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*Canadian Association of Police Boards
Conference Report*



2010 CAPB CONFERENCE
SAINT JOHN, NB
AUGUST 18 - 21, 2010
NAVIGATING THE FUTURE



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President's Report

Greg Dionne reported to the membership on the year's activities. He highlighted the considerable achievements that the Association has made since he's been on the Board, first as a member from the Prince Alberta Board, and then as President for the last two years. Mr. Dionne was very proud of the fact that CAPB set up in new offices in downtown Ottawa. The location puts the Executive Director in close proximity to Parliament Hill and the offices of other national partners and stakeholders. The establishment of this office will further increase the awareness of CAPB in the nation's Capital.

Some of the highlights of the year began last fall when Bill C-391 went to second reading in the House of Commons. CAPB wrote to every MP asking them to vote against this legislation and issued a national press release on why registering long guns is beneficial to public and police officer safety. This would become a hot-button issue that saw two of our board members appear at the Parliamentary Committee to testify on behalf of the Association. CAPB is proud of the work that Carol Allison-Burra and Alok Mukherjee have undertaken to see that all guns remain registered and that the registry records are not lost. In February, the board was briefed by Marty Cheliak, Director General

of the Canadian Firearms Program. Chief Superintendent Cheliak delivered a package of information on how the firearms program is operated and why it is such a critical component for police across Canada.

Another key factor to achieving success as an organization is in planning. In February, the Board met in Toronto for a working weekend to renew and update the Strategic Plan for the next five years. The weekend allowed the board to focus on setting priorities, evaluating the objectives of the association to see if they were still relevant and finalizing the board orientation and policy manual.

Taking the time for a board retreat has already revealed vast benefits. The time spent planning together over that weekend gave us time to formulate an action plan for lobbying on Parliament Hill; to isolate the priorities we would bring to the forefront in our discussions with MPs and Senators; and to get to know each other better in an informal setting. Continuity on the board has been a problem over recent years and in Toronto it was the first time some members had an opportunity to meet face-to-face.

In March once again the board gathered, this time in Ottawa. Members of the Board came to Parliament Hill to talk to MPs and Senators about governance, accountability and the important role of civilian oversight of police in our country. Divided into six teams of two, the CAPB directors had official meetings with more than 40 MPs, Senators and Cabinet Ministers. The unofficial meetings that took place in the Government Lobby and Opposition Lobby were also invaluable and further intensified the effort of spreading awareness of the Canadian Association of Police Boards. At the end of our two days on Parliament Hill, taking in Question

Period and speaking very frankly with politicians, we walked away re-energized and ready to tackle anything.

The issues we brought for discussion were, cyberbullying, organized crime and gangs and lawful access. CAPB asked the Minister of Justice and the Minister of Public Safety to act swiftly and effectively to make changes in the areas of lawful access, disclosure, proceeds of crime as well as organized crime laws so that we can stop the proliferation of gang violence on Canadian streets.

CAPB was pleased to attend the 9th Annual Joint Meeting with the Canadian Association of Chiefs of Police (CACP) and the Canadian Police Association (CPA). The main themes were sustainable public policing and the national firearms program. As usual, a lively and dynamic discussion took place and the relationship building between the three national police associations continues to strengthen. We should not underestimate the important role we all play in providing safety and security for the communities we serve.

As volunteers, members of the Board of Directors for the CAPB donate countless hours during the year to assist with the work of the Association. We are consulted by the federal government for commentary on issues such as modernizing the transportation provisions of the *Criminal Code* with respect to ending alcohol-impaired driving, the creation of national standards for conducted energy weapons (CEWs) and the modernization of the public complaints process for the Royal Canadian Mounted Police. The CAPB does this through meetings with the Minister of Justice, the Minister of Public Safety, through representations to Parliamentary Committees, and by ongoing communications with federal officials.

Mr. Dionne acknowledged that First Nations policing has become an important component of the CAPB, recognizing that there is a growing need for more expertise in police governance and training. That CAPB has the potential to lead on this issue is evident by the number of members of First Nations police authorities in attendance here in Saint John.

Mr. Dionne closed his remarks by making a commitment to continue to improve the governance of CAPB in the coming year and ensure that the needs of the membership are well met.

Greetings from Hon. Vic Toews, Minister of Public Safety

Delivered by Deputy Minister William Baker

“As Minister of Public Safety, I would like to extend my warmest greetings and very best wishes to all of you here at this very important conference as well as my sincerest regrets that I could not be in attendance. I know how vital your work is.

