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Resolutions Adopted at the 108th Annual Conference

**August, 2013
Winnipeg, Manitoba**

CANADIAN ASSOCIATION OF CHIEFS OF POLICE
Leading progressive change in policing

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**PROHIBIT PUBLICATION OR BROADCAST OF ALL EMERGENCY WORKERS'
RADIO TRANSMISSIONS IN CANADA**

Submitted by the Law Amendments Committee

- WHEREAS** numerous media outlets in Canada published or broadcast the last radio transmissions of York Regional Police Constable Garrett Styles, who was tragically killed in the line of duty on June 28, 2011;
- WHEREAS** neither York Regional Police nor Constable Styles' family consented to the publication or broadcast of these transmissions under the *Radiocommunication Act (1985)*;
- WHEREAS** York Regional Police and the Ontario Association of Chiefs of Police strongly oppose these types of communications being published or broadcast without permission, to protect the privacy of victims, the integrity of criminal investigations, and the safety of both the public and emergency responders.
- THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police request the Government of Canada to amend the Radiocommunication Act by extending the protections in s. 9(1.1) to s. 9(2) so they apply to all radiocommunications, such that the use or divulgence of these communications without permission is an offence under that Act, regardless of the interceptor, and for section 9(2) to read:

Except as prescribed, no person shall make use of, or divulge any radiocommunication unless the originator or the person intended by the originator to receive the communication consents to the use or divulgence.

**PROHIBIT PUBLICATION OR BROADCAST OF ALL EMERGENCY WORKERS'
RADIO TRANSMISSIONS IN CANADA**

Commentary:

Numerous media outlets in Canada published the last radio transmissions of York Regional Police Constable Garrett Styles, who was tragically killed in the line of duty on June 28, 2011. Newspapers, television and radio stations and online publications published his last words, either using transcripts or the actual audio recordings.

York Regional Police (YRP) did not consent to the publication of these transmissions under the *Radiocommunication Act (1985)*. When YRP met representatives of the Industry Canada about what they viewed as a clear contravention of the Act, they were informed fines would not be levied because Industry Canada officials could not prove the media outlets which published or broadcast the information also were the ones which intercepted the signal.

They were advised that under section 9(2) of the Act, unless both interception and divulgence are proven, there is no prospect of conviction and therefore little interest in prosecuting the offence. The relevant section is below:

9(2) Except as prescribed, no person shall intercept and make use of, or intercept and divulge, any radiocommunication, except as permitted by the originator of the communication or the person intended by the originator of the communication to receive it.

The Ontario Association of Chiefs of Police and Ontario Media Relations Officers Network member services strongly oppose this type of information being published due to a variety of reasons, including:

- the safety of emergency responders
- the potential risk to public safety
- the disclosure of personal information, including medical information
- the identification of victims
- the integrity of criminal investigations
- respect for family members and co-workers

An amendment of section 9(2) is necessary to address these concerns. The wording contained in section 9(1.1), which refers to radio-based telephone communications, should apply to all radiocommunications including emergency services' transmissions. Section 9(1.1) follows:

(1.1) Except as prescribed, no person shall make use of or divulge a radio-based telephone communication

a) if the originator of the communication or the person intended by the originator of the communication to receive it was in Canada when the communication was made; and

(b) unless the originator, or the person intended by the originator to receive the communication consents to the use or divulgence.

Essentially, this section mandates that communications cannot be divulged with the permission of the originator.

**NATIONAL CONFORMITY TO CANADIAN CENTRE FOR JUSTICE STATISTICS
(CCJS) UNIFORM CRIME REPORTING (UCR) SURVEY PROTOCOL AND
INITIATION OF AUDIT PROCESS**

Submitted by the Police Information and Statistics (POLIS) Committee

WHEREAS the Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR) as prescribed within sub-section 22(d) of the Statistics Act, and;

WHEREAS UCR data reflect police-reported crime that has been substantiated by police, and includes the number of criminal incidents, the clearance status of those incidents, and persons-charged information, and;

WHEREAS provincial and municipal legislation have been enacted to augment police abilities to address crime that had been the exclusive domain of the Criminal Code of Canada, and;

WHEREAS certain crimes traditionally reported to police are now reported by way of by-law enforcement officers, probation-parole officers, and municipal offices, and;

WHEREAS these new approaches for reporting, responding to, and addressing crime have resulted in inconsistent reporting practices within the UCR survey and thereby challenge the comparability and underrepresent the true accounting of police-reported crime nationally.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police (CACP) calls upon police leaders to work collaboratively with the Canadian Centre for Justice Statistics (CCJS), and further encourage the CCJS to conduct ongoing reviews of the coding of police reported crime to ensure accuracy and consistency among police services across Canada, and thus improve the comparability of police reported crime.

