Group report stresses that leadership by all government levels (municipal, provincial, territorial and federal) is essential to effectively combat this problem and to make communities across the country safer. The Working Group encourages all parties to take ownership and have a voice in dealing with the problem of MGOs, to work to support each other within their means, and to improve coordination and information sharing.

The Working Group recognizes that problems from marihuana grow operations impact on all levels of government and other key stakeholders (insurance companies, hydro and utilities, real estate associations). The Report therefore suggests that each level of government explore its constitutional powers to determine where legislative and policy changes can be made within their own jurisdiction to combat the threats posed by MGOs.

The report makes a range of recommendations but of particular note are the ones that apply to municipalities, such as:

Recommendation 2 - "...that all levels of government and law enforcement strengthen networks with key partners such as other government departments and private sector stakeholders including banks, insurance companies, real estate boards, hydro companies, etc..."

...continued on page 2

In this issue:

- *Marihuana Grow Operations Report & Recommendations*
- *A CAPB Call to Action!*
- *In the News*
- *Policy Exchange*
- *Upcoming Events*

NCC REPORT AND RECOMMENDATIONS...continued

Recommendation 4 - "...that provinces, territories and municipalities, where appropriate, be encouraged to develop and implement legislation and/or by-laws that would provide greater control over the proliferation of grow operations, such as:

- Restricting access to the marihuana sub-culture by regulating hydroponics retailers, "pot shops" and other retailers who specialize in the sale of equipment used in marihuana grow operations, through zoning controls, product mix regulations, and gathering of customer information;
- Ensuring home and property safety by regulating the use of chemicals used in marihuana grow operations;
- Ensuring home and property safety with respect to fire hazards and structural changes made to accommodate the grow operation; and
- Developing cost-recovery mechanisms to allow for the recovery of costs associated with dismantling grow operations."

Recommendation 10 - "...that the federal and provincial governments develop and implement a communications strategy in consultation with law enforcement, municipalities/communities, and business to raise awareness regarding the threat that marihuana grow operations pose to public safety. This communications strategy could take into consideration factors such as: harmonization of the government's messaging on grow ops vs. decriminalization (of marihuana); ... and the threat to public health and safety (fire hazards, violence, pesticides and chemical hazards, etc.)."

Recommendation 11 - "It should be recognized that all jurisdictions will need to develop strategies, including human and financial resourcing strategies, to deal with the implications of any public awareness strategy (i.e. increasing public awareness will lead to increased reporting, higher numbers of investigations, more prosecutions, etc.)"

The Department of Public Safety and Emergency Preparedness Canada (PSEP) has expressed an interest in determining ways in which the CAPB might assist them in implementing some or all of the report recommendations.

The Federal Government has already enlisted the assistance of the Federation of Canadian Municipalities (FCM). FCM has asked government officials to advise them where marihuana grow operations are most prominent. They then plan to investigate whether the affected municipalities have existing by-laws to deal with home grows, and to forward those by-laws to PSEP so they can draw conclusions on model municipal by-laws. The CAPB has asked the FCM to keep it up to date on its progress.

A CAPB Call to Action!

As CAPB members can see there are several recommendations that include a role for municipal councils and police services. The CAPB Board of Directors has endorsed the report and its recommendations, and has recently distributed it to the Chairs of all CAPB member boards with a request that they share it with their municipal Council and Chief of Police, with the objective of examining the recommendations that fall under their jurisdiction for implementation. The CAPB would like to enlist your help in combating the rapidly escalating problem of marihuana home grow operations in our communities across Canada.

You can also help by speaking to your own Provincial Ministry responsible for policing, and to your local representatives on FCM, in an effort to raise awareness about this problem and the actions that can be taken to address it.



In the News...

Trends and the Role of Alcohol and Drugs in Crime

The police-reported drug crime rate has risen an estimated 42% since the early 1990s and now stands at a 20-year high. Three in four drug-related incidents in 2002 involved cannabis offences, about 72% of which were possession offences.