For over 20 years, the CAPB has been the voice of civilian oversight of municipal policing – ensuring that policing is effective, efficient and responsive.

Locally elected or appointed, you are in touch with the unique needs of your own communities and work closely with local police forces to make those communities safer.

Though you carry no badge and wear no uniform, you are an integral part of law enforcement in your communities. Perhaps more fundamentally, you are guided by the simple belief that *what* the police do matters, but *how* they do it matters just as much.

So I thank you for your work, for your commitment and, as Minister of Public Safety, for all that you are doing to enhance the safety and security of Canadians right across our country and I wish each of you a very productive and useful conference.

Opportunities to exchange ideas and information, through conferences like this, are important. It's why I have always valued the input from the CAPB and it is why I will continue to listen and respond to your concerns.

Indeed, our government has worked hard on many of the issues that you have identified. We have taken action to crack down on gangs and organized crime. We've passed legislation to toughen sentences for people convicted of drive-by shootings and murders connected to organized crime. We have passed legislation to limit the amount of credit given for time spent in pre-sentence custody.

We have taken steps to reduce processing delays in federal crime labs.

And we've taken steps to ensure that our police officers have the tools they need to do the job that citizens are asking them to do. We have introduced legislation to strengthen the National Sex Offender Register and the National DNA Data Bank.

We have taken action to provide additional police resources in our communities; for example, we have hired over 1,000 additional RCMP personnel as part of our efforts to combat crime and keep our communities safe.

We said that we would provide funding to the provinces and territories allowing them to hire additional police officers, and we have delivered on that commitment as well.

We have done all this because we believe that Canadians have a right to feel safe in their homes and their communities. I know that each of you shares that sentiment.

We have done all this because we believe that Canadians have a right to feel safe in their homes and their communities. I know that each of you shares that sentiment.

So let me once again take the opportunity to welcome you all here today and to offer each and every one of you my very best wishes for the coming year.

Nominating Committee Report

A Call for Nominations was sent to Members on May 21, 2010 with a deadline for response of June 25, 2010. The Nominating Committee reviewed the slate of candidates put forward and after conducting due diligence, the following individuals are recommended by the Nominating Committee to serve as Directors for the 2010-2011 term:

Board of Directors

1. Derek Mombourquette, Cape Breton Board of Police Commissioners, Nova Scotia
2. David Walker, Bridgewater Board of Police Commissioners, Nova Scotia
3. Ivan Court, Saint John Board of Police Commissioners, New Brunswick
4. Carol Allison-Burra, Kingston Police Services Board, Ontario
5. Emil Kolb, Peel Regional Police Services Board, Ontario
6. Alok Mukherjee, Toronto Police Services Board, Ontario
7. Greg Dionne, Prince Albert Board of

- Police Commissioners, Saskatchewan
8. Vera Pezer, Saskatoon Board of Police Commissioners, Saskatchewan
 9. Robert Dunster, Edmonton Police Commission, Alberta
 10. Mike Shaikh, Calgary Police Commission, Alberta
 11. Paul McKivett, Saanich Police Board, British Columbia
 12. Kathryn Nokony, Port Moody Police Board, British Columbia (*)
 13. Wellington Staats, Six Nations Police Services Board, First Nations

Executive Committee

After consultation and telephone interviews with all nominees, the following individuals are recommended by the Nominating Committee to serve as members of the Executive Committee for 2010-2011:

Past-President: Greg Dionne, Prince Albert Board of Police Commissioners, SK

President: Ivan Court, Saint John Board of Police Commissioners, NB

Vice-President: Carol Allison-Burra, Kingston Police Services Board, ON

Secretary-Treasurer: Paul McKivett, Saanich Police Board, BC

Baj Puri
Chair CAPB Nominations Committee 2010

*NB. The Chair of the Nominations Committee reported that since there was not a full slate of 13 names put forward, and further that there was an opening for a representative for the

province of British Columbia, the meeting would be open for nominations from the floor for a representative from British Columbia.

Kathryn Nokony, a member of the Port Moody Police Board was nominated by Robert Simons and seconded by Kathy Mick. Members voted and Ms. Nokony was appointed to the board for the 2010-2011 term.