**NATIONAL CONFORMITY TO CANADIAN CENTRE FOR JUSTICE STATISTICS
(CCJS) UNIFORM CRIME REPORTING (UCR) SURVEY PROTOCOL AND
INITIATION OF AUDIT PROCESS**

Commentary:

The Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community in Canada, designed the Uniform Crime Reporting (UCR) Survey to measure the incidence of police-reported crime in Canadian society and its characteristics.

UCR data reflect police-reported crime that has been substantiated by police, and includes the number of criminal incidents, the clearance status of those incidents, and persons-charged information.

The UCR Survey produces a continuous historical record of crime and traffic statistics reported by every police agency in Canada since 1962.

CCJS, in co-operation with the policing community, collects police-reported crime statistics through the UCR Survey.

Data from the UCR Survey provide key information for crime analysis, resource planning and program development for the policing community.

To the federal government, the UCR Survey provides information for policy and legislative development, evaluation of new legislative initiatives, and international comparisons. Municipal and provincial governments use the data to aid decisions about the distribution of police resources, definitions of provincial standards and for comparisons with other departments and provinces.

Historically, all reported crime was received by Police Services and coded in compliance with the UCR reporting requirements. More recently, certain crimes traditionally reported to police are now being reported by way of by-law enforcement officers, probation-parole officers, and municipal offices. Compounding these complexities in reporting, provincial and municipal legislation have been enacted to augment police abilities to address crime that had been the exclusive domain of the Criminal Code of Canada.

Of concern is not the enhanced options for the reporting and processing of crime but, instead the inconsistent application and compliance with the UCR Survey reporting requirements. The application of the UCR Survey reporting requirements are to be applied against the reported crime that has been substantiated by police not the outcome, diversion or discretion exercised. By way of example, two neighbouring police services have different solutions to incidents of an assaultive nature in their communities.

Police Service “A” clears the incident by way of criminal charge or warning and applies UCR code 1430 to each incident and each victim within the incident.

Police Service “B” serves a municipality that has enacted a By-law that covers public disturbances to augment the Police Service “B’s” ability to address crime. Police Service “B” clears the incident by way of municipal By-law charge or warning, and applies UCR code 1430 to each incident and each victim within the incident.

Both Police Services are compliant with UCR reporting requirements. The difference is that “A” Cleared by Charge/Warning and “B” Cleared Otherwise S = Incident Cleared by a Lesser Statute.

Of concern is where Police Service “B” does not have this process mapped in their RMS records flow. In such case, this example may well receive no UCR code or case clearance disposition.

Of greater concern is the practice where certain crimes traditionally reported to police are now being reported by way of by-law enforcement officers, probation-parole officers, and municipal offices. These crimes are not entered into the Police Services RMS and therefore, never have a UCR or case clearance applied.

Together, these concerns identify the erosion of police-reported crime statistics in Canada and represent the focus of the resolution: “That Statistics Canada implement a process with Police Services whereby their records management methodologies are audited for compliance with UCR Survey requirements”.

CANNABIS ENFORCEMENT

Submitted by the Drug Abuse Committee

- WHEREAS** the CACP does not support the decriminalization or legalization of cannabis or any other illicit substance; and,
- WHEREAS** the illicit use of cannabis has a negative impact on public safety and the health of young persons; and,
- WHEREAS** the CACP believes that Health Canada is the competent authority to determine which substances can be prescribed for medical purposes and Health Canada has taken measures to change regulations related to the production and distribution of cannabis for medicinal purposes; and,
- WHEREAS** the current process of sending all simple possession of cannabis cases (30 grams or less of cannabis marihuana or 1 gram or less of cannabis resin) under the *Controlled Drugs and Substances Act* to criminal court is placing a significant burden on the entire justice system from an economic and resource utilization perspective; and,
- WHEREAS** the CACP believes it is necessary to expand the range of enforcement options available to law enforcement personnel to more effectively and efficiently address the illicit possession of cannabis; and,
- WHEREAS** there are instances when having an alternative to attending court and receiving a formal criminal conviction for simple possession of cannabis (30 grams or less of cannabis marihuana or 1 gram or less of cannabis resin) would be beneficial.

THEREFORE BE IT RESOLVED that the CACP urges the Minister of Justice and Attorney General to amend the *Controlled Drugs and Substances Act* (“CDSA”) and the *Contraventions Act* as necessary in order to provide police officers with the discretionary option of issuing a ticket for simple possession of cannabis (30 grams or less of cannabis marihuana or 1 gram or less of cannabis resin) where a formal criminal charge pursuant to the CDSA would not be in the public interest.

