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# *1998 Annual Conference Report*

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Ninth Annual Meeting and Conference, August 20<sup>th</sup> to 22<sup>nd</sup>, 1998 Edmonton, Alberta

The Canadian Association of Police Boards held its Ninth Annual Meeting and Conference in Edmonton, Alberta from August 20-22, 1998. This publication documents the proceedings of the Annual Meeting, including Resolutions passed, and provides a summary of each of the panel presentations made at the Conference. Copies of most of the presentations are available through the office of the CAPB in Ottawa.

## **Annual Meeting**

- [President's Report](#)
- [Nomination Report](#)
- [Resolutions](#)
- [Reports from Break-Out Groups](#)

## **Introductory Workshops**

- [Board Governance](#)
- [Board Policy Development](#)
- [Labour Relations](#)
- [The Board/Chief Relationship](#)

## **Panel Presentations**

- [Canadian Firearms Centre Seminar](#)
- [Youth and Violent Crime](#)
- [Update from Solicitor General of Canada](#)
- [Update from Correctional Service Canada](#)
- [Update from National Crime Prevention Centre](#)
- [The Public Complaints Process](#)
- [Sexual Exploitation of Children](#)
- [Impact of Legalized Gambling](#)

## *President's Report*

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CAPB President, Mike Badham, welcomed delegates to the 1998 Annual Meeting and commented on the success of the Conference. He noted in particular his pleasure at being able to welcome the Honourable Andy Scott, Solicitor General of Canada, and the Honourable Anne McLellan, Justice Minister and Attorney General of Canada, as keynote speakers at this year's Conference. The messages they conveyed about their Ministries' current priorities were well received by CAPB members, who share many of their concerns for the safety and security of Canadian communities.

Mr. Badham provided an update on the Association's activities and achievements since the last annual meeting.

In the fall of 1997, the CAPB met with officials from Solicitor General Canada to present the views of its membership on the *Review of National Police Services (NPS) Consultation Document*, and to submit a formal response. In addition, CAPB Board members Dan MacLeod and Bob Dean attended regional meetings on the NPS Review. The Review could have a significant impact on municipal police services and the CAPB will continue to follow its progress closely.

In early February 1998, the CAPB Board of Directors convened in Ottawa to meet with the Solicitor General of Canada and officials from the Office of the Minister of Justice. The meetings were highly constructive and well worthwhile in terms of sharing ideas and providing input.

In March of this year, the CAPB's Executive Director attended a day-long National Reference Group meeting hosted by the Solicitor General on the *Corrections and Conditional Release Act*, which is undergoing a five-year review. The CAPB sees itself as a partner in this area and wants to ensure that public confidence and safety remain fundamental principles in the discussion.

In April, Mr. Badham attended a *National Workshop on Organized Crime* held by the Solicitor General. He took the opportunity to reiterate a message our membership has stated in the past, that organized crime is a nation-wide problem with international elements, and that national leadership is essential.

In June, the Executive Director participated in a *National Workshop on Children at Risk*, also organized and attended by the Solicitor General. The workshop reinforced what police and others working in this field already know: that intervention at the earliest age is essential; that all sectors need to work together; and that more supports must be provided to foster healthy family environments.

A response was prepared on behalf of CAPB members to the Justice Minister's *Youth Justice Strategy* and following approval at the Annual Meeting, has been submitted to the Minister.

Mr. Badham also represented the CAPB at the Annual Conference of the Nova Scotia Association of Police Boards last fall. Effective 1 January 1998, he replaced former CAPB President Colin Saldanha as a member of the Board of Directors for the Canadian Centre for Police Race Relations. He continues to serve as an Associate Board member of the Canadian Association for Civilian Oversight of Law Enforcement, although this has involved participation in only one conference call meeting over the past year.

On an administrative level, a catalogue has been completed of all resource material held on file at the CAPB office in Ottawa. Membership remains stable, the website is well-used, and we continue to receive high praise for our instructional CD-ROM for new board members.

Looking ahead to the fall, the CAPB is in the final stages of negotiating a contract with Solicitor General Canada to produce a *Guidebook on Amalgamating Police Services*. The product will be a "how-to" manual for police services and boards in Canada undergoing the process of amalgamating two or more police services. Solicitor General Canada has agreed to finance the project, which will have the input and support of the CACP. The target date for completion is the end of 1998.

Finally, Mr. Badham invited everyone to join the CAPB next year for its **10<sup>th</sup> Anniversary Conference and Annual Meeting in Niagara Falls, Ontario, August 18 - 21, 1999**. In honour of the special occasion, an extra day of activities is being planned for the day preceding the business portion of the conference and will include activities such as a golf tournament, sightseeing tours, shopping excursions and a visit to a local Niagara winery. Members will not want to miss it!

## ***Nomination Report***

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The Nominating Committee consisted of outgoing Board members Gail Martin (Delta) and Anne Boudreau (Ottawa-Carleton), as well as Henry Dayday (Saskatoon) and Emil Kolb (Peel). The following individuals were elected as the CAPB Board of Directors and Executive for 1998/99:

### **Executive:**

**Mike Badham**, President Regina, SK  
**Dan MacLeod**, Vice President New Glasgow, NS  
**Herb Kreling**, Secretary/Treasurer Ottawa-Carleton, ON

### **Directors-at-Large:**

**Shirley Cordiner**, Niagara, ON  
**Robert (Bob) Dean**, Edmonton, AB  
**Edward Keyes**, Saint John, NB  
**Eric Simmons**, Victoria, BC  
**Florence Wong**, Vancouver, BC

## ***Resolutions***

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The following resolutions received the support of the membership (*preambles to resolutions have been omitted unless considered critical to an understanding of the issue*):

### **Resolution 98-1:**

#### **National Strategy on Organized Crime**

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards endorse the BC Regional Coordinating Committee *National Organized Crime Strategy* and advocate urgent action by the Federal Government on BC's recommendations:

a) Strengthen efforts to combat money laundering by:

- Establishing a national system of Mandatory Suspect Transaction Reporting (MSTR);
- Establishing a national system of mandatory reporting of cross-border movement of currency and monetary instruments (CMIR).

b) Safeguard, supplement and streamline the National Police Services involving intelligence and information systems, forensic laboratories, drug testing, police training and other measures needed to combat organized crime by renegotiating the 1966 Federal-Provincial Agreements, which were a response to the growth in organized crime in Canada and which gave rise to the National Police Services.

The objective would be to put in place "Millennium" agreements with assured federal support to enlarge upon and update the National Police Services to meet police needs in the 21st Century.

c) Strengthen measures to take the profit out of organized crime by enlarging the list of Enterprise Crimes in the *Criminal Code* to include illegal immigration; document, credit card and telecommunications frauds; smuggling; and related offenses.

- d) Strengthen national intelligence collection and coordination by creating "desks" at CISC to provide national focal points for collection, coordination and sharing of intelligence associated with i) gambling offences/offenders; and ii) crimes threatening the integrity of Canada's ports.
- e) Enhance the integrity of Canadian ports and Canadian business by having the Federal Department of Transport provide additional portable x-ray machines and operators for inspection of containers at ports.
- f) Extend the Canada-United States Cross Border Crime Forum to address concerns across Canada.
- g) Provide the RCMP with *new* money to fund the federal share of provincial police positions.
- h) Amend the *Criminal Code* to provide Canada-wide jurisdiction for police officers carrying out investigations in association with police of local jurisdiction.

### **Resolution 98-2:**

#### **Sexually Exploited Youth and Age of Consent**

WHEREAS, under the Criminal Code of Canada, it is not a criminal offence for an adult to engage in sexual activity with a young person aged 14 years or older if the young person consents to the sexual activity with certain exceptions (i.e. it is a criminal offence for an adult in a position of trust or authority over a young person to engage in consensual sexual activity with a young person 14 years or older; and it is a criminal offence for an adult to obtain, for consideration, the sexual services of a person under the age of 18);

WHEREAS raising the age of consent from 14 years could assist in the prosecution of adults who buy sex from young people because it would permit a prosecution for sexual assault without the necessity of proof that there was payment of money or other consideration;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the Federal Government to amend the *Criminal Code of Canada* to raise the age of consent to sexual activity from 14 years to 16 years for those offences enumerated in s. 150.1.

### **Resolution 98-3:**

#### **Sexually Exploited Youth and Amendment to s. 212(4)**

WHEREAS, although s. 212(4) permits the use of undercover police officers posing as persons under the age of 18, as it is presently worded, this section is still difficult to enforce because of the necessity to prove that a person attempted to obtain the sexual services of a person whom they believed to be under the age of 18;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards continue to strongly urge the Federal Government to:

- a) Amend s. 212(4) to read as follows: "Every person who, in any place obtains or communicates with any person for the purpose of obtaining, for consideration, the sexual services of a person who is under the age of eighteen years is guilty of an indictable offence and is liable to imprisonment for a term not exceeding five years."; and
- b) Repeal s. 212(5).

### **Resolution 98-4:**

#### **Sexually Exploited Youth and Additions of s. 212(2), s. 212(4), s. 212(2.1), and s. 210(1) of the Criminal Code to s. 183**

WHEREAS s. 183 of the *Criminal Code of Canada* defines the offences for which an authorization to intercept a private communication can be granted;

WHEREAS it is often difficult to obtain evidence about prostitution related offences because of the reluctance of those involved in prostitution to give statements to police and/or testify in court;

WHEREAS the offences set out in s. 212(2) - *living on avails of a person under 18 years of age*; s. 212(4) - *obtaining, or attempting to obtain, sexual services of a person under the age of 18*; s. 212(2.1) - *living off avails for profit or through coercion*; and s. 210(1) - *keeping a bawdy house* - are sufficiently serious offences to warrant inclusion in s. 183;

WHEREAS the use of wiretap could make it easier for law enforcement officials to obtain evidence about prostitution related offences which does not rely exclusively on the testimony of a child or youth;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the federal government to amend s. 183 of the Criminal Code of Canada to include s. 212(2), s. 212(4), s. 212(2.1) and s. 210(1) of the Criminal Code.

#### **Resolution 98-5:**

##### **Secure Shelter and Sexually Exploited Youth**

THEREFORE BE IT RESOLVED THAT members of the Canadian Association of Police Boards urge the federal government to work with provincial governments to provide adequate funding for the necessary number of safe shelters for children and youth running away from abusive situations or otherwise forced onto the streets, and that such shelters: be staffed by people with direct personal realities of street youth; have access to support services; and be open 24 hours a day to meet the complex needs of street youth.

#### **Resolution 98-6:**

##### **Mandatory Life Sentences for Drug Traffickers**

THEREFORE BE IT RESOLVED THAT, as recommended in the 1994 B.C. Chief Coroner's *Report of the Task Force into Illicit Narcotic Overdose Deaths in British Columbia*, the Canadian Association of Police Boards request the Minister of Justice and the Solicitor General of Canada to examine the merits of mandatory maximum life sentences, without parole, for people importing and trafficking in large quantities of narcotic substances.

#### **Resolution 98-7:**

##### **Action on Non-Returnable Warrants**

WHEREAS some offenders with outstanding arrest warrants from other jurisdictions go to other jurisdictions to avoid the warrant and to continue their criminal activity, thereby continuing to subvert justice while exacting both a considerable toll on society and increasing the strain on limited police resources;

WHEREAS the Canadian Association of Police Boards adopted a Resolution at their 1997 AGM urging the federal government to accelerate its efforts to develop the necessary legislation for an effective system to handle non-returnable warrants, taking into account such mechanisms as:

- statutory right to arrest when a warrant is in existence
- establishment of a transport centre and system to ensure offenders face trial in the jurisdiction where the offence occurred
- an increased transportation "window" from 6 days to 14 days
- show-cause hearings through video or teleconferencing
- a national cost-sharing arrangement;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards continue to take a strong position with regards to the lack of federal government action on non-returnable warrants and that it be emphasized to the federal government that the safety and protection of the public is being severely impacted by the lack of a national system for non-returnable warrants and immediate action is justified; the issue of funding must be tackled now.

### **Resolution 98-8:**

#### **Protection of Children and Pardons**

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards support generally Bill C-284 (an amendment to the *Criminal Records Act* which would provide for a specific instance where the public interest in a limited disclosure of a record of a conviction that has been pardoned supersedes the right to privacy of the pardoned person. This instance is where the conviction was for a sexual offence against a child and the person convicted applies for a position of trust with respect to a child or children), but continue to strongly urge the federal government to:

- amend the *Criminal Records Act* so that pardons can never be granted for convictions involving child molestation, child pornography, child prostitution or any other form of child abuse or child sexual exploitation
- or, as a minimum, amend the *Criminal Records Act* to allow police officers access on CPIC or any other criminal record system to check the existence of a pardon during investigation, conviction and sentencing of the aforementioned crimes, and therefore, enable the police to make the necessary request for release of the criminal record.

### **Resolution 98-9:**

**Charity Casinos/Gaming Clubs** THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the federal government, in conjunction with the police community, to establish the necessary standard reporting system to have gaming occurrences, and gaming related occurrences, collected on C.P.I.C.; and

BE IT FURTHER RESOLVED THAT the Canadian Association of Police Boards urge research be undertaken by the appropriate federal agencies into the effect and impact of legalized and illegal gaming.

## ***Reports From Break-Out Groups***

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### **Small Boards**

Dan MacLeod (New Glasgow) and Gail Martin (Delta) served as facilitators for the small boards' break-out group. Mr. MacLeod reported the group began by discussing the role of the CAPB. They determined the CAPB's role should be one of lobbying, facilitating the exchange of information, serving as a resource and as a means of discussing common concerns.