Resolutions

RESOLUTION #10-1

PASS LAWFUL ACCESS LEGISLATION TO
REDUCE LAWFUL ACCESS AND
ELECTRONIC SURVEILLANCE
DEFICIENCIES AND OBSOLESCENCE

WHEREAS current *Criminal Code* provisions in respect to police powers to conduct judicially authorized electronic interceptions and seizures are outdated and not in touch with modern realities; and

WHEREAS modernization of these legislative provisions is urgently required to reflect the significant advancements in communications technologies; and

WHEREAS there are no requirements for new telecommunications technologies to be intercept capable; and

WHEREAS the current legislative scheme has resulted in intercept safe havens;

THEREFORE be it resolved that the Canadian Association of Police Boards urge the Federal Government to pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept

capable, to prevent intercept safe havens and to modernize electronic intercept provisions.

RESOLUTION #10-2

INTRODUCE ELECTRONIC
COUNTERMEASURES LEGISLATION

WHEREAS Electronic Countermeasures (ECM) are available for purchase by the general public on the open market, and

WHEREAS the Federal *Radiocommunication Act* does not provide clear guidelines for the possession and use (application) of Electronic Countermeasures, or clear prohibitions which will allow for an effective law enforcement response; and

WHEREAS it has been proven that electronic countermeasures are effective tools, now being used by organized crime, to disrupt police communication systems including computer aided dispatch, police radios, and cell phones; and

WHEREAS officer and public safety is compromised when law enforcement officials are left without communications when dealing with individuals possessing this technology;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to introduce legislation pertaining to Electronic Countermeasures that will restrict the possession and use (or application) of this technology under the *Criminal Code* and the *Radiocommunication Act*. This legislation should give law enforcement officials the usual powers of arrest and detention, with the accompanying provisions for the search and seizure of this

technology, when electronic devices are being used contrary to law.

RESOLUTION #10-3

INTRODUCE INVESTIGATIVE SUBPOENA
LEGISLATION

WHEREAS many serious criminal investigations move slowly in Canada due to the inability of the police to compel reluctant witnesses to provide information; and

WHEREAS investigative subpoenas were once used in Canada when the Grand Jury system was still a part of the criminal justice system and are currently being used successfully in public inquiries and regulatory investigations under provincial securities legislation; and

WHEREAS the *Mutual Legal Assistance in Criminal Matters Act* allows law enforcement authorities from foreign countries to request an order to compel witnesses in Canada to provide evidence or information to assist them in their investigations, when an offence is believed to have been committed;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to amend the *Criminal Code* to allow the use of investigative subpoenas for criminal investigations into serious indictable offences, such as gang related offenses or homicides, to give law enforcement authorities the ability to compel witnesses with critical information to attend court and answer relevant questions during the course of an investigation.

RESOLUTION #10-4

PROVIDE 9-1-1 CELL PHONE CALL
CUSTOMER NAME AND ADDRESS

WHEREAS we live in a society that now relies heavily on mobile communication; and,

WHEREAS there should be no difference in the level of safety available pursuant to a 9-1-1 call that is made from a landline and a call that is made from a cell phone; and,

WHEREAS there is a gap in the Canadian Radio-Television and Telecommunication Commission's policy that only requires the release of the number and not the name and address associated with a cell phone that an emergency call is originating from; and,

WHEREAS there are unnecessary delays occurring before the police can be dispatched to an emergency call made from a cell phone because of the current back grounding and risk assessment steps that are required on 9-1-1 calls from cell phones prior to the identification of the associated address and public safety is compromised when these delays occur;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government of Canada to move forward with legislation that would require Wireless Service Providers to immediately provide Public Safety Answering Points with subscriber name and address on all 9-1-1 calls.

AND BE IT ALSO RESOLVED that the Canadian Association of Police Boards urge the Canadian Radio-television and Telecommunication Commission to take immediate steps to amend Telecom Decision 2003-053 by making it mandatory for Wireless

Service Providers to provide subscriber name and address on all 9-1-1 calls from cell phones

RESOLUTION #10-5 - DEFEATED

RESOLUTION #10-6

FEDERAL SUPPORT TO DEVELOP
SUSTAINABLE FUNDING SOURCES
FOR LAW ENFORCEMENT

WHEREAS local police agencies are providing policing services to airports, seaports and other homeland security initiatives which are Federal policing responsibilities; and,

WHEREAS technology and the changing nature of crime is increasing the costs of policing beyond that of general inflation; and,

WHEREAS provincial legislative changes such as amendments to the British Columbia *Police Act* will have an impact on municipal policing costs; and,

WHEREAS local government tax bases does not have the resources to fund the growing needs of police agencies in a sustainable and viable way; and,

WHEREAS the Canadian Association of Police Boards has called upon the Government of Canada in the form of past resolutions to make changes to the Federal share of policing costs in Canada including:

1. Resolution 06-12: Sharing of funding for Municipal Police Departments;

2. Resolution 07-04: Federal policy support for capital costs of law enforcement; and
3. Resolution 08-07: Sharing policing costs with the federal government
4. Resolution 09-01: Federal Funding – 2500 police officers

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards call on the Government of Canada to develop a fair and sustainable funding model for both RCMP and Independent police agencies in recognition of local law enforcement assistance to Federal policing initiatives and to address the increasing financial pressures on Local Government.

