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*“... We’re well known by the company we keep.”*

# CACCP Bulletin

Canadian Association of Chiefs of Police SPRING 2010



**THE MYTHS DESTROYING  
A LIFE-SAVING POLICE TOOL  
(AND WHAT WE'RE DOING ABOUT IT)**



*"...Leading progressive  
change in policing"*

# 3 EMERGENCY SERVICES ASSOCIATIONS MEET

A meeting of the three national emergency service associations took place on February 17th in Toronto at Toronto Police Headquarters. In this photo are (L-R) Mr. Steve Palmer, Director General Canadian Police Research Centre; Chief Bruce Farr, Chief of Toronto EMS and President of EMSCC; Chief Robert Simonds, Fire Chief, St. John Fire Department and Vice President of CAFC; Chief William Blair, Chief of Toronto Police Service and President of CACP; Deputy Chief Sue O'Sullivan, Deputy Chief, Ottawa Police Service and Chair of the CACP Emergency Management Committee.



## LONDON POLICE SERVICE RAISES MONEY FOR MS



The picture was at the London Police Service station on Tuesday, February 16th, the day the Service raised \$1628 for the MS Society at their Casual Day in honour of Susan Skeffington, who is currently off work due to her MS. In the photo from left to right are CACP Member, Deputy Chief Brad Duncan, London Police Service with Susan Skeffington who works at the Service, LeAnn Brown, Civilian Casual Day Coordinator for London Police Service, Barb Hornick, Co-coordinator, Patrick Nonnan, Vice Chair London Middlesex MS Society, and Chantel Grande, The MS Society.

**Congratulations on a job well done  
London Police Service!**

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# ACP

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Canadian Association of Chiefs of Police

Spring 2010



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# PRESIDENT'S MESSAGE



Spring is here and for police services across the country, it has already been a very busy year. Many of our men and women were on the frontlines in Vancouver for the Olympic Games and many are continuing to plan and prepare for the G8 and G20 Summits this summer.

Our feature article this month reinforces the need for the CACP to continue to contribute to public and police officer safety by promoting responsible gun ownership. The CACP believes that the firearms registry has made Canada a safer country. The elimination of the registry would result in a loss of critical information and severely compromise law enforcement's ability to deal with gun violence. I urge each of you to join the CACP's efforts to develop a National Firearms Strategy and to champion support for the registry in your community.

Your CACP Executive and staff have been very busy as well. Many of you may have noticed the increase in regular emails and messages from the CACP. We have placed great importance on our ability to share timely and effective communications with our membership. We hope you will find these messages useful and content relevant to our ongoing initiatives and upcoming events.

To those of you who have recently joined the CACP, welcome. We have been and will continue to be a strong voice on behalf of police leaders across Canada. We are working on enhancing our ability to be effective advocates of public safety issues who are listened to and respected by all levels of government and the general public.

We are doing this on your behalf. Please reach out to the Executive and staff if you have an issue that needs to be addressed. The CACP will continue to work towards being representative of all its member services. That should be the value the CACP can bring to you.

In addition, please get involved. For many years the work of the various CACP committees has been an essential component of our business. By participating in these committees you can help develop programs; policies; and positions on national public safety issues that reflect your own local needs.

We also have the Canadian Criminal Justice System Conference in Toronto in April and our Annual Conference in August, this year in Edmonton. These events are not just excellent opportunities to learn and develop your services but they are valuable networking opportunities as well.

We hope you'll join us.

A handwritten signature in black ink, appearing to read 'W. Blair'.

*Chief William Blair, O.O.M  
President*

## CALENDAR OF EVENTS

**CACP Annual Conference 2010**  
August 22-25, 2010  
Westin Edmonton, Edmonton, AB

**2010 U.S.-Canada Cross Border  
Interoperable Communications Workshop**  
September 13-15, 2010  
Caesars, Windsor, ON

**2010 Traffic Symposium - Innovation in Road  
Safety: Safe Emergency Vehicle Operations**  
October 24-26, 2010  
Crowne Plaza, Niagara Falls, ON

**Private Sector Liaison  
Committee Conference**  
November 7-9, 2010  
Hilton Lac Leamy, Hull, QC

**Law Enforcement Quality Assurance "Quality Assurance for the Citizen"**  
November 28- December 1, 2010  
Fairmont Chateau Frontenac, Quebec City, QC

**The 4th Canadian Public Safety Interoperability Workshop:  
A CITIG National Forum "From Action to Results"**  
December 5-8, 2010  
Location: The Fairmont Empress, Victoria, BC

**Canada's National Pipeline/ Convoy Conference**  
May 1-4, 2011  
Fairmont Royal York, Toronto, ON

# WELCOME TO NEW MEMBERS

**AUGUST 2009 - JANUARY 2010**

**The CACP welcomes all new Active and Associate members, and congratulates those who have achieved Life membership.**

## ACTIVE MEMBERS

*Superintendent Darrell Beaton, RCMP*

*Deputy Chief Officer George Beattie,  
SCBCTA Police Service*

*Assistant directeur Sylvain Brouillette,  
Service de police de la Ville de Montréal*

*Chief of Police Patrick Capello, Perth Police Service*

*Directeur général adjoint Francois Charpentier,  
Grande Fonction des Affaires Institutionnelles*

