



# CAPG CONFERENCE REPORT 2016

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# ETHICS IN POLICING

## AND THE ROLE OF GOVERNANCE

FAIRMONT CHÂTEAU LAURIER

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## KEYNOTE SPEAKER: JACK HOBAN

Author of “The Ethical Warrior”

### Summary:

The Ethical Warrior program consists of three facets: Physical, Mental, Character. Marines are trained in physical skills (martial arts), ethical skills (using life values to understand other cultures and defuse situations) and character skills (providing an ethical leadership example so that others can do the right thing). During the Iraq war there was a push for the U.S. military to win the “hearts and minds” of the local people. This helped set the tone for the program.

Leaders are trained at the same time as other Marine trainees to set the example. The Ethical Protector Formula focuses on the fact that everyone has life value, even our enemies, and that ethical behaviour is an ongoing issue for all of us.

Ethics is at the base of the pyramid. We don’t have to respect relative behaviours, but we have to respect people as human beings.

Communication skills, such as conflict resolution (Verbal Defense & Influence) and cross-cultural conflict resolution is also included. Knowing and understanding different cultures is smart training; it can connect you to different cultures.

Officers must have superior physical skills, self-confidence, martial skills; it’s not as important to have tools (guns, Tasers, etc.).



### **The Ethical Protector or Ethical Warrior concept and how it applies to policing**

Ethical Protector = protector of self and others. Which others? All others. The Program consists of three elements: 1) physical, 2) mental, and 3) character.

We work on martial arts skills, but also on developing a protector mindset, negotiation skills and, most important, character skills—how to stay ethical in situations.

Part of the rationale behind the program's inception was the U.S. war in Iraq. We had to figure out how to win hearts and minds in war areas.

Ethics training is part of the operations and leaders train alongside the other trainees; if you want people to be ethical, the leaders have to be leading from within.

In my day, Marines weren't trained to be Ethical Warriors; we were trained to be killers, that was our job; there is psychological damage that the average

patriotic person gets from that kind of training.

When I got back from overseas, I was in San Diego and I would walk around town with this killer sense of self. The police have that, too; people can be afraid of them.

Hoban spoke about his own breakthrough one night at a bar. His mentor, noted conflict resolution expert Robert Humphrey asked him to consider not the sheer physical power he could wield over people, but the idea that everyone's a little safer because he's there.

I said the words in my head; nothing outside happened, but inside my head I had a feeling of epiphany. This was better than what I had been doing; it was like a 1,000 pound weight had fallen off my shoulders. I was incredulous; I don't have to walk around town with that look on my face. It changed my life and it sounds like a little thing, right?

The Marine Corps Martial Arts program focuses on



# JACK HOBAN

Author of “The Ethical Warrior”

physical training and winning over hearts and minds. It includes: Values, Core Values, Relative Values, Absolute Values, Universal Values, Moral Values, Virtues and Ethics.

I became the “ethics guy.” My main question in developing that aspect of the program was: Would a clearer understanding of values, morals and ethics help us on the job and in our lives? Once I started to work it out, I found that ethics applies to everything in life, regardless of who you are.

How important are ethics in today’s society? How many people feel that our leadership leaves a little bit to be desired? What do you do about it?

Despite having core values or mission statements, many organizations fail in leadership. So what’s the disconnect? Let’s play devil’s advocate: aren’t our enemies also committed? Don’t they have values? So, do the Marines and the Taliban have the same core values? What about criminals? Honour among thieves? Is that what the Marine Corps is talking

about? What’s the difference and why is it important? Most values are relative; they mean something different to me and to you; all of these things are morally neutral until they’re qualified. Morals can be driven by culture, religion. I struggled with that. If everything is relative, what’s the difference between the good things that are totally unethical but that people think are okay?

Is life an absolute value? Are all men and women truly created equal? Some are tall, short, nice, not nice; if we’re equal, in what way are we equal?

Hoban recounted what he called The Hunting Story.

My mentor, the late Robert Humphrey was working on conflict resolution between us and certain countries in southeast Asia.

## **“The Hunting Story” Human Equality**

After World War II America was the undisputed champion of the world. For a while everyone loved



us, even our former enemies. But soon people began to resent us due to our superior attitudes. We Americans thought that was unjustified and ungrateful. In one particular country, the unrest was beginning to have strategic implications during that delicate time of detente. Dr. Humphrey's job was to find out what the problem was and solve it.

The basic problem was that the Americans working in that poor ally country thought that the local people were smelly, ignorant, violent, dishonest and lazy and let them know it. No matter what he did, Dr. Humphrey couldn't stop the negative talk; partially because some of it was true! As a result, though, the local people wanted the Americans to go home.

One day, as a diversion, Humphrey decided to go hunting for wild boar with some people from the American embassy. They took a truck from the motor pool and headed out to the boondocks, stopping at a village to hire some local men to beat the brush and act as guides.

This village was very poor. The huts were made of mud and there was no electricity or running water. The streets were unpaved dirt and the whole village smelled. Flies abounded. The men looked surly and wore dirty clothes. The women covered their faces, and the children had runny noses and were dressed in rags.

It wasn't long before one American in the truck said, "This place stinks." Another said, "These people live just like animals." A third said, "They just don't value life the same as we do." Finally, a young air force man said, "Yeah, they got nothin' to live for; they may as well be dead." What could you say? It seemed true enough.

But just then, an old sergeant in the truck spoke up. He was the quiet type who never said much. In fact, except for his uniform, he kind of reminded you of one of the tough men in the village. He looked at the young airman and said, "You think they got nothin' to live for, do you? Well, if you are so sure, why don't you just take my knife, jump down off the back of

this truck, and go try to kill one of them?” There was dead silence in the truck.

Humphrey was amazed. It was the first time that anyone had said anything that had actually silenced the negative talk about these local people. The sergeant went on to say, “I don’t know either why they value their lives so much. Maybe it’s those snotty nosed kids, or the women in the pantaloons. But whatever it is, they care about their lives and the lives of their loved ones, same as we Americans do. And if we don’t stop talking bad about them, they will kick us out of this country!”

Humphrey asked him what we Americans, with all our

That’s how I came to the core value of the program: Respect for human life is the deepest value we have; how many values can you have if you’re not alive? There will always be people who are smarter, richer, have more than you. Does it make your life not worth living? Things are relative, your life isn’t.

Why is it important to acknowledge life value? We all share it; it’s a challenge to get the balance right between self and others, if we do it makes us happier; there are consequences if we don’t (conflict, unhappiness, etc.). Moral values are relative values that support life and respect the dual Life Value of self and all others

“Respect for human life is the deepest value we have; how many values can you have if you’re not alive?”

wealth, could do to prove our belief in the peasants’ equality despite their destitution? The Tennessee sergeant answered easily, “You got to be able to look them in the face and let them know, just with your eyes, that you know they are men who hurt like we do, and hope like we do, and want for their kids just like we all do. It is that way or we lose.”

So, how do we do that in that kind of situation? We don’t speak the same language. In essence, you have to have the guts to jump off the back of a truck and with your eyes alone communicate to them that they are humans just like you, who hurt like you do, who love their kids like we do.

We need a moral compass. What is our “true north?” Life. Otherwise everything is relative. We can orient ourselves using the Life Value during times of moral confusion.

What are ethics? They are moral values in action. You can say and talk about what’s right to do, but unless you do it, it isn’t ethical. A person who knows the difference between right and wrong and chooses the right is moral; a person whose morality is reflected in their willingness to do the right thing even if it is hard to do is ethical.

That’s the approach we took in the program and it’s

started to work. If we talk about protecting life, even those we don't like, won't that make us vulnerable to others? We want to be ethical and treat people with respect, but how can you when faced with people like that? Is being an Ethical Warrior a real world disadvantage? Does it make you vulnerable to human predators, bullies and cut-throats?

Say you're walking through a forest and you see a grizzly bear. Are you afraid? Obviously! Then you see cubs, are you more afraid? Yes! Even in nature, as long as they have the skills, protectors are far more dangerous than killers. What we need to do is make sure they have the training, the leadership and the tools to do it.

Camden, New Jersey, was the most dangerous city in America in 2013-14; worse than Kabul. I trained their 20 best people in the Ethical Warrior program, including constables, black, white, men, women, a good cross section. Two years later, Camden officers were applauded for community policing; murders went down 53%. How did I know we were starting to make a difference? Last Halloween a lot of Camden kids dressed up as police officers; that wouldn't have happened two years before.

Being ethical can be risky and even dangerous. I can't promise that you'll save money or that people will get promotions, but you will have a better life.

#### **Ethical Protector Formula:**

- Protect all others, base. Ethics is at the base of the pyramid. We don't have to respect relative behaviours, such as criminal activities, but we do have to respect people as human beings, that's the secret.

- Communications skills: conflict communications; cross-cultural conflict resolution. This is verbal defence, how to talk to people. Knowing and understanding different cultures is just smart training; find out even a couple of things that can help you connect to persons in different cultures.
- Officers must have superior physical skills, self-confidence, martial skills; it's not as important to have tools.

#### **The Ethical Protector at home**

I'm in the health care business in my real job, another ethical business. I'm living in New Jersey and commuting two to three hours a day. It's horrible weather and it takes me three hours to get home. I walk in the door. My wife is in the kitchen, my kids are in the living room with my mentor, who we'd invited over for dinner. It pissed me off. I felt sorry for myself. Humphrey took me outside and told me that they were waiting in anticipation for me to get home. He said then you walked in and in two seconds, you broke every heart in the house. Is that what you're trying to demonstrate as an Ethical Warrior?

I felt about 10 inches tall. He said that wherever you go, everyone should be safer because you're there; everyone has a friend because of you; when you return home, everyone needs to be happy because their protector has returned.

Isn't that what we want for the families of our police officers? It's difficult after a hard day on the streets, but part of our training has to include that: that we are all ethical protectors, 24-7.



## STAFF SERGEANT PETE DANYLUK

Ethics Coordinator  
Ottawa Police Services

# OTTAWA POLICE SERVICE ETHICS PROGRAM

## Panel Discussion

### **Ethics Programs: Benefits and Design, Dr. Stephen Maguire, Carleton University**

What is an ethics program? It is a coordinated effort to prevent, detect and address unethical behaviour.

There are many ethics programs in the private sector; U.S. federal sentencing guidelines introduced a number of incentives so that, if you were caught, for example, in a sexual harassment case, fines were lower if you had an ethics training or a program set up to address and recognize compliance issues. Many Canadian, U.S. and European companies have a program as fines can be quite substantial and, in at least two cases, they've disenfranchised the

companies and they no longer have their assets.

Federal government mandates certain components of an ethics program, not the program itself; every department, agency must have an officer, someone who can manage conflict within the organization and conflicts of interest, and someone to advise on the code of ethics. I offer a course at Carleton University where I train federal officers in ethics, so I'm aware of what they're doing and many have expanded into a more robust program.

Ethics programs are not common in municipalities and less so in policing. This isn't to say they don't have some components of them; most have policies



# DR. STEPHEN MAGUIRE

Director  
Centre on Values & Ethics,  
Carleton University



on rules, standards, etc., but a coordinated approach to ethics is very different.

## **Roles/purpose of an ethics program**

- Provide clear expectations of ethical conduct: If we don't start out with good expectations, no matter how good the program, it won't work. If managers don't model appropriate behaviour, the program will be undermined. People at lower, operational levels will judge commitment to the program by how leaders model behaviour.
  - Provide resources to employees to behave ethically: Some programs say that it's up to the employees to know who to complain to, what the rules are. If we want our employees to behave ethically, the organization has to provide those resources so that they know where and how to report.
  - Enhance transparency around ethical and unethical behaviour: Federal government has audits of ethical behaviour; those audits are comprised of external members to provide objectivity and fairness. People driving these programs are the "regulators" and some programs require the ethics officer to bypass boards and go above them.
  - Reinforce ethical behaviour: If we are promoting people whose behaviours are not compatible with core values, that'll be a problem.
  - Create openness in the discussion of ethical issues: People need to feel free to report wrong doing.
  - Foster commitment to ethical behaviour: Research shows that if we have those programs and communicate those standards, align policies and practices, we see an increased understanding of ethical identity.
- We know these programs work from 20 years of

research. By 2000, most U.S. organizations had an ethics programs and in a recent survey of federal employees, 93% reported that their department/ agency had an ethics program.

**The** Ethics program we're interested in is a compliance and values-based program. Officers can be biased in whom they pull over, but also have discretionary judgement to talk with people. It's the nature of this profession to combine expertise and knowledge with good judgement. It would be unfair if the rule of law was applied all the time without judgements.