RESOLUTION #10-7

MARIJUANA MEDICAL ACCESS REGULATIONS - LICENSED MARIJUANA GROW OPERATIONS

WHEREAS in June 2001, the federal government implemented the Marijuana Medical Access Regulations (MMAR) which allows for licensed marijuana grow operations. The MMAR authorizes Health Canada to issue licenses to possess, as well as produce, marijuana indoor and/or outdoor for persons suffering with certain medical conditions. It also allows for designated third parties to produce marijuana for persons with medical conditions; and,

WHEREAS the Canadian Association of Police Boards recognizes that there are substantial health risks associated with Indoor Marijuana Grow Operations, legal or illegal, due to mould, elevated levels of carbon dioxide, electrical

hazards and other chemicals and pesticides used to foster plant growth; and,

WHEREAS administered by Health Canada, the MMAR do not supersede other legislation including municipal by-laws. Individuals licensed under the MMAR are required to observe all other laws such as zoning, fire and electrical regulations. Health Canada maintains that it is not part of their mandate to verify the safety standards of each production site; and,

WHEREAS there is no mechanism in place to ensure that individuals licensed to grow marijuana under the MMAR adhere to federal, provincial laws and municipal building, fire and electrical regulations. Consequently, there is an increased and unaddressed risk to building occupants and others including emergency personnel;

THEREFORE BE IT RESOLVED, that the Canadian Association of Police Boards calls upon Health Canada to require electrical, fire and building inspections as a condition of licensing to produce medicinal marijuana under the MMAR; and

BE IT FURTHER RESOLVED, that the Canadian Association of Police Boards calls upon Health Canada to notify local governments and police services of locations licensed to produce marijuana in accordance with MMAR, therefore, enabling regional and municipal authorities to ensure sites are compliant with pertinent laws and regulations.

RESOLUTION #10-8

CALL FOR FEDERAL ACTION TO SUPPORT SUSTAINABLE PUBLIC POLICING

WHEREAS the Canadian Association of Police Boards recognizes the financial constraints facing the federal government as well as other levels of government; and

WHEREAS, despite the current fiscal reality, the CAPB believes the federal government can and should undertake budgetary decisions as well as legislative reform that require no additional funding from the federal government but would assist municipal police services in limiting police costs and increase the effective and efficient delivery of local police services; and

WHEREAS the CAPB believes similar measures as those set out in this resolution should be undertaken by provincial governments working with their provincial police partners; and

WHEREAS it would make eminent sense and be the rational approach for every level of government to commit to a coherent and consistent strategy to control costs as there is only one taxpayer;

THEREFORE BE IT RESOLVED that the CAPB requests that the federal government undertake the following actions to assist police boards, and their funding municipalities to control police budget costs and increase the efficient and effective delivery of police services:

- 1) Maintain existing commitments to facilitate long-term planning and avoid a sudden impact on local police service budgets;
- 2) Partner with the CAPB and other involved groups to identify and 'fast track' legislation that would assist local police boards to control costs and/or increase efficiency;
- 3) Introduce a 'viability' or 'means' test for any new federal legislation or regulation to avoid any additional 'download' cost

to local police boards, the 'viability' test to be based on the principle of 'if there are additional costs – who pays and how';

- 4) Avoid any federal actions or budget decisions that will have the impact of increasing local police service costs;

FURTHER BE IT RESOLVED that the CAPB circulate this resolution to the political parties represented in the House of Commons, the Federation of Canadian Municipalities, the Canadian Association of Chiefs of Police and the Canadian Police Association seeking their support for this resolution.

RESOLUTION #10-9

CALL FOR DECRIMINALIZATION OF MANDATORY LONG FORM CENSUS

WHEREAS, police services boards/commissions and police services throughout Canada depend on reliable, comprehensive demographic statistical information provided by Statistics Canada to establish policing priorities and to determine policing services for their communities;

WHEREAS, the Government of Canada is constitutionally responsible for the periodic collection and dissemination of such statistical information;

WHEREAS, the mandatory long form census used by Statistics Canada is the basic tool for gathering the necessary statistical information while protecting the confidentiality of such information; and,

WHEREAS, the Canadian Association of Police Boards supports the decriminalization of mandatory long form census.

