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**Resolutions Adopted at the
95th Annual Conference
August 2000**

Saint John, New Brunswick

CANADIAN ASSOCIATION OF CHIEFS OF POLICE

Leading progressive change in policing

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Resolution 2000-01**REPLICA FIREARMS**

WHEREAS the Canadian Association of Chiefs of Police remain committed to the well-being and protection of the Canadian public; and,

WHEREAS there has been a proliferation in the illegal use of replica firearms, including starter pistols, which are not only being mistaken as bona fide firearms, but which are also easily converted into deadly weapons; and,

WHEREAS police services in Ontario (namely the Peel Regional Police Service and the Toronto Police Service) have recently seized sizeable quantities of replica firearms; and,

WHEREAS these replica firearms have been used to terrorize victims and compromise the safety of the Canadian public; and,

WHEREAS there has been a regrettable need for police officers to resort to the use of deadly force in situations where they believe these replica firearms to be authentic; and,

WHEREAS there is a concern amongst police that such use of deadly force will result in the preventable tragedies associated with persons who brandish replica firearms for the purpose of enticing police into shooting them; and,

WHEREAS the Canadian Association of Chiefs of Police issued a resolution in 1990 calling for a legislative ban on replica firearms and since then there has been an escalation in the number of criminal offences involving the use of replica firearms.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urge the Minister of Justice to enact legislation banning the manufacture, sale, possession and importation of replica firearms; and,

THEREFORE BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police urge the Minister of Justice to amend the Criminal Code to include replica firearms as prohibited weapons, thereby making it an offence to possess them.

Resolution 2000-02**INTELLIGENCE RECORDS**

WHEREAS it is a well established part of the Canadian Criminal Justice System that confidential informants and criminal intelligence records are crucial to the detection and prosecution of criminals; and,

WHEREAS the Common-Law and the *Canada Evidence Act* recognizes public interest privileges in relation to confidential informants and police intelligence records and have codified the availability of privileges in section 37(1); and,

WHEREAS the Supreme Court of Canada has recognized that safeguards must be in place to protect the identity of informants and have specifically clarified the common-law informant privilege as being sacrosanct unless the innocence of the accused is at stake (*R. v. Scott & R. v. Leipert*); and,

WHEREAS Specified Public Interests outside of informant privilege have not been so clearly sheltered and as a result, non-operational intelligence records are being targeted by defence counsel for disclosure, which in many cases amount to nothing more than a “fishing expedition”. These records include those that may:

- a) compromise the nature and extent of an on-going investigation jeopardizing the interests of effective law enforcement;
- b) endanger or identify targets of criminal investigation;
- c) identify police operations or techniques;
- d) prejudice relationships between police agencies or security forces who provide information to each other in confidence.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urge the Minister of Justice to amend the *Canada Evidence Act* to codify the Supreme Court position relative to informant privilege and extend that privilege to non-operational intelligence files as being protected from disclosure to any person unless it can be shown that the person’s “innocence is at stake”;

THEREFORE BE IT FURTHER RESOLVED that the Minister of Justice be encouraged to create an offence section within the *Criminal Code* similar to Section 193(1)b, making the disclosure of informant or intelligence information without express consent of the originator, a criminal offence.

Resolution 2000-03**“DEAD TIME” IN SENTENCING**

WHEREAS the fundamental purpose of sentencing is to contribute to respect for the law and the maintenance of a just and peaceful society; and,

WHEREAS the principle of “proportionality” in sentencing requires a “fit sentence” to fit both the offender and the nature of the offence; and,

WHEREAS courts, when considering the length of a sentence of imprisonment, may take into consideration the time the offender spent in pre-trial custody or “dead time”; and,

WHEREAS it is therefore important that the court have accurate information before it concerning the offender’s prior record in order that the sentence be both consistent with the protection of society and proportional; and,

WHEREAS the *Criminal Code* does not presently require a shorter period of imprisonment imposed in consideration of “dead time” be so stated on the record of the court; and,

WHEREAS the result is that an offender’s criminal record will not accurately reflect the severity of the sentences previously imposed and therefore lessen the accuracy of the information available to subsequent sentencing judges.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urge the Minister of Justice to amend section 719(3) of the Criminal Code to state that where a court takes into account any time spent in custody, it shall state the amount of time on the record and the time shall be endorsed by the clerk on the indictment.