CANNABIS ENFORCEMENT

Submitted by the Drug Abuse Committee

Commentary:

Leaders within the Canadian law enforcement community have been regularly consulted regarding this on-going national conversation. We believe that decriminalization or legalization is not the direction we should be moving toward from a public safety perspective. However, by adding an additional enforcement option, we are proposing a responsible public safety initiative that will be of overall benefit to all Canadians.

Why the CACP does not support the decriminalization or legalization of cannabis in Canada:

- The illicit use of cannabis can have a negative impact on public safety and the health of young persons in particular.
- Cannabis is a drug that impairs cognitive function, can cause delusional thoughts or hallucinations, and negatively impacts the ability to operate a motor vehicle or machinery.
- The use of cannabis for medicinal purposes needs to be carefully monitored and controlled by the medical profession, as is the current practice for other controlled drugs.
- Historically, the production and distribution of illicit cannabis for recreational use has involved organized crime. We have seen an increase in these criminal organizations using residential dwellings to grow cannabis marihuana indoors. Without extensive remediation, a dwelling so used may not be fit for human occupancy in the future. Electrical and fire hazards created by these growing operations pose a risk to first responders as well as to nearby dwellings.
- There is growing evidence to support that cannabis can have a negative impact on the development of the brain in young persons, and some forms of mental illness among young adults have been attributed to frequent cannabis use.

The CACP believes it is necessary to expand the range of enforcement options available to law enforcement personnel in order to more effectively and efficiently address the unlawful possession of cannabis.

The current process of sending all simple possession of cannabis cases pursuant to the *Controlled Drugs and Substances Act* (“CDSA”) to criminal court is placing a significant burden on the entire Justice system from an economic and resource utilization perspective.

There are instances when having an alternative to attending court would be beneficial. Under the current legislation, the only enforcement option for police when confronted with simple possession of cannabis is either to caution the offender or lay formal charges, resulting in a lengthy, difficult process which results, if the charge is proven, in a criminal conviction and criminal record.

Clearly, there are circumstances where a formal charge for simple possession is appropriate. However, the large majority of simple possession cases could be more efficiently dealt with using a CDSA ticketing scheme pursuant to the *Contraventions Act*. A police officer's ability to exercise discretion is an underlying principle of the Canadian justice system. Having varying options for addressing simple possession of cannabis situations enhances a police officer's ability to more effectively and efficiently deal with the circumstances they are confronted with on the front line.

Examples

A practical example illustrating the problem created by the current framework: two persons in a public park, one consuming alcohol and the other smoking cannabis. Consuming alcohol in a public space would result in the issuance of a ticket pursuant to provincial liquor laws. However, the only alternative to giving the cannabis-consuming subject a verbal warning would be to proceed with a formal charge pursuant to the CDSA. A CDSA ticketing scheme would ensure a consequence that more closely reflects the public interest.

As an example of where a formal charge would be the more appropriate option, consider a motorist who has been pulled over and is found to be smoking a joint.

Other issues of concern with cannabis use

Mental illness: Persons with mental illness using cannabis to self-medicate and making their psychosis worse, creating a risk to themselves and others.

Young persons: Through heavy use, young people tend to drop out of school, negatively impact their employability, and become less productive members of society, which can lead to a life of crime.

Harmful effects of smoking: Research suggests that cigarette smoking is harmful to smokers and those around them. This would suggest that the same or similar negative effects would occur as a result of cannabis smoking.

Further background information

The CACP believes that Health Canada is the competent authority to determine which substances can be prescribed for medical purposes. In fact, Health Canada has taken measures to change regulations related to the production and distribution of marihuana for medicinal purposes. (Reference: Marihuana for Medical Purposes Regulations (MMPR) <http://www.hc-sc.gc.ca/dhp-mps/marihuana/index-eng.php>)

The Canadian Centre for Substance Abuse (CCSA) has conducted an empirical review of cannabis-related research in order to identify the harms associated with using this illicit substance. The *Clearing the Smoke on Cannabis* series provides an objective and peer-reviewed look at the evidence on the effects of cannabis use on various aspects of human functioning and development, by expert researchers in the field. The report can be found at:

<http://www.ccsa.ca/2013%20CCSA%20Documents/CCSA-Clearing-Smoke-on-Cannabis-Highlights-2013-en.pdf>