*Inspecteur Serge Chartrand, Sûreté du Québec*

*Superintendent Derek Cooke, RCMP*

*Deputy Chief Constable Robert (Bob) Downie,  
Saanich Police Department*

*Deputy Chief Constable John Ducker,  
Victoria Police Service*

*Superintendent Tom Fitzgerald, Toronto Police Service*

*Superintendent Mike Flanagan,  
Ottawa Police Service*

*Inspector Scott Fraser, Brockville Police Service*

*Superintendent Craig Gibson, RCMP*

*Directeur Francis Gobeil,  
Service de la sécurité publique de Trois-Rivières*

*Deputy Chief David Jones,  
New Westminster Police Service*

*Superintendent Colleen Kelly, Halifax Regional Police*

*Deputy Chief Allan Lekun,  
Greater Sudbury Police Service*

*Deputy Chief Paul Levesque,  
Thunder Bay Police Service*

*Superintendent Donald MacLean,  
Halifax Regional Police*

*Inspector William (Bill) Maxwell, RCMP*

*Deputy Chief Gary McGuigan,  
Charlottetown Police Service*

*Superintendent Robin McNeil, Halifax Regional Police*

*Superintendent George McPhee, Windsor Police Service*

*Inspector Glen Motz, Medicine Hat Police Service*

*Assistant Commissioner Randy Perks, RCMP*

*Superintendent James Perrin, Halifax Regional Police*

*Chief of Police David Poirier, Summerside Police Service*

*Superintendent Vincent Power, Windsor Police Service*

*Superintendent Keith Robinson, RCMP*

*Directeur Marcel Savard, Sûreté du Québec*

*Chief of Police Charles (RCJ) Seguin,  
West Nipissing Police Service*

*Chief Superintendent Kenneth Smith,  
Ontario Provincial Police*

*Deputy Chief Stephen Streeter,  
Peterborough Lakefield Community Police Service*

*Chief of Police Robert Towns,  
Espanola Police Service*

## ASSOCIATE MEMBERS

*President Earl Basse, Basse & Associates Inc.*

*Director of Sales Suzanne Beyba, Motorola Canada*

*Executive Director Jean-Francois Champagne,  
Canadian Security Association (CANASA)*

*Staff Sergeant Rock Lavigne, Ottawa Police Service*

*Country Attaché Robert Thomas, US Embassy*

*National Technology Officer John Weighelt,  
Microsoft Canada*

## LIFE MEMBERS

*Colonel Tony Battista (Rtd),  
Department of National Defense*

*Chief of Police Allen Bodechon (Rtd),  
Saint John Police Force*

*Terry Coleman (Rtd),  
Corrections, Public Safety and Policing*

*Guy Coté (Rtd), Garda Security Group*

*Monsieur John Dalzell (Rtd),  
Canadian National Police*

*Chief of Police Ron Fraser (Rtd),  
Oxford Community Police*

*Chief of Police Raymond Freeman (Rtd),  
Espanola Police Service*

*Deputy Chief Ronald Gillies (Rtd),  
Thunder Bay Police Service*

*Chief of Police Paul Hamelin (Rtd),  
Midland Police Service*

*Deputy Chief Brian Harder (Rtd),  
Belleville Police Service*

*Chief of Police Ronald Hoath (Rtd),  
Port Hope Police Service*

*Mister Andy Lagasse (Rtd), RCMP*

*Superintendent Ian Libbey (Rtd),  
Canadian Pacific Railway Police Service*

*Superintendent Roderick Manson (Rtd),  
Canadian Pacific Railway Police Service*

*Chef Serge Meloche (Rtd),  
Canadian National Police*

*Deputy Chief Charles Mercier (Rtd), Durham  
Regional Police Service*

*Captain Stephen Moore (Rtd),  
Canadian Forces Provost Marshal*

*Chief of Police Brian Mullan (Rtd),  
Hamilton Police Service*

*Superintendent Knowlton Roberts (Rtd),  
Ottawa Police Service*

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*Henry Vanwyk (Rtd), Vicars Group Security Advisors*

*Deputy Chief Daniel Wiks (Rtd),  
Saskatoon Police Service*

*Chief of Police David Wilson (Rtd),  
Cape Breton Regional Police Service*

# THE MYTHS DESTROYING A LIFE-SAVING POLICE TOOL (AND WHAT WE'RE DOING ABOUT IT)

Submitted by the CACP Special Purpose Subcommittee on Firearms

**STRONGQUILL • SEEWALD • L'ECUYER • GALLOWAY • GORDON  
JOHNSTON • MYROL • SCHIEMANN • GIGNAC • ATKINSON  
CAMERON • BOURDAGES • TESSIER • WORDON • SCOTT • PHAM**

**T**hese are the names of Canadian police officers shot and killed in the line of duty in the last 10 years. 14/16 were shot with a long gun. Registration of all firearms- including long guns - is important to police officer and public safety.