Resolution 2000-04**DNA IDENTIFICATION ACT**

WHEREAS it has been established that a person's DNA is a positive form of personal identification and that bodily substances located and seized from crime scenes can be used to identify an offender; and,

WHEREAS the *DNA Identification Act (the Act)* was brought into force on June 30th, 2000; and,

WHEREAS *the Act* empowers the court to order a Peace Officer to collect Bodily Substance Samples, suitable for DNA Profiling, from persons convicted of certain designated offences and to detain those persons in order to collect the said samples. The collected samples are then submitted to the R.C.M.P., who will then place the DNA profiles on a National Database; and,

WHEREAS *the Act* stipulates that the samples are to be taken upon conviction or as soon as feasible thereafter. This creates the following concerns:

1. the convicted person has to be escorted to a proper facility where the samples can be obtained. This location may be in the Court House. It may be in another building in another part of the town or city. If multiple Authorizations to Obtain DNA samples are issued in the course of the day, a logistical problem is created regarding manpower for escort services.
2. if there is no Peace Officer available, the convicted person is not compelled to wait and is allowed to leave.
3. an Arrest Warrant cannot be issued if the person chooses to leave.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges the Minister of Justice to amend *the Act* to allow the Judiciary authority to:

1. detain individuals for a period of not more than eight hours to enable police to obtain the required samples.
2. and to allow samples be taken at any facility, including a courthouse.

Resolution 2000-05**IMPAIRED DRIVING**

WHEREAS impaired driving is the leading criminal cause of death in Canada; and,

WHEREAS the impaired driver is the greatest threat to public safety; and,

WHEREAS almost 1,100 people are killed each year, and another 3,600 seriously injured in collisions involving drinking drivers; and,

WHEREAS one out of three drivers killed on Canadian roads is impaired by alcohol or other drugs; and,

WHEREAS Canadian police officers are experiencing major difficulties with the enforcement and prosecution of impaired drivers as evidenced by the 1997 CACP survey, "Front-Line Police Officers' Perceptions and Attitudes about the Enforcement of Impaired Driving Laws in Canada"; and,

WHEREAS Canadian police services are committed to ensuring the wellness of the communities that they serve.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police accept the issue of impaired driving as an organizational priority and demonstrate this commitment by entrenching the statement, "promoting public safety and community wellness by reducing impaired driving" within its strategic statement.

Resolution 2000-06**TRAFFIC SAFETY**

WHEREAS in Canada, 3,000 people die and 220,000 are injured, 19,000 of those seriously, in traffic accidents each year; and,

WHEREAS traffic collisions claim six times as many lives annually as murders; and,

WHEREAS traffic collisions are the leading cause of death of Canada's youth; and,

WHEREAS Canadians consider drinking and driving to be a greater threat to personal safety than cancer, assault or long waits for health treatment (TIRF Canada National Survey 1999); and,

WHEREAS traffic resources are traditionally the first to be redeployed to meet other operational policing needs; and,

WHEREAS public safety on Canadian highways is generally equated to speed control to the detriment of other high-risk driving behaviours; and,

WHEREAS there is little or no problem solving by police in the identification of causal factors of major collisions; and,

WHEREAS the CACP/RCMP Southern Alberta Traffic Services Pilot Project is redefining quality traffic service delivery.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police, in the interests of providing a safe and secure environment for the enjoyment of all lawful activities by Canadians, accept public safety on Canada's highways as an organizational priority.

THEREFORE BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police endorse the directions of its Traffic Committee to redefine quality traffic service delivery through the Southern Alberta Traffic Services Pilot Project.