The problems facing small boards were also discussed, with the biggest concerns being funding, amalgamations, quality of service, and inconsistencies in service across the country. The role of board members and municipal councillors serving on boards was also discussed. It was felt councillors should play a role in defending the police budget to their colleagues on Council. The group decided the best composition for police boards was a mix of councillors and public citizens, and they suggested it might be beneficial if some standardization in board composition was introduced across the country.

The small board group finished by considering some possible topics for next year's conference. Suggestions included adding an extra day to the conference to allow for discussion and sharing of ideas among delegates on topics such as: labour relations and collective agreements; technological changes; corrections; crime prevention; and the impact of organized crime.

### **Medium Boards**

Eric Simmons (Victoria) and Mike Badham (Regina) facilitated the medium-sized boards discussion group. Mr. Badham began by saying there was considerable discussion and time ran out before they had time to cover all the topics of interest. In order to convey a sense of the scope of the discussion, Mr. Badham listed the other issues the group was interested in but did not have time to discuss; these included: sharing services among boards and other agencies; costs and uses of new technology; training costs; audits; internet crime; private policing; and lobbying governments.

The first topic discussed was the distinction between the chief and the board, and operational versus policy matters. Some members felt it would be useful to try to define what is policy and what are operations. It was suggested this might best be done by sharing a list of examples. Some suggested it was the board's role to set the policy and the chief's responsibility to establish the procedures necessary to carry out the policy. In this regard, corporate boards might serve as an example.

The advantages of having full time staff to assist in setting agendas and to provide continuity were also noted. Continuity and consistency of practices across the country were discussed, with delegates mentioning the problems posed by frequent board turnover. Education was considered crucial to becoming a better board and the importance of sharing information and ideas, and of learning from others, was stressed. Mr. Badham noted one of the CAPB's primary purposes is to facilitate this kind of learning.

The group also discussed negotiations and how arbitrations have traditionally tended to favour police associations. However, recent changes in arbitration legislation in Ontario now make a community's ability to pay a required criteria. It is hoped this will result in decisions that are more favourable to boards in the future. Compensation for chiefs of police was also discussed and the necessity of developing a performance appraisal system with clearly defined measurable objectives was emphasized.

Finally, Mr. Badham offered a suggestion for future conferences. Like the small board break-out group, this group felt consideration should be given to having break-out groups on the first day of the conference so people with shared interests can connect over the course of the conference. A follow-up break-out group could be arranged for later in the conference. More time for sharing ideas among ourselves and less reliance on formal presentations was advocated.

### **Large Boards**

Anne Boudreau (Ottawa-Carleton) and Emil Kolb (Peel) jointly facilitated the large boards' discussion group. The first topic raised was the problem of drug enforcement in specific areas of a city, and the need for multi-service response. It was considered a necessity for each board to develop policies to deal with issues such as drug enforcement, and to establish a regular review process for all board policies.

Within the context of board policy, media relations was also discussed. Various boards noted the problems they have encountered with misinformation in the media, and with having more than one individual speaking to the media. It is essential that policies be developed to address these types of problems. Special note was made of the role of elected officials on police boards in responding to the media, because they are often approached for comments.



The subject of elected officials on boards was also discussed within the context of potential conflicts of interest, and within the context of confidentiality and whether it was being respected. Budget issues were also seen as a potential conflict for municipal councillors in terms of having to separate their roles as a board member and a member of council.

The group also discussed community police stations, their funding, and the various models being implemented across the country. This led to a discussion on the use of volunteers and auxiliary police, and the restrictions boards face regarding their use because of police association reaction.

Larger boards are currently facing enormous pressure from their police service to purchase helicopters, and this was discussed. Calgary is the only board that has purchased one although many other boards are grappling with the issue.

With regard to negotiations, delegates discovered that arbitrators are now comparing salaries cross-country. This raised the question of whether boards could use this to their advantage in some way. The salaries that chiefs should receive and the qualifications they should have was also discussed. Succession planning was considered essential.

## ***Introductory Workshops***

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For the first time, a series of introductory workshops was offered for delegates. The interactive sessions were well attended and feedback was extremely positive. The CAPB plans to add more small, participatory sessions next year on a variety of topics of relevance to police boards.

The first three sessions ran concurrently and were on the subjects of: Board Governance, Board Policy Development, and Labour Relations. All groups joined together again for the fourth workshop on the Board/Chief Relationship, presented by the **Chief of Police for Calgary, Christine Silverberg**. The presentations have been summarized below.

[Board Governance](#)

[Board Policy Development](#)

[Labour Relations](#)

[The Board/Chief Relationship](#)

## ***Board Governance***

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*Mr. Frederick Biro, past Executive Director of the CAPB*, presented the workshop on Board Governance. He began by echoing the opening line from the CAPB report on board governance entitled, "Putting the Tools in Place". He said, "Board governance is an invisible function. It is only when problems appear that people ask: Where was the Board?"

Mr. Biro believed that in broad terms of actual practice, there is very little difference between the operation and challenges facing corporate, public and not-for-profit boards. The key to meeting those challenges is understanding the unique role that boards, and other governing bodies, play. He said boards are not supposed to be composed of experts, though some expertise and experience in the institution is helpful. Rather, boards should provide what Jane Jacobs in her work "*Systems of Survival*" called "contrived wisdom". He provided delegates with the following quote from Ms. Jacob's work:

"There are no substitutes for wisdom...without wisdom everything limps along or breaks down. But wisdom is a complex quality, a combination of common sense, foresight, judgement, awareness, and moral courage. Paragons of these combined virtues, even when they exist, aren't necessarily in the right places at the right times. Most societies have learned from experience to pool individuals with the object of contrived wisdom: elders, councils, boards, cabinets, juries, appeal tribunals, parliaments. That's a wise tradition in itself, ...considering how stupid, vicious and even insane rulers can be when they consult only their own conceptions of wisdom." (*Jane Jacobs, Systems of Survival, A Dialogue on the Moral Foundations of Commerce and Politics.*)

Mr. Biro then commented specifically on the role and function of police boards. His remarks were captured by three slides; the first set out how boards undertake the majority of their work through the enactment of policies. A copy of the text is provided below.

### **Police Governance and Leadership by Boards**

The major tool used by boards for governance is policies. Explicit policies set goals and objectives, clarify roles, and create a framework for the board and the entire organization. Policies in an effective governance model fall into four categories:

1. *Long Term Planning* - The setting of goals and objectives that are proactive, and a consideration of where the board wants the organization to be at some point in the future.
2. *Executive Limitations* - Management principles that limit the choice of staff means.
3. *Board-Staff Relationship* - The manner in which authority is passed to the executive machinery and assessment of the use of that power.
4. *Board Process* - How the board will govern; the manner in which it represents its constituents, governs itself, and the process through which it provides strategic leadership to the organization.

Categories two through four are defined by the creation of explicit, clear policy, and by the existence of external regulatory agencies. Effective policy and controls in these areas free boards to concentrate on the establishment of long range objectives and planning.

### **Relationship with the CEO (Chief of Police)**

The CEO is accountable for the entire product, result and behaviour of the organization, acting within the parameters established by the board and by any outside regulatory agency. By this definition, the Board has only one employee. If something goes amiss in the organization, the board can hold only one individual responsible.

Because of the CEO's role, his/her relationship with any individual board member is collegial, not hierarchical. The CEO is accountable only to the full board and no board member has authority individually.

The CEO performs the above functions and allows the board to assess executive performance by relaying information to the board; this information falls into three basic categories:

- *Decision Information* - which presents information to the board to allow it to make a decision
- *Monitoring Information* - which allows boards to gauge if previous directions and policies are being followed
- *Incidental Information* - which falls under neither of the other two categories, and is often used to educate the board, or relay data on the current environment.

Mr. Biro concluded his presentation by listing his personal set of guidelines for effective police board governance. They are as follows:

- productive board/staff relationships
- understand the role of the board/committee
- respect the role of the Chief of Police
- ensure the Chief knows your role
- learn/develop the rules/procedures
- understand the relationships
- ensure needed information is provided but keep to the bottom line
- be flexible

## ***Board Policy Development***

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This workshop was presented by **Ms. Wendy Southall, Administrator of Board Services, Niagara Regional Police Services Board**. She began by identifying some of the most common challenges facing boards. She then described four categories of policy that assist in meeting those challenges:

### **1. Board Administrative Matters**

Matters such as conduct at meetings, motions/outstanding motions, reconsiderations, notice of meetings and agenda format are usually dealt with through a procedural by-law. These policies dealing with routine issues assist the board in decision-making and ensure that meetings, motions and reports are consistent, recommendations are clear, outstanding motions are reviewed, and that reports contain a financial analysis. Ms. Southall cautioned against developing administrative policies around a specific problem.

### **2. Service Matters**

Service matters can be divided into two distinct categories for the purposes of policy-making: operational issues; and administrative/human resources issues. In Ontario, these policies follow guidelines that have been set by provincial legislation in the form of policing standards for the service and the board. The standards are clearly defined for the development of operational directives or general orders by the police service, however, are vague on defining the requirements for board policies. Ms. Southall stated the Niagara Regional Police Services Board has developed a governance policy framework for oversight on operational issues pursuant to the provincial standards, but the framework can also be used for any operational issue. The Niagara framework requires the Chief to provide reports to the board to ensure that there is adequate and effective policing.

Using court security as an example, Ms. Southall said a good operational board policy should do the following:

- set out the board's responsibility for the provision of court services
- reference the standards manual containing the guidelines directing the board
- require the Chief to develop and implement a court security plan as prescribed in the standard
- require the Chief to ensure that staff are trained and supervised
- require the Chief to report annually on the plan, to outline the plan, to confirm that the plan complies with legislation, and to provide the annual cost.

Other policies might require the reporting of statistical data such as number of calls, numbers of complaints, or staffing complements.

Policies on administrative issues, such as organizational structure, should fulfil the following requirements:

- that deployment is clearly operational
- that it is in keeping with the provincial standard
- set out direction to the Chief to develop a statement of purpose for board approval
- direct the Chief to develop for board approval a structure that meets the needs of the community and the service
- require the Chief to report changes, reasons for the changes and budget implications.

### **3. Statutory Policy**

Ms. Southall noted that some policies are required by law. For example, boards have responsibilities related to public complaints.

### **4. Financial Reporting**

Policies on financial reporting connect adequacy and effectiveness to accountability. They should include the budgeting process, purchasing and control. Niagara's policy is broken down into the following categories:

- a) program budgeting
- b) budget approval process
- c) accounting system
- d) purchasing system
- e) budget variance analysis
- f) special fund.

In summary, Ms. Southall stated board policies should direct the Chief to provide detailed reports that turn one's mind to the appropriate governance issues and that assist the board in measuring adequacy. In other words, they must ensure that the needs of the community are met and that there are sufficient staff, equipment and training.

## ***Labour Relations***

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*Ms. Lillian Waldie-Lawson, Executive Director, and Mr. Don Robinson, Chair, Halton Regional Police Services Board, jointly presented the workshop on Labour Relations. The session began with an overview of the top 10 process issues to be considered, then discussed some areas for potential savings initiatives or cost containment, and concluded with an information sharing session for delegates. The goal of the information sharing session was to provide participants with a better idea of what is occurring from a national perspective and to develop a list of issues that they could take back to their own boards. The importance of sharing information, knowledge and experiences was a recurring theme throughout the workshop.*

**Issues that boards should consider before commencing the negotiation process:**

1. Know your *legislative authority* regarding collective bargaining: i.e. who can legally sit on the Board's bargaining committee, and what can it legally negotiate under your provincial police act?
2. *Conduct Research*: Review your collective agreement, know the negotiating environment and the issues affecting policing locally, provincially and nationally. Consult with the Chief of Police to determine areas of the Collective Agreement that may be causing operational or administrative difficulties, or that have caused misinterpretations or grievances. Seek professional assistance and advice - the negotiation process is very complex.
3. Have a *Mandate* from your board/council for both monetary and non-monetary issues; you can't bargain in good faith if you have no authority to carry forward issues.
4. *Proposals*: It is essential that a set of proposals be formulated by the board for presentation to the police association. The proposals should be based on the experience of the administration of the collective agreement, relate to the efficiency of the operations, allocation of resources, and reduction of costs. Board proposals need to be detailed and thoroughly documented to ensure good faith bargaining and to provide an excellent foundation for arbitration should it become necessary. Cost your proposal and that of the association to determine all the costs and savings, keeping in mind that what is defined by the association as "non-monetary", usually has a cost.
5. *Communication*: Appoint one person to speak on behalf of the board to ensure that there is no miscommunication. Keep the board and council updated and let the board know the environment in which you are operating and the issues that are stumbling points.
6. *Share Information*: Boards must work together more often to share information, not only from a provincial perspective, but from a national one as well. Associations are very skillful at negotiations; they have excellent resources and support from the provincial and national associations. Like the associations, boards must ensure we have a collective approach to negotiations; the better informed we are the more effective we will be at the bargaining table.
7. *Operational Issues & Management Rights*: Be aware of negotiating operational issues or those issues that affect service delivery and operational efficiencies such as increased time-off, two-officer patrol cars, and fixed shift scheduling. Develop proposals that will give management (chiefs of police) greater flexibility, resulting in more cost-effectiveness and efficient deployment of police resources.
8. *Uniform versus Civilian*: Have separate agreements and negotiate separately - uniform issues do not necessarily apply to civilians.
9. Negotiate from a *Total Compensation* perspective, not just base salary. Total compensation includes: overtime, court time, group benefits, premiums/specialist pays, shift premiums, clothing/cleaning allowances, paid leaves and vehicles.
10. *Time Commitment*: Recognize that both meetings and preparatory work are very time consuming and patience is required.

