ISSUES AND CHALLENGES IN POLICE GOVERNANCE

RICK LINDEN

POLICE BOARDS AND GROUNDHOG DAY

GOVERNING POLICE

- Canada has one of the best systems of police governance in the world
- Contrast with the U.S. where governance is:
  1. Inadequate
  2. Extremely varied
- Governance critical in maintaining public trust and legitimacy
  - Contrast 'blue lives matter' in U.S. with agenda outlined by the CACP at their recent conference on the relationship between police and indigenous people.

GOVERNING POLICE

- Complex - many levels of police governance:
  - Police Boards/Commissions
  - Investigations units
    - Criminal complaints
    - Non-criminal complaints
    - Internal investigations
  - Courts
    - Criminal charges
    - Lawsuits

GOVERNING POLICE

- Judicial inquiries
- Human rights investigations
- Accreditation/ professional standards
- Community activism – protests and support

- THERE ARE MANY DEBATES AND CONTROVERSIES OVER GOVERNANCE PRACTICES – AND NOT JUST IN POLICING.

Amid heightened scrutiny, it's 'a precarious time' for U.S. police chiefs

Kevin Johnson, **USA TODAY** *8:47 a.m. EDT May 24, 2016*

A NEW YORK CITY SETTLEMENT ON SURVEILLANCE OF MUSLIMS

BY COLIN MOYNIHAN

ONE SIDE – Hamilton Council Wants More Control Over Police Services Board

City pushing again for police governance changes

Ken Mann
March 09, 2016 08:58 pm

AND THE OTHER

Hamilton's police board asks for bigger role directing police operations

As province overhauls Police Services Act, how much will police oversight boards' roles change?

By Kelly Bennett, CBC News Posted: Mar 31, 2016 12:14 PM ET Last Updated: Mar 31, 2016 7:16 PM ET

Why can't Ontario's police boards make police stop carding?

'The danger is that there's really no oversight of police' if boards can't weigh in: Carding critic

Chief Glenn De Caire (right), with legal counsel Marco Visentini, seen in 2013 at a budget review meeting. Visentini opined last week that a board motion crossed the line into meddling in the day-to-day operations of the service. (Samantha Craggs/CBC)

- GOVERNANCE ISSUES ARE NOT UNIQUE TO POLICING

Israel's Army Goes to War With Its Politicians

By RONEN BERGMAN   MAY 21, 2016

Protest resignations reveal a fractured Lifeline Syria board

MICHELLE ZILIO

OTTAWA — The Globe and Mail

The Valeant e-mails: 'We are on the brink of a catastrophe'

JOANNA SLATER - U.S. BUSINESS CORRESPONDENT
The Globe and Mail
Published Thursday, May 12, 2016 6:30PM EDT
Last updated Friday, May 13, 2016 11:17AM EDT

TWO REACTIONS TO THIS

- The silliness over operations and policy has to stop   (Andrew Graham)
- Board responsibilities must be clarified before composition, training, etc. can begin to be addressed. To do otherwise would be rudderless. (Fred Kaustinen).

GOVERNANCE QUESTIONS

- Can part-time board members deal with the burden of accountability they face?
- Can a board do more than rubber stamp choices?
- How can boards govern without intruding into the CEO's responsibilities?
- How can a board know what it needs to know without being overwhelmed with information?

Source: John Carver: "A Theory of Corporate Governance: Finding a New Balance for Boards and Their CEOs". www.carvergovernance.com

POLICY GOVERNANCE MODEL

- How can a board, on behalf of shareholders, see to it that a business achieves what it should (normally in terms of shareholder value) **and** avoids unacceptable solutions and actions?

- Basic assumption that board represents owners. Thus it has to exercise its authority and to govern.

- In policing, the 'owner' is the public. Peel established municipal policing based on the notion that the police are the public. Boards ensure this is done.

- Boards represent the public – not Council, not the police service, and not special interest groups.

Source: John Carver: "A Theory of Corporate Governance: Finding a New Balance for Boards and Their CEOs". www.carvergovernance.com

POLICY GOVERNANCE MODEL

- Fundamental dilemma – board must control the CEO, but also must give the CEO the freedom to act

THE CONTRADICTION OF GOVERNANCE

- Police independence
- Accountability and governance

DEALING WITH THE CONTRADICTION -CARVER

- How to do this?
  - By controlling 'ends' in an affirmative, prescriptive way
  - By controlling 'means' in a limiting proscriptive way.
  - Don't tell CEO **how** to do the job, but rather **how not** to do it
  - This gives the chief the necessary managerial freedom, but also puts boundaries around it

POLICY GOVERNANCE MODEL - ENDS

- What ends do you want for your police service?