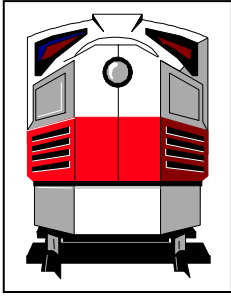
Resolution 2000-07**CANADIAN RAIL INCIDENT INVESTIGATION GUIDELINE**

WHEREAS each year in Canada there are in excess of four hundred train/vehicle and train/pedestrian collisions; and,

WHEREAS it is important to ensure these incidents are investigated in an efficient and effective manner to ensure public interest is met and public safety is not comprised; and,

WHEREAS the Railway Association of Canada, in co-operation with Coroners, Police, railways and other stakeholders, have developed a guideline and training package for Coroners, Police and the railways in the investigation of these incidents.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police endorses the 'guideline' document as a critical law enforcement strategy respecting our commitment to the efficient and effective investigation of railway collisions.



CANADIAN RAIL INCIDENT INVESTIGATION GUIDELINE

NOTICE

- If this incident involves a dangerous commodities spill or leak the first priority of responders is to ensure a safe environment before commencing any investigation. Responders should also refer to the emergency plan of their municipality, police or fire service for additional guidance.
- This guideline does not override a criminal investigation.

Objective:

- This guideline has been developed to ensure a thorough, focused and timely investigation of train/vehicle and train/pedestrian incidents.

Note: Unnecessary delays can cause other trains to stop on the transportation network inconveniencing the travelling public, severing communities by blocking crossings and causing other hazardous situations along the network.

Guideline:

- The appended checklist contains generally accepted safety and police investigation practices that have been endorsed by Coroners, the Canadian Association of Chiefs of Police and the Railway Association of Canada. The checklist will assist police officers in gathering sufficient information to satisfy various agency requirements to report the incident and to allow the train to depart the scene in a timely manner.

Principal Responders:

Railway Company Representative

- Coordinate the railway investigation, rescue and recovery operation with Civilian authorities.

Railway Police (Authority - [Canada Transportation Act](#))

- Investigate incidents on or in relation to railway property and liaise with other organizations present at the scene.

Federal, Provincial or Municipal Police (Authority - Various Police or Police Services Acts)

- Conduct investigations and complete reports relating to fatal, motor vehicle, minor injury and property damage incidents.

Fire and Ambulance

- Coordinate rescue and recovery operation.

Coroner (Authority - Various Provincial Legislation related to the investigation of cause of death)

- In the event of a fatality the coroner will attend and direct the investigation by the Federal, Provincial or Municipal Police.

Transportation Safety Board/Other Provincial Agencies (Authority – Canadian Transportation Accident Investigation and Safety Board Act Various Provincial Legislation)

- Conduct investigations relating to safety deficiencies that contributed to the incident.

Labour Canada (Authority – Part II Canada Labour Code)

- Conduct investigations relating to serious bodily injury or death of a railway employee.

Canadian Rail Incident Investigation Guideline

1. SAFETY FIRST	
<input type="checkbox"/>	Confirm with the train crew that railway traffic has been halted on all tracks, including those of other adjacent railways and that appropriate railway authorities have been notified. (Railway Police, Rail Traffic Controllers)
<input type="checkbox"/>	Ensure that emergency vehicles are in a non-hazardous area clear of railway tracks.
<input type="checkbox"/>	Ensure that injured persons receive appropriate medical care, except where there are obvious signs of death. In these instances the body may be removed from the scene to the nearest hospital or can be removed from the tracks, covered and left at the scene for the arrival of the coroner.

NOTE: When safe to do so allow other train traffic to move through the area on unaffected tracks in consultation with railway officials.

2. NOTIFICATIONS	
<input type="checkbox"/>	Ensure emergency response organizations have been notified including fire and ambulance.
<input type="checkbox"/>	In the event of fatal advise the coroner and body removal service.
<input type="checkbox"/>	Ensure that supervisors and investigative support (i.e. Photo Unit, Ident) have been notified to prevent delays.

3. INVESTIGATION	
<input type="checkbox"/>	Identify casualties and witnesses for subsequent interview.

Identify the train crew for subsequent interview. (The railway police or other railway company official may be able to assist in identifying the train crew.)

NOTE

Train crews members will provide the following information but will not sign written statements. There is no requirement for the operator of the train to have a driver's license.