## Potential Savings Initiatives

- *Health Benefits:* Consider 9-month recalls for dental plans for adults and 6-month recalls for children; substitute generic drugs and cap dispensing fees; introduce deductibles and co-payments; re-examine out-of-province health benefits and flex benefits.
- *Paid Leaves:* Review articles that allow pay for work not performed, such as sick leave, vacation, statutory holidays, accrued time, court time, overtime and call back.
- *Sick Leave:* Eliminate articles that allow the accumulation of sick leave banks and payouts - they create a massive liability. Review the administration controls of the sick leave plan.
- *Legal Indemnification:* This is a benefit that is extremely difficult to budget and predict. Establishing caps and administrative procedures will help to control and budget legal fees. A number of procedures were suggested to assist in controlling these costs.
- *Shift Schedules:* Have the flexibility to implement a variety of shifts, and do research to determine which shifts are best for service delivery and officer safety. Develop shifts that eliminate the accruing of time off.
- *Premium/Specialist Pays:* Review your collective agreement to know what you currently provide in terms of senior constable and specialist premiums, as well as the eligibility requirements. For specialist pay, build in a training period before they receive additional percentages. Also review to ensure these premiums cannot be layered or compounded with each other.
- *Re-Classifications:* The majority of collective agreements re-classify constables after 12 months and salary increases between these advancements are substantial. Consider moving advancements to 18 months.
- *Starting Salaries:* Review your comparators to ensure your starting salaries are comparable.
- *Salary Reviews:* Review and compare civilian salaries with their municipal and private counterparts to determine their market value. Keep in mind the importance of ensuring the ability to retain technology positions.

## *The Board/Chief Relationship*

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*Christine Silverberg, Chief of Police, Calgary Police Service*, addressed the CAPB on the difficult topic of the relationship between Police Service Boards and Chiefs of Police.

She began by acknowledging the enormous challenges facing police today and the ambiguity that surrounds the police chief and police board relationship. She believed the key elements required in meeting these challenges were trust, shared values, and governance and leadership - not micro-management. She said chiefs and board members share a joint responsibility for the governance and management of their police service, and that this responsibility must be carried out through a relationship that focuses on a partnership which is consultative, collaborative, supportive and communicative. The relationship is not, as some may believe, a master - servant relationship. She believed this unique employment relationship is often at the core of difficult board-chief relations.

Chief Silverberg stated that the role of the police requires continuous change. She reviewed the need for those involved to be masters of change in their economic, political and social environments. As leaders, they must have the funded knowledge and courage to lead organizational and cultural change, and to intelligently, compassionately, and responsibly accept the risks attendant with that change. Forced to achieve quality policing with dwindling resources in municipal environments of increasing density and diversity, while responding to rapidly evolving technologies, decisions around the prioritization of services leave many of the police's customers and employees dissatisfied and disillusioned with the level of service provided. And throughout the entire process, the police must operate with an appropriate level of transparency and at the

same time meet the public's expectations of accountability. Chief Silverberg believed that finding solutions to these pressing issues requires chiefs and boards to acknowledge their interrelatedness and mutual dependence; to build on their strengths - not dwell on their differences; and, complement each other in their pursuit of safe and secure communities.

The second issue Chief Silverberg addressed was the structural ambiguity of the board/chief relationship. She stressed the importance of understanding the role played by the province and, more importantly, the respective roles played by the municipality, the police board and the police chief. She summarized the board's role as being primarily one of governance as circumscribed by provincial policing legislation, while the chief's role was to lead and administer the police service as circumscribed by legislation. She noted the roles as defined by the legislation were ambiguous and subject to interpretation. This lack of clarity, she believed, is a serious issue for Canadian policing and one which can result in significant tension.

Chief Silverberg noted there are two general, though ill-defined, principles governing the relationship, which are often subject to debate by the parties affected. The first is the legal principle of police independence which arises largely from common law and case law through court decisions. In other words, police officers in the performance of their duties, are considered answerable only to the law itself and the courts, not to civic authorities or to their governing authorities. The second principle is one of good management. However, neither guiding principle defines a very essential issue: namely, the boundaries between what constitutes policy and what constitutes operations.

The Chief suggested that unfortunately, the ambiguity and resulting debate about police powers and expectations at this level is frequently not one of accountability, but one of who has the power. Chiefs often find themselves in the middle of political infighting or at the center of controversy. This dynamic can lead to destructive and dysfunctional relationships between board members and between the board and the chief. Chief Silverberg emphasized that a concerted effort is needed by the police board to keep the level of functioning to the strategic and governance framework. At the same time, chiefs must anticipate the information needs of the board and the importance of information sharing. She believed the relationship can only thrive with mutual respect and trust.

Chief Silverberg shared some of the concerns expressed by her fellow chiefs across Canada on this issue. Of primary importance is the need for the board to provide a strong, public, vocal vote of support for their chief. The Chief reviewed six areas in which she believed that support was especially required:

1) **Budgets:** Community policing had been embraced by police services and police boards, however, it is an expensive and labour intensive measure. It requires a commitment to customer service and a complementary allocation of police resources to sustain that commitment. She said chiefs need the board's public voice on the issue, as they are the governance body that play a pivotal and statutory role in developing the budget estimates.

2) **Performance Evaluations:** Chief Silverberg stressed the need for chiefs to have their performances evaluated on the basis of their efforts in striving for and reaching clearly defined goals and objectives. They also need the chance for development through clear, objective guidance on where the strengths and weaknesses of their performance lie, but there must be mutual agreement on the processes or mechanism for performance management, and it must be founded on a basis of mutual respect and trust.

3) **Compensation:** Today's chiefs must be better educated and better qualified than most of their predecessors if they are able to adequately prepare to meet the expectations of the board and the public, and the demands of policing. They must exhibit exceptional skills in both

administrative and leadership abilities. Unless chiefs are properly compensated for the work they do and the skills they have, boards will not be able to attract and retain the quality of candidates required to lead and sustain the charge for change.

4) **External relationships:** Board members may not appreciate or recognize the consequences of certain affiliations or relationships they may form. The inappropriate or naïve alliances board members may form with police associations, or individuals with an agenda or unsavory associations, undermine the authority of the Chief which may lead to mistrust and communication breakdown.

5) **Internal relationships:** Chiefs are often frustrated when Board members appear to assume the role of the public voice for the rank and file on micro-management issues. The dissident voices among the rank and file, which Chief Silverberg estimated generally constitute about four to five percent of an authorized strength, will not hesitate to use Board members where they perceive an opportunity to undermine the chief. This harms the public confidence in the police service and its individual officers, in addition to undermining the chief. Most boards recognize that public airing of micro-management issues is to be avoided if public confidence in the organization is to be maintained.

6) **Confidentiality:** Police chiefs can deal with leaks which arise in their own organization, however, they cannot control board members. Uncontrolled breaches of confidentiality tend to dam the flow of information, resulting in mistrust on both sides. Chiefs need to know the board will police itself in this regard, that it values open communication, and will take all steps necessary to ensure those links are maintained.

In closing, Chief Silverberg stated she believed chiefs and boards could overcome the inherent obstacles facing them and build a relationship of trust through: maintaining focus on the strategic agenda; building capacity to meet the growing demands; sharing core values such as honesty, integrity and ethics; providing respect for each other and their jobs; maintaining a commitment to the community; having the courage to do the right thing; and lastly, never losing sight of the objective - the quality of life for all Canadians.

## *Panel Presentations*

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The Panel Presentations have been summarized below:

- [Canadian Firearms Centre Seminar](#)
- [Youth and Violent Crime](#)
- [Update from Solicitor General of Canada](#)
- [Update from Correctional Service Canada](#)
- [Update from National Crime Prevention Centre](#)
- [The Public Complaints Process](#)
- [Sexual Exploitation of Children](#)
- [Impact of Legalized Gambling](#)

## *Canadian Firearms Centre Seminar*

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This seminar was arranged for delegates interested in hearing about the implementation of the new Firearms Control Program and legislation, and the training being developed for police officers. Participants included: Mr. Hank Mathias, Chief Firearms Officer, B.C.; Mr. Jim Bickford,



Manager, National Training for the Canadian Firearms Centre; Inspector Gerald Braun, Project Coordinator, RCMP Firearms Act Project; Inspector Henry Vanwyk, Director, Communications and Training, OPP; and A/Sergeant Robin Van Gastel, Special Projects, Department of Justice

Mr. Mathias stated the new system is designed to screen out individuals who pose a threat to public safety, and to enable easy compliance for those that do not. He noted service for law-abiding citizens who own a firearm and wish to sell it, or who wish to register another, will be easier through a simpler process. At the same time, public safety issues related to firearms acquisition will be more stringent than the present system.

Under the current system, licensing is restricted to Firearms Acquisition Certificates (FAC) which are valid for five years and are required only if a firearm is to be acquired. Under the new *Firearms Act*, (effective December 1, 1998) there will be a variety of licenses available to address specific situations. It is intended that by 1 January 2001 everyone who owns a firearm or wishes to acquire one must have a license.

Mr. Mathias next spoke about the controversial issue of registration. He reported that under the firearms legislation, both restricted firearms such as handguns, and non-restricted firearms such as hunting rifles and shotguns, will have to be registered. December 31, 2002 is the deadline for registrations and the cost is \$10.00 for the initial registration for any number of firearms owned by one individual.

The speaker reviewed statistics related to the number of licenses to be issued, the number of firearms involved, and certain provincial comparisons. The statistics illustrated that the volume and complexity of the licenses required a new approach to delivery of the program, and emphasized the need to free up both police time and budgetary resources which could be redirected to other responsibilities.

Mr. Mathias reviewed the process of how the firearms legislation would be delivered, noting the services that would now be provided through Chief Firearms Officers (CFO). Whereas in the past the police service was involved in these processes and paid for them, the federal government will now be paying for them, and the role of the police will be limited. Mr. Mathias stressed this represents a significant shift in the cost for delivery of the service away from municipalities. He outlined the following key advantages of the Firearms Control Legislation specifically for the policing industry:

- reduced administrative workload
- access to description and location of all registered firearms
- knowledge of who can acquire and possess firearms (valuable information to have prior to entering a potentially dangerous situation)
- a "Firearms Interest Person" category in CPIC that will include the names of individuals with a history of violence or threats of violence, including those suspected, charged or convicted. This tool can be used by police officers for investigative purposes and Chief Firearms Officers in considering whether to issue a license. It provides a critical tool to research and determine if a situation requires intervention, and the ability to link events in different jurisdictions.

**Mr. Jim Bickford** concluded the presentation by reviewing the training that would be available for users of the legislation through reference materials, manuals, handbooks, and videos. The materials will be made available to police officers, firearms officers, custom officers, prosecutors, judiciary and justices of the peace, businesses, and other federal and provincial law enforcement groups. He also noted there are regular bulletins being distributed to the police as part of a comprehensive communications strategy.

For additional information on how the program will be delivered in a particular province or territory, Mr. Mathias suggested contacting the respective Chief Firearms Officer's office.

## ***Youth and Violent Crime***

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Youth crime continues to be an issue of great concern to Canadians and to the policing community. With the release in June of the Justice Minister's *Youth Justice Strategy*, the CAPB thought it timely to discuss ways in which police are proactively attempting to reduce the incidence of youth getting involved in crime. The Panel began with a briefing from **Ms. Catherine Latimer, Project Leader for the Renewal of Youth Justice Initiative, Department of Justice Canada**. She was followed by **Sergeant Claude Turgeon, Ottawa-Carleton Regional Police Service**, (currently on secondment to the National Crime Prevention Centre) who spoke about the reasons for the success of Ottawa-Carleton's Police-Youth Centre. **Edmonton Chief of Police, John Lindsay**, then described some of the innovative programs being run by the Edmonton Police for youth at risk. The panel also included **Ms. Pamela Stenhouse**, a young person from Edmonton who spoke about her own experiences with an alternative to the formal justice system.

**Ms. Catherine Latimer** provided highlights of the *Youth Justice Strategy* announced by Minister of Justice Anne McLellan in May. A Bill to enact the Strategy is expected to be tabled in the House of Commons in the Fall following consultation.

Ms. Latimer noted that although crime rates have been decreasing and violent crime represents only a small proportion of overall youth crime rates, the *Young Offenders' Act* is universally perceived as not being tough enough. She pointed out that Canada's incarceration rates are approximately 10 to 15 times higher than those of Britain, Australia and New Zealand, and there are suggestions Canada incarcerates young people at a higher rate than the United States, where the crime rate is significantly higher.

Ms. Latimer said the primary goal of the Youth Justice Renewal Strategy is to improve public protection by reducing the amount of youth crime. Its secondary goals are to develop support for a broad approach in which legislative reform is only part of the solution, to preserve strong federal-provincial partnerships in the area of youth justice, and to raise confidence, promote understanding and develop appropriate responses to the full range of youth crime. Included in this is developing programs that are more effective in dealing with violent youth crimes, putting more emphasis on rehabilitation, clarifying the role of families, victims and communities in addressing youth crime, and eliminating procedural and administrative obstacles in the youth justice system. The major thrust of the renewal will be the repeal of the *Young Offenders' Act* and the introduction of another bill that will maintain a separate youth system. It will retain the strengths of the current system and signal new approaches in the hope that a strong youth justice system will gain the confidence and support of the public.