The overall drug-related crime rate has been on an upward trend since 1993, driven by increases in cannabis possession, as well as production and importation offences. The cannabis offence rate has risen approximately 80% from 1992 to 2002, largely the result of increased numbers of possession offences. Trafficking offences declined over the same period. Police reported almost 93,000 incidents related to the Controlled Drugs and Substances Act in 2002. Of these, about two-thirds were for possession, 22% were for trafficking, and the remainder were for offences involving importation and production.

From 1992 to 2002, about one in 10 homicides involved activities such as trafficking or the settling of drug-related accounts. Cocaine was involved in 60% of these drug-related homicides.

Young adults aged 18 to 24 had the highest drug-related offence rate in 2002 (860 offences for every 100,000 people), followed by youth aged 12 to 17 (645 offences for every 100,000 people).

Provincial Rates - There are a number of factors that can affect the rate of drug-related incidents, including differences in, and changes to, local police resources and enforcement priorities.

In 2002, among the provinces, the rate of drug-related incidents was highest in British Columbia, at 544 per 100,000 population, almost double the national rate (295). This was followed by Saskatchewan, at 351, and New Brunswick, at 343. Rates of drug offences in British Columbia have been above the national average each year for the past 25 years. Among census metropolitan areas (CMAs) in 2002, the highest rates of police-reported drug offences were in Thunder Bay, Vancouver, and Victoria.

Since 1993, all provinces have shown an increase in the number of drug offences reported by police. New Brunswick has had the largest increase (+134%), followed by Saskatchewan (+97%) and Quebec (+81%).

For more information contact Information and Client Services (1-800-387-2231; 613-951-9023), Canadian Centre for Justice Statistics.

Alberta Solicitor General Approves Regional Policing Agreement

Lethbridge - Alberta Solicitor General Heather Forsyth officially approved the new Lethbridge Regional Police Service that will protect the communities of Lethbridge and Coaldale, in January of this year.

In July 2003, a team of more than 30 experts in all aspects of police service operation and representatives from the community and government began the negotiations that led to the creation of the combined police service. In February 2004, staff from Coaldale transferred to the new service. The new Regional Police Commission will be made up of two appointees from the Town of Coaldale, and seven members from the City of Lethbridge, making this one of the largest police commissions in the country.

In the News...continued**Minister of Justice Reinstates Bill to Address the Use of Deadly Traps by Criminals**

In February, the Minister of Justice and Attorney General of Canada, Irwin Cotler, announced the reinstatement of proposed legislation in the House of Commons which creates a new offence for setting deadly traps in places used to commit crimes. The Bill also includes amendments to clarify and strengthen the *Criminal Code*.

Under the proposed legislation, the maximum penalty for setting a deadly trap in a place that is used or kept for criminal purposes is ten years in prison, increasing to 14 years if injury results, and life imprisonment if death occurs. This is a serious issue in light of the increasing number of grow ops within communities across the nation, and the CAPB has expressed support for this type of legislation in the past.

The proposed legislation also includes *Criminal Code* amendments that would:

- Clarify the authority to use reasonable force to prevent criminal activity that could endanger people or property onboard an aircraft in flight;
- Adjust the search and seizure warrant provision related to weapons, ammunitions and explosives, to ensure compliance with the *Charter* and recent case law; and
- Make it easier for people to collect restitution money that was ordered to be paid to them following an offender's conviction.

Additional amendments to the *Criminal Code* and the *Financial Administration Act* would permit the use of measures such as intrusion detection systems for the protection of computer systems from potentially harmful electronic communications, including viruses. Other technical amendments to the *Criminal Code*, the *Canada Evidence Act* and the *Security of Information Act* would also be made.

An [online version](http://www.parl.gc.ca) of the proposed legislation is available at www.parl.gc.ca.

For more information on this issue, see CAPB Bulletin #70 – April 15, 2003.