Statistics Canada: Statistics Canada issued their Juristat in May, 2009 entitled “*Trends in police-reported drug offences.*” In Canada (2007) there were 100,675 police-reported drug offences of which 62,510 were cannabis related (<http://www.statcan.gc.ca/pub/85-002-x/2009002/article/10847/tbl/tbl1-eng.htm>). Of these cases, 47,101 were related to possession (<http://www.statcan.gc.ca/pub/85-002-x/2009002/article/10847/tbl/tbl3-eng.htm>). Statistics Canada states: “Part of the overall increase in the rate of drug crime can be attributed to increases in youth (aged 12 to 17 years) accused of drug offences. Despite recent fluctuations, the 2007 rate of youth *accused* of drug offences was double what it was 10 years ago.” (<http://www.statcan.gc.ca/pub/85-002-x/2009002/article/10847-eng.htm>). Statistics Canada also reports that “About half of adult cases (55%) and youth cases (48%) involving drug-related charges in 2006/2007 resulted in a finding of guilt....(the other half) are stayed, withdrawn, dismissed or discharged.”

POLICING FOR FIRST NATIONS AND INUIT COMMUNITIES

Submitted by Policing with First Nation, Métis and Inuit Peoples Committee

WHEREAS There is general agreement across all levels of government in Canada as to the importance of First Nations policing and that First Nation and Inuit communities are best served by police services that are representative of them, and;

WHEREAS it is recognized that effectively addressing public and community safety challenges within First Nation and Inuit communities will come from police services that are abreast of the distinct, emerging and diverse socio-economic, political and cultural goals of each community, and;

WHEREAS the federal First Nations Policing Program (FNPP), introduced in 1991, is the mechanism that establishes service delivery and shared funding arrangements to support community-based First Nations and Inuit policing in Canada, and;

WHEREAS the federal funding policy provides for frontline policing only, through a cost-sharing formula between the federal and provincial/territorial governments at 52% / 48% respectively, and;

WHEREAS the provision of policing under the FNPP has generally been dependent on year-to-year funding agreements, thereby creating uncertainty in terms of planning and forecasting, and limiting the development of First Nation and Inuit policing, and;

WHEREAS appropriate, adequate and safe policing for First Nation and Inuit communities is reasonable and essential.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges the federal government to acknowledge First Nation and Inuit policing as an essential service and, through its policies, to commit to and maintain appropriate levels of support, funding flexibility and predictability to ensure the long-term sustainability of effective, professional and culturally-responsive policing services for First Nation and Inuit communities.

POLICING FOR FIRST NATIONS AND INUIT COMMUNITIES

Commentary

- The federal First Nations Policing Program (FNPP), established in 1991, is not meeting the needs of First Nations / Inuit communities, aboriginal policing, provinces / territories, or the police services that assist aboriginal police services or provide direct service delivery.
- The primary objectives of the FNPP are to:
 - o Ensure First Nation and Inuit communities have access to policing services that are responsive to their needs and meet acceptable quality and service standards;
 - o Support First Nation and Inuit communities to establish structures free of political influence for the management, administration and accountability of their police services;
 - o Implement and administer the FNPP in partnership with First Nations and Inuit communities.
- FNPP funding is based on tripartite agreements – federal, provincial / territorial and First Nations / Inuit governments, and a cost-sharing formula whereby the federal and provincial / territorial governments pay 52% / 48% respectively toward the cost of aboriginal policing.
- The FNPP is delivered through two main policing models:
 - Self-Administered Tripartite Agreement:
 - o Negotiated among Canada, the participating province / territory and the First Nation / Inuit community.
 - o Community is responsible for managing its police service through a police governing authority.
 - Community Tripartite Agreement (CTA):
 - o Negotiated among Canada, the participating province / territory and the First Nation / Inuit community, similar to Self-Administered Tripartite Agreement.
 - o Community is served by dedicated officers from an existing police service.
- The federal government, through Public Safety Canada, completed a “Comprehensive Review of First Nations Policing” in 2009-2010. The Review has not been made public, although the following conclusions have been released:
 - o The program is relevant to federal priorities;
 - o The 52/48 funding split is reasonable and within federal role and responsibilities;
 - o The program should be more flexible (e.g. permit eligibility for major capital expenditures);
 - o Funding should be based on long term commitments.

- On March 4, 2013, the federal government announced the renewal of the FNPP for five years. Existing agreements were set to expire as of March 31, 2013. Funding levels for 2013-2014 remain unchanged from the previous year. Over the subsequent four years, funding will remain constant other than for an annual 1.5% increase for salaries.