Ms. Latimer described the three key tenets of the renewal strategy: prevention, meaningful consequences, and rehabilitation.

## ***Youth and Violent Crime (2)***

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Continued from [Youth and Violent Crime \(1\)](#)

### **Rehabilitation**

Rehabilitation is the third plank in the Youth Justice Renewal Strategy and is tied to the belief that young people's behaviour can be changed by instilling values and supporting reintegration. The system must ensure that when young offenders re-enter their communities, the best rehabilitative and supervisory conditions are used to protect the public. These measures will include teaching basic social skills and a sense of responsibility and accountability to others, providing improved support and after-care following the release from custody, and providing more and better treatment for serious young offenders.

In summary, Ms. Latimer said what is hoped for is a broad integrated strategy to address the problem of youth crime. The Justice Department considers community involvement and partnerships to be absolutely key in delivering the strategy the way they think it will ultimately best protect the public and serve the public good. She concluded by inviting CAPB delegates to provide their input on the Strategy during the current period of consultation.

**Sergeant Claude Turgeon** has been the driving force behind the enormously successful Ottawa-Carleton Police Youth Centre. He began his presentation on the reasons for the Centre's success by describing the situation that existed prior to the Centre's establishment. In the early 1990's, the surrounding Ottawa neighbourhood was a low income housing community that was generating approximately \$1 million a year through illegal drug sales, and experiencing related problems of crime and violence. Young people were being used as "mules" to sell drugs, so much so that clients could literally drive through the neighbourhood, roll down their car windows and kids would come running out of their houses to sell them drugs. The police recognized something had to be done and the traditional drug busts and incarcerations took place. What the police failed to recognize was that they left behind a trail of young persons who watched them take away parents and relatives, and who perceived the police as bad guys in SWAT uniforms using battering rams to break down doors. The community was left in disarray when both an officer and a community member were shot in the course of these activities.

Sergeant Turgeon said the drive for community policing was just beginning at the time. The then Ottawa Police Force got into uncharted waters by taking officers off the street and putting them into community policing. Police officers recognized there would continue to be problems unless a relationship of trust was established with the community.

At the outset, the Youth Centre was housed in an abandoned fire station. Officers began to build relationships with the kids by getting them involved in positive activities such as sports and recreational programs. Sergeant Turgeon said he felt that in his first six months at the centre, he had made more of an impact in policing than in his first five years on patrol. He believed the Youth Centre's best work will be seen ten years from now, when young people refuse to get involved in crime and have a new respect for the police.

In its first year of operation, the Centre experienced a 400% increase in membership. Between 1992 and 1993 criminal activities such as auto thefts and damage to property, generally attributed to young offenders, were increasing everywhere else in the City, but decreasing in the area served by the Centre.

Sergeant Turgeon identified a key component of the Centre's success as being the commitment of resources by police in the face of criticism from other quarters. A second critical component was partnerships. The Centre's budget grew from \$15,000 at the outset to \$350,000 a year through partnerships with small businesses, schools and neighbours of the facility. All have rallied around the Centre because of the good work it is doing.

Today the Youth Centre continues to build on its original basis of sports and recreation. Counseling programs are offered in cooperation with other agencies that serve youth, and there is a school in the Centre for those unable to manage in mainstream institutions. It also offers a

life-skills program, a scholarship program, a homework club and tutoring programs. In addition, services are beginning to be extended into other parts of the regional municipality.

Sergeant Turgeon presented a seven-minute video which illustrated the work being done at the Youth Centre. He expressed the hope that he could bring some of the skills he has acquired during the past few years to other areas of the country through his secondment to the National Crime Prevention Centre.

**Chief John Lindsay, Edmonton Police Service** observed that no other group in society receives as much unfair negative attention as young people. The perception of the general public is that violent youth crimes and delinquencies are pervasive and increasing. In fact, although the most recent trends show a decline in youth crime rates, nearly 50% of Canadians believe that violent crime is on the increase. These perceptions have led to a public outcry to "get tough" with youth crime.

Chief Lindsay noted that young people who are frequently in conflict with the law have just as frequently been negatively involved with neighbours, communities, and social and governmental agencies long before their activities became criminal in nature. This pattern of prior conduct reflects the "at risk" youth.

He maintained solutions to youth crime are not the sole responsibility of the police, but recognized the police have a role in becoming a catalyst for community development by actively searching out partners to provide effective programs that address long term crime prevention. He believed it is through prevention that the greatest effectiveness in reducing youth crime can be achieved while at the same time realizing the best long-term value for money.

Chief Lindsay explained the police's role in crime prevention as a continuum: with crime suppression at one end, prevention programming in the middle, and community development as the ultimate expression of prevention. He discussed some of the programs which the Edmonton Police Service has found to have a positive impact on both the frequency and consequences of youth crime, and which profile all three stages of the crime prevention continuum.

### **Serious Offender Program**

In this program, points are accumulated by chronic offenders based on the severity of crimes committed, with the points accruing until a threshold is reached and the subject is formally identified as a serious offender. Each serious offender is assigned to a detective with the single objective of keeping the offender off the street. This is a reactive crime suppression program. In order to achieve long-term prevention, support services need to be provided to high-risk young offenders. Incarcerating young offenders does not produce dramatic reductions in violence. Aside from its limitation as a violence reduction strategy, crime suppression is also extremely expensive. The estimated cost of detaining a young offender in secure custody is around \$100,000 per year.

### **Hot Wheels**

This program is an outstanding example of how crime suppression tactics can be used productively to target a crime type popular with youthful offenders. Crime analysis identifies areas where auto thefts occur with great frequency. These areas are then monitored until one or more stolen autos are located. Surveillance continues until the culprits return and attempt to drive the stolen vehicle away, at which time police officers move in and make the arrest. This tactic has contributed to a 6% decrease in auto thefts in Edmonton.

### **School Resource Officers**

Members of the School Resource Officer (SRO) Program work in partnership with school staff, students, parents, and the community to identify and address school concerns and problems. They also provide an opportunity for high school aged youth to interact in a positive manner with police officers. These officers provide lectures on a wide variety of topics and are seen by the

students and staff alike as part of the learning environment. They conduct investigations arising from incidents in or around their schools. Their presence is a visible deterrent to crime and has been an outstanding asset in building Canada's largest School Crime Stoppers program.

Continued: [Youth and Violent Crime \(3\)](#)

## ***Youth and Violent Crime (3)***

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Continued from [Youth and Violent Crime \(2\)](#)

### **Community Building Initiatives**

Crime prevention through social development operates from the premise that crime is linked to social and economic factors, and is long term in both its causes and remedies. This view seeks to reduce the likelihood that a child or adolescent will develop criminal behaviors by altering the conditions in their environment that may encourage such dysfunctional responses. Programs focus on early childhood education, physical and sexual abuse counseling, inadequate schooling, housing and poverty. The current costs of crime are tremendous but crime prevention through social development is an opportunity to reduce those costs in the future through a smaller investment in the present.

### **Success By Six**

The basic premise of this truly proactive community building program is that if we don't reach a child who is at risk through social or environmental factors by the age of six, it may be too late to provide effective intervention later on. This program promotes collaborative involvement from all sectors of the community towards the common purpose of helping children succeed for life. The goal is for children to reach the age of six having been nourished both physically and intellectually and having acquired basic conflict resolution skills. The rewards are a real and marked reduction in the chances of "at risk" youths becoming criminal or delinquent.

### **P.R.O.T.E.C.T.S.**

Though less intensive, P.R.O.T.E.C.T.S. is unique. Under this banner, Tactical Team members visit classrooms for the single purpose of reading stories to school children, giving life to the acronym - **P**olice **R**eading **O**utloud to **E**ducate **C**hildren **T**hrough **S**taories.

The program targets inner-city children at the kindergarten level. At-risk children are selected by their teachers and are read to by the same officer once a week for fifteen minutes. In addition to increased literacy skills, this initiative has proven to be successful in giving those children a different and early positive perspective of police. The secondary objective of providing a positive role model of how people in authority should behave, is extremely beneficial and directly transferable to the child's relationships with others.

### **Youth Options**

This program is a collaborative effort involving over 140 support agencies. By providing young people with options in their community, increased youth participation in community activities is achieved. Examples include: a regular evening movie night where donated videos are shown at a local recreation centre; a team being entered to participate in the North American Indigenous Games; and a lunch hour weightlifting program at a local school.

### **Community Conferencing**

The new federal *Youth Justice Strategy* stresses the importance of developing alternatives to the current youth justice system. The police have a key role to play in developing and implementing these alternatives. In response to frustrations expressed by victims and communities, the Edmonton Police Service has developed a restorative justice alternative by adapting the Family Group Conferencing Model of New Zealand. This restorative justice model seeks to divert young offenders from the mainstream justice system and provides a forum where the offender meets with the people affected by the crime and is made to be accountable to them. Crime creates a

negative relationship between an offender and victim. Transforming that relationship assists in the development of healthier and closer communities. The conferencing process is designed so that the offender learns about the effects of his or her behaviour on others. The young person is given the power to repair the harm he or she has caused. Conferencing also addresses the needs of the victim and their consent is therefore required to proceed.

In conclusion, Chief Lindsay noted this fall will bring a new federal *Youth Justice Strategy*. Crime prevention, meaningful consequences and intensive rehabilitation and reintegration are sound strategies. However, legislation alone will not solve youth crime. Multi-agency responses and community involvement are both needed to achieve a meaningful, positive change with respect to violent youth crime. Adequate funding for prevention programs is required from all levels of government, as well as private and public interests. Either new money is found or a substantial diversion of resources from the more traditional responses to youth crime may be necessary. This can not occur within a "get tough" strategy unless prevention is properly seen as being that tough and aggressive intervention. The policing community must lead the effort to broaden society's understanding of, and response to, the issues of violent youth crime. Our response, as a society, must evolve from one based on fear and punishment, to one of redemption for the offender and restoration for the victim.

**Ms. Pamela Stenhouse** was convicted of being an Accessory to Murder when she was eighteen years old. She spoke poignantly about her experience with Family Conferencing, an alternative to the formal justice system offered through the Edmonton Police Service (described above by Chief Lindsay). She said that after a year of testifying and having court appearances put over, she and her family agreed to meet with the victim's family to talk about the crime. Between them, the parties decided on her sentencing. The victim's family were able to express their anger about the crime and its impact on them, and Ms. Stenhouse was given the opportunity to apologize to them.

Since that time, she has tried to move on with her life by participating in the "Kids in the Hall" Program run by the City Centre Church Corporation. The program gives kids at risk an opportunity to be employed at a cafeteria in City Hall, and provides life skills training, job training, and counselling. She graduated from the program in June 1998. She referred to it as a great program that has given her independence and has helped her live her life "like a normal 18 year old". She does a lot of community service and will be on probation for another two years. Ms. Stenhouse called Family Conferencing one of the hardest thing she's had to do in her life, but she believed it was a better way of dealing with young offenders and helping them understand the consequences of their actions than putting them in jail.

## ***Update From Solicitor General Canada***

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The CAPB was pleased to receive its annual update on Solicitor General Canada initiatives from **Ms. Dorothy Franklin, Director, Law Enforcement Division, Policing and Law Enforcement Directorate**. Ms. Franklin began by highlighting a significant change in the structure of the Policing and Law Enforcement Directorate through the addition of a third division last September - the Anti-Organized Crime Division. The new Division is responsible for the anti-organized crime strategy, including measures related to biker-gangs, high-tech and economic crime. This was welcome news to the CAPB as it shares the Minister's concern about these issues (see *Resolution 98-1*). Ms. Franklin focused her presentation on activities in the areas of DNA data bank, National Police Services, child sexual victimization, crime prevention, drugs, and organized crime.

### **DNA Data Bank**

Following the last federal election, the DNA Data Bank Bill (Bill C-94) was re-introduced by the Solicitor General as Bill C-3. New provisions were created to: permanently remove access to

information in the crime scene index if it related to the victim or a person who has been eliminated as a suspect; require the destruction of DNA samples provided by a volunteer, and permanently remove access to a volunteer's DNA profile if there is no match with the crime scene profile. Ms. Franklin noted the retroactive scheme was expanded to include repeat murderers, and the list of offences expanded to include infanticide, bestiality, child pornography and others. Funding for the national DNA data bank is currently the subject of discussions between the Department and the provinces and territories.

The intention of the Bill is to create a practical law enforcement tool for police that will stand the test of time. Every effort has been made to strike an effective balance between the need to provide the police with the tools they need to do their job, and the requirement to respect the constitutional and privacy rights of all Canadians. With respect to the controversial issue of when to take samples, the Department of Justice sought legal opinions from three former Court of Appeal Justices, who each independently concluded that taking samples at the time of arrest would not be constitutional. It is important to note that the police already have the authority to take DNA samples at the time of arrest with a warrant.

### **National Police Services**

Ms. Franklin stated the focus of the National Police Services (NPS) is combating organized crime. Components of the NPS include the Forensic Laboratory Services, Identification Services, the Canadian Police College, the Criminal Intelligence Service Canada, and the Canadian Police Information Centre (CPIC).

