

Canadian Association of Police Governance



Lobby Priorities & Background
April 17, 2018



Mission Statement The Canadian Association of Police Governance works collaboratively and proactively with members and partners to enhance civilian governance of policing in Canada.

Vision Statement The Canadian Association of Police Governance is a strong, national voice and resource for civilian governance of policing in Canada.

CAPG Priorities

1. Create a Highly Effective Model of Community/Public Safety Service Provider

- Boards and commissions are legislated to hold police to account and to set the strategic direction of police services
- The 'owners' of local police are the residents of the community
- Police need to be reflective of the community diversity
- Police need to be relevant to the community
- Police need to be highly adaptive, engaged and employee-fulfilling
- The current model of policing needs to change

2. Call for National Police Governance Training

- Those who oversee policing in Canada and First Nations Communities need to have the capacity and tools to provide effective governance
- Training for police boards/commissions is not mandatory in every province, nor is there a consistent and cohesive vehicle for the delivery of such training
- There is a need for a generic police governance model that enhances and compliments provincial training

3. Review the Impact of Cannabis Legislation

- Legalized cannabis will have an impact on communities and CAPG has identified two priorities for our members:
 - a. With increased demands on police resources for cannabis related enforcement and calls for service there is a need to establish new and sufficient funding for training and enforcement of the *Cannabis Act* and the Impaired Driving Amendments
 - b. We call on the Government to fund public education programs regarding cannabis use and its effects on youth

“Policing is first and foremost a service to the public; the more it is at odds with the composition and values of the public, the less well it works.”

Max Yalden, Canadian Human Rights Commission

BACKGROUND ON CAPG

Formed in 1989, CAPG represents the collective voice of police boards and commissions across the country. Our members provide governance and oversight to more than 75% of municipal police in Canada. The effective governance and oversight of policing is an important means by which to ensure that Canada’s police services are fully accountable, transparent and that they maintain public confidence as they work to uphold public safety. It is one of the foundations of our democracy.

The vast majority of provinces have legislated civilian oversight of municipal police services. While there are some variations when it comes to the provision of civilian governance, our fundamental roles and responsibilities have a long and principled history.

Civilian governance of police services seeks to ensure that, on the one hand, police remain sufficiently independent in their responsibility for operational matters within their jurisdiction, while, on the other hand, they are accountable to the communities in which they operate. A police board or commission serves as a link between the community and the police. Local police boards must be connected to, participate in, and be a voice of the community to ensure they fulfill their democratic roll.

On a practical level, we appoint and evaluate the performance of our Chiefs of Police, set strategic policing objectives and policies, and represent the public interest. To do so, we must continually monitor and hold accountable the performance of a service as a whole. In addition, we are responsible for working with a service to bring forward an operational budget for policing to our respective municipal councils. The role that we fulfill is a privilege and one that is taken very seriously. Members of our police boards and commissions are expected to practice the highest order of self-discipline. While we are expected to make critical decisions regarding the conduct of professional police services, we must also maintain an objective distance from the operational proceedings of the service. As you can expect, our governance function is one that can, and often does, result in a natural and creative tension between our boards and our senior police leaders.

Why Are We Here?

You might wonder what the relevance of a national association of members governed by provincial legislation has is in speaking to the Federal Government. In the past, you could simply say ‘Policing is provincial, please go back to your provinces and let them know your issues’. We can confirm that our provincial partner associations do this on an annual basis. We are in Ottawa because close to 30 years ago when the Canadian Association of Police Governance (CAPG) was founded, one of the main objectives was to act as a lobbying group to liaise between all three levels of Government and First Nations. Our members expect this and each year they put

forward resolutions that we in turn circulate to the appropriate Ministers and senior bureaucrats for comment and action.

Simply put, there are many actions taken in Ottawa that have a direct impact on police services at the municipal level.

We are well aware of how engaged the Federal Government is on issues of policing and the CAPG has been an active stakeholder and participant on the Economics of Policing and Community Safety (EoPCS) file. Supported by the three national police associations, the EoPCS worked on “enhancing the efficiency and effectiveness of policing and public safety...as well as advancing the evolution and sustainability of policing in Canada”. What began as something driven by the increased cost of policing more than five years ago has now changed to encompass ‘policing’ writ large. We are very much aligned with the intention of EoPCS to “help shape the future of policing whereby Canadians receive the right service, from the right professional, at the right time.” We also acknowledge the need to guide, enhance and support the police governance authorities in their role as the link of police to the community.

Issue #1 A New Model of Policing

Local policing today involves a number of functions besides dealing with crime. Our officers are working in schools, they assist people suffering from mental illness, prevent social victimization and police international waterways. They are involved in national security and anti-terrorism matters. They participate in integrated and joint policing projects and the list continues. This identifies but a few of the manifold roles and responsibilities performed by our police on a daily basis.