BE IT THEREFORE RESOLVED, that the Canadian Association of Police Boards request the Government of Canada to restore the use of the mandatory long form census for the collection of census information by Statistics Canada; and,

BE IT FURTHER RESOLVED, that the Canadian Association of Police Boards support the decision of the Government of Canada to remove the provision of imprisonment for anyone who fails to participate in the mandatory long form census.

**RESOLUTION #10-10 -
DEFEATED**

Opening Plenary
Standing Still is Not an Option

WHY ORGANIZATIONS NEED TO FOCUS ON
WORKPLACE HEALTH AND WELL-BEING

MODERATOR

Pamela Goldsmith-Jones
Mayor of West Vancouver, British Columbia

PRESENTER

Dr. Linda Duxbury
Professor, Sprott School of Business, Carleton
University

Dr. Linda Duxbury said when she did her first research on the subject of work-life balance in 1991, she found “people have problems.” Follow-up research a decade later showed the

problems had grown worse. In 2011, Dr. Duxbury will conduct a third national work-life balance study.

Dr. Duxbury said that in the area of balancing work with life, what works depends on what dimension of balance people are talking about. Four areas that influence balance are role overload, work interfering with family life, family issues interfering with work, and caregiver strain.

One of the biggest problems faced by police officers is role overload—too much to do in the amount of time to do it in, Dr. Duxbury said. Role overload is the primary predictor of absenteeism attributable to “mental health days,” a problem that is on the rise. Dr. Duxbury said 38% of Canadians regularly take mental health days.

Role overload is also linked to problems with recruitment, retention, and succession planning in police organizations. Dr. Duxbury said implementing flex time is not a solution to role overload.

Dr. Duxbury said 60% of 22,000 people with high levels of role overload reported high job stress, while only 9% with low levels of overload reported high job stress. One in three people with this problem dreams daily of leaving his or her job.

“Organizations say, ‘That’s okay—they won’t leave because they’ll lose their pensions,’” Dr. Duxbury said. “So you’re happy that people who hate you and aren’t engaged can’t leave you? A high percentage of police are in poor mental health, and they have guns.”

Organizations can reduce absenteeism by hiring more staff, and by reducing employees’ workloads from high to moderate, Dr. Duxbury said.

“We are spending way more on prescription drugs” she noted. “Benefit packages are costing more, and people think this reflects the older age of the workforce—but it doesn’t. It’s for the 35 to 40 year olds on prescription drugs. Work is making people sick.”

Overworked people make more visits to doctor, where they are treated for stress-related gastrointestinal and cardio illnesses.

Workload affects an organization’s bottom line, so Dr. Duxbury recommended against claiming that a work-life balance initiative is solely for the benefit of employees. Rather, organizations should promote this kind of initiative because they want personnel to be engaged with their work, and good mental health is a prerequisite for that.

Work-life balance is a big issue for most employers right now. Dr. Duxbury said it is a key issue for the Baby Boomer generation, many of whom have never really achieved balance, and who see it as something they will have when they retire. “Now organizations are asking them to stay a little longer because they don’t have anyone to replace them,” she said. “But they won’t stay with the terms they work with now.”

For the Generation X demographic who are key to an organization’s succession planning, but who may have been treated badly by the labour market and have younger families and older parents, work-life balance is a critical issue. As well, Generation Y workers may have watched their parents’ generation being treated badly or downsized. When this is the case, “they won’t work for that organization,” Dr. Duxbury said. “A problem for police is getting youth in. It’s not all about the money. It’s about life, and can we give them a life in policing?”

Dr. Duxbury said work demands—the number of hours worked per week, in the evenings, on

weekends, and on holidays—can cause work-life conflict.

“We’re a culture of hours and we feel saying no to more work is prohibitive to job mobility,” she said. “Shift work is the worst thing for work-life balance, and shift work is a reality of police work, so you’re already at disadvantage. What can be done to reduce work-life conflict by employers? Give people some control of their work hours.”

Dr. Duxbury said one in three employees have “perceived flexibility,” the belief that if a crisis occurs at home, they can leave to deal with it. But “one in three think they don’t,” she said. “Of police officers, only 11% think they can have a meal with their family.”

Less than half of Canadian employees perceive that their managers are supportive. “It doesn’t matter how good an organization’s policies are, if you work for a jerk,” Dr. Duxbury said. She said she has seen some organizations with very poor policies that were nevertheless doing well because employees had understanding managers; meanwhile, some organizations with good policies can perform badly because of poor managerial skills.