In February 1995, the RCMP and the Department began a review of NPS with the objectives of improving client services, identifying emerging needs, and seeking opportunities for cost sharing partnerships. In 1997, a consultation document was shared with provincial and territorial officials, police forces and other key partners. The consultation team met initially with over 300 officials from these organizations, including the CAPB, and a summary of the consultation findings was completed in early 1998

The consultations demonstrated a strong support for and satisfaction with NPS. Stakeholders felt that Canada enjoyed a great benefit of national systems/programs and viewed NPS as a shared federal, provincial and territorial responsibility. In June 1998 the Department held a follow-up meeting with key stakeholders to discuss an action plan on organized crime, where it was agreed the renewal of NPS was the cornerstone of the plan.

Efforts are now being focused on developing options concerning the future governance, structure and funding of NPS. Discussions are ongoing with all partners and given the fiscal challenges faced by all levels of government, the Department is seeking new and innovative ways in which to fund these essential services.

Continued: [Update from Solicitor General Canada \(2\)](#)

## ***Update From Solicitor General Canada (2)***

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Continued from [Update from Solicitor General Canada \(1\)](#)

### **Child Sexual Victimization**

In 1997, both the CAPB and the Canadian Association of Chiefs of Police (CACCP) passed resolutions calling for improved measures for the protection of children from sexual victimization. Over the past year, there has been considerable progress in identifying: law enforcement impediments; mechanisms for advancing intelligence-gathering and information sharing; areas

where additional police training is required; and means for increasing public awareness of the nature and extent of the issue.

In June 1998, the Solicitor General hosted a National Reference Group meeting on Children At Risk to solicit input from stakeholders on one of the four priorities outlined in the National Children's Agenda - safe, supportive communities. The CAPB was pleased to participate in that meeting which focused on violence against children, police intervention and crime prevention. A follow-up meeting is planned for late fall.

Solicitor General Canada continues to financially support Volunteer Canada in advancing the National Screening Initiative which offers a training program for organizations to screen out child sex abusers applying to work with children and youth.

An ad hoc working group of Federal, Provincial and Territorial (F/P/T) Deputy Ministers of Justice recently discussed the issue of child victimization and approved the creation of a multi-sectoral F/P/T Project Team, and the process of a Child Victimization Strategy. The Project Team will examine forging links and sharing information between child protection agencies and the criminal justice system, with special attention to high risk cases and which professionals need to be included in the information sharing loop.

The Coordinating Committee of Senior Officials (CCSO) Working Group on High-Risk Offenders has been asked to look into a number of issues that have been raised concerning the safety of children, such as the proposed sex offenders registry, pardons and public disclosure. In looking at these issues, the Committee will ensure that the law enforcement community's concerns are taken into account.

The Canadian Police Information Centre (CPIC) is a registry of sex offenders and more, but arguments persist for *compulsory registration* of current addresses and *public access* to names and locations of registered offenders. Ontario and B.C. have indicated they will put registries in place but details have not yet been announced.

The review of the Criminal Records Act (CRA), which governs matters pertaining to pardons (see *Resolution 98-8*), is ongoing. A pardon automatically ceases to have effect if a person is later convicted of an indictable offence, and can be revoked by the National Parole Board under certain other circumstances. A joint study by the National Parole Board and the Corrections Directorate of the Solicitor General is under way to quantify, on a sample basis, how many pardons have been denied, revoked or granted for those convicted of sexual offences against children.

In October 1998, Canada will be hosting the 12<sup>th</sup> meeting of the Interpol Standing Working Party on Offences Against Minors for the purpose of sharing investigative and intelligence information, and strengthening world-wide investigative linkages of victimized children. The G8 Senior Experts Group on Transnational Organized Crime has identified this issue as one of international concern.

### **Crime Prevention**

Crime prevention continues to be a priority for the Government and the Ministry of the Solicitor General. The Ministry has a large role to play with respect to crime prevention, both as a partner with the Department of Justice in the National Strategy on Community Safety and Crime Prevention, and through its leadership on issues such as policing, Aboriginal policing and corrections and conditional release. Ms. Franklin did not elaborate on the National Strategy as the Strategy's Chairperson, Barbara Hall, spoke about it at a separate session. Instead she focused her remarks on crime prevention initiatives undertaken or supported by the Policing and Law Enforcement Directorate.



Last year, the Department provided funding to the Montreal Urban Community Police to undertake a research project to assess the nature of the youth gang situation in Montreal and propose ways to address it. This year, the Department is producing a "Tool Kit", which will be available in early 1999, to assist Community Policing Advisory Committees. Using information and model practices from a number of sources, the kit will assist both police and the Committees to consult with communities on policing and crime prevention issues.

The Department is a partner with the International Centre for the Prevention of Crime and others in the initiative "The Police Role in Crime Prevention". This project will bring together representatives from police, government and community organizations from across North America and Europe to discuss the role of police in crime prevention, identify best practices, and develop tools to support police organizations' involvement in community crime prevention. The project will provide an opportunity to showcase Canadian best practices and to learn about programs in other countries.

Continued: [Update from Solicitor General Canada \(3\)](#)

## ***Update From Solicitor General Canada (3)***

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Continued from [Update from Solicitor General Canada \(2\)](#)

### **Canada's Drug Strategy**

Canada's Drug Strategy is comprehensive and based on a balanced approach that addresses both supply and demand reduction. This includes the necessary legislative, enforcement and control measures against illicit drug production, distribution and use. The Government is involved with the United Nations through the annual Commission on Narcotic Drugs meetings, various UN Experts Groups, and with a smaller number of countries in the G8. Regionally, the Department works with the Inter-American Drug Control Abuse Committee (CICAD), and with the Financial Action Task Force (FATF) and the Caribbean-Financial Action Task Force (C-FATF), both of which are dedicated to drug and money laundering issues.

The Organization of American States (OAS) established CICAD in 1986 to work on eliminating illicit drug trafficking and the abuse of drugs. Leaders at the Summit of the Americas recently endorsed the creation of a Working Group that would evaluate national anti-drug efforts in the hemisphere, encourage cooperation and collaboration among member states, and highlight best practices. In May 1998, Deputy Solicitor General Jean T. Fournier was elected Chair of this Working Group. The Group will evaluate national and international drug strategies of members of the OAS. The Chair will coordinate the development of a framework for evaluating the actions of 34 Western Hemisphere countries in combatting drug use and trafficking. The Working Group hopes to complete its tasks sometime in 1999, prior to the next summit of the Americas, to be held in Canada in 2000 or 2001.

In June 1998 Canada participated in the United Nations' General Assembly Special Session (UNGASS) on the world drug problem. The purpose of UNGASS was to re-affirm global political support for the fight against drugs and to adopt several resolutions which were negotiated and agreed to at the Commission on Narcotic Drugs meeting in Vienna.

The Policing and Law Enforcement Directorate has been involved in developing new federal regulations, led by Health Canada, to permit licensed residents of Canada to import, grow, transport, process, test and export hemp for industrial purposes. The licensees and their businesses are subject to inspection that could lead to the revocation of their license for a period of five years. By 1 January 2000 all varieties of hemp to be planted must be pedigreed.

The Department, the RCMP and Health Canada actively participate in the Health and Enforcement in Partnership (HEP) Committee whose purpose is to encourage and facilitate joint projects between health and enforcement groups. To date, HEP has produced a report outlining the range of collaborative projects across Canada as well as a "how to" manual for community social service and police agencies. Approximately 50 senior police and health officials from across the country participate in HEP, which is now developing a national workplan.

### **Organized Crime**

Organized Crime is a key issue for law enforcement because of the impact it has on our communities, our institutions and our society in general.

In November 1997, the first Annual Statement on Organized Crime was read in the House of Commons. Minister Scott outlined a comprehensive national offensive under way against organized crime. He paid tribute to the efforts of the Canadian law enforcement community in advising government on how to address this issue, and signalled the federal government's commitment to providing national leadership in the fight against organized crime.

Last year, the Department of the Solicitor General undertook to establish a National and five Regional Co-ordinating Committees on organized crime to provide assistance in working with the provinces and the police to combat the problem. The role of the National Committee is to identify and consider public policy issues and support a national strategy, including consultation with private sector parties. The Regional Co-ordinating Committees provide a much-needed focus for the support and co-ordination of integrated enforcement. They help to ensure that all relevant federal enforcement powers are brought together at both the strategic and operational level to work with the police and the provinces.

In October 1997, the first Canada-U.S. Cross-border crime forum took place and the forum met again in May 1998. The purpose of this group is to foster co-operation among U.S. and Canadian officials dealing with organized crime and other transborder crime issues. Three key, jointly chaired groups now focus on intelligence sharing/threat assessment, joint targeting/enforcement, and co-ordinated prosecutions. A fourth group deals with telemarketing fraud.

In April 1998 the Solicitor General hosted a National Workshop on Organized Crime which brought together chiefs of police and other senior police officials, provincial and federal prosecutors and criminal justice policy advisors, and other key representatives from across the country, including the CAPB. Discussions focused on understanding local, regional and national perspectives on the problem, renewing the NPS, improving criminal intelligence coordination, addressing current and emerging policing issues, and finding solutions to legislative issues. The result of this workshop was a draft National Action Plan on Organized Crime.

There have been several developments in the areas of telemarketing in the past year. A two-day government-industry seminar was held in June 1997. This was the first element of a long-term blueprint to address issues concerning telecommunication fraud.

As part of its national Anti-Organized Crime Strategy, the Department is now completing a consultation process with respect to proposed legislative improvements to its anti-money laundering regime. Options for a suspicious transaction reporting system and cross-border currency-reporting scheme are being considered.

[The CAPB gratefully acknowledges the sponsorship of Solicitor General Canada for this session.]

***Update From Correctional Services Canada***

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**Ms. McClung, Senior Deputy Commissioner, Correctional Service of Canada (CSC)**, provided an overview of the CSC's role in the criminal justice system and the strategic focus of the organization. In the latter part of her presentation, the Senior Deputy Commissioner reviewed ways in which the CSC and the CAPB might strengthen and expand their relationship, noting they share a common objective of striving to maintain a just, peaceful and safe community.

Ms. McClung began by reviewing CSC's purpose and the legislation that directs the organization to fulfill its objective of contributing to the safe and timely reintegration of offenders. To do this, the CSC must carry out sentences imposed by the courts through the safe and humane custody and supervision of the offenders. Also, the CSC must assist in the rehabilitation of offenders and their integration into communities as law-abiding citizens. A component of this rehabilitation is completed by providing a series of programs during incarceration and the parole phase.

In evaluating CSC's performance, Ms. McClung reviewed the following data from Statistics Canada and CSC: as a proportion of all crimes reported in 1996, re-admitted federal offenders were responsible for approximately 15 out of every 10,000 violent offences, 8 out of every 10,000 property and other related offences; and 7 out of every 10,000 drug offences. Ms. McClung believed the statistics demonstrate the fallacy of the commonly held belief that parolees are responsible for the majority of crime in Canada.

Moving to the programs offered by the CSC, Ms. McClung reported that events which occur during the incarceration period make a significant difference. Programs, interventions and controls exercised by staff were crucial. Ms. McClung added research shows these interventions, such as cognitive skills training or substance abuse intervention, reduce the possibility of readmission to the federal system by 20% when delivered in institutions, and 65% when delivered in the community.

Ms. McClung stated that since the introduction of the Corrections and Conditional Release Act in 1992, the day parole program has had a steadily increasing success rate from 92% to 96% in 1996-1997.

Conditional release is defined as a most vital part of an offender's sentence as it allows for the supervised, controlled, gradual re-entry of the offender into the community, and is the safest way to protect society. Incarceration - separation from the community - is not in and of itself a guarantee that ensures that once released an offender will be a law-abiding citizen.

Ms. McClung emphasized that contrary to recent reports in the media referencing a "50/50" target, there is not a quota system for conditional release in place in the Correctional Service of Canada. She stated the initiative is about fully implementing sound decision-making based on the tools available to the CSC under the Corrections and Conditional Release Act and the CSC Mission Statement, for each and every individual offender.

Ms. McClung stated the CSC focuses on the following issues in connection to preparing offenders for release:

- controlling the scope of activity or influence around crime.
- looking to put a better structure around community supervision, i.e. involving more partners, and engaging the community in preparing to receive the offender.
- continuing to evaluate whether events during incarceration are correct and creditable.
- addressing the concern that aboriginals are over-represented in the federal system and in incarceration. There is a need for new strategies to be developed to reach out to offenders in a manner that takes into account cultural differences.

Ms. McClung addressed a number of ways in which the CAPB and CSC could work more closely together:

*Building on our relationship.* The opportunity to work more closely together should be pursued in order to learn from each other and to build a system-wide approach to achieve the mutual goal of safe communities.

*Reaching out to the community.* Both organizations have a responsibility to inform the public about the realities of crime, for example, that the crime rate actually continues to decline. A collaboration would lead to a more socially-effective approach to dealing with crime and could contribute to the longer term protection of the public.

*Information sharing.* Ms. McClung referenced the importance of accurate and timely sharing of information between the organizations and all components of the criminal justice system. She reported the Ministry of the Solicitor General and the CSC, in cooperation with the RCMP and the National Parole Service, were working toward a better integrated information system.

*Crime Prevention.* The CSC has a great deal of information about what has caused an offender to act. This information must be shared with communities so they are aware of the factors and can attempt to safeguard against them, thereby promoting healthier communities. This involves a review of data from different perspectives and information sharing with the community.