**IN MEMORIAM: CST. ROBIN CAMERON, MOTHER, POLICE OFFICER,  
AGE 29- EXCERPT FROM A LETTER WRITTEN BY HER DAUGHTER AND READ AT HER FUNERAL**

*"Dear Mother dearest: The best person in my life.*

*I'm writing this very moment when you're going away. I'm thinking this a nightmare but why won't I wake up? I'm saying this right now, with all my heart, that I love you. You'll be with me wherever I go, whatever I do in life, and in my prayers. I love you so much. You are my world. I'm telling you this with my tears and prayers. I will see you again someday. I will see you in my dreams, mind and heart. You're not going away forever. Me and the family are thinking you're on a real long job for a while, but we don't have to worry about you anymore...*

*I'm glad you're fighting, especially for me. But don't worry, Mom. I'll be OK. I know you'll be there for me. You'll see me graduate, have my own kids. And my daughter will be named Robin and know that her grandma was a hero. I know I saved your life once, but I don't think I can do it again. And when you're up there, make my house next to yours, and it will be made with chocolate. I love you, Mom."*

*Shayne (age 11)*

## **OPERATIONAL SUCCESSES : PREVENTION, INVESTIGATION AND TRACING**

### **REGISTRY AIDS IN HOSTAGE TAKING INCIDENT**

In 2009, a man carrying a long gun and many rounds of ammunition walked into the Workers' Compensation Board building in Edmonton and fired a single shot into a cinder block wall. He detained a total of nine hostages, but released one. A CFRO query revealed the man was licensed and had inherited three long guns. The CFRO provided valuable information to the Edmonton Police Service and their emergency

responders to guide their response to the incident. The man was arrested after a 10-hour police standoff that forced the evacuation of more than 700 people in the city's downtown core.

### **REGISTRY AIDS IN RECOVERY OF NUMEROUS STOLEN LONG GUNS**

NWEST provided support to an RCMP detachment after a suspect was stopped with four long guns in his vehicle. The suspect was evasive when questioned, leading investigators to believe the firearms had been stolen. NWEST conducted CFRO checks on the recovered firearms and determined all four were registered to a local resident and not the person who was in possession of them. The registered owner, who was working out of town, was contacted by police and said that, as far as he was aware,



all of his 16 firearms were safely stored at his residence. A subsequent investigation resulted in the recovery of the remaining 12 long guns from the suspect.

## OFFICER SAFETY PRESERVED BY REGISTRY DURING DANGEROUS INVESTIGATION

A joint task force of police officers was in the process of obtaining a warrant in a drug case. In consultation with NWEST, CFRO was queried, and it was determined that the suspect possessed numerous firearms that could have been used to harm the members had they not been prepared for this possibility. They subsequently approached the dwelling in a manner different from how they may have had they not been aware firearms were in the residence. The warrant was executed without incident and numerous firearms and other weapons were seized.

## REGISTRY PROVIDES RELIEF TO LOCAL FAMILY

Police received a call from family members requesting attendance at the family residence to take the father's firearms away as he was very depressed and despondent. Before the officers departed with a certain number of long guns, they queried CFRO and determined there were an additional 21 firearms registered to the father that no family members were aware of. The officers remained on site until they obtained a search warrant, proceeded with the search and found the additional 21 firearms hidden in various parts of the house, along with 45,000 rounds of ammunition.

## REGISTRY HELPS AVOID SCHOOL TRAGEDY

The CFP received a request for assistance in verifying internet activity of a youth who had recently been expelled from school for uttering threats to kill someone with a firearm. The Registry confirmed the subject's stepfather had several non-restricted and restricted weapons in the home. Information from the Registry informed police about the number and type of firearms that may be accessible to the youth.

## REGISTRY CRITICAL IN SOLVING MAYERTHORPE SHOOTINGS

Following the mass killing of four RCMP members, the RCMP used registration information contained in the Canadian Firearms Information System to link a long gun recovered at the scene to a licensed owner. This helped the police focus their investigation and subsequently identify and convict two accomplices.



## REGISTRY HELPS POLICE PROSECUTE SERIOUS LOCAL CRIMINALS

At the conclusion of a lengthy investigation, which included the execution of a number of Criminal Code search warrants, a large quantity of property, including drugs and firearms, were recovered. With the assistance of the Canadian Firearms Program, the majority of these firearms were traced to their registered owners in Eastern Canada. This provided valuable information to the investigators, and the CFP information that was obtained was key in linking the criminal possessors of the firearms to the crimes in which the firearms were obtained.



## MYTH-BURSTING: THE CANADIAN FIREARMS PROGRAM (CFP)

**MYTH:** Registration of firearms is a financial "boondoggle" and "scrapping it" will save taxpayers a needless expense.

**FACT:** There is tremendous cost benefit to the existing firearms licensing and registration system as a recent evaluation has shown. The national registry (for all classes of firearms) costs \$15 million per year to operate. It costs \$3 million per year to run the long-gun portion of the registry. Without registration of all classes of firearms, firearms investigations would be unnecessarily lengthy and complex, and less successful. Investigations are not cheap - expenses could easily surpass the cost of the entire registry.

**MYTH:** The long gun Registry is mismanaged, inefficient, and provides poor service to clients trying to register firearms.

**FACT:** New long guns are generally registered or transferred on line by the selling business in a few minutes, at no cost. Private transfers of older long guns are done over the phone in a matter of minutes, also at no cost. Recent audits and evaluations show the CFP is well managed and efficiently administered. The Program is so well run now that it is spending less than amounts authorized by the Government in previous years.