“Don’t focus on policies,” Dr. Duxbury said. “If you don’t have good management, it doesn’t matter.”

Of those surveyed about their managers, 12% of employees saw them as supportive, 38% saw them as mixed, and 50% saw them as non-supportive. Dr. Duxbury said supportive managers are best, but non-supportive are second-best, because employees can predict how they’ll behave.

“The worst manager is the one you can’t predict,” she said. “People leave organizations because their manager is non-supportive.” She said employees’ prescription drug use correlates strongly with the type of manager a person

works for—non-supportive managers mean both more antidepressant drug use, and more absenteeism.

The best strategies to promote work-life balance focus on workplace flexibility, giving workers the ability to rearrange their work schedule to meet personal and family obligations. However, police are less likely to see they have control, since this is not the culture of policing, Dr. Duxbury said.

For example, 90% of police officers say they reduce sleep in order to accomplish all the tasks they must perform. But “if you reduce sleep and work harder, you become more stupid,” Dr. Duxbury said. “Being sleep deprived is like drinking and driving.” Some police officers also try to cope by postponing having children, but research has shown that employees who put family first actually do better.

Organizations must increase the number of good managers, give them the skills and tools needed to manage the “people” side of the job, train them on how to be supportive and give positive feedback, reward them for good management, reduce their workload, and give them the time they need.

Dr. Duxbury said organizations must focus on managing their people as much as they manage their policies and procedures. To ensure that police forces are able to recruit enough young people to ensure succession, Dr. Duxbury recommended focusing on organizational culture. Management must make expectations clear, prioritize, provide constructive feedback, and ask for input before people do the job.

Dr. Duxbury said the RCMP and police organization culture in general are problematic. “The culture of policing is part of the problem,” she said. “What you need to do is get your sleep and maintain a life. Try to keep life separate. Shut off your BlackBerry when you go home.

Modify your work schedule. Spend time with your family.”

PLENARY 2

Protecting Our Children

THE ROLE COMMUNITY, POLICE, AND GOVERNMENT MUST TAKE TO SAFEGUARD CHILDREN IN PRIORITY NEIGHBOURHOODS

MODERATOR

Mary-Eileen Flanagan
Member, Saint John Board of Police Commissioners
Member, Business Community Anti-Poverty Initiative

PANELISTS

Wendy MacDermott
Co-ordinator, Vibrant Communities Saint John
Saint John, New Brunswick

Kurt Peacock
Vice-president Stakeholder, ONE Change Saint John, New Brunswick

William Reid
Chief of Police
Saint John, New Brunswick

Wendy MacDermott pointed out the real disparity between the City of Saint John and nearby communities. For example, she said, the poverty rate in Quispamsis is 5%, compared with 21% in Saint John.

“The face of poverty in Saint John is women and children,” MacDermott said. Within the 14,000 people living in poverty in the city, “we’ve seen a 26% reduction rate in poverty, but the rate for women and children has remained constant.”

The highest density of poverty is in Saint John's five priority neighbourhoods, where poverty rates range from 31% to 61%. In four of the five neighbourhoods, Saint John has experienced an unprecedented reduction in poverty in recent years.

MacDermott said priority neighbourhood revitalization will be done by addressing issues like substandard housing, which is occupied mostly by single parents and youth. Vibrant Communities set targets to respond to the issues; targets that included training youth leaders and engaging youth, increasing childcare spaces, creating a model for high school completion, sustaining funding for youth programs, reducing teen pregnancy, and partnering with the school district to keep elementary children in school.

"When you have six-year-olds not in school, that's going to be my problem soon,"

MacDermott said. "We can't have six-year-olds playing in the park all day and night. We have seen a drastic reduction in crime, but that needs to be sustained, and partnerships formed."

Kurt Peacock said that five years ago, he took a reporter on a tour of Saint John that ended in the North End. "I stopped in front of the house my grandparents had lived in, talked about visiting them there and what it was like, and when I went to start my car, it wouldn't start," Peacock said. "What struck me was the reporter was scared. I was appalled."

He said the reporter assumed that because the neighbourhood was impoverished, public safety would be an issue. Peacock said that since that time, he's remained aware of this perception, and has worked with ONE Change, a community-driven group that aims to improve the quality of life in Saint John's Old North End.

Peacock said a recent visit by former Supreme Court Justice Frank Iacobucci illustrates the

change his organization strives for: "A few years before, [students in the North End school] had been neglected," he said. "Now, they mattered enough that one of the most respected jurists in Canada came to speak to them."