*Restorative Justice.* The concept of restorative justice acknowledges that crime hurts and is painful, and that there is an obligation to make things right and to restore a sense of safety among community members. The speaker referenced several CSC restorative justice projects such as releasing circles, restorative parole case planning, and circles of support and accountability.

In closing, Ms. McClung explained that trying to change people from a criminal orientation to a law-abiding one is indeed a difficult endeavour. She emphasized the CSC could not achieve this on their own. They require the contribution of the criminal justice partners and the community. Ms. McClung thanked members for their support and invited the CAPB to see how the partnership with CSC could be enhanced to ensure that the Association's views could be incorporated into the policy formulation process of the CSC, and to ensure that our daily practices are indeed coordinated and consistent with creating safer communities.

## ***Update from National Crime Prevention Centre***

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Ms. Barbara Hall was appointed **Chair of the National Strategy on Community Safety and Crime Prevention** upon the announcement of the new Strategy in June 1998 by the Justice Minister and Solicitor General of Canada. As part of her duties, she chairs a Steering Committee that provides advice on emerging crime prevention issues. She addressed delegates about the various components of the National Strategy.

The Strategy is divided into a number of initiatives with a total annual budget of \$32 million. Its aim is to mobilize communities across Canada to address crime prevention through using or developing a social development model; i.e. reviewing young people and families and recognizing that many causes of crime later in life begin in a person's earliest years.

There are several components to the Strategy; one is the "Safer Communities Initiative", which has three elements:

**1. Community Mobilization Strategy (CMS).** This forms the largest part of the initiative with an annual budget of \$17 million. It is designated for communities across Canada to assist them in developing comprehensive and sustainable approaches to crime prevention, and activities that deal with the root causes of crime.

Ms. Hall believed there was a difference between crime reality and perception, and the CMS will attempt to narrow this gap. When a community feels unsafe, pressure is placed on police boards, police officers and politicians to respond in ways that make the community feel more secure. This pressure often results in resources being spent in an ad hoc manner which is not effective. She added part of the CMS was to educate communities on how to identify problems, strengths and areas to which it would be most effective to direct resources.

Funding decisions for this program will be made within each province through the establishment of committees which will make recommendations on initiatives within their particular province/region.

**2. Crime Prevention Investment Fund.** The second component has an annual allocation of \$7.5 million and will support selected demonstration projects of Canada-wide significance and encourage the sharing of information on quality crime prevention initiatives across the country. It also supports research and evaluation of the costs, benefits and overall effectiveness of efforts to prevent crime and victimization, and to build safer communities.

**3. Crime Prevention Partnership Program -** The third component of the Safer Communities Initiative has an annual budget of \$2.3 million. Ms. Hall stated this program is designed to support and encourage the involvement of national and international non-governmental organizations that could directly contribute to community crime prevention efforts. It involves the development of information, tools and resources to facilitate community participation in all phases of crime prevention.

Another element of the Strategy is **public education**. Ms. Hall explained the Steering Committee will be working with leaders, community experts and the media to educate Canadians about the issue. A national speakers bureau is being established which will include names of presenters from many sectors and communities who are prepared to go out and talk to other members of their community about roles people can take in crime prevention.

The final part of the strategy involves the **creation of a private sector non-profit body**. Ms. Hall stated that in the couple of months since the Strategy has been announced, she has been approached by many corporate leaders who want to play a role in building safer communities. This entity will bring together corporate leaders to find new ways for them to work on crime prevention. Some corporate leaders have offered financial support for community initiatives while others have expressed an interest in involving their employees or their customers.

Ms. Hall stated the objective of the new National Crime Prevention Centre in Ottawa is to get funds out to local communities as quickly as possible. The Centre has already received several hundred applications under each of the initiatives. She noted there are a lot of innovative things happening throughout the country, and a lot of interest from communities wishing to share their experiences. The Program's priority areas are youth and children, violence against women, and supporting aboriginal communities in addressing crime prevention.

Ms. Hall noted the \$32M dedicated to the Strategy is, on the one hand, a lot of money. On the other hand, when you consider the size of the country, the number of communities and the problem, it is a very small amount of money. However, she believed that if it is well spent it can have a major impact. She believed the initiative has the potential to redirect many resources from a reactive to a proactive approach in the prevention of crime, and through that, to the building of

stronger and safer communities. She encouraged delegates to take advantage of the opportunity to try new ways of preventing crime in their communities by submitting their applications.

## *The Public Complaints Process*

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This session was organized to provide delegates with an opportunity to learn about the different ways in which the public complaints process is delivered in various parts of the country. It was a particularly timely discussion given recent changes in legislation governing the process in two different provinces over the past year. **Mr. Patrick Knoll, Chairman of the Alberta Law Enforcement Review Board** and a member of the Board of Directors of the Canadian Association for Civilian Oversight in Law Enforcement (CACOLE) was the first of three presenters. He was followed by **Mr. Don Morrison, Police Complaint Commissioner, British Columbia** and **Mr. Murray Chitra, Chair, Ontario Civilian Commission on Police Services**.

**Mr. Knoll** provided a general overview of the public complaint system and its importance, and also commented on the relationship between the board and internal affairs departments. In describing the law enforcement agencies involved in the complaints process, he noted each province is different and has its own unique model. The common feature is that each provides for a watchdog and audit function.

There are three types of agencies in each province that ideally should be working in partnership. At the local level, there are boards, commissions or councils that carry out functions such as policy and budget setting, supervision, and complaint auditing. At the provincial level, there are independent agencies that perform functions of appeal, adjudication, review and investigation. Finally, each province has a law enforcement division or department with personnel dedicated to policing, who perform functions related to research, policy making, and statistical and financial information. The overall objective that all these agencies should be working towards is sound, responsible and just policing. Mr. Knoll believed the police are also a partner that we need to work with, not only to make them accountable, but to assist and support them. Some friction between these agencies is to be expected, as long as the relationship does not completely break down.

Mr. Knoll highlighted some international and national oversight bodies, such as the International Association for Civilian Oversight of Law Enforcement (IACOLE), and the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). The main issues of concern to these bodies include misconduct, discipline, and corruption. Each will be holding its annual conference in October.

Mr. Knoll referenced an article written by Philip C. Stenning on "Current Challenges and Future Directions for Police Boards in Canada" which delegates received. The article addresses local body features and challenges. Other recommended references noted by Mr. Knoll included "Complaints Against the Police", by A. Goldsmith (1991) and "Police for the Future", D. Bayley (1994).

Mr. Knoll stated oversight agencies in reality have varying degrees of "teeth" and effectiveness. He said that in the short term, it sometimes serves the police to have uncritical "cheerleaders" on police boards. However, he offered the view that this was not helpful to police in the long run. Sooner or later if things are suppressed, something will explode into a full-blown inquiry. The police service will be strengthened through vigilant oversight.

Speaking to the importance of the complaints process, Mr. Knoll stated it has been recognized that at a certain level, the police are incapable of policing themselves. This arises as a result of a

number of factors. First, there is an organizational theory common to all organizations that an organization will work to protect itself. There is also a cultural difficulty with the police policing themselves through the existence of a "code of silence" which advocates loyalty to one's fellow officers. Finally, it is a perpetual problem; that is, with a major police service if there is a corruption or misconduct scandal, steps will be taken to remedy the problem in a cosmetic fashion but the corruption will incrementally increase again until the next crisis. Numerous inquiries and reports have demonstrated the existence of this cycle.

Mr. Knoll stated the importance for everyone in the complaints context is that external review is critical. There must be constant encouragement by all oversight bodies for just results. If there is a failure on the part of the police service, there must be intervention by organizations with some "teeth". However, it must be done in a way that maintains the partnership.

He concluded with a brief discussion of internal affair or professional standard departments. Historically, the relationship between boards and internal affair departments has been next to nil because boards traditionally deal with the chief. In Mr. Knoll's view, this is a critical failure by oversight agencies because professional standards departments are the clearing house for all complaints. If the department is not working properly, one will continually have a problem with the complaints process as well.

He suggested that if boards have a legislated mandate within their provincial act to deal with complaints, they have a mandate to demand accountability about how their internal affairs department is running. Boards should find out what the department's mission is, and if they don't have a mission statement, they should get one. They should also find out where the department fits within the organization; in his opinion, it should ideally report directly to the chief. Find out if they have enough resources to do the job, if they are recruiting good people, what training they receive, what investigative practices are used, and what proactive initiatives are being undertaken. If boards demand accountability from their internal affairs departments to ensure they are working properly, there is a much better chance of getting ahead of systemic problems.

**Mr. Murray Chitra** described the complaints process in Ontario. He distributed copies of a pamphlet entitled "Resolving Complaints" published by the Ontario Civilian Commission on Police Services (OCCPS), which has been produced in 23 different languages and distributed to all police services in the province, all legal aid clinics, and 250 community groups. The pamphlets were designed following amendments to Ontario's *Police Services Act* as a result of Bill 105 (*The Police Services Amendments Act*), which was passed in November 1997.

One of several areas changed by the new legislation was discipline and the public complaints process. The government had three concerns:

- The process in place was complex; there were four agencies involved in managing complaints. The process was incredibly difficult to figure out and it produced some quite anomalous results that were difficult to explain.
- The process was bureaucratic. The old legislation and former Office of the Complaints Commissioner required that monthly reports be prepared for each public complaint in the system. With the typical number of complaints being approximately 3,500 annually, this requirement resulted in hundreds of thousands of pieces of paper every month.
- The process was hugely time consuming. Some of the old files inherited by OCCPS in January 1998 were six years old; some of the complainants were no longer living.

Mr. Chitra believed the key elements of the new system are simplicity, transparency, the retention of local control, and external oversight. The key feature of the legislation is that it combines the

internal disciplinary process and the public complaints process - there are no longer multiple tribunals and there is now only one agency instead of four. Secondly, it applies to both municipal and provincial police officers (a total of 21,000), municipal police services boards, and OPP advisory boards. It includes all aspects of an officer's on-duty conduct, as well as certain aspects of off-duty conduct. Another important feature is the increased emphasis on informal resolution at every stage. Mr. Chitra believed that a meaningful, informal resolution system was absolutely crucial to the complaints process. To be successful, there must be people in the system with the authority to do it. Their research has shown that many complaints can be resolved immediately if there are people on the spot with the necessary authority, training and mandate to deal with issues as they arise. They have found that many of the problems in the system arise from the bureaucratic nature of the system itself.

The new system is less para-military, and distinguishes between unsatisfactory work performance and misconduct. Not every mistake results in discipline nor should it. It allows for a broader range of consequences including training and counselling.

With regard to the structure of the new system, each complaint must be in writing and from a person directly affected. The complaint can be made about service, policy or officer conduct, and can be filed at any police station or the OCCPS office.

Once a complaint is initiated, primary responsibility rests at the local level. However, if the complainant is dissatisfied with the outcome, they can appeal it to OCCPS if it is a misconduct complaint, or to the local police services board if it is a policy or service complaint. The complainant is a participant in every step of the process. No officer or board member can make a public complaint about their police service.

The primary player in the process is the Chief of Police, who has a responsibility to receive all complaints, classify them as either conduct, service or policy within 30 days, assess whether the complaint met the six month time limit, and determine whether the complaint is frivolous, vexatious or made in bad faith.

If it is determined there is some merit to the complaint, the next step is to decide whether it discloses unsatisfactory work performance, or misconduct. If it's serious misconduct, a hearing is conducted by the chief or his/her designate. Any decision made at the hearing is appealable to OCCPS.

Mr. Chitra said police services boards play an important role in this process. They are obliged to develop policies for complaints administration. They also have a responsibility to review the chief's disposition of complaints related to service and policy, and are mandated with reviewing complaints about the conduct of a chief or deputy. Boards must also authorize requests for external investigations of officer conduct, and are responsible for receiving regular reports on complaints disposition. Mr. Chitra expected that these reports would be meaningful and that the board would use them as an opportunity to assess whether there were trends arising in their communities.

The Commission conducts reviews of the chief's decision for misconduct complaints at the request of the complainant. It can choose to uphold the chief's decision, overturn it, or assign it to another police service to do another review. It can also issue any direction to the police service, and the Commission's decision is final. If an appeal is authorized, the Commission hears them. Their decisions can in turn be appealed to Divisional Court. The Commission can also initiate and investigate the conduct of any police officer, civilian, chief or deputy chief, special constable or board member, and can suspend and terminate any of them.



Mr. Chitra concluded by saying it is difficult to assess yet whether the new process will be successful as it is only eight months old. However, he believed it has been well received to date.

**Mr. Don Morrison** began by describing the complaints system in British Columbia prior to the changes introduced 1 July 1998. Under the old system, complaints were of one kind with no effort made to characterize them. Complaints came down through the disciplinary authority, which was the chief of police, through investigation, with the board playing a role only at the public inquiry stage.

In 1992 the Oppal Commission Inquiry started as a result of an incident in North Vancouver. Mr. Morrison highlighted the fact that the new legislation deals with all of the concerns raised in the Oppal Report. The findings of the Oppal Inquiry were summarized in a hand-out distributed to delegates.

He noted one of the significant changes is that there are now three different types of complaints: public trust, internal discipline, and service/policy. They are all dealt with differently, in contrast to how they were previously handled. Unlike Ontario's recent changes, he characterized B.C.'s as going from a relatively simple system to a far more complicated one. Fortunately for police boards, the new process primarily involves only the discipline authority, himself and the investigators. Responsibility for public trust complaints which formerly required boards to hold an inquiry, now rests with a provincial court judge. Boards perform the role of a discipline authority only if the respondent is the chief or deputy, and even in that instance, only the Board Chair is involved. Internal discipline is dealt with under B.C.'s Labour Relations Act. The complaints for which boards have the most responsibility are those related to service and policy.