**MYTH:** Long guns are used only for legitimate purposes while criminals use restricted and prohibited handguns.

**FACT:** We could only wish that law-abiding duck hunters and farmers were the only ones using long guns.

Between January and October 2009, 40% of firearms traced after being linked to a crime were long guns.

Many deaths are as a result of long guns, including the majority of police officer shootings in Canada (13/15 police shootings since 1998). Spousal murders are mostly committed using long guns.

While known criminals use handguns to kill other known criminals (as we've seen in Toronto and Vancouver), as police officers know, crimes are not just committed by those with criminal records.

Although people don't want to think about it, family members and acquaintances use long guns to kill other familial acquaintances. Far more suicides are committed using long guns than handguns. Police have to think about it when they are called to respond to an incident.

**MYTH:** The Registry won't decrease crime because most guns used to commit crimes are obtained illegally and are not registered. Criminals won't register their guns, so legislation wrongly targets law-abiding citizens.

**FACT:** The Registry is a valuable police tool. Toronto Police used the Registry to remove 1300 mostly prohibited firearms from high-risk licensed owners - it was later confirmed that 85% of the guns were stored unsafely – under beds and in closets, for example. Many crime guns, both restricted and long guns, have turned out to be registered, and the Registry has helped solve a number of crimes by tracing a crime gun to a registered owner. In 2008, of 23,164 firearms seized by police for public safety reasons or after criminal use, more than 18,000 were long guns. The registration of all firearms provides law enforcement the capability to trace when firearms have "crossed the line" from legal to illegal ownership. Gun thefts are a real public safety issue as for example, between 1974 and 2008, almost 75,000 guns were reported stolen from residences- the majority of them long guns. The registration tool helps police do their job in preventing and investigating crimes, including the illicit movement of firearms, firearms thefts and smuggling.

**MYTH:** Front-line police don't use the Registry or the other programs offered through the CFP.

**FACT:** Police definitely use it. Police across Canada access the Canadian Firearms Registry On-Line on average 12,000 times a day – over 2,700 of these daily requests were officers requesting addresses specific to firearms owners – giving them valuable information on firearm ownership before attending a call or following an investigative lead. The CFP is the primary source of firearms information for front-line police officers, including firearms identification, tracing, and other investigative support.

## CACP SPECIAL PURPOSE SUBCOMMITTEE ON FIREARMS WHEN?

In December, 2009, the CACP President has directed the formation of a short-term Special Purpose Subcommittee on Firearms. With the advent of Bill C-391, there was recognition among police that they were unprepared for both the lack of political support in some municipalities, but also the consequences of losing the long gun registry on police officer and public safety.

**WHY?** The CACP has always been a strong supporter of Canada's gun laws as they exist to support our prevention, investigations, and tracing efforts. However, it is timely to update our position. Our gun laws save lives. Police officers on our streets require the valuable information contained in the Canadian Firearms Program's sophisticated and dynamite systems. It allows police officers to respond to situations with up-to-date firearms information available. It supports ongoing efforts by police to prevent crime, investigate crime, and to move across jurisdictions when necessary to track crime.

Think of what policing would be without the ability to query a license plate to determine the owner of a vehicle. This same scenario can apply to firearms registration information. Think of the value of CPIC without a warrant query capability – no 29 capability. Similarly what's the value of the Registry if the long-gun portion were to be removed.

**WHAT FOR?** The goal of the Subcommittee is to develop a national firearms strategy, understood by all police officers, in time for the August AGM. The CACP supports the licensing of individuals and the registration of all firearms. Both these critical elements work together to promote responsible gun ownership and contribute to public and police officer safety. The police community across Canada owes its gratitude to compliant firearms owners for their valued contribution to public and police officer safety.

The leadership was selected not only for their current senior leadership positions in their respective organizations, but also because they have been directly and interminably affected by firearms and regulations. They have an earned credibility on public and police officer safety with respect to firearms. Jean-Guy Gagnon was the SPVM senior officer in charge during Dawson College and reeled from the effects of Ecole Polytechnique on his city and police service.

**Marty Cheliak was the RCMP district commander in charge overseeing Mayerthorpe, and the senior officer in charge during Kimmirut.**

Photos from the Officer Down Memorial Page, Inc.

*"We lose the gun registry at our peril"*

*Toronto Police Chief Bill Blair, CACP President*

# ETHICS POLICY: Going Beyond the Individual



By David Sunahara, PhD, CACP Ethics Committee Member

**P**olice service policies that address ethical conduct build on our western cultural traditions. This tradition makes individuals personally responsible for their misdeeds. And

there are probably very few in the police community today who would dispute the need for individuals to take personal responsibility.

This focus on personal responsibility finds its policy counterparts in police recruiting practices, in statements of organizational values and in the discipline system. These policies try to ensure the highest standards of conduct by requiring officers to be, in the words of the Ontario Police Services Act, of good moral character and habits (sec.43.(1)(d)).

In the following discussion, I am not disputing the need for officers to be of good character or the need to hold individuals responsible for their misdeeds. Rather, what I am suggesting is that focussing on the personal qualities of officers may restrict an organization's ability to develop more effective ethics policies.