New Joint Initiative to Speed Up Court Process

The Province of British Columbia and the Provincial Court are working together on a new initiative to get court cases to trial faster, according to Attorney General Geoff Plant and The Hon. Carol Baird Ellan, Chief Judge of the Provincial Court. A key issue being addressed is delays for criminal cases at Vancouver's Provincial Court, which can take up to 11 months to go to trial.

The Vancouver Backlog Reduction Initiative will cut waits in one of the province's main court houses significantly by Dec 31, 2004. And as part of that initiative, two new judges are being added to B.C.'s Provincial court system.

Baird Ellan is chairing the initiative's Main Street Criminal Procedure Committee, which is looking at ways to increase courtroom efficiencies through optimum utilization, adherence to criminal caseflow management rules, the role of counsel and the judiciary in pre-trial case management for long trials, and other improvements. The Committee includes senior members of the judiciary, Crown counsel and government.

The two new judges are Joseph Frank Galati and Donna Senniw. Galati practiced both civil and criminal litigation most recently with the firm Anderson and Galati in Vancouver. Senniw practiced family law, civil litigation, corporate and commercial law, and criminal and youth law in Vancouver.

In the News...continued**Better Protection for Children**

In February 2004 the government reinstated legislation aimed at better protecting children. This legislation died on the Order Paper last November.

The legislation re-introduced February 12, 2004 was first introduced in the House of Commons in December 2002 and is a comprehensive package of reforms designed to offer protection to children and other vulnerable persons from sexual exploitation, abuse and neglect. Proposed amendments to the *Criminal Code of Canada* include, but are not limited to:

- **Strengthening child pornography provisions** by narrowing existing defences of child pornography to a single defence of "public good".

The proposed reforms would also **expand the existing definition of written child pornography** to include material that describes prohibited sexual activity with children, where the description is the predominant characteristic of the work and it is done for a sexual purpose. The current definition of child pornography only applies to material that advocates or counsels prohibited sexual activity with children.

- **Creating a new category of sexual exploitation** that protects young persons between 14 and 18 years of age. Under the proposed reform, courts must consider whether a relationship is exploitative based on its nature and circumstances, including any difference of age, the evolution of the relationship, and the degree of control or influence exercised over the young person. This new category focuses the court's determination on the conduct or behaviour of the accused, rather than on the consent of the young person to the sexual activity.

The CAPB is on record with several resolutions calling for measures to better protect children from sexual exploitation. In particular, we have lobbied for an expansion to the definition of written child pornography which will directly address the "artistic merit" loophole created by the 2002 Supreme Court of B.C. ruling in the John Robin Sharpe case. CAPB Resolution 02-7 urged the Federal Government to show leadership in responding to this legislative loophole. For more info, please refer to CAPB Bulletin #66 – 9 December 2002. The CAPB continues to have a keen interest in this legislation and will be following it closely.

Manitoba Government Drawing Up Plans to Extend Photo Radar and Red-Light Cameras

The Manitoba government is drawing up plans to extend photo radar and red-light cameras to highways and municipalities throughout Manitoba.

Transportation Minister Ron Lemieux said the legislation that allows for the cameras to be installed in Winnipeg also permits the devices to be used in other municipalities. Opening the door to the use of cameras on highways adds Manitoba to the handful of provinces that have installed the controversial traffic technology on highways. The cameras were installed on highways and roadways in British Columbia and Ontario, but they were removed after heated public debate. They are still in use in Alberta, but only in urban centres.

Opponents of the plan argue the cameras are expensive and don't make roadways safer, and their use throughout Manitoba would simply be a tax grab by the provincial government. Lemieux said the province is developing an application process through which municipalities will have to explain why they need cameras and outline how they'll be used.

The CAPB has passed resolutions supporting the use of red light cameras and photo radar and welcomes Manitoba's plans.