Programs like these emphasize values that will guide judgement. They have the same components and benefits of compliance programs but people also feel more committed to the organization. In organizations that have values-based programs, people feel more committed, employees are more likely to believe that their integrity remains intact, and strengthens their moral identity.

### Designing an Ethics Program

- Identify risks that police agencies have: Once we know the risks, we have to have someone in charge (governance); we need a comprehensive picture of what's going on in the organization, no silos; and we need a coordinated effort to detect and assess that ethical behaviour.
- Leadership: Senior leaders must resource, create, and follow the program. Senior leadership is looked at through a microscope by all junior staff; the problem is that most people don't even know their superiors. If leaders don't model appropriate behaviour then junior officers will do their best to engage in ethical behaviours, but will feel alienated from the organization and we know from research that's not good. Leaders also have to ensure that all processes, including rewards, are aligned with fairness, otherwise, people develop cynicism about the process. One of the most effective things leaders can do is to talk to people.
- Standards: Writing up clear definitions of core values of policing in Canada. "Fairness" is one of the richest concepts in North America in terms of ethics.
- Training: In ethics, training lets people discuss core values and leads to greater reporting of professional misconduct. Younger officers in particular need more support; most complaints about officers in York Region, for example, were directed at those with less than six years experience. In the York Region program, any time a constable moves jobs or is promoted, they get a two-week training period during which they'll take about these types of problems in the field.
- Communications: Provide support and tools for managers to begin the conversation.
- Monitoring and measuring effectiveness: If we don't monitor, we won't know where the problems are. Complaints should be brought to a central place where they can be addressed. It is effective to have early intervention programs for officers so that mistakes can be corrected earlier. There are indicators we can use but because many programs aren't standardized yet, work still needs to be done on those.
- Alignment: Once you've identified the leaders, if you don't do anything about it,

you'll have serious problems. You need to align behaviours, processes and policies with organizational values.

**Ottawa Police Service Ethics Program (OSP EP),  
Sergeant Pete Danyluk, Ottawa Police Services.**

The OSP EP started in 2011. The landscape was very different than it is now and police services across North America back then either had no ethics program or restricted the program to recruiting and training.

core values would change. There was a mandate to consolidate earlier works and establish a program.

The Program officially launched in January 2012. For six months we had a Sergeant research the components of the program and we reached out to stakeholders across the city. The idea was to establish community practices around ethics and share that.

People wanted a program that was meaningful to all ranks and roles (sworn and civilian). The program had to be published, promoted and sustained, weighted

**“Research tells us that police officers are at their most ethical on Day 1, when they’re first hired; they haven’t yet been exposed to the downside of our profession.”**

You need to know what the established programs are. Research tells us that police officers are at their most ethical on Day 1, when they’re first hired; they haven’t yet been exposed to the downside of our profession.

But status quo changes. If we’re not questioning the status quo, we’re in for a world of hurt. At OPS, the right senior leadership asked the right questions about status quo: What are we doing to promote better ethics?

The OPS EP operates out of the Office of the Chief of Police. Before the program, every three years, our

towards education, positive reinforcement, healthy culture and good leadership.

There is a relationship between ethics, ethos and actions. Actions and behaviours are the most important. Core values, mission statements are easy, modelling ethical actions and behaviours is more difficult.

Sergeant Pete Danyluk provided an example:

When he was a Staff Sergeant, part of his shift was to be on the road, supervising other officers. He was standing on Bank Street with three or four



other constables when a man came out of a car dealership and tells me that he's been tagging cars in a dealership and needed to buy more spray paint. I thought he must be an employee so we directed him to Home Depot up the road. Then the man says it's his art and tries to spray the bumper of one of the patrol cars. He was incredulous that the man was telling a police officer this. But it turns out the man had a film crew and was pulling a prank on the police. We arrested him, but eventually released him with an official warning about public mischief.

This crystallized the relationship between leadership and others. After the debriefing, the constable in charge said that if I hadn't been there, things might have happened differently.

What we tried to do was identify those opportunities to reinforce the ethics message. The hire to retire program provides training across the entire career of an officer; we all have annual training programs that

can be added to include ethics.

Some of the program components include core values, code of ethics, 10 ethical principles, leadership, decision-making, a yearly ethics week, consultation team, integrity, bulletin commendations, reinforcement guideline matrix, block training modules, situational training modules. All of these are included in the book published by the OPS. Our goal is to constantly improve the ethical climate of OPS, create constant tactical awareness for ethical considerations in all endeavours, provide a sustained and coordinated career-long approach to ethics for all OPS members.

### Questions

*What role do police associations have?*

Peter Danyluk: One of the first steps I made in the first week was to the Ottawa Police Association to meet with them and get their feelings for the program.

There were some tensions in the executive, but were still civil and polite, heard us out and the seed was sown. They made the first step to leadership; it's not about discipline and punishment, it's about maintaining a strong ethos.

*Does burnout have an impact on ethical decision making?*

Maguire: Not surprising that that's occurring, particularly those closer to retirement. Training every five years is important. The RCMP is considering a leadership course at the four-year mark. One of the

issues is that as you go through your career, you get exhausted and are frustrated, so it's important to pay attention to that and provide better support.

Danyluk: I'm encouraged to hear that. Our internal peer support group is in regular communication but we're not there yet; should be tested to help our people. It's about taking care of our operators.



# BODY WORN CAMERAS - WHAT BOARDS SHOULD KNOW

## Panel Discussion

**Sergeant Greg Brown**

**The impact of on-officer video cameras on police-citizen contacts: Findings from a controlled experiment in Mesa, AZ**

In the 1990s, the public was generally of the view that police knew what they were doing and trusted them. But in 2010, the landscape was different: more urban, more closed circuit TVs, camera phones; now, the public is much more engaged with how police work is done.

Sergeant Brown provided an example:

In 2010, I was on the road when a call came in from a bar where a crack head had gone ballistic. Bystanders told me where the man was and after a

verbal altercation, I realized that the man was in bad shape and needed to get him under control. I got the man down on the ground, but realized that the man is in a position to bite me. My initial thought is to punch him, but then realized that there are people on a nearby patio with camera phones on me.

What's going to be visible on this footage if I punch this guy to stop him from biting me? They're going to see a 200-pound man sitting on a guy punching his lights out. This affects how police officers think and behave. My behaviour went from punching him, to hesitating, to pepper spraying him to stop him.

Research shows that officers are changing their behaviour because of this. I'm working on a study to



## SERGEANT GREG BROWN

Ottawa Police Service, Doctoral Researcher  
Carleton University, Department of  
Sociology



## INSPECTOR MIKE BARSKY

Toronto Police Services



## TOM STAMATAKIS

President  
Canadian Police Association



examine how officers respond to a variety of things. The study employs a hybrid qualitative survey (yes/no with room for comments).

My comments don't represent the OPS; I'm here on the academic side. I've never worn a body camera but there were many times I wished I had them. I'm a proponent of body cameras and I think it'll have many benefits to many people - front line officers, governance and oversight, and the public. We would

no doubt that officer behaviours are modified with increased visibility.

- Two questions asked about that visibility:
  - 1) Do you or would you have any objections to wearing a camera while on duty to document (in audio & video) your actions with the public?
  - 2) Does it matter whether the camera is a police camera worn by you or if a citizen is recording you?

**"If we are going to go down this road, we need to have very thoughtful and carefully inserted policies and guidelines on how they will be used. They should also take into account the public, police officers and other stakeholders groups who are part of delivering police services, and that has to include robust conversations with police associations and boards."**

have a better understanding of certain situations if officers had BWCs.

#### **Impact of BWCs on officer behaviour:**

- **Visibility:** The impact is significant. There are officers who don't care, they'll do their job regardless of whether they're videotaped or not. But if you have kids, you know that they behave better when we're in the room; it's the same with police officers—now that it's visible, they may think twice about their behaviour. There is more chance of being embarrassed, or controversial videos may come to light and reveal police misconduct.
- From the 300 surveys that I looked at, there's

#### **The Pros & Cons:**

**Pros:** Captures transactions in their entirety including the officers' perspective; provides an account where none other exists; presents policing as transparent to public; can be used in criminal cases; can deter frivolous or false public complaints. BWCs have the potential to revolutionize some aspects of our criminal justice system.

**Cons:** Expensive data storage issue; Some officers feel the sense of Big Brother; some feel it's an erosion of policing; there are privacy concerns among officers around personal conversations, interactions with victims, informers, children; depending on Freedom of Information in your area, it can be costly to vet

video (e.g., remove personal info or children's identity in the video) because someone has to block those out; cameras could be turned off or can fail.

## Results of study

Well over 80% of officers in Canada have no issue wearing body cameras and officers say they'll help them do their job. They protect officers from false complaints and can provide a full(er) account, including the officer's perspective. There are concerns about the on/off functioning of device. Some officers say that they already carry too much; some cite safety concerns (taking extra time, hesitating due to the BWC, could be dangerous). The vast number of those surveyed preferred body worn cameras over citizen recordings. One officer said that we are always being recorded, so why not another video that starts from the beginning?

### Inspector Mike Barsky, Toronto Police Services Body Worn Cameras: Toronto Police Service Pilot Project

In the U.S., 23,000 agencies use BWCs; but it's still relatively new in Canada.

The one-year TPS Pilot included: policies that have now been put into place; 30 hours of training (with each officer), including bringing in legal experts; 10 months live on the street (beginning May 2015-March 31, 2016); we used 100 cameras from 2 vendors (Panasonic and Reveal Media).

Before training, we built relationships with the Ministry of Attorney General, Information and Privacy Commissioner, Ontario Human Rights Commission, among others, on policy and the language used;

the union was also at the table as a key stakeholder. When we wrote the policy we sat down and went through it line by line; our policy is not perfect but we're now at version 20 and it's getting close.

The pilot helped to assess a BWC program's ability to assist the police service to:

- Capture more accurate record of police encounters with the public.
- Enhance public trust and police legitimacy.
- Enhance public and officer safety.
- Enhance commitment to bias-free service delivery.
- Protect officers from false complaints.
- Use the video as evidence for oversight or in criminal proceedings.
- Monitor and measure training effectiveness.

Does a camera provide better safety or repair the damage between police services and the community? I'd suggest perhaps not. Sitting at a table together is the only way to mend relationships.

The law does not require the police to advise members of the public that their communications with known police officers are being recorded. It is doubtful that a person could argue that he or she had a reasonable expectation of privacy in communications knowingly made to a police officer. If you use them for front line policing and the officer announces, in a reasonable time, that they are recording, you're insulated by the Supreme Court of Canada ruling.

What is a public space? Roadways, streets, common areas of building, etc.;

What types of encounters? Community engagement, traffic, criminal investigations, etc.



Recording within a private space is dependent on the lawful authority upon which an officer's attendance at the location is based: if consent is given, or exigent circumstances exist, or if officers are called or are executing a search warrant, they'll leave the cameras on.

Notification is given as soon as reasonably possible. Police need to advise the public that cameras will be activated, even in private spaces and officers may encounter people not wanting to be recorded. BWCs are turned on for any direct contact with police for the purpose of a police investigation; this includes service, detention, apprehension. We also have to be aware of the impact a recording may have on victims (e.g., children or if a person is in a state of undress).

Cameras are encrypted so that officers can't delete or alter video. Officers return the camera to a docking station which loads the video to a central server with restricted access on a need to know basis. The video

is subject to an audit trail to ensure recordings have not been modified or accessed inappropriately; and subject to minimum one-year retention.

Some of the technical challenges included battery performance, reliability, audio performance, fogged lenses. Other challenges included managing expectations about public safety and community relationships. We have to build those bridges; cameras won't repair it, they'll help but they are not ultimate solution.

Some of the health and safety concerns were found to be unwarranted, for e.g., outward facing lens could create target on the officer or medical concerns for those with pace makers or pregnant women.

The cost estimates are in the range of \$700-\$1300 per camera; \$3000 per terabyte for storage; computer infrastructure; additional personnel for transcription, file repairs, training, etc.



**Tom Stamatakis, President, Canadian Police Association**

We started investigating BWCs in 2011 and prepared a brief outlining benefits, challenges, and a literature review.

At the time, information was quite limited. Initially, the discussion was too rushed and focused on police responsibility. The discussion was driven by U.S. experiences, but it's difficult to compare our countries as we have more robust police oversight.