These roles have evolved over time, and the needs and expectations of society have grown and shifted, meaning we must work collaboratively with other sectors and service providers in order to be successful in our pursuit to improve police governance. While supportive of the need for an integrated and collaborative system, the CAPG, as well as many others, have stated the current model of policing is outdated, inefficient and does not meet the needs of the people it serves.

Whether a community is served by a municipal police service or through contract policing, there is a concern and intensifying debate as to whether our current model is sustainable, effective or serving the needs of the community.

While our police agencies and the women and men who serve in them for the most part enjoy high public esteem, the public at the same time have questions about trust, inclusiveness, diversity and the effectiveness of the role of police in our community.

CAPG, as the organization representing the ‘Public Interest’, therefore challenges the current model of policing and our priority is to modernize the model of policing to include diversity and equity.

Our vision is to see the creation of a highly effective model of community / public safety service provider that is:

- Community relevant
- Reflective of community diversity
- Highly adaptive

- Externally-partnered
- Engaged
- Employee fulfilling

We know the changes will be incremental but we are willing to work with all partners to achieve a model of policing that fits the 21st century.

Issue #2 Police Governance Training on a National Basis

While much training material on police governance exists in Canada, its accessibility and relevance to wider audiences is limited due to the specific nature of the provincial Police Acts as well as the detail and quality of the available information.

Police Act legislation is either unclear, inconsistent, or non-existent regarding the training of police board/commission members. Where such training exists, it has been identified as insufficient, out-of-date, or inaccessible.

Training for police board/commission members is not mandatory in every province, nor is there a consistent and cohesive vehicle for the delivery of such training. A need for such a vehicle has been identified by CAPG stakeholders.

The need for training is parallel to one of the outcomes from the Economics of Policing and Community Safety Summits and subsequent FPT engagement. They identified the promotion of harmonization of police training, ie their education, training and performance measurement as a priority. We are saying the harmonized training of police governance bodies should also be a priority.

“The challenge of police governance and oversight represents a unique element of public administration thinking. It also offers useful insights into the question of effective governance of public organizations with specialized missions and relatively closed operating systems. While much of the concern with policing has been with abuse of power and complaint processes, effective civilian policy oversight and governance of policing is a different matter. The Canadian experience in police oversight has been varied and rich with a well-established history of civilian oversight of certain elements of policing, most notably municipal policing which constitutes the single largest component of the police system in the country. Not only is it long-standing, it is also quite varied, reflecting the many different jurisdictional sources of policy in this regard.”¹

Those complexities and variations can sometimes mean those with the authority to govern are not being trained properly for their role. With police services and police governance authorities being under scrutiny when there are allegations or concerns raised the need for training is reinforced.

As stated by Murray Sinclair in his Inquiry into the Thunder Bay Police Services Board: “My mandate is not to investigate the Thunder Bay Police Service (TBPS), rather it is about the manner in which the TBPS is being governed, directed, and held accountable by the Board.”²

¹ Andrew Graham, Queen’s University Abstract for the Boards and Governance of Public Organizations Stream

² Senator Murray Sinclair Interim Report on Inquiry into the Thunder Bay Police Services Board

When you understand that the police service is actually ‘governed, directed, and held accountable by the Board’ you can see the importance of training. Simply put, boards need to know how to do their job. The problem with police governance is there is no formal training, no measurement of performance, no training standards and there are no educational programs.

Police boards or commissions, in order to function properly also need to know the underlying issues and build an understanding of the operations of the police service in order to set policy, the nature and gaps in the appointment process as well as ongoing efforts to improve board and commission member competencies.

In 2015, the CAPG identified a gap in core training for board/commission members. In response to this need, the CAPG launched a monthly webinar series covering a number of topics of relevance to police board/commission members. The webinar series has grown, and it is apparent that there is an appetite across Canada for accessible training for police board/commission members.

More recently, the CAPG engaged stakeholders across Canada to get their input the current trends in police governance training. Where available, training for police board/commission members is delivered through a number of ad hoc delivery methods, including:

- The municipal police department
- Provincial Bodies and Associations (such as BCAPG, Manitoba Police Commission, etc.)
- The Board office
- CAPG Conferences and Webinars

Training for police board/commission members is delivered through a variety of mechanisms, including:

- In person
- Conference and seminar sessions
- Webinar/online
- Self-guided online resources

The majority of stakeholders who engaged with the CAPG expressed interest in an accessible training program for police board/commission members. Therefore the CAPG recommends support for the development of a formal harmonized training program to be delivered through a national body such as the CAPG.