The starting point for this alternative approach to ethics policy is accepting that police officers work in a morally damaging environment. Daily, police officers are exposed to extraordinary cases of cruelty and countless acts of banal stupidity. And too often, police services leave it to an officer's moral reservoir to protect him or her in this corrosive environment. Leaving officers to fend for themselves in this kind of environment turns a blind eye to much of what we know about human behaviour.

We know that a person's relationship with others is an important determinant of how that person will act. Knowing this, perhaps it is time to look beyond the individual in the pursuit of ethical behaviour. Perhaps it is time to look at the relationship between the officer and the police service. More specifically, perhaps it is time to focus more closely on the subordinate-superior relationship, to address that bilateral pairing in police ethics policy.

From this perspective, the superior's actions in the form of the direction, support and "holding-to-account" are central to promoting ethical conduct. Currently we do little to make supportive subordinate-superior relations a reality. We assume supervisors, whether they are newly promoted sergeants or senior officers have the knowledge, skills and, most importantly, the inclination to supervise and hold their subordinates to account. This is a very large assumption.

A variety of commentators have observed that newly promoted supervisors often find themselves conflicted. Loyalties and identification are split between officers' past lives as members of the rank and file and their new lives as managers and agents of the organization. Good training can provide the knowledge and skills needed by supervisors but it is unlikely that it will provide the inclination. The origins of "inclination" reside in the experience of being held to account.

Accountability, by its very nature must flow from the top and be transmitted downward through the successive subordinate-superior pairings in the organization. It must become part of an officer's day-to-day experience. When we do this, we accomplish two ends. Firstly, by holding someone to account, we directly change behaviour thus meeting the immediate need for ethical conduct. But

holding to account can also have a longer term, and perhaps more profound effect. Psychologists tell us, that by causing someone to act in a certain way, the person's attitudes and values will fall into line with the newly required behaviour. Behavioural change leads to changes in values. Our conventional views and policies that focus exclusively on the individual tell us only half the story.

Before concluding, a few clarifying comments are in order here. The arguments promoted here should not be interpreted as advocating a return to the days of harsh and unforgiving command and control, the days when accountability and punishment were virtually synonymous. That approach was probably even more harmful than is today's. Neither should it be interpreted as promoting a new and endless stream of new rules and procedures. Stifling, burdensome rules encourage rule breaking and discourage organizational effectiveness. Neither of these conditions proved effective in the past and both have proved destructive of morale.

At heart what is being advocated is a broader and more nuanced understanding of how a police service can encourage high ethical standards. It is not enough to make the individual officer the exclusive focus of ethics policy. More needs to be done to promote policies that recognize the central role of subordinate-superior pairings in strengthening a police service's ethical standards.

**The research that gave rise to article was conducted by the author when he was employed by the Canadian Police College (CPC). I would like to thank the CPC for giving me the opportunity to conduct this research. The views expressed here are those of the author and do not necessarily reflect the official position of the CPC or the RCMP.**

# *The day I went to the Supreme Court of Canada*

*By Vincent Westwick*

*"Mr. Westwick, can you comment on the relationship between good faith and section 9 of the Charter? How can good faith co-exist with unlawful detention?"*

Legal Counsel Karine LeBlanc,  
Executive Assistant Vicky Nelson,  
General Counsel Vince Westwick,  
and Articling Student Kelly Barker.

I had just completed my oral argument before the Supreme Court of Canada, navigated the famous time clock and was turning to go back to my seat.

At that very moment, just as I thought I was finished, Justice Abella asked the above question. Deceptively simple on the surface, the question carried with it all of the complexity underlying the issue before the Court.

But how did the CACP and the Ottawa Police Service find themselves before the Supreme Court of Canada arguing whether courts can award damages in good faith situations? It didn't happen by accident - the development of the CACP Supreme Court Intervention Program is worth reviewing.

Several years ago, I attended a local continuing legal education seminar. Justice Bastarache, then a Judge of the Supreme Court of Canada, was speaking to a group of lawyers about appeal advocacy. He made a strong point about encouraging groups with special expertise to consider appearing before the Supreme Court of Canada. He said judges needed to know the practical implications of their decisions. Judges welcomed detailed information about the practical impact and effect of the Court's decisions.

I remember thinking to myself that his message applied directly to the CACP. About this time, the Law Amendments Committee was grappling with the slowness of the legislative amendment system and its sometimes unresponsiveness to police concerns. Police were also beginning to see the new and more expansive role of the courts in "making" law, especially the Supreme Court of Canada. Police were expressing frustration that courts did not understand policing, as decisions often seemed to ignore the practical realities of law enforcement. We felt our voice was not being heard!

The suggestion that the CACP intervene at the Supreme Court of Canada was first raised with the Law Amendments Committee. The CACP had earlier been to the Supreme Court of Canada as part of a group of interveners on the Alberta Firearms Reference, but, in that case, the preparation and the costs were shared amongst several different groups. The CACP had never appeared independently before Canada's highest court. While it was agreed that intervention in important cases was a great idea, the question was how could the CACP do this on its own? There were many practical problems. How would cases be selected? And, perhaps most problematic of all, how would the CACP pay for it? With the support of Gwen Boniface, who was then my co-chair of the Law Amendments Committee, a proposal to create a Supreme Court Intervention Program was made.