Body worn cameras are a tool like any other we consider. There are three areas where boards should pay attention:

1. Civilian oversight
2. How BWCs are used (i.e., An officer's discretion to provide a warning rather than ticket or apprehend an individual. For example, an

under aged drinker where the officer could decide to take them home with a warning rather than arrest them). What are the implications of officers using their discretion on the Crown or funding?

3. Cost of policing and whether it's sustainable. What equipment do you already have? We need to consider benefits, challenges, costs and make a decision on whether you'll make a return on investment.

If we are going to go down this road, we need to have very thoughtful and carefully inserted policies and guidelines on how they will be used. They should also take into account the public, police officers and other stakeholders groups who are part of delivering police services, and that has to include robust conversations with police associations and boards.



# INSPECTOR PAT FLANAGAN

Ottawa Police Service



## RACED-BASED DATA COLLECTION PROJECT

### Panel Discussion

**Inspector Pat Flanagan, Ottawa Police Service**  
**Building Public Trust & Accountability: Using Data to Address Racial Profiling Concerns in Policing**

Policing is a rewarding career but is also one of the most scrutinized professions. Oversight includes not only the accountable agencies, but also social media, peers and supervisors.

Racial profiling doesn't occur just in policing but it can have devastating effects on the community. For example: a man mistakenly identified as the Boston Marathon bomber in 2013 was tacked and beaten by members of the public. While he was in hospital, his family and friends were interrogated,

his apartment ransacked and his name was spread through social media. Racial profiling does nothing for the communities we serve, but there is no one-size fits all solution; we have to tailor concerns to the communities we serve.

#### **The Project:**

An agreement was negotiated with the Ontario Human Rights Commission (OHRC) to collect race data for traffic stops for two years. The project included:

- Observational recording of perceived race by officers.
- A hired expert in race data collection.
- Approximately 15,000 stops.



# PROFESSOR LORNE FOSTER

Project Research Team  
York University



- A six month community consultation process.

The data was delivered to OHRC and was not used for disciplinary measures or performance evaluation. The Ottawa Police Service asked for intervenor status to make sure that this stipulation was placed in the agreement.

The goals and objectives of the project were to continue the ongoing work of delivering unbiased policing services, promote trust and confidence by addressing community concerns, and advance the study of race based data collection in Canada.

The Commissioner of the OHRC has insisted that police services across Ontario begin collecting race based data. Not everyone was happy and there are impacts on police morale. Some officers believe it is an affront to their professionalism; discussions about police morale began early before we started collecting data.

We spent two days figuring out what a traffic stop

is. We had \$400,000 but that went quickly. We also thought we could do it in six months, but this was naive on our part. We had to ask for an extension to ensure that we could put out the proper product.

We worked with legal records management and the Privacy Commissioner to address issues of how to advertise the project, how to roll it out. We developed cards for officers to hand out to advise the public and ensure that we were managing privacy issues.

Some of the challenges we encountered included: How do you train an officer on perceived race and data? It's perception, what the officer perceives and you can't teach that. What were the race categories? Would race satisfy the agreement? Did we need to collect more data? We needed a tool that aligned with how we collect data in other capacities and to make sure it didn't impact historical data; however there was very little budget for this. Most important was police/community engagement and how to engage both. How do we communicate the benefit to the membership of the OPS and to the community?

There were also concerns about how the data would be used. I received a letter that said we have better things to do than collect race based data. I took that to heart because this is our job; if one person thought that, he wasn't the only one.

Project methods included surveys, outreach to key groups, establishment of a community police advisory committee, social media, public forums, dedicated web pages, and ride-alongs.

We had to manage expectations, so before we started data collection we surveyed members of the general public. We received 500 responses from officers in less than two weeks that gave us a base from which to move. Results showed that only 6% thought it would have an impact on police-community relations. The community survey had fewer respondents but 25% thought it was a good thing.

We formed a police-community action committee and used social media to promote it. It was hard to control the responses with that but we put it out there to inform and educate the public. OPS and OHRC answered some questions, hosted a number of meetings and presentations, such as "let's chat" sessions. We promoted ride alongs with the community and media so that they can see first hand how we collect the data.

The program's race categories included Aboriginal Peoples, White, Mediterranean, Black, Asian, East Indian, Middle Eastern, Latin America. We used some of the Census benchmarking categories. Both York University and OHRC told us that because race is socially constructed, it changes all the time.

Other data fields included the location of the stop,

the reason for stop, driver information (address, age, gender), outcome of stop (warning, action), and when race was perceived. Categories that didn't make the cut included the type of vehicle and race of the police officer.

The tool that was used was an in-car MDT laptop computer that had existing traffic stop functionality and computerized data collection.

Our quality assurance measures included the mandatory e-training of all officers, supervisor training and support, regular reports to senior officers, officer briefings and updates. The Police Chief's directive ensured mandatory training for front-line police officers and we also trained supervisors to monitor the program. Officers had to champion the cause, this couldn't be a one-man show. For the first two months we had someone giving us data daily, then moved to weekly and now we do it monthly.

After three years, we saw 80% compliance rates overall with traffic stop numbers being same as in previous years. We think our success is due to very significant high quality assurance measures and our ongoing community engagement.

The data analysis and report are almost complete and will be released this fall. We continue to collect data and engage with community.

#### **Lessons learned:**

The project took significant organizational effort. If you're going to do it, make sure you have the time. We piloted tested it with one platoon over a two-week period and determined there was not enough time and had to go back to the drawing board and modify some of the templates.

The project started in 2012 and will soon hit the \$1M mark for the costs of staffing and experts. You need to bring the right people to the table from the beginning. We never made any decisions in isolation—had community members and OHRC to select experts to do the job. Those stakeholders are a great asset in bringing credibility to the program.

Race-based data collection can provide meaningful, accurate, measureable data and has benefits to

employment we've collected data on this to stop systemic racism or violence and to improve standards. It can address some of the growing tensions in the country.

Public policing has become far more complex and studies indicate that the causes are inherent in the social, political and technological forces of globalization that are changing society in general. Canada has more than 200 racial groups, whereas

**“Collecting race data is the only way police can determine whether racial profiling is a systemic problem.”**

police and community. If you can't measure, you can't put context to it, you have no grasp on the problem and no way to come up with solutions. This project can help us do those things; we cannot discount the valuable discussions we've had along the way—that's what builds better relationships.

**Professor Lorne Foster, York University Project Research Team: Race Data Collection in Policing: Lessons Learned**

Should other police services collect racial data? Many U.S. police services may soon be ordered to do so, but that doesn't mean people will buy into it.

It's seen as an indictment of a police force and many don't see it as a useful analysis tool to add to the policing tool box. In areas such as housing or

we had only 25 at turn of 20th Century. In 100 years, we've gone from homogenous to one of the most heterogeneous societies in the world. Research into globalization tells us that there is a new social DNA, a new social reality that places a premium on security and liberty. This sets up a tension between public safety on one hand and collective/individual rights on other. This is often called the “post-911 landscape”; surveillance society versus the rights of individual, and police are expected to bridge that.

We are dealing with new and evolving security threats with global risks having become local. We also have increased diversity and pluralism. This heightens the procedural justice challenges of police-community relations. There is a proliferation of transnational communities that want more inclusive democratic policing. Today, diverse communities expect and

demand that police services are receptive to their needs. In our post-911 world, conflicting expectations between liberty and security raise questions about police powers, stop and search, border patrols, carding, etc., particularly in the context of minority relations. Police legitimacy is linked to effective public service, including sensitivity. Police are both crime fighters and public servants. This data measures respect for democratic rights, treating people with dignity and fairness.

decision to stop a vehicle, and 2) the actions of that officer during the stop. We measured demographics of those stopped, the reasons/context for stop and the outcome; all of these go together to form representational and distributional analysis across categories and encounters.

There is no one-size fits all in gathering race data. Projects like this may need to be calibrated for different communities and should reflect concerns of communities about police activities.

**“Given Canada’s diverse population and commitment to human rights, in all respects, you cannot afford or ignore to collect race data.”**

The OPS project included the race of the driver, sex and age, reason for stop, and the outcome of the stop. Very little data has been collected, historically, on policing in relation to public service. Public service measures and accountability drive police legitimacy and allow police services to contribute to be inclusive; this is where data collection comes in.

Our research team included three members of York University who compare two sets of data: internal and external. The internal OPS data based on traffic stops is compared with external data of driver population commuting to work.

There were two stages of concern: 1) the officer’s

American social science has contributed to benchmarking, post-stop analysis, data auditing and community engagement. We also used Census benchmarking, regional demographics and other baselines in other studies (i.e., observational benchmarking, road observations; behaviour benchmarking or cultural differences studies). In terms of post-stop analysis, Americans have refined this area. It relates to two areas of police discretion: racial profiling is a process, not an act; and it doesn’t happen simply at point of stop, it could happen at any point in the encounter.

The most important component of reliable data is the community engagement. We’ve learned that

working collaboratively provides for better decisions, debunks myths and unearths on-the-ground issues, provides value added in terms of engaging people more effectively with fewer resources, and drives cultural change. OPS exemplifies success in community engagement.

**Benefits:**

- Avoids rhetoric and accusations and promotes more rational dialogue
- Sends a strong message to the community that the department is against racial profiling
- Identifies and deters potential police misconduct as an early warning system (risk reduction)
- Builds trust and respect for police in the communities served (OPS is a good example; community engagement had members and groups participating at every stage and investing in the program. That empowerment reflected well and positively on OPS efforts)
- Helps shape and develop training programs to educate officers about racial profiling and interactions with the community.
- Helps challenge the current thinking and created a feedback loop towards better decisions
- Helps to proactively address issues, measures progress and capitalize on opportunities
- Assesses the quality and quantity of police-citizen encounters
- Reduces exposure to legal action and human rights complaints (which can be much more expensive than data collection). Police officers are the largest segment for human rights complaints in Ontario; race collection lets you respond to those complaints

Some of the challenges included concerns about costs, the need to develop robust benchmarks against which the data can be compared, the potential work burden for individual officers in the course of a normal shift, the potential for police disengagement from their duties which may lead to officers to scale back on the number of legitimate stops. Race data collection is only the start of an important conversation, but we have to begin that in order to address other challenges. Collecting race data is the only way police can determine whether racial profiling is a systemic problem. Given Canada's diverse population and commitment to human rights, in all respects, you cannot afford or ignore to collect race data.

**Questions**

*What is your perception of the difference of a police officer on a beat having a conversation but to glean intelligence. Is it dangerous?*

Foster: I see nothing dangerous about that. Racial profiling is generally accepted as an officer discretion act. A conversation with a community member, I don't see anything problematic about that. Carding would have a different response. Carding is an abomination. The protection of the individual goes back to the Magna Carta, the prototype of our own Charter of Rights and Freedoms, which protects individuals from overwhelming power of the state, stands for individual rights. Police are the state and they have enough investigative power to do their jobs; to arbitrarily stop people in the street violates those principles.



*What is the impact of requirement to inform? If mandated legally must officers inform people they stop that they have the right to refuse to respond to identify themselves.*

Foster: Human rights trump the Police Services Act. Human rights are embedded in our social fabric; we have to see that as a priority. Individuals must be protected from infringements such as that. The individual has a right not to respond to that kind of situation, intrusion, that's my position. I'm sure others have different positions and I'm willing to change mine if I can find a better one.

*What impact does an officer's decision making have on the data they collect?*

Flanagan: When we took this on, the message we delivered to members is that it's only a project; don't get rid of the good ways that you police the city, stick to what works. As far as how that impacts the data, I'm not sure what you're looking for; most data fields are filled out in our experience. Over 80%

compliance is phenomenal! We're not doing this in an office, we're doing it on the street, which is a huge undertaking. If you're going to do this, have to reflect on these issues; want accurate results to measure so the members need to be confident in it.

*How do you account for mixed races? Or people not answering questions.*

Foster: President Obama is mixed race, but identifies as black; Tiger Woods doesn't define himself as black. In terms of racial profiling, it doesn't matter how you self-identify, it's how the other defines you, because the act comes from the other, the stereotype; it doesn't have to do with anyone's self identity, it's how the officer sees the individual.

*How far does this go? Are you collecting race based data in other areas?*

Flanagan: In the past, officers didn't have to put in all these variables from a traffic stop, now they do. Short answer is no; we're only collecting for analytical and





research purposes at traffic stops; we do identify in some other cases when races are attached to it, but its not common.

*Isn't that contrary to community engagement? How else do they get community engagement? Street check legislation says that police will have to say it's not investigative, the person can leave; what's wrong with stopping and talking to people?*

Foster: I don't see the two connected, whatsoever. If a person agrees to it, there's nothing wrong. It's a good start—must inform people they have a right to leave—but any practice that involves arbitrarily stopping people on the street is not a good one.