#3 Cannabis Legislation Impact at the Local Level

Financial Implications of the *Cannabis Act*

CAPG members have been clear and vocal on the fact that whatever changes are made to legislation concerning Cannabis, they will have a significant impact on the local police services as they work to enforce whatever rules are established. The CAPG is also concerned that there could be additional financial costs to local police services for equipment and services for drug impairment testing.

Several police services and their governance bodies have done their own research on the financial implications of the *Cannabis Act* and reviewing the experiences of other jurisdictions that have legalized cannabis, they are concerned:

- There will be an increased cannabis consumption and a corresponding increase in

demands for police resources for cannabis related enforcement and calls for service;

- There will be an increase in the number of *Criminal Code* and *Highway Traffic Act* offences associated with cannabis consumption and driving;
- There will still be a prevalence of organized crime in the production, distribution and sale of cannabis.

We understand and applaud that \$274 million has been announced to fund law enforcement in support of cannabis legalization but the roll out of that funding to the provinces is not clear, nor is the allocation to municipal police services.

With police services anticipating significant increases in training costs associated with, *inter alia*, cannabis enforcement, standard field sobriety testing, the use of roadside drug testing equipment and qualifying police officers as drug recognition experts for the purpose of impaired driving investigations and trials.

We therefore are looking at having the government establish a stable funding program for cannabis related law enforcement and to provide sufficient funding to municipal police services.

The Need for Education: A Focus on Youth

Cannabis is the most commonly used illegal substance in Canada and remains a significant political, health, and law-enforcement issue. With impending legislation to legalize cannabis, it is important to provide youth with information about the risk of cannabis use.

Feedback collected by Government of Canada's *Task Force on Cannabis Legalization and Regulation* from the online public consultation (that generated nearly 30,000 responses) revealed that public education is critical to help youth understand the potential harms from cannabis use and to provide parents with information. The feedback included the idea that school programs ought to start at a young age and need to "be evidence- informed, credible, informative and respectful of youth judgment." As a result, the Task Force recommended that the Government drive "as soon as possible an evidence-informed public education campaign, targeted at the general population but with an emphasis on youth, parents, and vulnerable populations."

As mentioned, cannabis is used by a high percentage of the Canadian population and many youth and young adults are regular users. Legalization of cannabis will provide the Government a unique opportunity to not only regulate usage of cannabis, but also the ability to implement programs that focus around increasing awareness, education, and prevention.

Although there is no way to completely eliminate the dangers associated with usage, harm reduction and prevention programming may assist in delaying cannabis usage until adulthood and reduce the frequency of use. Education is critical given the potential harmful effects of cannabis use during neurodevelopment. Further, educational programs may inform users on less harmful delivery methods, potency levels, and risks associated with impaired operation of a motor vehicle. Programming can also help educate users, particularly youth, about the dangers of substance dependence and factors that make a person more vulnerable to harmful effects. Overall, investing in education and prevention campaigns may reduce user risk and also limit the amount of resources required to combat substance abuse treatment resulting from cannabis misuse.

Therefore, the CAPG requests that the government allocate sufficient funds from the revenue of cannabis regulation to be formally dedicated towards funding youth educational programs on cannabis and other potentially harmful drugs.

Cannabis Legalization and First Nations

With the realization that Canada will be implementing legislation that will legalize recreational Cannabis use, this legislation will have impacts within Indigenous communities. We all must be vigilant in addressing these concerns. Community Safety and Security is the primary concern of the First Nations Police Governance Council.

The economic opportunity cannot be understated for some indigenous communities and individuals who wish to take advantage of the current legislation to pursue sole proprietorship or business partnerships in this new market. This will obviously entail discussion with the provinces and this may put indigenous communities at odds with what may be developed by each respective province in relation to the retail aspect of Cannabis.

Statistics indicate that alcohol and substance abuse is higher within Indigenous communities. This legislation will have further impacts for self-administered Policing services in relation to capacity and enforcement. Isolated indigenous communities will have further challenges in relation to enforcement and judicial processes associated with this legislation. We must also consider that for some indigenous communities who may or may not have self-administered policing services this raises the opportunity for Organized Crime to creep into their social fabric.

First Nations Police Governance Councils will play a part in collaborating with their respective policing services in developing strategic plans to mitigate the abuse of cannabis. Education and prevention strategies should be at the forefront to address this. Enforcement alone is looking at this issue through a single lens and cannot itself be relied on to provide necessary knowledge and interventions within indigenous communities. With this said it is imperative that proper resources be accorded to First Nations Policing Services and communities to properly provide education and prevention and support mechanisms to effectively manage this legislation.