**COMMIT CACP AGENCIES TO PARTICIPATE IN
RESEARCH PROJECTS IN FURTHERANCE OF
THE CANADIAN POLICE EXECUTIVE RESEARCH AGENDA**

Submitted by the CACP Research Foundation

- WHEREAS:** the CACP Research Foundation identified a significant gap in police-related research in Canada arising from a combination of a lack of funding for such research, and a lack of police executives calling for evidence-based research; and;
- WHEREAS:** CACP members recognize that now more than ever we must rely on evidence-based research to reach decisions regarding police operations and resource allocation; and;
- WHEREAS:** a commitment was undertaken to close the research gap, identify those issues that would best benefit from research, identify means to share existing research and to commission and share new research; and;
- WHEREAS:** in order to meet this commitment the CACP Research Foundation formed a Research Foundation Renewal Committee in 2011; and;
- WHEREAS:** as part of the work of the Research Foundation Renewal Committee efforts were made to develop a Research Agenda for Canadian Police Executives; and;
- WHEREAS:** to develop the agenda the Research Foundation surveyed the CACP membership to determine the issues of strategic importance to Canadian Police Executives that would benefit from research and to determine the capacity of Canadian Police organizations to conduct or participate in research; and;
- WHEREAS:** a Summit was held in Vancouver, British Columbia on November 22-23, 2012 with Police Executives and Community Partners to analyse and further develop the information from the survey into themes and specific areas requiring research, known as the Canadian Police Executive Research Agenda; and;
- WHEREAS:** further consultation was conducted with Canadian research professionals to assess academic alignment and interest in the Canadian Police Executive Research Agenda, which was endorsed as being relevant, meaningful and necessary; and;
- WHEREAS:** the CACP Research Foundation has now completed the Canadian Police Executive Research Agenda; and;
- WHEREAS:** academics and researchers have a strong interest in conducting research that will benefit the police community and the people we serve, and to facilitate this research they need access to police agencies, their data, and their staff.

THEREFORE BE IT RESOLVED: that the CACP members will commit their organizations to participation in research projects in furtherance of the Canadian Police Executive Research Agenda.

**PREPARE CACP POLICE AGENCIES TO PARTICIPATE
IN RESEARCH PROJECTS IN FURTHERANCE OF THE CANADIAN POLICE
EXECUTIVE RESEARCH AGENDA**

Submitted by the CACP Research Foundation

Commentary:

Now more than ever, Canada's Police Executives need strategic, evidence-based research that addresses priority issues. The complexity of the environment in which Canada's police leaders operate continues to grow but the level of evidence-based research required to address these issues has not kept pace.

In large part, this has resulted from a lack of funding and a lack of focus. As public sector funding of police research has declined, the ability of Canada's research communities to undertake evidence-based research has fallen. At the same time, Canada's Police Executives have not clearly prioritized the research needs of the profession.

The *Canadian Association of Chiefs of Police Research Foundation* has undertaken to address this situation by introducing the "Canadian Police Executive Research Agenda". This comprehensive study reached out to Active Members of the CACP, conducted surveys, provided regular briefings, and held a National Summit to establish with confidence and clarity the priority strategic issues facing Canada's Police Executives for the next three to five years.

Those issues include human resources, funding & financing, community engagement, operational issues, and challenges with respect to policing models. When examining these issues in depth at the National Summit (Vancouver, B.C., November 22-23, 2012), Police Executives and other community partners finalized six categories that formed the Research Agenda:

1. Improving the Quantification of Policing Activities & Impacts
2. Responding to Canada's Changing Demographic & Cultural Context
3. Building Stronger Relationships with the Public
4. Demonstrating Accountability
5. Understanding the Economics of Policing
6. Enhancing Information Management

Policing in Canada faces a more complex environment than ever before. There are new threats emerging related to e-crime and cyber-crime, social disorder, and acts of violence. At the same time the composition, needs, and expectations of Canadian communities are changing as well. Improved research will enable Police Executives to be more innovative, adopt best practices, and improve decision-making.

Many Canadian police services face increasing financial pressures and need to demonstrate more accurately the impact and value that policing brings to the community. Research that helps to

quantify what police do, and the impact that it has, will help to inform these discussions. Moreover, a common Research Agenda helps to avoid duplication of effort and enables police services to build on the efforts of one another.

Evidence is at the heart of policing. Evidence-based research will help to improve the effectiveness and integrity of policing, and to advance the profession overall. Fundamentally, policing needs better information in order to make better decisions.

Accomplishing the objectives of the Research Agenda requires the involvement of Canadian Police Executives. To develop strategic, evidence-based research, Police Executives need to work closely with Canada's research communities.

The *Canadian Association of Chiefs of Police* recommends that all police agencies commit their organizations to participation in research projects in the furtherance of the Canadian Police Executive Research Agenda.