Between the incident with the reporter and the visit by former Justice Iacobucci, there have been a lot of twists and turns, Peacock said. One twist was getting a community police station in the neighbourhood. Within a week of the site being selected, local drug dealers burned it down, but the Saint John Police Commission, which has been a key partner, decided go ahead on the same site.

While "a lot of organizations let this neighbourhood down, that allowed others to come forward," Peacock said. "We've formed stronger partnerships with schools. Politicians answer our calls now. That's because the neighbourhood is a lot safer now."

One challenge a police department faces is ensuring public safety, said **William Reid**, but Saint John's North End community seemed resistant to this

"We were disconnected with the community," Reid said. "We had the challenge to mobilize the community, but they didn't want us there." Many other local residents loved the community, but felt it had been abandoned. Reid said community policing was the wedge that allowed them back into the area.

The burning of the community police station site was a low point, but Reid credited the chief of police at the time, who said they would not be deterred by this setback. The Police Commission started with a temporary trailer and a committed community officer, who took note of any information residents shared with her.

"The key for us was relentless follow-up and to always be in the community," Reid said. "You

stop doing those type things, you lose credibility.”

Mary-Eileen Flanagan asked how renewed police presence in the city’s North End had reduced poverty.

Peacock said they have been tracking data on calls to service, and have noted a steady decline over the last five or six years, with the odd peaks. He noted the correlation of these peaks with lack of funding for “programs we know are working.” “For example our work with the community school to keep kids busy doing fun wonderful things. We’ve created a sense of ownership, especially in the youngest citizens of the community.”

Peacock said one way ONE Change alters the face of poverty is by sharing data freely: “The police are very open with sharing information so we can look at trends.”

Another strategy involved encouraging Saint John’s City Hall to invest in priority neighbourhoods. Peacock said one reason for the North End’s significant crime challenge in 90s was the community’s visual cues. The parks looked tired, the roads had potholes, and the private properties looked a bit worse for wear.

Once the city invested money in cleaning up the sidewalks and rejuvenating the parks, the private sector began to follow their lead. “We know this because the number of building permits for repairs is up,” Peacock said.

These actions also brought on more stakeholders who care, and youth responded to that. For example, in one park, youth painted a tile wall. “Since they constructed that, there has been no vandalism,” Peacock said. “They own it. That’s their park.” By contrast, the city upgraded another nearby park, but this park was vandalized by early summer. The community response was quick: “In a couple of hours the police knew who the kids were, it was made

clear their actions were unacceptable, and those kids even helped do some of the initial cleaning. There has been no vandalism since.”

MacDermott said this work always involves some tension, but tension is not always negative. “Staying in it is bad,” she said. “Not working through it is bad.”

She noted the need for role clarity: What is community policing? Who are the community police officers? “When a community police officer is invited to a community barbeque to have a presence, but is pulled off to deal with a situation, the community feels undervalued and unimportant, and they begin to see community policing as low priority,” she said.

Tension has arisen around managing expectations and communication; the key to resolving this is to be authentic. “The other key is that residents must have a sense of ownership, a sense of pride,” she said. In an area with a rental rate of more than 90%, residents may not have a strong sense of control.

Discussion

A participant asked whether local service clubs had become engaged in offering assistance. MacDermott said they had, and the business community is also very involved.

A participant asked about a situation in which the school board was about to close down two community schools, the Partners Assisting Local Schools (PALS) program, and the community newspaper. MacDermott said it can be easy to get caught up in negativity, but half the residents in the North End do not live in poverty; they care deeply about the community. That caring translated into the development of a good-news-only community newspaper that is written and photographed by people in the community, paid for by the business community through advertising, and hand-delivered to 6,000 households.

MacDermott said that through PALS, the business community supports local schools by allowing employees to volunteer an hour per week at a local school in different roles, including reading, coaching, and serving hot lunches.

Peacock said that when the school district was considering closing two schools in the district, one was in the heart of the North End. "What is interesting from a policing perspective is that one of the reasons the district was getting pressure to close the school was the socio economic gulf," he said. "Lorne School has a lot of poor kids from the community and a lot of affluent kids who are bussed in."

This difference was highlighted when there was a drug bust in the community and the school was placed in lock-down. "Residents, particularly parents with students at school, saw it as the police helping to take the community back. Residents being bussed in had a different view of the lockdown and the district made an economic case to close the school." It took the intervention by the provincial Minister of Education to stop the school's closure.