Through his own research into the mission and role of policing, Mr. Morrison believes that people call the police more today than ever before because of the reduction in agencies providing services to people, and because the police are available 24 hours a day. They are called into urgent situations for these reasons and because they are the only ones empowered to use force to set matters right. When an officer arrives, the problems are immediate and he/she must make a decision immediately. In Mr. Morrison's opinion, the artistry of being a police officer lies in the ability to handle explosive situations without resorting to force. However, the officer's ability to use force is often uppermost in the minds of the people who called them. This raises the question of what can be done by others, including boards, to assist police by giving them different tools to handle the situations in which they find themselves.

The Province of British Columbia has given the Commissioner a lot of power to review investigations, and to order re-investigations or external investigations. The one thing Mr. Morrison did not believe the legislation captured was the idea of informal resolution. Alberta is now using a formal third-party mediation model that has resulted in over 50 successful mediations in the last three or four years. Mr. Morrison is sufficiently impressed by this that he is sending someone from B.C. to Alberta to find out more about it. He is also trying to develop an outreach approach whereby Commission staff address community groups if invited, and do some community problem-solving. As another example of ways officers can be assisted, in Bakersville, CA, police officers have recently been given tape recorders which are used for one-on-one situations with civilians; civilian complaints have been reduced by about 80% as a result. Mr. Morrison used these examples as a means of illustrating that there are lots of things that can be done at a policy level to alleviate the number of complaints filed.

## ***Sexual Exploitation Of Children***

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Delegates at last year's conference learned of the extent of the problem of child sexual exploitation from a panel of individuals who have spent a considerable amount of time fighting

one of the most critical challenges facing society and the policing community today. Thanks to the efforts of the Canadian Association of Chiefs of Police (CACP), the RCMP and Solicitor General Canada, as well as the CAPB and other sectors working with children, considerable momentum has been gained over the past couple of years in drawing attention to the widespread nature of these crimes and in starting to develop strategies to fight them. The first two speakers, **Chief of Police Julian Fantino** and **RCMP Assistant Commissioner Cleve Cooper**, highlighted some of the critical steps that have been taken and the progress made to date in developing a national strategy to fight the sexual victimization of children. In recognition of the growing awareness of the need for all sectors to work together in fighting child sexual exploitation, this year's panel also included a clinical social worker specializing in child and adolescent care, **Ms. Jan Wiedman**, who works at an adolescent clinic, Misericordia Hospital, Edmonton.

As the first speaker, the CAPB was pleased to welcome back **Chief Fantino (York Regional Police Service)**, one of last year's presenters and a leading proponent for the development of a national strategy. Chief Fantino presented jointly with Assistant Commissioner Cooper, who chairs a national, multi-disciplinary working group on child sexual victimization.

Chief Fantino began by sharing some ongoing public safety issues that are increasingly coming to the attention of lawmakers and the public. He believed the role of police board members was extremely important in terms of defining policies and priorities, and in the allocation of resources. The relationship between boards and police he saw as a partnership, with both accepting mutual responsibility for enhancing public safety, security and quality of life. Although there are many other competing priorities for resources, he stated child sexual victimization is of deep concern to Canadians. Those with an intimate awareness of the current and emerging enormity of the problem are hopeful that Canadian society will finally make the protection of children a national priority.

Chief Fantino commended the CAPB for having partnered with them on this issue and acknowledged the significant resolutions adopted at our last annual meeting. He believed law makers should be highly motivated to dedicate their time and resources to these areas because we know now without any doubt whatsoever, that a victimized child becomes a problem person in the future - either in trying to cope with the realities and trauma of what has happened to them, or by becoming dysfunctional in some way.

As historical background, Chief Fantino reviewed some of the critical steps that have been taken over the past several years. An idea of the extent of the problem was uncovered by the joint London Police, Metro Toronto Police and OPP investigation called "Project Guardian", which began in 1993 and ultimately led to the identification of 62 accused and 84 victims, some as young as seven years of age. The conviction rate has been 87%.

Another important milestone came in 1996 when a World Congress on the Sexual Exploitation of Children was held in Stockholm, Sweden, bringing global attention to the problem. In October 1996, Chief Fantino corresponded with federal ministers expressing concern and making 13 recommendations, including one that advocated the implementation of a National Strategy on the Safety of Children. RCMP Commissioner Murray took action and assigned Assistant Commissioner Cleve Cooper to head up an integrated, multi-disciplinary committee to investigate.

Following the adoption of resolutions in 1997 by both the CAPB and the CACP expressing concern about the sexual exploitation of children, and in particular, the use of the Internet to facilitate these crimes, discussions began with RCMP Commissioners Murray and O'Grady about a "Made in Canada" law enforcement response.

As a result of the activities and involvement undertaken during these years, Chief Fantino was pleased to report that there is a different milieu today, characterized by a better understanding

and a tremendous commitment on the part of our political leaders. Significant partnerships have been formed with Solicitor General Canada and the Justice Department to begin to tailor a proactive response to the problem.

In November 1997, the "Agenda for Action" conference was held at the Ontario Police College, jointly sponsored by the CACP and the Solicitor General of Canada. The conference was attended by over 200 professionals from all disciplines with the common mandate of protecting children. A copy of the document produced as a result of the conference is now available and has been distributed to all police chiefs in Canada.

One objective arising from the Conference was to better coordinate a national response and to that end, Chief Fantino reported that entities exist now to help in the sharing of information and tracking the movement of paedophiles. The Criminal Intelligence Service of Canada (CISC) has the ability to network with police organizations across the country and to assist in better coordinating national and international intelligence efforts with respect to groups that victimize children.

Progress has also been achieved in the goal to develop a "Made in Canada" solution. In June 1998 the multi-disciplinary working group developed protocols and procedures for the Canadian law enforcement community, which were presented to the CACP conference in August.

Chief Fantino concluded by saying the work continues. A follow-up conference is being planned for May 1999 once again in partnership with the CACP, the RCMP and Solicitor General Canada. They will be proceeding with the next phase of the learning process, which will focus on providing information to the policy makers and decision makers - the people who need to give priority to these issues and to take action in their respective communities. Further details on the conference will be circulated to CAPB members when they become available.

Continued: [Sexual Exploitation of Children \(2\)](#)

## *Sexual Exploitation Of Children (2)*

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Continued from [Sexual Exploitation of Children \(1\)](#)

**Assistant Commissioner Cooper** addressed his role in the process of developing guidelines for a national strategy, and spoke about the working group's progress to date. The purpose of the working group he was assigned to chair is to "formulate policy options for a coordinated law enforcement strategy designed to combat the sexual victimization of children, without compromising existing efforts of individual jurisdictions".

The group has also had an international focus in recognition of the fact that these problems are global, and that technology and world travel have erased national boundaries. Examples of agencies involved include Revenue Canada Intelligence and Operations Services, which have worked with Canadian and American law enforcement officials for a long time. In addition, his group is working with the Interpol Standing Working Party on Offences Against Minors. The Interpol group meets twice a year to share intelligence on an international basis and will be meeting in Ottawa this October.

He echoed Chief Fantino's observation that many of these types of investigations do not arise from public complaints, and that this subject matter is still amazingly protected in society today. The true extent of the problem is not known and that is why so much research needs to be conducted.

Members of the RCMP-led working group have visited New Scotland Yard, which clearly highlighted the extent of the problem worldwide. The National Criminal Intelligence Service (NCIS) in Britain maintains a database of known or suspected paedophiles which has 25,000 entries. They know there are hundreds of thousands victimizing children in their country, yet they do not have a coordinated approach for dealing with it.

Law enforcement agencies around the world are grappling with the same problem. Discussions have been held at as high a level as a G-8 Law Enforcement Sub-Group about developing a Trans-National Crime Project against Paedophile activity to target organizations, groups and individuals involved in the sexual abuse and victimization of children.

In terms of a national focus, in August 1997 a presentation was made to the CISC National Executive to elevate these offences as a national priority. As indicated by Chief Fantino, this has come to pass - it now is a national priority and CISC will be taking a much more active role in the overall process. In addition, a Canadian Police College research project to determine the extent of the problem, with a specific focus on the Internet, is currently being finalized. The Canadian Police Information Centre (CPIC) now uses its system to screen candidates for positions of authority within volunteer organizations. This was not happening in the past.

Assistant Commissioner Cooper referenced a set of Guidelines for a Coordinated Law Enforcement Strategy to Combat the Sexual Victimization of Children, which the Working Group has prepared. It contains the following series of recommended actions:

"It is acknowledged that any action taken in this country, in order to be viewed as effective, must be shaped to include all stakeholders dealing with these matters such as: all levels of law enforcement, provincial and federal departments of Justice and Solicitor General, CISC, Missing Children's Registry, Interpol and other international partners. Efforts should include but not necessarily be limited to the following:

1. Coordination in the sharing and disseminating of domestic and international intelligence.
2. Coordination of undercover investigations, particularly as they may relate to the Internet and the development of a central repository to record all police officers in Canada who have been cleared to actively work on the Internet.
3. Develop an education/awareness strategy of this issue directed toward law enforcement, the public, judiciary and elected officials.
4. Formulate a proactive media position to focus on prevention.
5. Identify any needs for a national standard on effective practices relating to community notification.
6. Implement suitable specialized training measures which would ensure that law enforcement in this country would receive "state of the art" instruction in the technological components and investigative techniques such as search warrants. This would include developing a national protocol or "best practices" of the most effective means of conducting these investigations.
7. Develop an enhanced criminal record and intelligence information base which would be available on a need-to-know basis.
8. Work with federal policy makers on the issue of regulating the use of the Internet and other electronic communications mediums including defining responsibilities and prevention opportunities of service providers.
9. Establish funding to assist with an expanded role for CISC.
10. Incorporate an annual review and evaluation process.
11. Secure adequate funding from all levels of government to enable the realization of this initiative."

As highlighted by some of the recommendations, the need to develop a strong business case is critical to securing the funding and resources necessary to carry on with this work. A/C Cooper concluded by saying the Guidelines were to be presented to CACP delegates at their conference immediately following the CAPB's. The Working Group is very pleased with the advancements made over the past couple of years, and are indebted to their many partners in this initiative.

**Ms. Jan Wiedman** has spent her entire professional career working in the areas of child welfare and adult/adolescent health. She brought a different perspective to the issues surrounding child sexual exploitation, one that those of us in police governance do not normally hear. Her presentation highlighted some of the barriers that impede progress in the area of child sexual exploitation, some innovative interventions in the past and present, and her thoughts on what needs to happen in the future.

Some of the obstacles identified by Ms. Wiedman included: response time for police and child welfare workers is still a major concern; criminal court must become more consumer friendly for children to testify successfully; more adequate treatment resources are needed within the prison system for convicted sex offenders; more adequate monitoring, follow-up and facilitation of appropriate treatment is needed; medical specialists with developed expertise are needed to appropriately examine children and to work with police in collecting evidence; and more treatment resources are needed.

**Continued:** [Sexual Exploitation of Children \(3\)](#)

## ***Sexual Exploitation Of Children (3)***

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Continued from [Sexual Exploitation of Children \(2\)](#)

Ms. Wiedman believed advances are necessary among the agencies and organizations strategically positioned to notice high risk situations, hopefully before full blown abuse occurs. Day care and school staff require ongoing training on their role in the detection, intervention and prevention of child sexual exploitation. All groups working with children as well as families and neighbourhoods need similar education and as well need to be alert to the importance of vigilance, not hypervigilance, in the appropriate supervision and care of their children.

Ms. Wiedman described a couple of innovative developments that have been tried in the past and which she believed have the potential to contribute to the broad federal initiatives outlined by her co-panelists. One involved an Alberta community in the mid-1980's in which an innovative Judge pulled together all the affected systems in his town to develop a productive way to deal with cases of father-child sexual abuse. He wanted to sentence in a manner that would effect behavioural change, save taxpayers money, save families from financial hardship, and work toward salvaging families wherever possible. What evolved from his community consultation were the following: child welfare and police pledged to do conjoint investigations and receive training as to how to do this efficiently; mental health and probation workers resolved to work together in providing comprehensive group treatment to victims and families; the crown attorney agreed on a trial basis to support the Judge in his method of disposition in these cases.

An evaluation of what became known as the Yellowhead Sexual Assault Program was very positive and showed the program to be successful. As a result of the training of the RCMP, they succeeded in getting a high number of guilty pleas from perpetrators. There was integrity in the method and it yielded results. Child welfare and the police conducted conjoint interviews with the children and other family members, and were involved in the treatment groups in the community, especially with the offenders. The program continued for three years before it was shut down. Ms.

Wiedman believed the program was successful because the community made it clear it would not tolerate the sexual abuse of its children, and the humane, collaborative, community response was seen to bring the problem above ground.

The second example began with the investigation in the late 1980's of the sexual abuse of 5 or 6 white children in a daycare by a 15-year old Inuit female, in a community of about 3,000 in the Central Arctic. Ms. Wiedman and her partner were called in and began a lengthy process of community intervention. Through working cooperatively with the RCMP and by continuing to work in a supportive way with the teenager, Ms. Wiedman and her partner unearthed the fact that the young woman had herself been sexually abused on a regular basis from a very young age by the town priest, an Oblate. The teen eventually identified several other children who had similarly been victimized by the same priest. In total, over 100 children were identified as having been victimized. Like this teen, they had become abuse-reactive, that is they acted out their own abuse on other children.