- Their name, address, date of birth and occupation.
- The train number, lead locomotive and involved equipment.
- The number of cars in the train.
- The location and time of the incident.
- The direction in which the train was traveling.
- The direction in which the vehicle or pedestrian was traveling if observed by the crew.
- The movement of the vehicle or pedestrian prior to and at the time of the incident.
- Whether the train was moving or idle at the time of the incident.
- The location where the train came to stop after the incident. The investigating officer should mark the location of the lead locomotive or the last car in the train.
- Detailed description of weather conditions and visibility at the time of the incident.
- Whether headlight was on, and whether the bell, whistle (horn) and ditch lights were activated at the time of the incident.
- The location of each member of the crew at the time of the incident.

NOTE

- Determine if the train is equipped with and Event Data Recorder (EDR). If no, ensure that the information contained below is collected.

Most locomotives are equipped with an EDR similar to the "Black Box" on aircraft. The following items are captured.

- Times
- Speed
- Braking distance
- Brake pipe pressure
- Emergency brake application
- Whistle(Horn)
- Reset safety control device

In the event of a fatal or life threatening injury a download will be secured by railway personnel at the nearest equipped facility. This data is protected electronically. Copies of the download and interpretation will be provided to the investigating police agency through the senior operating railway official or the railway police on scene. Information contained in the EDR will not be downloaded for minor injury or minor property damage.

When the above checklist is completed release the train and the crew.

Resolution 2000-08**PROTECTION FROM CRIMINAL LIABILITY FOR PUBLIC OFFICERS**

WHEREAS on April 22, 1999, the Supreme Court of Canada, in the decision of *R. v. Campbell and Shirose*, ruled that the principle of Crown Immunity does not cover the actions of a police officer who violates a statute, notwithstanding that those actions were taken to further a bona fide criminal investigation, and;

WHEREAS the Supreme Court of Canada ruled that only Parliament can create exemptions from an offence provision of a statute for a police officer conducting a criminal investigation, and;

WHEREAS parliament has previously created exemptions from the offence provisions of certain statutes for a police officer engaged in law enforcement such as within the enforcement of the *Controlled Drugs and Substances Act* and proceeds of crimes offences, and;

WHEREAS the Canadian Association of Chiefs of Police passed a resolution to the Minister of Justice in 1999, encouraging the development of a statutory exemption regime which would permit effective enforcement and afford sufficient protection from liability to police officers engaged in all types of criminal investigations, and;

WHEREAS on June 22, 2000, the Minister of Justice and Attorney General of Canada and the Solicitor General of Canada released a White Paper on limited protection from criminal liability for police officers and others carrying out law enforcement duties.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police strongly support the proposed amendments to the *Criminal Code* that give protection to public officers from criminal liability.

Resolution 2000-9**INTERNET LURING AND THE EXPLOITATION OF CHILDREN**

WHEREAS the victimization of children continues to be a primary public safety concern of Canadian police leaders, and;

WHEREAS the use of the Internet has become a predominant vehicle for individuals who seek to communicate with children for improper means, including sexual exploitation, and;

WHEREAS the Canadian law enforcement community maintains a high priority for the need to enhance protection for children who are preyed upon through the Internet.

THEREFORE BE IT RESOLVED: That the Canadian Association of Chiefs of Police urge the Minister of Justice to amend the *Criminal Code of Canada* to deal with the exploitation of children by means of the Internet, by making it an offence for a person to use a computer to communicate with someone they know or ought to have known to be a child, for the purpose of facilitating the commission of an offence against the child.

Resolution 2000-10**CRIMINAL JUSTICE DATA STANDARDS**

WHEREAS the CACP recognizes that greater information sharing between and among criminal justice agencies is essential to improving public safety; and

WHEREAS the CACP has previously supported the establishment of national data standards (in Edmonton, 1998) and the creation of a data standards secretariat (in Hamilton, 1999); and

WHEREAS the CACP has previously supported (in Hamilton, 1999) the federal Integrated Justice Information action plan aimed at enhancing the flow of operational information between all partners within the Canadian criminal justice system;

THEREFORE BE IT RESOLVED THAT the CACP supports full partnership with the federal government's data standards initiative, in collaboration with the provincial, territorial and municipal partners, with a view to creating national criminal justice standards;

THEREFORE BE IT FURTHER RESOLVED THAT the CACP's Informatics Committee will ensure the most effective means of CACP participation in this joint venture.