The CACP Executive was enthusiastic, recognizing the potential, positive opportunity. But how would the CACP fund such an expensive undertaking? A few different models were tried but for the last several years the approach has been simple. Cases are selected by the Law Amendments Committee which chooses those with a national dimension and having a significant impact on policing. The critical element in the Program is the agreement of an individual police service and its legal department to take carriage of the case on behalf of the CACP. The individual police service contributes the time and expertise of its lawyers while the CACP funds the out of pocket expenses and disbursements. On

recommendation from the Law Amendments Committee, the CACP Executive authorizes intervention and the CACP President instructs counsel. The model has worked well. For example, Inspector Greg Preston of the Edmonton Police Service has been involved in four cases before the Supreme Court, the most recent being the Virk case.

There are many benefits to this model. For the CACP, the Supreme Court Intervention Program has become an important component of its advocacy strategy. For the local police service, it is very positive exposure and an opportunity to engage directly with the CACP and for the police service lawyer who might not otherwise appear before the Supreme Court of Canada, it is a unique opportunity. Using different police services also demonstrates the strength and diversity of the CACP, its national dimension. We also believe the Court recognizes that those lawyers appearing on behalf of the CACP are themselves very knowledgeable in the law and practicalities of policing and the Court takes the opportunity to ask their questions, to test the Court's own thinking.

As co-chair of the Law Amendments Committee, I had been involved in the management of the Intervention Program for several years but had not taken a case myself. My interest and that of the Ottawa Police Service in the Ward case arose from research associated with local litigation on the same point. In preparing to brief the Chief on an outstanding legal action, the Ward case was surfaced. How Ward is answered will most certainly affect the position of the Ottawa Police Service in that litigation. Chief White saw value for the Ottawa Police Service, the CACP and approved our involvement in the case.

*He made a strong point about encouraging groups with special expertise to consider appearing before the Supreme Court of Canada.*

The rules of the Supreme Court of Canada provide that an interested party may apply to "intervene" in a case before the Court. In a formal application process, an intervener must convince the Court that it has a substantial interest in the case and can offer something useful and different to the Court. An intervener is not a full party to the litigation but is granted the limited right to make written and, sometimes, oral submissions. Once the Court rules favourably on the application, the intervener has the right to file a factum, (legal argument in a specific format) and in this case, the opportunity to make formal legal argument at the hearing. In Ward, interveners including the Attorneys General of Canada, Quebec and Ontario, (aligned with the appellants) together with the Canadian Civil Liberties Association, the British Columbia Civil Liberties Association, the David Asper Centre for Constitutional Rights, the Aboriginal Legal Services of Toronto, the Criminal Lawyers Association, (Ontario) and the Association for the Wrongly Convicted, (aligned with the respondents). The Supreme Court of Canada has been very generous in its consideration of such applications by the CACP. Following CACP Executive approval at the 2009 Charlottetown Annual Conference, the CACP sought and obtained intervener status in the Ward case.

The constitutional question before the Court as stated by the Chief Justice was as follows:

*Does section 24(1) of the Canadian Charter of Rights and Freedom authorize a court of competent jurisdiction to award damages for an infringement of a right or freedom guaranteed by the Charter in the absence of bad faith, abuse of power or tortious behaviour?*

The civil action against the City of Vancouver and the Province of British Columbia was brought by, A. Cameron Ward, a man arrested on the suspicion that he was going to throw a pie at the Prime Minister. The trial judge awarded damages against the police and custodial officers for breach of Mr. Ward's Charter rights notwithstanding a finding that there was no bad faith on the part of those police and custodial officers. That decision was upheld by the British Columbia Court of Appeal. With Courts of Appeal in Ontario and New Brunswick subsequently coming to a different conclusion on the same point, the stage was set for a constitutional appeal to the Supreme Court of Canada. There would be serious ramifications for police across Canada if the Supreme Court answered the constitutional question in the affirmative. For example, in order to ensure that individual police officers had an opportunity to be heard in good faith Charter cases, would police services now be required to seek standing at each and every criminal trial where defence was alleging a Charter breach?

*The main parties had an hour each to present their arguments and responses while interveners were limited to ten minutes.*

So, on 18 January 2010, our team proudly walked into the Supreme Court building to put forward the position of the CACP. The main parties had an hour each to present their arguments and responses while interveners were limited to ten minutes. There actually is a stop clock and Chief Justice McLachlin politely but firmly enforces the time limits. The appellants in this case, the City of Vancouver and the Province of British Columbia spoke first. The appellant-aligned interveners followed with the CACP being the last of this group to speak. Counsel for the respondent, Mr. Ward and the respondent-aligned interveners then spoke in turn.

Being an intervener has certain advantages. Intervenors can remain removed from the dynamics of the actual case, focusing only on the points of law which are of interest to them and, in doing so, have real credibility with the Court because of their independence and expertise. This case demonstrated the true value of the CACP interventions. While our arguments were challenged by the Court, I was more than heartened that several questions by judges to the respondents were based on our arguments. The hearing would have been very different without CACP involvement.

Much of the work on this case was performed most professionally by my colleagues at the Legal Services Section of the Ottawa Police Services; Karine LeBlanc, counsel from Heenan Blaikie, seconded to the Ottawa Police Services, Kelly Barker, our articling student and Vicky Nelson who also provides administrative support to the Law Amendments Committee.