Ms. Wiedman presented this case as an example of the multiple victims - multiple perpetrators type. Both examples also highlight the importance of culturally sensitive interventions, of community involvement on all levels, the notion of appropriate and responsible shared costs for the required interventions, and the notion of community healing. It also illustrates that we need to accept that here in Canada there are communities which are highly vulnerable to paedophiles.

Ms. Wiedman highlighted several innovative programs currently being delivered. One of these is the "Child At-Risk Response Team" (CART) launched by the Edmonton Police Services three years ago. Each of the existing 4 teams consists of a police constable and a child welfare worker who respond to calls that originate either at the child welfare or police end. The team completes an assessment where appropriate, takes statements and completes an initial report. The team can also fully investigate cases of minor physical abuse. More serious cases and cases of sexual assault are turned over to a detective in the Child Abuse Unit. The Edmonton Police Service is also using the "Child Lures Program", developed after exhaustive interviews with over 1,200 convicted sex offenders in the USA. It describes 16 lures used to entice children and even adults, tips for safeguarding children, the "Stranger-Danger" myth, and what to do if your child is missing or if sexual abuse occurs. Unlike many primary prevention programs, it uses child friendly concepts and approaches that are realistic in terms of how sex offenders operate. This program is currently being delivered in two high risk schools in Edmonton.

Looking to future possibilities, Ms. Wiedman stated good news stories such as the recent Sheldon Kennedy disclosure are essential to maintaining the momentum of what has already been accomplished, and in providing hope. Ways must be found to get the good news out to everybody.

Some of the changes she would like to see include more mandatory treatment orders for offenders and effective treatments over the long term to counter the well established distortions that make sex with a little kid okay. Community based treatment for those appropriate should be available, and for those who are incarcerated, she believed it would be more cost-effective to treat them on site where fall-out from treatment can be contained and where the distortions can be challenged on an on-going basis.

Innovative and cost-effective methods of treatment need to be immediately available and accessible to offenders, victims and families, with group treatment being the preference. Practitioners are learning more and more about the paramount importance of abused and high risk children having a continuous and long term relationship with a healthy, supportive adult capable of empathy.

Rigorous evaluation of all efforts to determine their efficacy is critical. She stated that it has not been possible in the past to do the research required to ensure continued momentum, continued funding, appropriate program allocations and that Canada's children are safe. She suggested one way of highlighting this idea might be the annual public release of a "report card" to present an amalgam of the evaluations and documents where we have met best practices standards and where we have not.

Ms. Wiedman concluded by thanking the CAPB for its sustained interest in this topic. She believed the people of Canada need to know about our interest and about ways they can get involved to support present initiatives and to put forward ideas they may have about new or improved initiatives. She did not believe it was fair or appropriate to expect the police or any other party to bear singular responsibility for keeping this mission alive. She hoped to find ways to keep the partnerships working, to find new partners, and to stay connected.

[The CAPB gratefully acknowledges the sponsorship of Solicitor General Canada for this session.]

## *Impact Of Legalized Gambling*

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This panel was organized in recognition of the growing reliance of provincial governments on various forms of gambling as a source of revenue. The trend raises questions for the policing community in terms of the connection between gambling and crime, and the consequent impact on police resources. The first presenter was **Dr. Garry J. Smith, Ph.D., a Gambling Research Specialist with Government Studies at the University of Alberta**; he presented a paper entitled "Gambling and Crime in Canada". The second speaker was **Sergeant R.H. McDonald, Bureau Manager for Criminal Intelligence Service Alberta, RCMP "K" Division**, and a former gaming specialist for the RCMP; his paper was entitled "Legalized Gambling and its Potential Impact on Police Services". Both speakers emphasized the need for comprehensive research and analysis at a national level to assist in determining the extent of the impact of gambling on both the public and specifically on police. The CAPB membership later endorsed a resolution addressing this (reference Resolution 98-9).

**Dr. Smith** began by saying that, despite its changing image in the late 20<sup>th</sup> century, gambling has historically been associated with crime. Nevertheless, it is a popular Canadian pastime, as indicated by the findings of a recent survey of adult Albertans. Eighty-seven point four (87.4%) of respondents gambled the previous year, and the games they played ranged from innocuous lotteries to the more seductive video lottery terminals (VLTs), casinos and bingos.

Government expansion of the gambling marketplace has increased participation and tempered the moral stigma previously associated with the activity. Dr. Smith said an obvious, but generally unstated assumption underpinning all provincial policies on gambling, is that both legal and illegal gambling are natural targets for criminal activity, due mainly to the huge volumes of cash involved and the opportunity for excessive profits. Fundamentally, provinces have justified their oversight role on the grounds of maintaining the integrity of the gambling offerings that they see fit to license or operate.

Dr. Smith said there are now indications of a public backlash against large commercial casinos and electronic gambling. In November 1997, 37 out of 40 Ontario municipalities voted against having casinos in their jurisdictions. In the upcoming Alberta civic elections, over 70% of voters will decide whether VLTs should be removed from their communities.

He stated a review of the evolution of gambling laws shows a clear transition from criminal prohibition to legalization. Since the Criminal Code was adopted in 1892, there has been a consistent lessening of federal responsibility offset by increasing provincial authority over gambling matters. A series of seemingly minor adjustments have, taken altogether, permitted and facilitated the expansion of legalized gambling in Canada. Dr. Smith said this piecemeal decriminalization of various forms of gambling was accompanied by a relaxation in the enforcement of statutory prohibitions against gambling that is still in effect, and which has led to the establishment of two parallel, competitive gambling markets: expanding government-operated legal gambling formats; and a thriving illegal gambling trade.

This unofficial policy of benign prohibition is characterized by the following factors: law enforcement agencies lack resources to conduct thorough investigations; there are light penalties for gambling offenses; and there exists an attitude of indifference toward gambling violations.

Speaking to the correlation between gambling and crime, Dr. Smith suggested what is desperately needed is the capacity, nationally, to record crimes where gambling was a contributing influence. He cited instances where gambling and crime connect:

Illegal Gambling (gambling that violates provisions in the Criminal Code) - Activities include bookmaking or keeping a common gaming house, cheating with the intent to defraud, operating illegal gaming machines or devices, advertising or selling foreign lottery tickets. While police officials respond to complaints about illegal gambling as a rule, more pressing matters prevent them from taking the time to closely investigate the illegal gambling scene. In addition, police officials report frustration with the judicial system's lenient attitude towards the business.

Crimes committed by pathological gamblers to pay debts or finance their activities -Although only 5% of the population has difficulty controlling its gambling behaviour, there is a major impact on society; typically, these take the form of neglect of family, lack of productivity in the workplace, declarations of personal bankruptcy and the commission of crime to support the gambling habit. Crimes in this category generally take two forms: "white collar" crimes such as cheque forgery, embezzlement, loan fraud and tax evasion; and "street crimes" such as burglary, robbery, fencing stolen goods, pimping and drug dealing. What is particularly sobering about the former type is that the vast majority of these people have no prior criminal record.

The gambling environment itself - The criminal element is drawn to gambling by the huge sums of rapidly circulating cash this activity generates. In this area, the corruption of elected and/or appointed public officials, including those actively involved in charitable or non-profit organizations, is one of the most insidious crimes.

Dr. Smith made reference to a recent Calgary Police Commission report on "Current Practices and Policing Issues Related to Calgary Casinos", wherein it was noted these facilities provide a focal point for robbery, fencing stolen property, money laundering, prostitution, pandering and drug trafficking. The report concluded that the introduction of a casino to a community has an immense impact on policing because of increased criminal activity. He provided examples of what has occurred in cities in which casinos are located, including Winnipeg, Montreal, Windsor, Regina and Niagara Falls. With respect to Niagara Falls, Dr. Smith pointed out that the proportion of residents who gamble quadrupled after the casino opened and the incidence of self-reported gambling problems increased significantly. He added that, while it may only be coincidental, it is interesting to note that the gambling-saturated State of Nevada was declared the most dangerous state in America for two years in a row. Over the past five years, Nevada has seen its violent crime rate increase by 40% while nation-wide rates have decreased by 10%.

Dr. Smith concluded his presentation by stating that, while there are strong indications that gambling begets more crime, there is no evidence of a direct causal relationship between the two.



Crime rates are a reflection of a complex interplay of demographic and social factors and gambling may just be one of several key variables. More complete crime statistics are needed, and a comprehensive national study would inform the debate on the relationship between gambling and crime. The Provinces of Alberta and Ontario plan to provide significant funds to research gambling issues, and hopefully other provinces and the federal government will follow suit.

As a final cautionary note, Dr. Smith said the more that legal gambling proliferates, the less law enforcement expertise there is on the subject. He noted the gambling industry has been quick to hire the few remaining law enforcement gambling specialists, thus cornering most of the expertise on crime and gambling.

**Sergeant Bob McDonald** hoped his presentation would raise awareness of an issue he believes has not received the attention it deserves. It is his belief that the implementation of legalized gambling has, without a doubt, impacted on police resources. In an attempt to support this assertion, the Alberta RCMP "K" Division began compiling statistical data in February 1998 on occurrences precipitated by the accused having participated in either VLT gambling, casino and/or bingo gambling and/or lotteries and pari-mutual horse racing gambling. An analysis of the data collected between February and July 1998 for 28 occurrences found that theft represented 28.6% of reported occurrences, followed by assaults at 21.4%, fraud and forgery at 17.8% and abandoned children and family related disturbances at 7%. Sergeant McDonald called the data "impressionistic" and noted he did not believe all incidents motivated by gaming had been included in the study for a variety of reasons. However, the survey did provide a preliminary glimpse in attempting to determine the impact legalized gambling has placed on police resources.

Sergeant McDonald indicated a number of occurrences investigated by the RCMP involve pathological or problem gamblers. A 1996 National Council on Welfare report entitled "Gambling in Canada" states: "Studies show that two out of three pathological gamblers commit crimes in order to pay off debts or to continue gambling. While the majority of crimes are non-violent and involve embezzlement, cheque forgery...they occasionally involve violence and armed robbery". Dr. Valerie Lorenz, Executive Director, Compulsive Gambling Centre in Baltimore, Maryland, cites a study that revealed 62% of compulsive gamblers admit to committing criminal acts. Dr. Lorenz is convinced that "if untreated, all pathological gamblers will eventually resort to committing criminal acts to support their addiction...". Sergeant McDonald said it is estimated 39,385 adult Albertans have severe gambling problems. If two-thirds of those individuals resort to committing criminal offenses to support their addiction, 26,000 adult Albertans will be affected. Sgt. McDonald wondered whether a new breed of criminal has been created with the introduction of legalized gambling, and whether their numbers will increase as new forms of gambling are introduced and as greater exposure is directed to gaming through marketing.

**Speaking to the issue of youth crime, Sergeant McDonald referenced a study conducted by the Edmonton-based Wynne Resources, which determined that: "The prevalence rate of pathological gambling amongst...youth (aged 12 to 17) is 8%; this is four times higher than the overall provincial prevalence rate...in the adult population. Adolescent problem gamblers in Alberta were also found to be more likely to get in trouble with the law." An article authored by Jeffrey Derevensky and Rina Gupta of McGill University, and published in the 1997 fall edition of the Journal of Gambling, indicates that "...gambling problems...amongst children and adolescents is growing at an alarming rate."** Based on the conclusions of Dr. Wynne and Dr. Derevensky, Sgt. McDonald believed police can anticipate responding to considerably greater numbers of gambling related occurrences attributable to youth in the future.

**Sergeant McDonald said that in 1992 and 1993, there were few known illegal gambling machines in Alberta; in 1997 and 1998, the Alberta Gaming and Liquor Commission, assisted by police, seized at least 150 unauthorized machines. Illegal poker houses,**

**pyramid schemes, illegal lotteries, bookmaking operations and illegal ethnic gaming operations continue to surface. The Ontario Illegal Gaming Unit has laid in excess of 800 criminal charges and seized over \$5 million in assets related to illegal gaming in the past year. Sergeant McDonald quoted William Jahoda, once an operative for organized crime in Chicago who said: "...there always existed one solid constant - any new form or expansion of legal gambling always increased our client base".**

The speaker noted that, other than in Québec and in Ontario, few police jurisdictions place much priority on pursuing gambling investigations due to shrinking resources. Many police agencies are quickly losing any expertise they retain in the area of illegal gambling. He believed Canadian society is becoming more tolerant of illegal gaming activities and many police jurisdictions are struggling to even accurately assess the extent of the problem. Participation in illegal gambling activities is increasingly attractive to organized crime because of the level of tolerance displayed by the public, police and the judiciary.

Sergeant McDonald pointed out organized crime has historically been involved in drugs, prostitution, loan-sharking and gambling, and it would be naive to expect this element to lose interest in gambling because governments are now involved in the business. In 1976, the definitive U.S. Commission on the Review of the National Policy Toward Gambling concluded "it is axiomatic that the two principal goals of legalized gambling - revenue raising and crime control - are incompatible". Sergeant McDonald noted that, even within the small-scale casinos of Alberta, there are incidents of money laundering, counterfeiting, loan sharking, theft and organized attempts to cheat at casino games.

He concluded by suggesting the examples he provided support the contention that legalized gambling does impact on police resources, and he called for more intense study initiatives to obtain a more accurate evaluation of the impact.

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