Resolution 2000-11**DRUG POLICY RESOLUTION**

WHEREAS the 1999 CACP Drug Policy RESOLUTIONS were adopted by the membership, and

WHEREAS the RESOLUTIONS were forwarded to the Prime Minister, Ministers of Health, Solicitor General and Justice, and

WHEREAS emerging issues related to the RESOLUTIONS have developed in the past year including:

- a renewed government focus on children and youth as a priority;
- a significant increase in use of designer drugs, associated with raves;
- increased involvement of organized crime in drugs and other crimes which are interconnected;
- resurgence of methamphetamine;
- increased possession, trafficking, cultivation and exportation of HIGH THC cannabis;
- confirmation of the significance of driving while impaired by drugs;
- drug use increasingly being reported in the national media;
- approval for a Senatorial review of Canada's drug laws,

THEREFORE BE IT RESOLVED that the CACP calls on the Prime Minister of Canada, through the Ministers of Health, Solicitor General and Justice to position Canada's Drug Strategy as a National imperative which supports Government priorities on organized crime, effective prisons and safe communities, and

To demonstrate Federal leadership by appointing a champion to lead Canada's Drug Strategy such as a Minister or Secretary of State in charge of a National substance abuse prevention and education program, focused on Youth, Families and Communities, and

Enact enabling legislation to authorize D.R.E. (Drug Recognition Expert) Testing and commit adequate funding for D.R.E. training to enable Canadian police, customs and corrections officers, through the use of approved screening devices, to determine levels of impairment by drugs.

Resolutions 2000-12**EXEMPTIONS FOR MEDICINAL USE OF MARIHUANA**

WHEREAS the Minister of Health, has provided exemptions for medicinal use of marihuana pursuant to Sec. 56 of the *Controlled Drugs and Substances Act*, and

WHEREAS the CACP provided the Government of Canada with DRUG POLICY-1999 RESOLUTIONS confirming our opposition to the legalization of all currently illicit drugs, and

WHEREAS the CACP has supported Health Canada's responsibility to determine, through research, testing and regulatory approval, which substances have a proven medical benefit, and

WHEREAS the CACP has identified concerns with the existing exemptions being authorized, without implementation of appropriate safeguards,

THEREFORE BE IT RESOLVED that the CACP calls upon the Government of Canada, through the Ministers of Health, Solicitor General and Justice, to immediately implement appropriate safeguards, including legal access to a medically safe supply and an effective process for Canadian Peace officers to be able to verify those who are exempted, pursuant to section 56, of the Act.

THEREFORE BE IT FURTHER RESOLVED that the CACP be an active participant in the development of enabling legislation and policies, particularly related to enforcement.

Resolution 2000-13**CRIMINAL POSSESSION OF MARIHUANA**

WHEREAS the Ontario Court of Appeal has handed down a ruling on July 31, 2000, (R. Vs. Parker), with respect to the possession of marihuana, and

WHEREAS the CACP provided the Government of Canada with DRUG POLICY-1999 RESOLUTIONS confirming our opposition to the legalization of all currently illicit drugs, and

WHEREAS the CACP DRUG POLICY – 1999 RESOLUTIONS also endorsed Alternative Justice Measures for minor personal possession of marihuana under certain circumstances,

THEREFORE BE IT RESOLVED that the CACP calls upon the Government of Canada, through the Ministers of Health, Solicitor General and Justice, to take the appropriate action, within the time constraints of R. vs. Parker, to **ensure that non-medical possession of marihuana remains an offense.**

THEREFORE BE IT FURTHER RESOLVED that within the context of an overall, comprehensive and coordinated Canada's Drug Strategy, providing a balanced approach of prevention, education, enforcement, counseling, rehabilitation and diversion that possession, for personal use only, of quantities of marihuana deemed to be a summary conviction offence, have the option to be dealt with through Alternative Justice Measures, including the *Contraventions Act*.