All involved in the case are grateful to Tom Zworski, representing the City of Vancouver and Bryant Mackey representing the Province of British Columbia who were most generous with their time. Thanks are due as well to Chief Chu and the Vancouver Police Service.

Constitutional advocacy is a long way from the day to day work of a police officer and a long way from the daily files of a police lawyer. However, I am fully satisfied that the hearing was directly affected by the arguments that we made and that the police perspective was fully presented to the Court. The police voice was heard.

Every Canadian and, perhaps especially every police officer should have the opportunity to visit Canada's highest Court. Simply put, it is impressive; the setting, the people, the atmosphere but most importantly the debate. While I am sure the glow will wear off, the new found respect I have for the Court and its judges will not. I have nothing but praise for the Supreme Court of Canada. The clerk's office could not have been more helpful, answering every question, (and we had a million of them), and patiently schooling us on the Court's format and process.

As for the judges themselves, it is somewhat intimidating to stand before Canada's most senior judges and perhaps some of the smartest people in the country. With all the pomp and ceremony, robes and wood paneling, one might worry that it could take the breath away from even a long-winded lawyer. To the contrary, the judges could not have been more gracious. It was clear from the very start that they were profoundly interested. Their questions were informed, insightful; they were anxious to find answers to these difficult questions.

There is enormous value for the CACP to appear before the Supreme Court. It is vital for the Court to see the police perspective, the practical side. How can police complain and criticize if we walk away from the chance to speak directly to the judges of Canada's highest court? Moreover, standing shoulder to shoulder with Canada's brightest constitutional experts, demonstrates in a meaningful way the sophistication and professionalism of Canada's law enforcement sector. Appearing before the Supreme Court of Canada is more than an opportunity, it is a duty and obligation.

I answered Justice Abella's question by saying the trial judges are well positioned to assess the evidence and to determine the good faith or bad faith of police officers. My time was up!

I won't soon forget the day I went to the Supreme Court of Canada.

Vincent Westwick is the Co-Chair of the CACP Law Amendments Committee and the General Counsel to the Ottawa Police Service. He has managed the CACP intervention program for several years.

Reference re Firearms Act, [2000] 1 S.C.R. 783

R. v Virk and Basi, 2009 SCC 52

Vancouver (City) v. Ward, [2009] S.C.C.A No.125

The CACP encourages its members to identify cases that might be suitable for intervention at the Supreme Court of Canada. The CACP also invites police services to involve their legal services in this program. Any inquiries concerning the Supreme Court intervention program can be made through the co-chairs of the Law Amendments Committee or the CACP National Office.

# MEDALS:

## Respecting the Spirit of the Law

By : *Christopher McCreery*

The development of the modern Canadian honours system in many ways began when King George V established the RCMP Long Service Medal in 1934. Over the seventy-five years that have transpired since this pioneering step towards recognizing the long service and good conduct of those who served in our oldest police force, many additions have been made to our national honours system. In 1946 the British Columbia Provincial Police established a Long Service Medal based on the RCMP Medal, the provincial forces in Ontario and Quebec followed suit with their own Long Service Medals in the 1940s and 1950s. 1960 saw the Canadian Association of Chiefs of Police create an internal award for their members who served the required twenty years of service. Despite repeated entreaties to the Federal Government to create a national long service medal for the various police agencies across the country it would not be until 1983 that an honour would be created – the Police Exemplary Service Medal – to recognizing long service police officers who were not members of the RCMP. Since that time we have seen the Order of Merit of the Police Forces added to recognize particularly meritorious service at varying degrees of responsibility.

At present Canada has one of the most complete honours systems in the western world, with recognition accorded for all manner of service. Police are included in this with the Order of Merit of the Police Forces, three bravery decorations, Meritorious Service Decorations, Police Exemplary Service Medal/RCMP Long Service Medal and the occasional jubilee medal. Never in the history of Canadian policing have those in uniform been eligible for so many different awards.

Despite possessing such a complete and accessible honours system, various provinces, municipalities and even individual police forces have “created” their own series of medals for bravery, meritorious, long and exemplary service. In every case the creation of these medals duplicates a pre-existing honour. Thus in some jurisdictions you receive a medal for long service from your Force at 12 years of service, another from your province at 15 years and finally one from the Queen at 20 years of service. The potential of three long service medals for the same service is something that has never been a tradition in Canada or the Commonwealth. Why should someone be recognized three times for the same service? Members of the Canadian Forces receive only one honour for their long service and good conduct – the Canadian Forces’ Decoration. They do not also receive an honour from their province of residence, province of origin, the base and city where they are posted.

Official honours in Canada emanate from our Head of State, the Queen. While the provinces are free to create their own honours, it is only once they have been incorporated into the Canadian Orders, Decorations and Medals Directive that can they be worn with officially recognized honours. When Saskatchewan and Alberta created medals to mark their centennial of entering Confederation, it was only after the Government Honours Policy Committee agreed to include them into the order of precedence for orders, decorations and medals that they could be mounted and worn in conjunction with other official honours. Municipalities and individual police forces have absolutely no ability to create nationally recognized honours and no municipal medal has ever been recognized.