*Did you have any data from previous years, while this was going on, whether the number of traffic stops, warnings went down or up, etc. Did you compare pre-data?*

Flanagan: We've done a five-year analysis on traffic tickets; I don't have the numbers with me and there are some anomalies related to some years.

L.A. (Sandy) Smallwood, OPS Board: I can tell you that there were concerns and skepticism from the board that this would work, but it really has been a very positive for us and I'd be happy to speak with anyone afterward from that standpoint. This is only a first step and a tool that can be used to guide organizational change.

# MATT TORIGIAN

Deputy Minister  
Ontario Ministry of Community  
Safety & Correctional Services



## REFORMING POLICING IN ONTARIO

Matt Torigian, Deputy Minister  
Ontario Ministry of Community Safety & Correctional Services

The Deputy Minister reviewed the Government of Ontario's process and consultations on renewing and updating the Police Services Act of 1990. The goal is to enhance accountability and strengthen police governance. Issues include: use of force, officer conduct, public support, transparency, multiculturalism, crime prevention, respect for law, role of police boards.

The Government has announced the opening of the Police Services Act, the result of long standing work of stakeholders. We will introduce a new Act sometime early next year.

I want to thank you for participating in this Association

and for your dedication to your governance and policing. I hope, through this discussion this morning, to build on the core of what inspires you to do this.

This is what we're looking at in terms of changing the Act: getting to the core of civilian governance in policing and the roles and responsibilities that Boards have.

It is the Ontario Ministry of Community Safety and Correctional Services' responsibility to monitor police services boards across the province and ensure consistency of application. Police boards' responsibility is to establish objectives and goals with police chiefs and leaders; they must also ensure

effective police services in their communities. But how do we measure the adequacy of our services?

Policing has changed dramatically since the current Act was introduced in 1990. Our goal is to enhance accountability and strengthen police governance.

There are several principles for policing in the Act that, to some extent, reflect the spirit of what was intended. Ontario was the first province to have a declaration of principles. Historically, it is important to revisit Sir Robert Peel's Nine Principles:

1. The basic mission for which the police exist is to prevent crime and disorder.

or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.

7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
9. The test of police efficiency is the absence of

**“There is a discomfort among some communities and members within those communities where there is diminishing trust; whose responsibility is it? All of ours.”**

2. The ability of the police to perform their duties is dependent upon public approval of police actions.
3. Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law

crime and disorder, not the visible evidence of police action in dealing with it.

These Principles are about how we measure effectiveness; are we doing that today? Yesterday you talked about data mining, information; what information are you asking for, what information do you feel you have a right to ask for, can you rely on the data itself? Looking through today's lens there are questions about use of force, officer conduct, public support, transparency, multiculturalism, crime prevention respect for law. What role do boards have in ensuring that's taken care of? Are we policing with the consent of the people? How do you know it's occurring? Media attention and groups that come forward show that there are some who do not feel

part of the community and suggest that policing is happening without their consent.

Governance models across the globe vary but at the core of all of them is the objective that the community needs a voice in how it's policed; you can't police without consent. When we talk about ethical behaviour of police services and its members, policing cannot occur when there is fear in the community or the absence of public cooperation.

diminishing trust; whose responsibility is it? All of ours. What is being done, who is the voice to work with our communities? Do we have right information to properly assess the tension? What can we do as a province to assist you?

Do we need a realignment for boards? If so, what does that look like, what can we do together to align properly? Are you aligned on the objectives of your police services and chief? How do you know that your police services work?

**“In our efforts to modernize, we will place an emphasis on boards and board members and that civilian governance is at the forefront to deliver adequate police services in the right spirit.”**

The Ontario Police Act is trying to balance what we've seen, read and heard and from where we were in 1990. Police services and boards must be representative of the diversity of their community. The role of police boards is not only to protect police practices, but to ensure public confidence. In Ontario, that's what we've done by mandating boards; but it's a lot to ask of small organizations despite the level of responsibility.

What we're hearing is that you need support, through a more clearly defined Act that sets out roles and responsibilities, assists with training and selection criteria, and other supports necessary for you to carry out your duties. Feedback suggests that a new Act may put all these pieces together. There is a discomfort among some communities and members within those communities where there is

Our premier is committed to robust civilian governance and recognizes that that is the key to our police services and is at the core of our proposed future legislation as we open up the Police Services Act.. Our priorities include enhancing accountability and strengthening civilian governance of boards, which informs the overall strategy and builds on the work we've done earlier. Stakeholders continue to be valuable contributors as we build the Act.

As we recalibrate police governance, we take the opportunity to look at what's happening across the world and the country and look at other models. Every time, it comes back to looking at selection criteria, training, competencies, skills development, commitment, and support for our boards. We recognize that we need to ensure that you have what you need to be successful.



We are also looking at how to implement community safety as a cornerstone to the delivery model; some have multi-collaborative groups that bring all members of the community together. For example situation tables. We have about 30 situation tables running in Ontario that have identified the need for a risk-tracking database. The top 10 risk factors in a community are not necessarily the same across communities; yet when we have issues that come to the fore in policing, we tend to look at that broadly across the country, instead of tailoring, customizing the delivery system. We need to transform our grant system to ensure that it meets specific needs, that we have proper evaluation measures that are more research-minded and evidence based. We can't rely on impressions; when we have an initiative that is to be funded, there will be rigor to evaluating the outcomes so that you as boards know that your approval has a positive outcome for your community.

There have been various reports and recommendations on when use of force is used. We

are looking at 'what do police do', who are they, what are the educational requirements, what training do they receive? We need to bring that into the 21st century. Are we focused on de-escalation?

As a board, do you have confidence in the system that you are asked to provide governance for and ensure adequate police services? All these moving parts coming together as we rewrite the Act. In our efforts to modernize, we will place an emphasis on boards and board members and that civilian governance is at the forefront to deliver adequate police services in the right spirit.

### Questions

*Organizations must look at policies and procedures regularly; for something this significant, it's pathetic. I'm hoping that you in Ontario will set the stage for the rest of us. Another thing you need to seriously look at is the need to walk the talk. The face of the country has changed but when I look at the composition of*

*boards, 50% of the population is female and is still not represented; the diversity not there. It's great to talk about it, but you need to walk that talk. I put that challenge to you and I'll be watching.*

Torigian: Over the last 26 years, there have been add-ons, some changes, but not a full change and your point is bang on when you talk about the make-up of our boards. I asked this question recently to police leaders, broadly, which would include people represented in this room. The ability to action what you just described is collective and includes the people in this room who can make those changes.

*Presently, members of police boards are doing negotiations themselves without being able to bring in assistance; this can be an issue. There are good people on police boards, there are very few professional negotiators; something I'd like the province to consider.*

Torigian: Arbitration system and negotiations is being continually discussed.

*We've been at the table before and will be at it for some time. We are pleased that the Ministry and Premier's office has decided for inclusion, and recognition for our First Nations officers. Recognition that we can be treated as equals.*

Torigian: We've been working closely with First Nations police services. One of the five pillars for us as we look at the Act is to achieve a level playing field. We recognize that currently policing in First Nations communities is not part of the Act. We are looking at ways to come up with a legislative framework so that First Nations police services can

come in and there isn't the ongoing inequity among police services, regardless of where you live; policing must be delivered equitably.

*The more we attend conferences like this the more we realize the solutions we share in common, the similar issues; will you reach out to other provinces?*

Torigian: Yes, we've done a number of scans of other jurisdictions at federal/prov/terr level table. I've had an opportunity to present the work we're doing, sharing that information and often. We meet twice a year as deputy ministers, so have opportunities to share.

*I felt compelled to respond to the comment from Calgary. I am a board member in Vancouver and a practicing lawyer. I can tell you unequivocally that I see great diversity in BC, but not in ON, diversity in terms of gender, ethnicities and qualified members. I come from Tanzania and we have a different view of police than North Americans do; that's part of what's influencing their trepidation of getting onto police boards; it's not just a problem with appointment level, but at recruitment level; perhaps the obligation is ours to reach out to them.*

Torigian: Active encouragement, point well taken.

*What are you doing in other departments to ensure that we are looking at policing from a holistic perspective and what role do boards play at a local level to support that?*

Torigian: Looking at where good results are coming from and where things could be different in your own community; e.g., in Hamilton, public health and



police are working together on mental health issues. They are now partnered with Health and Long-Term Care colleagues to fix some of the things in the system so that best practices are enabled. We need to drill down and not look only at high level discussions of the model, but is the model successful? How often are police officers sitting in hospitals to hand off a person? Is that needed? What would the options be? We're doing that on our end with our health colleagues and asking those detailed questions.

*For me, ultimately the tensions we deal with in Peterborough are financial; whether arbitration, funding model, taxes. With respect to the earlier presentation on body cameras, everyone can start doing the math on what that would cost if province says that's what we have to do. What can the province do to help fund the ever-increasing costs of policing?*

Torigian: The grant program and money we give out every year needs to be more directly connected to outcomes in the community. Can we structure our grant system to allow you to use those dollars for what you think will give the greatest value for money? Return on investment is difficult to figure

in policing; our grant dollars today are general for everybody. Looking at the grant program itself so that it's more tailored; want to allow for rigorous outcomes and evaluation.

*I want to zero in on the phrase "well being" – don't recall hearing it before; in Halton, those words lit our imagination at the board and regional council; we're all very excited about this prospect; to quote our CAO, those two words made us realize that there's been a gap in the services we provide. Are we over interpreting and over responding to this new phrase? Some of us believe that there's an arms-length from board and municipal government. Would like guidance on what this phrase 'well being' really means?*

Torigian: It's at the cornerstone of a contemporary approach to community safety; not just about arrest, but about building up a community and addressing all issues that contribute to health and well being. It's not just a phrase. To be honest, we've looked at a number of models, i.e., roles for education, health, social services, who's responsible for action? We haven't landed on a solution yet.



## STAFF SERGEANT PETER DANYLUK

Ottawa Police Service



# ETHICS IN POLICING: POLICY

## Concurrent Workshop

Andrew Graham: Today's discussion is a follow up to the presentation Peter gave yesterday; we'd like to draw you out about some key questions about ethics and governance. Taking the view from the board, what are the issues that a board would be concerned about in seeing the service they're overseeing in an ethical way?

Each table identified their top 2-3 issues. Delegates then discussed a broad variety of topics related to the issue including: what is an ethics program and what elements are contained therein; role of police boards; role of First Nations policing; leadership; training.

### Table 1

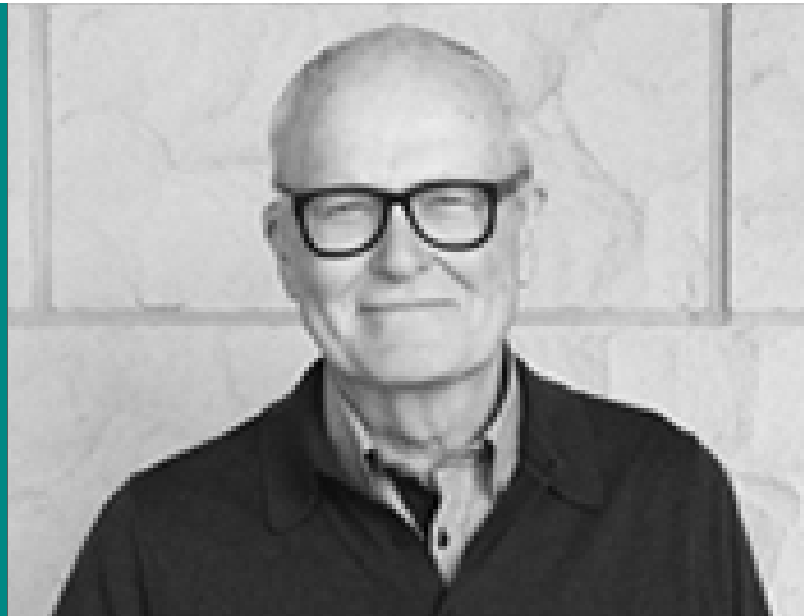
Assessment of Situation: Is there an ethics program or elements of such a program? Does the chief have an appetite to improve the culture? What options are there for a board to bring awareness to the agency? Where would such a program fit? Do you have the resources?

### Discussion:

Andrew Graham: What would an assessment look like from your point of view? If I were to walk into your organization, how would the board pull together an assessment? You used the word "ethics program" – how would a board come to the conclusion that they needed to do something? Set time limits?