Resolution 2017-1 Mental Health

Sponsor: Saskatoon Board Of Police Commissioners

WHEREAS the protection of mental health for police personnel is of vital importance;
WHEREAS coordinated efforts are occurring amongst researchers, public safety executives and associations to identify the tools needed to recognize prevention and intervention of treatment of mental health concerns facing Canadian First Responders and other safety personnel;
WHEREAS the Federal Government has signalled its clear commitment towards supporting initiatives that promote a unified national approach on Post-Traumatic Stress Disorder (PTSD) and other Occupational Stress Injuries that disproportionately affect public safety officers;
BE IT RESOLVED THEN that the Canadian Association of Police Governance support the development of an appropriately resourced national action plan on the protection of mental health of police personnel, which includes actionable items for all entities responsible for ensuring the well-being of police personnel, including governance bodies.

Resolution 2017-2 Legalization of Cannabis & Drug Education Programs for Youth

Sponsor: Vancouver Police Board

WHEREAS as set out in the 2015 Speech from the Throne, the Government of Canada made a commitment to “legalize, regulate, and restrict access” to cannabis.

WHEREAS it is projected that legislation introducing cannabis legalization will be introduced in the spring of 2017.

WHEREAS it is expected that the Government of Canada will determine excise tax regimes from the sale of cannabis.

WHEREAS research has found that individuals are particularly at risk from cannabis during adolescence and early adulthood (e.g., under 25 years of age) as these are periods of neurodevelopment.

WHEREAS despite restrictions to access for youth that may be put in place upon legalization, education regarding cannabis use and its effects on youth is important, and it is also equally important to extend educational programs to other potentially harmful drugs.

THEREFORE, BE IT RESOLVED that the Canadian Association of Police Governance recommends to the Government of Canada that a portion of the revenue from cannabis regulation be formally dedicated towards funding for youth and others educational programs on cannabis and other potentially harmful drugs.

Resolution 2017-3 Standardized National Training Curriculum

Sponsor: Edmonton Police Commission

WHEREAS the CAPG promotes excellence in police governance and works to promote efficient and effective citizen-centric policing in Canada and;

WHEREAS the CAPG plays an important role in elevating policing as a career;

WHEREAS many professional bodies including medical, dental, and accounting organizations have national standardized training and assessment processes, even though education is a provincial responsibility;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Governance advocate to the Canadian Association of Chiefs of Police (CACP), Canadian Association of Police Educators (CAPE), Royal Canadian Mounted Police (RCMP), Public Safety Canada, provincial governance agencies, and any other appropriate agencies, that a discussion be convened toward achieving a standardized national curriculum and assessment process for new recruits studying policing in Canada.

**Resolution 2017-4 Effective Policing of the Cannabis Act
(EMERGENCY RESOLUTION)**

Sponsor: York Regional Police Services Board

WHEREAS the Government of Canada has promised to legalize recreational cannabis in prescribed circumstances and create a new criminal and regulatory framework for recreational cannabis by July of 2018;

AND WHEREAS the *Cannabis Act* will authorize the Government of Canada to licence the production and distribution of recreational cannabis while recognizing the authority of the provinces and territories to regulate the sale of cannabis subject to minimum federal restrictions;

AND WHEREAS the provisions concerning cultivation of cannabis in private dwellings are vague and may impair the ability of the police to detect and enforce against illegal cannabis growing operations within dwellings;

AND WHEREAS the implementation of the *Cannabis Act* and the Impaired Driving Amendments will result in a significant increase in police training costs associated with cannabis enforcement, standard field sobriety testing and qualifying police officers as drug recognition experts for the purpose of impaired driving investigations and trials;

AND WHEREAS we have yet to see the introduction of or funding for a comprehensive public education strategy focused on the impact of recreational cannabis on youth, parents and vulnerable populations;

THEREFORE, BE IT RESOLVED THAT:

1. That the CAPG calls on the Government of Canada to establish new and sufficient funding to police services for the training and enforcement of the *Cannabis Act* and the Impaired Driving Amendments.
2. That the CAPG calls on the Government of Canada to consult with police services and introduce the necessary regulations to the *Cannabis Act* well in advance of the July 2018 implementation date to allow police services sufficient time to prepare for the new recreational cannabis regime.

3. That the CAPG calls on the Government of Canada to ensure that the regulations concerning both medical and recreational cannabis are clear and consistent and that the police are given the necessary regulatory and enforcement tools to effectively combat illegal cannabis growing operations in dwellings.

4. That the CAPG calls on the Government of Canada to establish a comprehensive and properly funded public education strategy focused on the impact of recreational cannabis on youth, parents and vulnerable populations.