Quite aside from the level of duplication there is the fact that when these municipal and some provincial medals are worn in conjunction with official national honours such as the Order of Merit of the Police Forces, Police Exemplary Service Medal and Golden Jubilee Medal, the wearer is breaking Order-in-Council 1998-521. Section 7 sets out:

The insignia of orders, decorations and medals not listed in this Directive, as well as foreign awards the award of which has not been approved by the Government of Canada, shall not be mounted or worn in conjunction with the orders, decorations and medals listed in this directive.

Included in these regulations is a similar prohibition on wearing medals that were not awarded to you – yet the wearing of unofficial orders, decorations and medals viewed as being more serious an offence. These rules apply to all Canadians, whether members of a uniformed service or not. No dress regulations, force permissions or provincial statute has the ability to override these rules.

The proliferation of force, municipal and provincial medals reduces the legitimacy and efficiency of our honours system and reduces the importance of those legitimate honours bestowed upon outstanding members of the policing community.

There is absolutely nothing wrong with individual police forces, municipalities and provinces according recognition to those who keep our communities safe but it should be done in a manner which does not confuse awards with actual honours of the Crown. Perhaps the most convenient and appropriate solution would be to create a system of Commendation bars similar to those awarded to members of the Canadian Forces and RCMP. These sorts of bars are worn below medals/undress ribbons in the centre of the left breast pocket on most dress uniforms.

It is time for police forces across Canada to get serious in following the nationally accepted regulations for wearing orders, decorations and medals. Much can be learned from the policies followed by the RCMP and Canadian Forces. The present flagrant violation of a federal Order-in-Council by those who spend their professional lives defending the law is completely unacceptable.

When my great-grandfather retired as Deputy Chief of the Toronto Metro Police in 1956 after fifty years service he received nothing more than a gold watch, whereas today he would have almost certainly been appointed to the Order of Merit of the Police Forces, have a few jubilee medals and earned the Police Exemplary Service Medal with three bars. Our existing national system, with honours for outstanding service over the course of a career, meritorious service, bravery and long/exemplary service is one of the most extensive in the western world. There is no need for these local honours to be created in the form of legitimate national honours.

**Christopher McCreery holds a doctorate in Canadian history and is Canada’s foremost expert on orders, decorations and medals. His publications include *The Canadian Honours System (2005)*, *Royal Honours and Recognition (2008)* and *Maintaines Le Droit: A History of the RCMP Long Service Medal (2009)* along with six other works. McCreery currently serves as Private Secretary to the Lieutenant Governor of Nova Scotia and Executive Director of Government House Halifax.**



# THE MENTAL HEALTH COMMISSION OF CANADA

## Research Initiative into Perceptions by the Mentally Ill about their Interactions with Police

By Dr. Dorothy Cotton

It has become commonplace in recent years for police organizations to conduct community surveys to aid in formulating strategic plans, and to assist in establishing the direction and priorities of the organization. In a similar vein, the Mental Health Commission of Canada has recently funded one particular “community survey” that may be of interest to all police services, as the survey involves a population that all police services interact with. The population in question? People with mental illnesses.

A study is underway in British Columbia to improve understanding of how people with mental illnesses perceive and interact with the police. Although the majority of people with mental illness do not commit criminal acts, many do come in contact with police for a variety of reasons. They may be victims, they may be in need of practical support, families may call, they may be subject of “wellness” checks—and indeed, like other members of the community, they may be involved in criminal activity. Most obviously, the police are often called on to be the first responders in crises involving people with mental illness. Police agencies have been dedicating significant resources to education, training and program development in this area.

CACP has been actively involved in developing resources related to interactions with people with mental illnesses over the last decade.

Curiously, although there is considerable research examining the attitudes of police officers regarding their interactions with people with severe mental illness, no research has been undertaken in Canada concerning how people with severe mental illness perceive the police or how they describe their interactions with the police. This study will be a chance for people with mental illnesses to talk to police and about police at a time when there is no crisis, no emergency. What is it that they would like police to do differently? How would they like things to change? What have their positive experiences been?

Funded by the Mental Health Commission of Canada, the research study is led by researchers from the Forensic Psychiatric Services Commission of the BC Mental Health and Addiction Services as well as Simon Fraser University, and the University of British Columbia, in partnership with the Canadian Mental Health Association – BC Division.

The study will answer four main research questions:

- *Under what circumstances do people living with a mental illness interact with the police?*
- *What are the factors that result in positive or negative perceptions regarding police interactions?*
- *Do people with a mental illness have different attitudes toward the police than the general population?*
- *How do people with mental illness think that perceptions of, and interactions with, the police can be improved?*

This study comprises part of a larger group of police-related activities that are supported by the Mental Health Commission of Canada, under the auspices of the Mental Health and the Law Advisory Committee. The goal for this study, and the other related activities, is to inform and influence education, training and policy.

**For more information regarding this study, please email Caroline Greaves at [greaves@forensic.bc.ca](mailto:greaves@forensic.bc.ca).**

**For more information about the Mental Health and the Law Advisory Committee's work overall in regard to police interactions with people with mental illness, please email Chief Terry Coleman (ret'd) or Dr. Dorothy Cotton (psychologist) at [info@pmhl.ca](mailto:info@pmhl.ca).**



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