- You will get very different behaviours from police officers if you:
  - Direct the chief to increase revenues from traffic tickets by $1.5 million
  - Direct the chief to reduce traffic collisions by 25%

POLICY GOVERNANCE MODEL - MEANS

- What activities by management would be unacceptable *even if they worked?* (Carver)
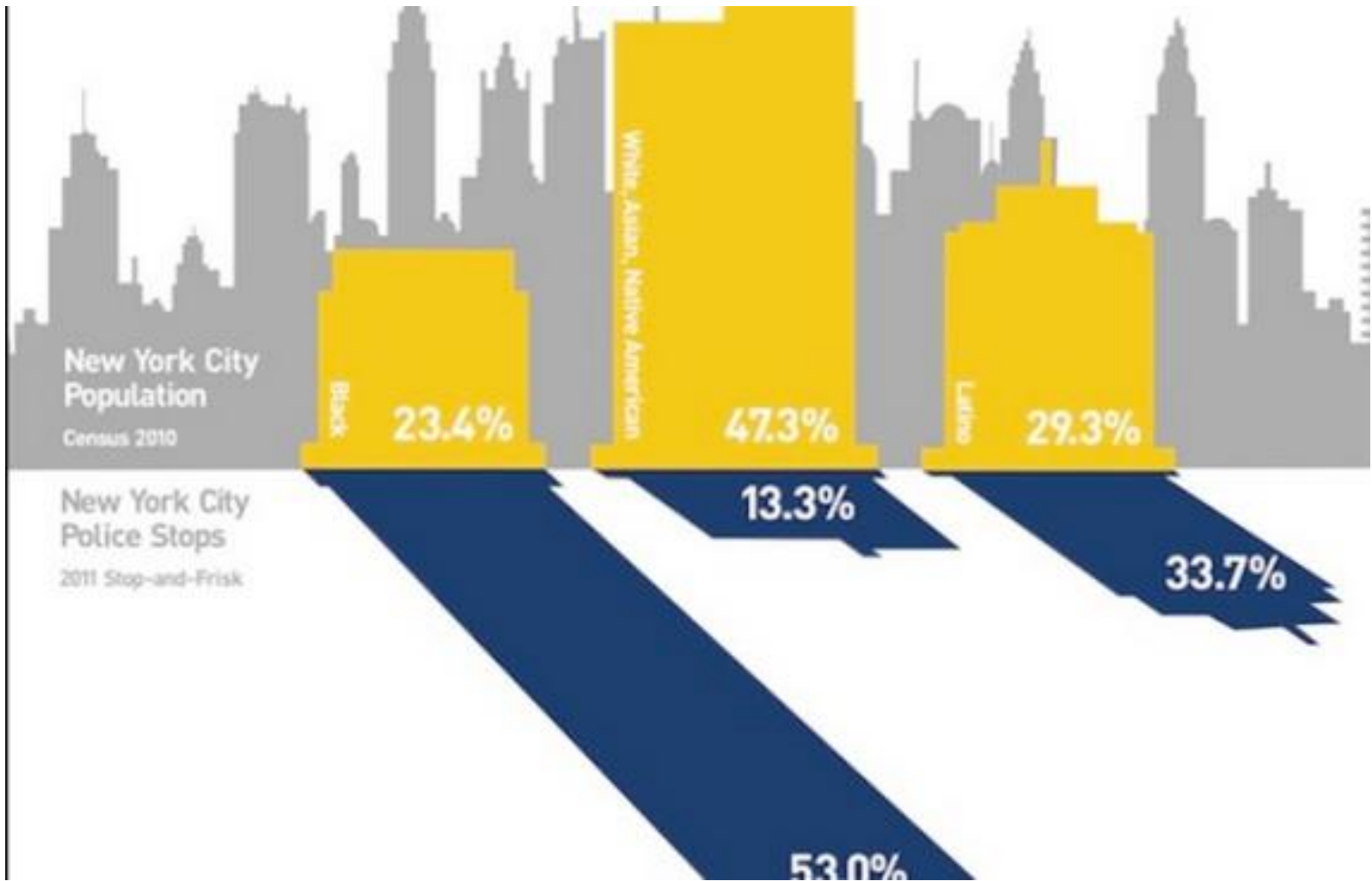
  ◦ Role (or non-role) of board of Valeant.

How Chicago racked up a $662 million police misconduct bill

20-3-2016 2:05 AM | tampabay | 12 similar news

CHICAGO — In this city's troubled history of police misconduct, Eric Caine's case may be unrivaled: It took more than 25 years and $10 million to resolve. . (read more)

STOP AND FRISK

DO YOU KNOW ENOUGH ABOUT POLICING?

- If you can't explain it, you can't lead it (Carver)

- Or, can you strategically direct the police and evaluate their effectiveness if you don't understand what they are doing? What would you have done in the preparation for the G20 if you heard the term 'kettling'?

DO YOU KNOW ENOUGH ABOUT POLICING?

- What does the photo in the next slide tell you about the need for change?

MAIN STREET PROJECT

DO YOU KNOW ENOUGH ABOUT POLICING?

- What do you know about the community mobilization approach? (Prince Albert)
- Does your chief understand the notion of 'collective impact"?
- Do you know what partnerships your police service is involved with? (Note Clive Weighill's comments at CACP conference this week)