In the News...continued**Modernization of Marihuana Laws**

In February 2004 the government reintroduced the former Bill C-38, as Bill C-10. It was originally introduced in the last session of Parliament as a Renewal of Canada's Drug Strategy. It has been reinstated with two amendments from the Special Committee on the Non-Medical Use of Drugs. One of the amendments would prohibit disclosure by Canadian law officials to a foreign government or international organization of information contained in Canadian law enforcement information systems respecting an offence for possession of small quantities of marihuana. The amendment is intended to ensure that young people ticketed for possessing small quantities of marihuana are not prevented, for example, from entering the United States for the rest of their life.

The CAPB has been working closely with the Canadian Professional Police Association (CPPA), the Canadian Association of Chiefs of Police (CACF), as well as with MADD Canada, to make our shared concerns known to the federal government about this Bill. These national associations are united in the belief that the Government should not be rushing ahead with weakening penalties for possession of small quantities of marihuana before other components of their National Drug Strategy are in place. Measures must be taken to address drug-impaired driving, and programs aimed at education, prevention, treatment and rehabilitation must be implemented first. To do otherwise is sending the wrong message to Canada's youth and will be harmful to Canadians' health and safety.

The CAPB recently submitted a formal response to Bill C-10 to the Prime Minister and all members of the Senate, where the Bill will soon be debated (see CAPB Bulletin #78 dated March 8, 2004). We will continue to work with our policing and community safety partners to make our concerns known.

Legislation Introduced to Improve the Corrections and Conditional Release System

In February, the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, introduced legislation in Parliament that contains amendments to enhance the effectiveness of the *Corrections and Conditional Release Act* (CCRA).

The CCRA is the legal framework for the federal correctional system. Its purpose is to protect the public by providing a balance between control of, and assistance to, offenders, in order to help them reintegrate successfully in society as law-abiding citizens.

The proposed amendments will:

- Tighten up the Accelerated Parole Review process;
- Reinforce greater scrutiny of those eligible for Statutory Release;
- Streamline the Temporary Absence process;
- Enshrine the right of victims to present a statement at National Parole Board hearings; and
- Permit the conditional release of terminally ill offenders on humanitarian grounds.

The amendments respond to recommendations made by the Standing Committee on Justice and Human Rights in its May 2000 report, entitled *A Work in Progress: The Corrections and Conditional Release Act*. A number of policy and program measures have also been taken to meet other recommendations of the Standing Committee.

New Mobs in Canada

The RCMP is working with the FBI in targeting Russian and European organized-crime rings that are trying to flex their muscles by expanding into Canada and the U.S.

They have created a task force to curb Eurasian organized crime, which includes members of Russian, Italian and Balkan rings, from gaining a foot-hold in Canada.

In the News...continued**Federal Government Reinstates Legislation for National Sex Offender Registry**

In February 2004, the Honourable Anne McLellan, Deputy Prime Minister and Minister of Public Safety and Emergency Preparedness, reinstated legislation to implement a national sex offender registration system.

The proposed legislation for a sex offender registration system reflects a consensus reached with provincial and territorial ministers in late 2003, and is part of the Federal Government's ongoing commitment to reform the *Criminal Code* and protect the safety and security of Canadians. Under the bill, convicted offenders will have to register within 15 days following a court order for registration or release from custody. They will be required to re-register annually, and within 15 days of a change of residence.

They will also be obligated to provide local police with information such as addresses and telephone numbers, names and alias(es) and identifying marks and tattoos. Penalties will be provided for failing to comply with a registration order or for not giving truthful information.

The backbone of the sex offender registration system will be a special new Sex Offender Database on the Canadian Police Information Centre (CPIC) system. CPIC is only accessible by accredited law enforcement agencies and serves over 60,000 law enforcement officials in every province and territory.

The sex offender database will allow police to conduct a search according to a full or partial address and the offence of a sex offender or both. Offence information and registration information will be included, as well as other pertinent identification information such as tattoos and other distinguishing marks.