# DR. ANDREW GRAHAM

Adjunct Professor  
School of Policy Studies,  
Queen's University



Police agencies that are successful have excellent relations between chief and board; nothing that can't be discussed. The first step is to ask those questions; only then do you the board find out where they're at.

Peter Danyluk: For us, it was the right person at the top that started it; the right question was asked and the right action taken afterward. Former Ottawa Police Chief Vern White was leafing through our business plan and focused on ethics. He asked what are we doing to reinforce/encourage that? He got the ball rolling.

How does a board even know there are ethical issues? Inside those operational reports you get information about what's happening on the ground; with an open relationship we can have a dialogue from that report and get into the specifics

Andrew Graham: It is important to have enough awareness of activities to come to a conclusion about what it's telling them. Ethics is an inherent

part of what you should be assessing and building in your organization. Anyone in a leadership role faces ethical challenges. When you look at it from a board perspective in your planning, you have to assume that ethics is one of the strategic tools that needs to be in place and working to operate well.

## Table 2

Versions of ethics, i.e., yours might be different from mine, so what does success mean to us? What does an ethics program mean?

### *Discussion:*

Are we sharing the same understanding of ethics? There's an educational piece we need as a board so that we're talking about the same thing. Once we have that, what is its importance to us as a board and to the police service? How do we act to ensure we get the highest level of ethics. The solution may or may not lead to a program; there might be different tactics in achieving this.

Peter Danyluk: Specific to your question, what is the definition of an ethics program? It can have active or conceptual components. There is a difference between acting on things that come in on a daily basis (reactive) and challenging the chief to what they should be doing (proactive).

Andrew Graham: The board has two ethics challenges: 1) the board must act ethically, and 2) have a disciplined approach. There are too many stories of board members acting outside their role,

*Discussion:*

Andrew Graham: It's not an item to check off ("We've got a program!"). If it does exist, what elements do you want to see? Because at the end of the day you need to measure the results of a program.

Peter Danyluk: The choice of the words matter, the values. The thing about ethics is that you immediately recognize that it's not simple. Ethics has to do with behaviour; what are the behaviours or groups of behaviours you've found in your organization?

"How does a board even know there are ethical issues? Inside those operational reports you get information about what's happening on the ground; with an open relationship we can have a dialogue from that report and get into the specifics."

doing things that could be considered unethical. The other side of that is good governance of any board will require that they sit down and figure out how to work with each other and the chief. The board chair bears a great responsibility to make sure all members are acting ethically.

### Table 3

With First Nations, everything is based on an oral tradition, so we need to keep that in mind. Police service has to be representative of the community but this is difficult if you have a non-native police chief. It's hard for us to tease out the ethical concepts within our culture.

Rules are based on ideas of what is normal; they are informed by this idea. It's about piecing all these different conversations together until you build a climate of honesty, safety, encouragement, enabling people to come forward.

Andrew Graham: It's a good thing for the board to articulate their expectations, which includes the ethics side. Do we expect the chief to act ethically and encourage ethical behaviour? That's an objective; we expect the chief to implement an ethics program—that's not a result.

Peter Danyluk: We haven't found a satisfactory answer measuring success. We started asking

academics how do you measure an ethical climate/culture? But it's not as much about measuring as it is about practicing; it's a way of life. Ethics has to be comfortable and part of the conversation.

#### **Table 4**

Part of board's role is to walk the talk (leadership integrity). We need leaders to act ethically so that those below them can be inspired. Everyone has a role to play and the stakes are very high. A seemingly small failure in the private sector in ethics has huge consequences in the public sector.

#### *Discussion:*

Andrew Graham: Ethics is like a tree, takes 100 years to grow and a few minutes to take down, so it can fall apart very quickly. You're always vulnerable to accusations and it doesn't require a lot of work to say you're unethical. Does the board have a set of behavioural expectations and ethics that they sign on to when they become a board member and do you perform an assessment on them periodically? If you don't have an ethics program, that job will be harder. The board needs a series of measures. How does the board or chief react when faced with ethical questions? Because it's going to happen.

Peter Danyluk: Training and education is only part of the equation. It's this idea that ethics crosses everything, including our personal and professional lives. If there's not someone in the organization coordinating it or trying to synchronize all that, there's a problem.

Peter Danyluk: We have about 5 key people who know what our program means and who carry that history.

In the next year or two, you'll probably see someone hired full time in that capacity. We hire a person of "character" to be our chief, so that assumes ethics is already there. The problem you're now seeing is the twists and turns of what ethics used to be. Our chiefs and deputy chiefs are having a hard time, with new values and norms, to bring them up to their level.

Andrew Graham: How do you look for a person of character? You hire the best person but that doesn't mean that they're absolutely the best person every day for the whole term. How do you support that person through these challenges? In the research I did with corporate boards, the biggest problem was keeping the CEO on the game. When leadership is faced with ethical challenges, how do you get help on things you've never faced before? How do you find ways for the chief to make those explorations? People in leadership are isolated; they can't turn to subordinates most of the time for problem solving. They need mentors or opportunities to have really difficult conversations.

Peter Danyluk: One of the things we had was an ethics consultation team. One of the foundations was the polarized wrong and polarized right; if we're in those spaces and there's large consensus, that's not an ethical dilemma; there can be grey areas even between seemingly polarized right and wrong. First Nations would probably have an easier time developing an ethics program because you already talk about them all the time. When you're representing your society and you have the time and space to seek one or more opinions and actually have this conversation, why would we not do that? That's the idea of ethics consultation.



## INSPECTOR MARK BARSKY

Toronto Police Service

# BODY WORN CAMERAS: POLICY DISCUSSION

## Concurrent Workshop

Delegates spent most of the time in discussion related to various issues including costs, return on investment, officer discretion, public reaction, etc.

### **Ellen Wright:**

Following an RFP process in November 2012, the Calgary Police Service (CPS) undertook a pilot project and provided 50 officers with BWCs. The pilot ended in 2014 after which the CPS hosted an international symposium on BWCs to gather more information and leverage learnings. In 2015 the CPS conducted a citizen's survey and found 91% of residents were supportive of BWCs while 80% believed it would enhance transparency and increase officer accountability. While the goal was to have the BWC program fully implemented by 2017, a technical

glitch has required the BWCs to be recalled and the program remains on hold until resolved.

When considering its role in the CPS's BWC program, the Calgary Police Commission (CPC) looked to the Police Act for guidance and relied upon its responsibilities to establish policies for efficient and effective policing. Policy can't be formulated without operational input; it's in the board's interest to collaborate with police on these matters. Our role as governors is to set expectations, challenge, question and discuss policy.

The CPC encouraged the CPS to focus on best practices and community and stakeholder consultation. Key areas of interest for the CPC was the development of a policy including the rationale for implementing

## ELLEN WRIGHT

Executive Director Calgary Police  
Commission



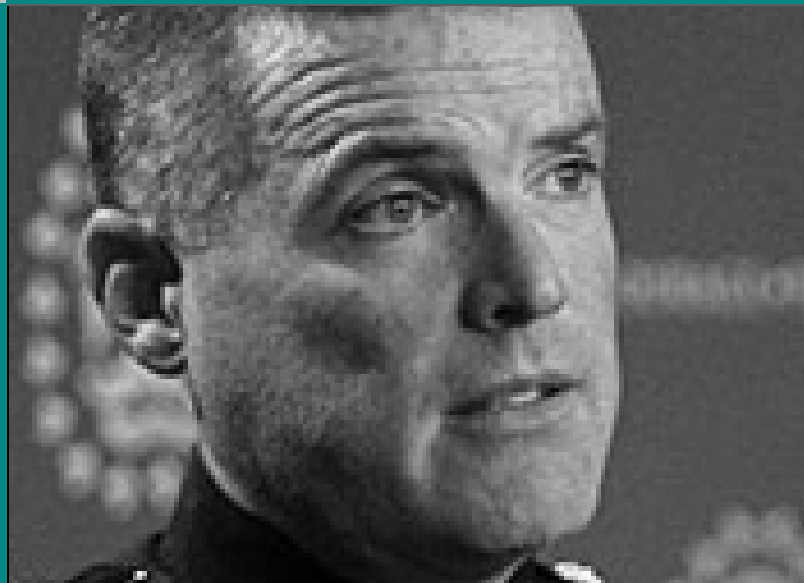
## SERGEANT GREG BROWN

Ottawa Police Service



## A/INSPECTOR RYAN AYLIFFE

Calgary Police Service





the program. The rationale included: BWCs provide additional evidence for prosecution, enhance public trust and confidence, foster officer accountability, protect officers from wrongful allegations of complaints, reduce use of force by and on the police, provide early resolutions and real life training examples.

However there can be serious implications for privacy, for examples are law firms, places of worship and residences. The CPC encouraged the CPS to look at the privacy impacts. Through discussion we were able to encourage the CPS to work together, and eventually the privacy commissioner was asked to contribute to the policy.

Officer discretion was an important topic of discussion at CPC during this time. Concerns included awareness that we could limit officer discretion if we weren't careful from a policy perspective. As an example, we wanted to ensure we didn't contribute to a situation where an officer hesitated and it lead to a bad outcome.

We're fortunate to live in a city that supports its police. The community wants it; officers want it; and it's a good investment for our city.

It's an ongoing process. The BWC program/policy is dynamic with more work to be done; as we look to fully implement the BWC there will be more discussion at the board level including the level of reporting required by the CPS to the CPC on its BWC program and how it will feed into our ongoing reporting processes. We endorse a collaborative model in policy development; our responsibility to challenge, question, think and make sure we're not creating or influencing policies in a way that put

officers at risk while ensuring that in everything we do we reflect the best interests of the community.

#### **Mike Barsky:**

Consultations are critical; they are never enough and agencies must communicate all the time. For the Toronto pilot, police presented to almost 200 difference audiences and there were still people who didn't know about the project.

Our board was not the motivator for the pilot or the policy, but we informed them on a regular basis of progress and if they choose to go with the roll-out, they will have influence over where we go.

The Toronto and Calgary experiences may be similar in many ways, but very different in others. For those surveyed prior to the pilot, 94% of the community loved the idea. By end of pilot, we asked people who had had interactions with police and 85% still wanted cameras (less for with those involved with criminal interactions).

If you were to go ahead with BWC what would be your main objective and your main concern? One complaint against an officer can cost more than \$100K (legal fees, etc.), whereas I can outfit officers for half that. The reality is is that my officers and the community both acted better—it worked for them; it may not work the same way in yours.

#### **Questions/Discussion:**

##### *Discussion about police officer discretionary powers*

Mark Barsky: Part of our evaluation was to speak with the officers pre-and post-pilot. We did 30 hours

of training and thought we nailed it but they told us we took their discretion away. Officers have the option to ticket or warn; we never talked about that during training and we have to be better at that.

*What about the issue of turning cameras on or off?*

Mark Barsky: Procedures and policies are very important. In our policy we didn't give discretion as to when the officer was to turn it on. We told them to turn it on during any "investigative detention." If the recording was no longer advancing the objective of the pilot, they could then decide to articulate that

Ontario investigates crimes done by officers. During investigation, in many cases, officers are suspended and it can be front page news. Maybe two years from now the officer is cleared, but the stigma continues. Now that we have BWCs, an officer can say "have you looked at the video?" There's instant buy-in and that's a benefit for the officer, but transparency in any investigation is paramount.

We're not going to have any eureka moments in court. For example, on Day 1 of our pilot, we got a call on a man with a knife. Seven officers with BWCs show up, the man said he didn't care if he was being

**"Police service boards fulfill a major role...  
You are charged with ensuring accountability,  
transparency and instilling trust and confidence in  
policing and policing issues."**

on the camera and then deactivate it. When we had only in-car cameras I used to review the footage to see how new officers interacted with the public. The reality in policing is that we have knuckleheads; we swore them in and we have to challenge our people to be better. It can be a teaching moment; officers can often be the biggest critics of other officers.

*Our police board is only four years old. The public doesn't necessarily want to pay for BWCs so I want to know what is return on investment? Is it lower crime, dropped complaints, less use of force? Has there been a situation where a BWC was used in court?*

Mark Barsky: The Special Investigations Unit in

filmed. You'd think it would be a great case for the court, but then you get them back to the car and give them their rights. If I'm a defence lawyer, those statements can't be admitted in court; all of what happened before doesn't count because he didn't know his rights at the time. The community is going to hate that.

*What happens when there is more than one camera? How do you deal with that? Internally and with the public.*

Mark Barsky: We're not in the practice of putting up video to show people what really happened—we prefer to take the high road. If we start to show



video of good work, then we'll be asked to show bad work. If both videos are bad for the police, let it run its course.

*We spend a bunch of money on BWCs and put person in prison and the person is out six weeks later. What's the benefit there?*

Mark Barsky: You're right; in that case, maybe there is no benefit. A real cost-benefit analysis must be done; it gives transparency, better evidence, and lets us reflect on policies and training. You have to evaluate all those things in your own jurisdiction.

*My concern is that it could lead to bad case law. How does BWC use in other parts of the country impact other places in the country that have different policies?*

Mark Barsky: That's an excellent point and needs to be brought to the table. We need to be at a consistent standard (referenced the Duarte SCC decision on public v. private space). We got three

legal opinions; each one complemented the last and gave us a bullet-proof case to use the cameras. If any jurisdiction veers from that or doesn't see the relevance in SCC decisions that's a bad decision.

*How are BWCs used for training?*

Mark Barsky: It's a great tool for that. In Toronto, we required supervisors to do a regular random audit of videos. Once every 5 weeks, the supervisor would select video and watch the whole thing. If there was an issue, we addressed it. The force supported that because the unions were involved from the beginning. In those random audits, and of all the complaints against officers we got during the pilots, not once did we find an issue with officer behaviour, including complaints that said the officer beat someone up. That being said, we collected 32,000 videos and couldn't have looked at all of them, so there may be one in there where an officer did something wrong. But, in those cases, no complaint came to our attention.

*The association was clear about the delineation between random check and using it as performance evaluation.*

Mark Barsky: To that point, if we found those situations, we told our supervisors to use it as a training tool. The union supports review of video based on a complaint received. There is a one-year retention period for video and then it's deleted.

*Will this create anything in terms of extra report writing or administrative time demands on officers?*

Mark Barsky: Yes! We use Versadex and added templates to that. Officers can review their own video and if redaction is required, the officer will tag the video at that point. It can result in overtime. We tracked those numbers and there was more than \$100,000 spent in overtime, over and above the pilot costs. We need to be consistent with all that we do across the country. Maybe the technology isn't quite there, or maybe it is and we have to figure out how to use it.

Greg Brown: Policy has to be individualized based on your jurisdiction. It can't be too complex in terms of discretion (for example turning the camera off and on, and in what circumstances). Some members of the public won't trust officers to do that, but officers can talk about why they're turning it off right into the camera.

*Does a member of the public have the right to tell an officer to turn it off?*

Mark Barsky: The Duarte decision is clear. The Human Rights Commission doesn't know if it can

overturn Duarte. As an officer, the camera is only on for investigate purpose. If an officers asks for your name and why you're there, the camera will be on. Where there is no criminality involved, our advice to officers was to turn it off.

*I worry about protecting the officers. This could be a human rights issue in the future.*

Mark Barsky: The technology will be litigated at some point and we'll get case law. I challenge any human rights commission or court between privacy and the camera in public.

*After a few years, things seemed to go back the way they were. Cameras have to be replaced over time, so embarking on this will be a long-term initiative. Once you have it and are using it, I think it would be harder to get rid of them. San Francisco found that things [crime rates] reverted to what they were before the BWCs.*

Greg Brown: I think you'd have to make an assessment of the methodology of that San Francisco report. The deterrent aspect will always be there. People won't get "used" to the BWCs if they're breaking the law. But you're right, it's not just a one-time shot, we'll have to replace them.

Mark Barsky: San Francisco police did a study and believed that it was the spoken word that made crime go down and created better interactions with officers.

Ellen Wright: New technology could save money as well. When we look at investments in technology, more often than not they end up decreasing

traditional expenditures. We're continuously trying to perpetuate efficiencies.

Mark Barsky: They will also reduce the costs of civil litigation.

Ryan Ayliffe: There are many things that were different between the Toronto and Calgary pilots, so don't let our experiences define yours. We went with the officer discretion piece, i.e., cameras only record 6 hours per shift (12 hour shifts). We wanted officers to be able to understand that; when they arrived at the call, they turned it on and if they needed to turn it off they would tell that to the camera. There will be times when spontaneous things happen and we ask them to document those instances. I wore the camera as an inspector for a year. I made lots of mistakes and because of that I was able to give good feedback. Sometimes just talking about the camera became a de-escalation point, which was a good talking point in our community.

If an event was captured that was required for review—we tracked Toronto's experience on this as well—we added a couple of hours to every shift. With continual use and over time, those gaps go away as officers get used to the technology.

*We're hearing only positives; what are the negatives?*

L.A. (Sandy) Smallwood, OPS Board: There is cost implication for the board, that's a bit of a negative. The use of the cameras sometimes looks like we're already admitting that the public has lost trust in the police and now we have to videotape our officers. But if costs can be managed, there are opportunities. In terms of costs, we have to stop and ask why we want

it; what's the problem we're trying to solve? What's it costing us now and what's the best solution?

*Is there liability for the board?*

Sandy Smallwood: That's there already. We have bad apples, everyone does and we're paying for them now. The use of BWCs may shorten that process by getting quicker resolutions.

*Are you giving the boards, as part of your presentation, the negative aspects of this issue?*

Ellen Wright: I felt we did that. We received a fulsome report from Calgary Police on the pros and cons. We don't want to make a decision based on the lowest common denominator and we're trying to look at overall risks. We expect the service to manage it, have policies that manage that risk, and if the board is comfortable that risk is being managed, we're okay with that.

Ryan: We've already captured officer shootings on camera.

Mark Barsky: We have to be alive to the issues of costs (IT, admin, etc.). There's potential public risks, problems with breakage, but all those pieces are getting better. Anything that needs to be redacted takes time and a lot of it, so the tech folks are making that better now that they're being pushed on it.

Greg Brown: My research is from the officer's perspective. More than 80% of the 5,000 officers in the OPS want to BWCs; 20% who feel it reduces their discretion, concerns about Big Brother, etc. But from my analysis, the cons are outweighed by pros.

Ryan: If an officer had to review video for court purposes, then that's what took the time, especially at the beginning. Over the course of 6 months, it happened to me twice. We always focus on officer conduct/misconduct and I know there are thousands of videos that captured good practices. Part of the training process we did. When you make an arrest, whether you have a camera or not, once the person is in the car, if there are bystanders, we had officers asking those bystanders if they had any questions. That kind of thing also took time. We let the public define how they wanted to communicate to us, not the other way around, when it came to educating them about the cameras. The younger generation is confused—they don't understand why we wouldn't have them. The community almost expects it.

*At what point will this evolve from voluntary to mandatory?*

Sandy Smallwood: Not easy to answer. People don't understand why we're not doing it; big thing is the cost right now, especially for smaller forces.

*At what point does an officer give up a video to the supervisor, especially if there's a threat it will be used as part of his performance evaluation, or judgment?*

Greg Brown: No officer has referenced that; they would react strongly to that.

Mark Barsky: The reality is that today's Police Services Act requires 24 supervision on the road. If a supervisor is going to only sit at a computer to do evaluations, then shame on them. All of your points come down to training. I think BWCs are coming and they will save money.



# GLENN CHRISTIE

Partner, Hicks Morley



## REASONS BOARD MEMBERS GET IN TROUBLE

### Concurrent Workshop

Delegates were presented with examples of sticky situations board members could find themselves in and have the opportunity to discuss them with their colleagues. The focus of the conversation was dealing with personal conflicting position as a city councilor and as a police services board member.

Delegates were provided table top scenarios with tools through role playing examples on how to decipher and mediate their municipal and board votes in cases of conflict to best impact change. In the first table top exercise, delegates played the role of a municipal appointee to the Police Service Board (PSB). In their municipal role they ran for reform.

How does one be a critic and a board member at the same time?

While there is no legal conflict to being a municipally appointed member of the PSB, one would need to possess the right skills to effect solutions for the respectful committees.

Some PSB have the Mayor as a sitting member of the board. While it is understood that this may change the flavour of discussion, the PSB in this position should embrace the benefit to effect change. The mayor's campaign should not compromise that position. The last thing to do is to ignore it. Show your agendas,

embrace the differences and incorporate them; the benefit will make your board stronger.

In Ontario, the PSB sets the police budgets. As a council member appointed to the PSB this could have the potential conflict. As city councilor, how does one vote to effect budgets without compromising the other. That is to say, it is acceptable to vote different ways as long as it is in the best interest of the sitting committee.

### **Handout #1: BASIC FACTS**

You have lived and worked in your community for your whole life. You are well known and respected. For many years, you have operated a successful business in your community. Like many communities of your size, local industry has been struggling. Good, well paying manufacturing and resource jobs have been lost. Some retail and service jobs have been gained, but they do not have the same levels of pay, benefits and security. Your community struggles with a static or declining overall assessment base. Last year, you decided to run for your local municipal council as a councilor. You aligned yourself with a number of reform minded individuals, including the candidate for Mayor, who vowed to freeze taxes. Some members of the reform group went so far as to say that the police budget, which was 30% of the overall Town budget, had to be reduced in the future. You, and some of the other members of the reform group, were all elected. The newly elected Mayor is also a member of the reform group.

You have a chance to be a municipal appointee to the PSB. Yes or No?

Q-What if I am a critic and a board member same time?

A-While there is no legal conflict, but practically, it will be hard to sit on council and PSB.

### **MORE FACTS**

You are going to join the PSB, along with a member of council who has been on the PSB for many years. This member of council is not a member of the reform group. At the first meeting of the new council (and before you are sworn into your PSB role), a member of the reform group proposes a motion in public session: "All City departments and agencies must not increase their budgets for next year beyond the amount in their budget for the current year". You know that if each department freezes their budget, then taxes will not have to go up. Any net increases in the overall City budget means a tax increase.

How do you approach this resolution:

(a) as a member of council?

(b) as a member of the board?

It is challenging to be critic on the inside. You have to do what is best for the table you are sitting at.

Q- What if the mayor has to be on the PSB board?

A- The mayor should campaign not to compromise that position, this requires a lot of front end thinking. Encourage people who want to change things be on the board. If the mayor is attached, this will generate different things that people will have to say if they have views as a critic.

Q- Should you then hide your agenda initially and show it later?

A- Negative. That's not how to do it. Change can happen quickly so holding an agenda can be detrimental. If the mayor is on the board, the last thing you should do is ignore it. Incorporate it; it will make it stronger.

## MORE FACTS

A couple of months have passed and as a PSB member, you are involved in the budget cycle. The Police Service has proposed a budget that carries a 5% year over year increase. By the way- Council passed the resolution at its first meeting. You voted for it. How do you respond to the proposed budget for the Police Service?

A- As councilor - I would be difficult to be in this position. As freezing budget, you are treating all departments equal, and that is not valid. I don't have problem with budget, but would need to evaluate.

Glenn Christie: You need integrity with voters. With a 0% increase, support it as that is what you said you would do.

A- I am not on the municipal board, so it is easy to vote for the board. However, this has potential for dissension. You have 4 other board members, what are you saying to them? It is a difficult thing to do, we don't know history or background in this case. There are various components for consideration.

This goes back to the idea of wearing 2 hats. If I am on board I have certain responsibilities. Just because I am on council doesn't mean I have different responsibilities. We all have to have the same approach.

Comment: We have a councilor on our board and he guided us, keeps us informed, as opposed to a dictatorship. He could help vet things to be proposed to council, or help with wording and framework.

Comment: It could be fortunate as well. We have a Mayor on our board (West Vancouver) and he gives us advice and a road map, but there was never an incident where he took over. He gives us liberty for discussion; it can be a benefit.

Glenn Christie: That is different. He sets the tone, but this is not always the case.

Comment: The majority is responsible for the vote, so regardless of influencers it is still majority vote that will decide.

Glenn Christie: I envision more of a board with 5 people who have to make a consensus decision.

Comment: From St John, Some members will resign if there is a constant divide. In our case some people resigned, new people came in, and we work together with rules and guidelines. It is a self mediation to the conflict.

Comment: If you perceive conflict, ie elected as councilor and your views are out there and now you are appointed to board. But you have to control the things that you can. It would be an ideal world if all voted unanimously, but that's not a reality. Bottom line, it is going to happen. Even divided 6-4, in the end, no one remembers who voted how, if things go well.

Glenn Christie: Uses Ottawa Lansdowne Park as

example of conflict. He notes that all the names of those involved are on plaques regardless of their voting position.

Q- Is there a difference between the discussions for the board and council?