The CAPB supports the establishment of a national sex offender registry (Resolution 03-4), but would prefer that its capabilities be expanded to meet or exceed those of the Ontario Sex Offender Registry.

POLICY EXCHANGE**The Acceptance of Donations, Loans and Sponsorships*****The following is a policy of the Ottawa Police Services Board on the Acceptance of Donations, Loans and Sponsorships:***

The Chief shall ensure that any donation, loan or sponsorship accepted by the Police Service is beneficial to the community as a whole and is handled in a transparent manner.

Accordingly, the Chief shall ensure that:

1. The donation, loan or sponsorship supports the objectives and priorities of the Police Services Board and will provide a direct benefit to the community in the form of improved police service, without causing Police Service priorities to be affected thereby.
2. The acceptance of any donation, loan or sponsorship must not compromise or bring into question police impartiality or objectivity. In particular, except for rewards, offers of gifts, donations or sponsorships for the purpose of assisting with criminal investigations are not to be accepted.
3. The donation, loan or sponsorship valued at more than \$20,000 is to be accepted without the express permission of the Board.
4. All donations, loans or sponsorships received by the Police Service will be reported to the Board in June and December each year.

...continued on page 8

Donations, Loans and Sponsorships...continued

5. All donations, loans or sponsorships must be properly documented including at least the source of the gift, its nature and its size or significance.

(A **donation** is the act of giving or bestowing an asset which becomes irrevocable upon acceptance by the recipient. A donation becomes an asset of the donee and comprises a one-time transaction.

A **loan** is the temporary use of an asset which reverts back to the owner after a specific period of time.

A **sponsorship** is defined as a person or organization that pays for, in part or in total, a program or activity. Sponsorship helps reduce the cost of an activity over a period of time and infers a relationship between the recipient organizations and the police.)

Thanks to the City of Ottawa Police Services Board for sharing this policy that was approved in October 2000.

Upcoming Events

Labour Relations Course

Canadian Police College
May 17 - May 21, 2004



The Canadian Professional Police Association (CPPA) in partnership with the Canadian Police College will be hosting a one-week Police Labour Relations Course. The course covers the basics and will provide experienced bargaining unit executives and new members of the executive with the fundamentals required to fulfill the responsibilities of the bargaining unit. Subjects covered include:

- The preparation and conduct of collective bargaining
- The role of mediation, grievance administration, including rights arbitration
- The development of an effective labour management relationship
- Case studies and simulations

The course is designed for an equal mix of union and management representatives. The cost of the course is \$700.00 per candidate and includes all course materials and meals and accommodation at the Canadian Police College. Interested candidates are asked to contact the C.P.P.A. Candidates are responsible for their own travel arrangements to the CPC; there is no cost recovery from the CPC for travel.

A similar course at a college or university would cost approximately \$2,500.00 - \$3,000.00 and would not include meals or accommodation. Please register early. There are only 26 positions available and they are expected to go quickly.

CACP Third Annual Conference on Strategies for Public Safety Transformation/Technology & Counter-Terrorism

April 26 & 27
Ottawa, Ontario

An international forum for networking and collaboration amongst Canadian, U.S. and European public safety officials. For further details, visit the web site at:

www.rebootconference.com/ottawa2004

OAPSB 2004 Conference

May 6, 7, 8, 2004,
Hamilton, Ontario

Check the OAPSB web site at www.oapsb.ca for more information.

2004 Ontario Assoc. of Chiefs of Police Annual Conference Progressive Partnerships in Policing

Hosted by the Windsor Police Service
June 26-30, 2004, Windsor, Ontario

For your more information visit the OACP site at www.oacp.on.ca and follow the conference logo-link.

For questions regarding registration, please contact Lou-Anne Brosseau at 519-255-6700, ext. 4441.

CAPB 2004 Conference

August 18 – 21, 2004
Vancouver, British Columbia

Conference details will be mailed out in April. Watch the CAPB National newsletter or CAPB web site at www.capb.ca for more information.