Comment: Everyone needs to listen and make their own decisions as an individual. While it is acceptable to discuss outside the board, as long as the information is impartial, not about law, self interest or other titles. Discussion has to remain on doing what is best for community.

Glenn Christie: This is the difference of being elected and not. If people vote for you, that is different than being appointed. I think it is easier to be council if you are elected than being on a board. It is not a conflict between the board and council, it is an outside world institution and you are protecting that institution.

Comment: I am councilor and on a board. It is clear I am not a council member on the PSB. Decisions are the best for the board.

Glenn Christie: Let's say there is a proposed 5% increase. How do we approach?

Comment: If the city gives you guidelines for the increase, then the PSB is responsible to work within the budget. If the city won't raise those taxes, we have to abide.

Comment: If salaries are the budget pressure, you can look at inefficiencies.

Glenn Christie: Yes, the budget is high-salary based

and goes up every year. If all else is tabled, it does put pressures on. But that doesn't mean it doesn't have to occur.

Comment: If the statute says I have to set the budget on the PSB, I have to do that .

Comment: If you communicate your position with council, it can be resolved.

Glenn Christie: This is a different process. This says look my job, as government statute is.... As long as I do that I am doing my job. Adequate and effective doesn't mean ignore guidelines; it means guidelines govern and I have to pay attention to them and be able to explain them.

Comment: A guideline is more flexible than a resolution.

Glenn Christie: It is not a legal conflict interest to vote on council and a PSB. The problem is how to do it.

Comment: What about credibility? Credibility starts at a handicap. My credibility is to the public where I froze the budget, but I want to be an change of agent. This is a difficult position so I would want to recues myself. I don't like the position, regardless of there not being any legal requirement, or conflict. It is the optics. Political reality of the guideline makes the guideline unattainable/sustainable.

## **Handout #2: BASIC FACTS**

You are a brand new member of your local Police Services Board. You are a long-time resident of your community. You have a close and long standing

relationship with the Mayor. The Mayor is not a member of the Board. Policing in your community is under a lot of criticism and pressure for a number of reasons:

- (a) Misconduct issues;
- (b) Dissatisfaction with service levels;
- (c) Rumors about how the Chief spends his time;
- (d) Concerns about certain expenditures, for example, a new boat.

The Chief of Police has been the Chief for ten years. He did not grow up in the community. He moved from elsewhere in the Province to take the Chiefs job. Once it becomes public that you are going to be joining the Board, the Chief of Police approaches you. He asks you to make a public statement in support of the police service because “morale has never been worse”. What do you?

Comment: I am not in a position to say anything. The Chair would speak on behalf of the Board. Ask him to speak to the Association to improve morale.

Glenn Christie: Active responses are good.

Comment: Compromise. You could state that as a new member I don't have enough information to speak to this issue. Ultimately report back and speak to the chair. The chair will advise how we operate and how to respond.

Glenn Christie: Remember, the PSB is not a cheerleader for the police, and doing so may cause conflict with the association. Is it appropriate to discuss? There is one response that makes more sense:

1. This is a board issue.
2. I don't know if this is correct.
3. This is not the way to do business.

#### **MORE FACTS**

Once it becomes public, your neighbor comes to see you. You have known and respected this neighbor for many years. She is a former member of the Police Service. Your neighbor tells you that there is really only one problem on the police service. Morale is terrible and the budget is out of control for one simple reason. She says that the reason is the Chief of Police. He spends money on all sorts of “toys” that the Service does not need like a new boat. He also looks after himself for example he recently negotiated his contract and gave himself a big raise and a huge severance package. What are you going to do about this information?

A- Take it under advisement

A- Investigate, talk to other members

A- Tell them “I hear you, I cannot comment on a personal opinion, what is before the board

A- Ask for it in writing

A- Thank for info and let it go, this is someone's opinion

Comment: This is not a complaint, this is an opinion and there is a duty of fairness to the Chief. You are new and need to take the information and consider it before escalating.

A person may carry a history with their response that is biased. Waiting and seeing is always a good thing so that you don't over react.

## MORE FACTS

You do not say anything to your neighbor. You do not say anything to anyone else either. At your first Board meeting when the Chief of Police is present, you advise the Chair that you would like to see a copy of the Chief's contract. The Chair immediately asks the Chief if he has a problem with your seeing his contract. The Chief objects and the Chair makes it clear that you are not going to get to see the contract. What do you do next?

- 1- The board member can make it a public issue.
- 2- Maybe you come from different angle. A well functioning board would have oriented a new member – including showing documents, business plan, contracts, policies and procedures, etc.

## MORE FACTS

Eventually you are shown the Chiefs contract. Do you ask for a copy of it? The Mayor approaches you and says that many residents have complained to her about the Chiefs contract. The Mayor asks you a number of questions:

- a) Have you seen the contract?
- b) It is true that the Chief is paid \$240k per year?
- c) Is it true that, if the Police Service is disbanded, the Chief will receive three years' salary and benefits?

How do you respond?

Comment: Tell the mayor you have seen it as board member, but do not release details.

Comment: If it is a public information then can we share it?

Glenn Christie: You don't want to be the source of what is in someone's contract.

## MORE FACTS

The Mayor advises that she is going to make a public statement about the Chiefs contract. She wants your advice about what to say in her statement, so she shows you a draft. In her statement, she refers to the Chief of Police as being "greedy". What do you do?

A- Don't advise, that is not my role

A- Tell mayor not to do that

A-Tell the chair

A- Have a discussion with mayor on public perception, walk through what the effective of PSA would have on community, chief and risk assessment. Tell the mayor to think and seek legal advice and reflect. You don't want mayor to come back on you.

Comment: In a PSB capacity, is that your role?

A- You have integrity of service in mind and therefore some obligation to ensure good perception of the police service.

Glenn Christie: What do we want to say if this goes out? If mayor senses a problem and says he showed the board and they didn't say anything? Does that change perception and outcome?



## STAFF SGT. ROBERT PRICE

Ottawa Police Service



# TOP 5 REASONS OFFICERS GET IN TROUBLE

## Concurrent Workshop

Police need to know they have the authority of the public and to maintain a professionalism. As we read through business plans there is always a piece about community and trust. An important piece is the view of legitimacy; the more the community views the service as legitimate the more it can influence public cooperation.

Headlines can diminish legitimacy of the police. The board, chief and association have to work together to ensure that trust is maintained. We cannot get rid of misconduct, but trying to minimize it is possible. Misconduct can be expensive, and need it is our responsibility to be wise with taxpayer money.

In Canada, specifically in Ontario, there are many oversight bodies. Any police complaint in Ontario goes to the OIRPD. There is more oversight now, with the PSB on governance and accountability. The Police Services Act does not provide details regarding complaints and the PSB but there is usually a framework for the Chief to report back. Both the police and community want a transparent and fair process, with benchmarks locked in. The public wants to know that investigations are given professional. There are over 300,000 OPS complaints per year, and some of these complaints are minimal, such as calls for service.

**Top 5 recurring complaints received:**

1. Misuse of police resources including CPIC and RMS
2. Abuse of authority (attitude)
3. Inadequate investigation
4. Off duty conduct
5. Inappropriate language

**2nd top 5 - reasons for discipline:**

1. OPS MVC
2. Breaches of CPIC
3. Red light camera infractions
4. Off duty conduct
5. Inappropriate language

Services do a good job with internal management of discipline of complaints. In Ottawa we had 15 that went to hearing for serious misconduct. Ottawa is similar to Toronto; we're not seeing a lot of organized crime on regular daily basis.

Red light cameras can happen because of rolling stops. These are handled in house, with minimal discipline and minimal public complaints.

MVCs happen but not through a public complaint because the community is accepting of this behavior as police drive a lot or public have accidents themselves.

Complaints that effect community perception:

Lack of communication can be major factor, lack of clarity, lack of knowledge of responsibilities, lack of direction.

1. Rudeness - NCO and supervisors get these.

Mediation is a great tool for resolution. Time can be a challenge at the time of a call, and an officer may be perceived as abrupt if their focus is on catching the bad guy. Sometimes the officer may be rude; what does that mean, what was the officer's perception? There are a high percentage of calls that are received but handled at the NCO/Supv level and not filed via OIPRD. Often this leads to communication training.

2. Inappropriate language - When officers use profane or insulting language; the offensive perception is heightened.

3. Misuse of Info - CPIC, RMS a service property. Accessing it without just cause and disclosing information brings discredit the service and puts numerous groups at risk.

Q- Do you have auditing systems to determine proper use vs personal?

A- New recruits often query with good intentions (for example their child's baseball coach, etc.). Senior officers sometimes leak for media.

Robert Price: What if an officer is on the job and runs their new sitter's info, not to disclose but to determine if they should hire? Guidelines need to be clear: officers cannot use this for personal use. The average person cannot access and has to determine from another source.

4. Off duty conduct - There is an issue when there is a nexus between off duty conduct and your role as an officer. There has to be that link. Most simple misconduct is when an officer commits a crime, for example a DUI, PA, drugs etc. That has a direct

relationship to misconduct and charges. There is a perception of officers in uniform doing things that don't look like officer roles.

Q- Is there some training to see the different perspectives of young officers using social media which is normal to them but that may not be normal to others?

A- We teach them that if they are going to use social media and attach their role as an officer to it, lines are crossed and they can be charged.

Failing to provide assistance - This is not priority/call time related; it refers to lack of follow up, not returning calls, language services, finalizing investigations without full investigation/interviews, etc.

Scenario - Cst. Zealous

The Supervisor should be aware of these situations and needs to address the issues with the officer through courses and training; the board can offer support. If the officer doesn't turn around only 1 other solution.

Knowing these common problems, can the board offer solutions through strategic solutions?

A- We have procedures, but we don't get as much information when there are complaints.

Robert Price: So how can the police board help mitigate the issue if Cst. Zealous is a threat? What if the officer has family issues? Then it is how you deal with it?

Comment: The Chief has to deal with it but the PSB has to support Chief with the tools to deal with it.

I think there is a point where the police board is reflective of the community. What has the board done to support this member and his expectations and the community standards? Certain situations, based on risk assessment, have to be taken into consideration.

Comment: We have heard about the OPS Ethics program, how do ethics intersect with the Mental Health response, ethical response, and accommodation?

Robert Price: The Ethics Program reflects how we agree we act, and the consequence of not following.

It's about managing risk but ensuring clear guidelines for accountability and ethical standards. Train everyone! The police boards overseeing this, do you have a role to play there? Are these the values that you want reflective of the board and the service?

Only 28% believe senior management disciplines those who violate ethical standards.

Ethical Leadership – does your Chief reflect these values? Is he/she visible and demonstrative of these values? You need to consult, listen and explain. You need to hold people accountable for bad behavior; knowing about it is condoning it.



## BURNING QUESTIONS ON POLICE GOVERNANCE

### Joint Plenary Session with CACP Delegates

### Three National Police Association presidents discuss “Burning Questions on Police Governance”

Introductions by Andrew Graham, Adjunct Professor, Queen’s University.

Andrew Graham: We’ll be hearing from the panel and yourselves on what CAPG should be focusing in terms of policy and overall direction.

#### **Rob Stephanson:**

My goal here is to throw a few points out that will stir thoughts and conversation. I want to hear from you on directions we should take.

The main question: what is the difference between governance and operations? The boards/

commissions set the budget, take it to the chief and are then asked to get out of the way. That’s still true now, but there are more responsibilities governors. So what is the defining line between the two? When it comes to shared services issues there are struggles over roles and controls.

Policy variances: Going through a policy review for the police board and trying to tie it to city policies; you would think that if one policy would work for a whole city it would work for policing, but it often doesn’t.

Other points: negotiated salaries, e.g., when boards are forced into arbitration and the trickle-down effect

## ROB STEPHANSON

President, Canadian Association of  
Police Governance



## TOM STAMATAKIS

President, Canadian Police  
Association

## CLIVE WEIGHILL

Chief of Police, Saskatoon Police,  
President, Canadian Association of  
Chiefs of Police



on the community and other boards in the province and country. There are salary pressures that are put on the community.

Costs, direct and indirect: In a municipal force like ours we end up bearing the brunt of the costs in federally investigated areas; there are direct costs related to equipment, enforcement.

Marijuana: We had no official position when we met with senators and MPs and that was a good thing because we were told that this is happening regardless of our position. We advocated that we needed to have the right people at the table and who's going to pay for this?

Budget: Policing is a separate arm of the city; that's fine but if you increase another department's budget by 6% and not across the board that becomes problematic. There is a balancing act.

Our board is made up of elected officials rather than appointed. I don't see that as all bad but I see some of the concerns. For example, if the budget comes back to council and all they can do is say yes or no, and if you don't have people on council who understand why things are in the budget, it can make things worse. In my own personal opinion, I don't care if board members are appointed or elected, but they need to be trained properly in what their role is. My job is to give them a budget and let them do theirs.

**Tom Stamatakis:**

I'll touch on many of Rob's themes.

Collective bargaining: Take a look at the labour codes in BC and ON. Both start out talking about

how negotiations should occur for a positive labour environment; it's important to have that, particularly in policing because of the nature of the work we do and the impact on the public.

Most of us have given up the right to strike and in exchange there are statutes that provide us the opportunity to go to binding arbitration if we're at an impasse. Certain principles in the legislation are intended to replicate what the parties have on their own, but it doesn't always go well and touches on governance. What's the alternative? If collective bargaining is not working and arbitration is no good, do we go back to striking? We need a thoughtful discussion on this; how do we make changes so that both sides can get to an agreement?

Mental health issues: This has a tremendous impact on our members. The reality is that officers are dealing with people in crises related to mental health every day; they do a really good job of it, but are tired of being constantly criticized for certain outcomes. We resolve about 96% of every issue we deal with, including mental health, without using any force at all. There are times we use force and sometimes that leads to tragic outcomes. We need to learn from those, but it's tiring to always be the focus of the criticism, as the group who's responsible for the outcome.

Support must start in our own organizations with support from police boards and commissions. What led to that person being in a mental health crisis? Who didn't do something? The police usually don't know anything about them, so I don't know why people are surprised when things go awry; we can't get it right 100% of the time.



Change, transformational, innovation: Compared to other countries, we do a pretty good job in Canada. We have a lot more civilian oversight than other countries and are consistent in our recruiting standards. We pay more than most other countries, not all; in terms of costs, comparatively speaking, we deliver police services more efficiently and cheaper than most other countries; that's impressive considering the size of Canada and the areas we're policing.

I have a ton of empathy for municipalities who bear the cost of policing, but have the least control. In my

are for people who can least afford those services, and that makes it safe for everyone. We don't solve crimes unless we have good relationships with people on the street to get the evidence we need.

This year we've lost 12 officers to suicide. We have surveyed our members, a couple of big police departments, and as many as 30% of the officers in some departments have been diagnosed with PTSD. Many officers are stressed out, suffer from severe anxiety and depression, there's lots of cynicism. All is tied to the constant change, change, change.

**"Policing is a people business; no matter what we do, we always rely on people."**

view, I think we need a more thoughtful discussion of how we pay police in this country, rather than focus on salaries. Unlike other countries, where most funding comes from a senior level of government, here it comes from the municipalities; so much of what we do is determined by provincial or federal decisions and cuts to other services often result in downfalls to police services.

Our members are tired of constantly being accused of being resistant to change and not innovative. Our associations have been willing to change but what we want is a meaningful, thoughtful discussion and a commitment to see that discussion through before new programs or changes are introduced.

Policing is a people business; no matter what we do, we always rely on people. The bulk of our services

Marijuana: This will be a big issue. Based on the conversations I've been involved in, it'll drive more work to the police and will have a bigger impact on capacity. There are pieces to the legislation I hadn't thought about, like edibles.

MMIW inquiry: This too is a big issue from our perspective. We're supportive of the inquiry but the concern we have is that you're seeing this huge concentration on the police; if we don't get to the underlying issues, then we're not going to get anywhere.

Terrorism: Terrorism has already had an impact on local policing. In urban centres we've had to reallocate services elsewhere, which impacts further down the line. It drives costs up and continues to aggravate the whole system.



**Clive Weighill:**

I want to break some myths, especially about diversity. First, I can't think of any police service who isn't trying to attract people to their organization. When I was in Regina, we had one Aboriginal police officer and no services for the community. Today, 12% of our officers are First Nations or Métis, and we have a full-time Indigenous recruiting officer. We also have country flags on our cruisers so that if people can't speak English, they can point to a flag.

When police get put into isolation, the numbers don't look good. So if a community is 50% one ethnic group and the police service is at 12% or 15%, that doesn't look good. We've moved a long way but we can't turn the switch overnight. There are lots of people coming from other countries who don't trust the police, so we're not going to wake up one day and be diverse. Police departments are actively recruiting officers from diverse areas of the community.

On activism and activists: I would never not want to

talk to them. Toronto Police Chief Mark Saunders has said that he'll talk to anyone on any issue, but when he meets people he wants dialogue, not monologue and that's what we're seeing.

Police racism and violence: I've asked groups to come and talk to me but they won't talk to us; how can we get compromise if we can't talk? If we don't work with the community, we're sunk.

Crime rates data are always lagging a year behind. We've been signalling that crime rates are increasing again (particularly drug-related issues that lead to thefts and other property crimes) but because the published data is a year old, people still believe the crime rate is going down. When people keep saying we need less police because crime is going down, they don't understand that's not true.

Change: I would encourage police services and boards to go through a recent exercise we did. We covered the wall in paper and asked our executive team to write down the milestones in our service.

We were amazed at how much transformation has been done over the last decade. When you take the time to reflect, it's quite stunning to see what has changed. I would recommend that you do a similar exercise because, as it turned out, when people say we don't want change, we can prove that's not true.

MMIW Inquiry: I echo Tom's concerns about getting to root causes. We need your help, boards need our help. I like our system of civilian oversight but sometimes it goes wonky; in some cases, if police boards have oversight, they're bad at management; there's a difference and it can have an impact. If you push your chief into a corner, the media picks it up and nobody's going to win.

As a police chief, when boards talk to the chiefs, there has to be a compromise or a way to deal with it without polarization. If a board has an issue, they should be to talk to their chief honestly and meaningfully; that's friendlier to the community, media, everyone involved.

Please, on behalf of police chiefs to police boards, we need your help and support in all these areas. We don't want 'yes' men; we want compromise.

#### **Questions, Comments & Discussion:**

Comment: The line between operations and governance is not as clear cut as it was years ago and it will continue to become more blurred. Boards have to become more involved with negotiations to get to a happier working relationships. Boards rely too much on their chiefs so we need others to make the best decisions.

Comment: There are myths, but what's forgotten is

that there was compromise offered. Before the Black Lives Matter campaign, before Ferguson, we were doing that in Toronto. The community leaders weren't activists; they were leaders in the mental health community and the African American community. They never asked for a ban on talking to citizens or community interaction; what they set out to develop was a compromise with everyone at the time. We're all trying to get at that compromise and Ontario's trying to get at it. It'll play out differently in all cities but I hope that that conversation is happening over this organization going forward.

Tom Stamatakis: It's always important to have those conversations. The frustrating point from our perspective is that there wasn't that conversation. There are 13 million people in the province of Ontario and only 1,700 showed up for discussions. That's frustrating and it won't do anything to improve public safety; it'll have an impact on public safety.

*Follow up on the comment on liability to boards; board needs to ask the right questions and have the right oversight but then let the folks do their work. Asking the right questions is important and ensures that oversight is diligent enough. But if something goes horribly wrong, what are the liabilities of someone on a board in the case of some kind of investigation if they haven't asked the right questions?*

Clive Weighill: Great question and the root of the debate. From a police board's point of view it's up to the board to say things to their agency, such as we need a policy on X, so let's develop a policy. Once the board's satisfied it's then up to the chief to implement it and the board's responsibility is over. If you're concerned about use of force, for example, then make sure that you have a policy that provides



the proper checks and balances; that's the liability I see from the boards.

*Has anyone in the policing community looked at binding arbitration when both parties come forward with their positions and the arbitrator will take the side of the least egregious, whichever seems fairer or more reasonable? If both sides look stupid, one of them isn't going to be happy. Has that ever been tried in policing collective bargaining?*

Tom Stamatakis: Yes, there have been discussions about that, but never actually agreed to that. There are times when I would agree with it, but the other thing to remember is that where there is legislation on binding arbitration, it includes guidelines for the arbitrator. I'd love to see boards become more active in bargaining; there are always competing funding demands.

*Are any of you able to describe in five words or less the essence of policing? If yes, what are those five words and if no, why not?*

Tom Stamatakis: Community, trust, integrity, working together. There are examples of people in the community who don't feel safe, but there's a relationship with the police. Feeling and reality can be different.

Rob Stephanson: We opened up our budget process a few years ago. Long story short, we got up at the end and said we need to spend more money on policing, we need equipment. The other group said we spent too much. At the end of the day, you have to get your message out and to make them understand what you're doing to keep and make the community safe. Everyone's perception is going to be different. In Weyburn, we're a small community, so maybe there's an extra level of that feeling.

*If people are safe but don't feel it, who's responsible for making them feel safe?*

Rob Stephanson: If you do a survey about safety and almost everyone feels safe in their own



neighbourhoods, it's always some other area. People feel safe because of what they see around them, you can't change that.

Clive Weighill: There is an old adage that police chiefs go through with media: ask three questions from the standpoint of the community member: 1) am I safe, 2) are you competent, and 3) can I trust you? Always try to cover off those points from the perspective of the community.

Andrew Graham: There is research on how to communicate. When you try to escape a media-driven issue, that's tough. Police are not solely responsible for community safety; we can't take that on.

*Two of the ways to address rising costs is to salaries and benefits, but that also reduces service. In terms of downloading non-core policing services, what would be the key areas that should be addressed?*

Tom Stamatakis: From my perspective we need to ask what the core police services are. The challenge today is to narrow that conversation. We still think of policing the way it was 25 years ago, but it's so much different now. In 2001, BC said they'd integrate people with mental health issues into the community. They didn't follow through with the support piece. Institutions were closed down because of reintegration and the province was able to avoid the costs of what happened with events with those people. We inherited that; there was never any decision in BC from governance to reallocate the savings to other areas that now have to do more to manage the issue. That's the problem, we can't have a discussion about core policing when we're

constantly seeing police expectations change. We are still one of the few essential services available 24-7 and we're not having a serious conversation about it.

Municipalities are getting screwed by other levels of government. Every year there's more added to policing. Terrorism is an emerging issue that's having a big impact and we have to reallocate resources to that. They may take things away but then add more on.

Clive Weighill: Social issues. For example: a man in a wheelchair is drunk; he's not doing anything criminal but police have been called. The police eventually call an ambulance because the man is in bad shape. As in every city, if you call 911, not only will the ambulance show up but also the fire department. In a situation like this, you already have two police officers, now an ambulance, and fire department staff, all dealing with one man guy who has addiction issues. All that time. There are lots of social issues like that, that aren't criminal, that we have to deal with. If other levels of government keep cutting funds for social programs, it will always fall back to the police and the municipalities.

Comment: The core policing discussion is a red herring. I think we could fit anything we do into those four or five core things. I come from private industry and the real question is if you want to grow your business, what is your long-term vision? Is there a discussion among your groups about what policing will look like 15-20 years from now, or are we lurching from one issue to the next? We should be looking at emerging issues and saying what we want policing to look like in the future.

Rob Stephanson: We can't keep doing the same things and expect different results. Cyber crime is a huge area that has only minimal resources allocated to it. I agree that we need the federal and provincial governments to get back to doing the things they're supposed to be doing so that we can do our jobs.

Tom Stamatakis: There isn't a cohesive discussion about that. We're not paying any attention to a big chunk of our country outside of the densely populated areas; there's a whole rural and remote policing issue that we're not addressing. Aboriginal communities are a disaster in my opinion. We're getting bogged down in jurisdictional agendas and getting distracted. As long as the primary source (70%+) of funding comes from municipalities, we're not going to get anywhere.

*Follow up question: Do you not think it starts with our organizations?*

Tom Stamatakis: Our organizations have never worked more closely together. We've collaborated on a couple of issues and we're talking about what needs to happen. I've been more hopeful with the change in the [federal] government. I agree with what Clive said earlier about this government seeming to be more willing to have the conversations we've been trying to have for a while.

Comment: The practice we have is that our board actually receives strategies and tactics on major events. We're not there to inform the police about their strategy. It builds trust and there's transparency in those strategies as to what the police are doing.

Comment: Collectively, people seem to want to move things forward. There was a resolution passed that we call on the Government of Canada to take a bigger role. I would encourage the other associations to see if there's a way of supporting that resolution.

Clive Weighill: It's healthy to have joint meetings and conferences. I'm so glad so many people showed up on a Sunday morning. On behalf of CACP thank you for coming.

Tom Stamatakis: I echo those comments. It's more important that we work together towards the same outcomes and hopefully see some results.



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