A participant said he agreed that community policing must be more than tokenism, but when the choice is between good will and fighting crime, fighting crime will win.

Another participant asked about the revitalization program's coordinating strategy. MacDermott said one of the pieces is Vibrant Communities Saint John; one of its arms examines poverty at the municipal level. This arm is more or less equally represented by individuals living in poverty, organizations, and businesses.

At the community level, groups create partnerships with people in the community. One example is the Business Community Anti-Poverty Initiative (BCAPI), a network

of businesses with the mandate to reduce poverty. Reid said policing took the lead but they had to bring in the community to make it happen. "Once started, it was infectious," he said.

Plenary 3

Reforming First Nations Policing

WHAT HAS TO CHANGE AND WHY

MODERATOR

Andy Scott
Former Minister of Indian Affairs and
Northern Development

PANELISTS

Ron Hepperle
Director, First Nations Policing
Alberta Solicitor General & Public Safety

Patrick Francis
Deputy Minister, Aboriginal Affairs
Secretariat
Government of New Brunswick

Dave Whitlow
Former Chief of Police, Rama First Nation

John Syrette
Chief of Anishinabek Police
Vice-President of the First Nation Chiefs of
Police Association

Chief Vern White
Ottawa Police Service

Wellington Staats
Chair, Six Nations Police Services Board
CAPB Director

First Nations are the fastest-growing population in Canada, said **Andy Scott**; police priorities should reflect the needs of this demographic.

Ron Hepperle said Alberta has a flourishing First Nations policing program. In the past, First Nations policing systems have run into challenges including financial or political interference, but in recent years the province has had some success developing First Nations policing units and community police boards. Alberta has 166 recruitment standards in place, and the province audits police services in First Nations.

"We follow the recruitment process to meet those standards," Hepperle said. "Our cadet training program in Hobbema is very successful, and there is also an agreement in place for some senior police to work at the Training Academy in Regina."

Patrick Francis said in 1995 the New Brunswick's Department of the Solicitor General entered into discussions to adopt an RCMP First Nations policing model. Currently, four of the province's 15 First Nation communities operate under this type of arrangement, and four or five more have expressed interest in following suit.

Dave Whitlow said that considering the conditions they have been given, the 134 First Nations in Ontario are doing well. "I hope this forum lets us reach out to make changes that are effective for First Nations across Canada," he said.

Whitlow described his experience as the first Aboriginal police chief of the Rama First Nation, and talked about challenges in setting up the police service. "I was struggling for the first year then I started to reach out," he said. One of the organizations he reached out to was the Ontario Association of Police Boards; he said he hopes the Canadian Association of Police Boards will start reaching out more to First Nation police services.

John Syrette said the Anishinabek Police Service was formed in 1994, but in its early days it had

growing financial deficit. "My hat's off to boards holding police chiefs accountable," he said. "The board is extremely important to the police service."

Vern White said in the city of Ottawa, First Nation and Inuit policing play a key role. "We have the third largest Inuit community in Canada today," he said "We receive little or no funding to assist us in programs and services for those fast-growing communities. I see what could be a growing opportunity, and I see CAPB being part of that."

Scott emphasized the need for non-Aboriginal Canadians to join voices with Aboriginal Canadians, and to focus on capacity-building. He noted that making an investment now would cost less than setting up interventions later.

Wellington Staats said his community, Six Nations of the Grand River, Ontario, wants "regular, ordinary police services." His role is to negotiate with the federal and provincial governments and the band council to work out and obtain a budget. Federal and provincial involvement can be problematic, since "The feds won't come on the reserve," Staats said. "The Ontario Provincial Police (OPP) will come to the edge, but won't come on unless they're invited."

Staats said that as a stand-alone service, resources are a primary concern. The federal government fails to recognize police boards as an important element of police services, so federal funding is not available.

"Police boards are a way to make sure police services are acting on behalf of the people," Staats said. "There is a need to look at some type of oversight in First Nation policing across the nation."

Discussion

A participant noted the opportunity for First Nations and police boards to work together.

Syrette said when he became involved with the Ontario Association of Police Boards (OAPSB) he was able to discuss how to deal with boards, and how to ask questions.

“I have issues with political interference,” Syrette said “Their board was able to talk to my board and I became someone they could come to give a First Nation perspective.” He said the OAPSB reached out a lot in the beginning, and he urged the CAPB to do the same.

A participant said that this is why they were attending this session. “It is important that we get the information, so when we go to Ottawa and tap on doors we speak in one voice” to emphasize the importance of policing, no matter where it is delivered. The participant urged panelists to tell the audience what their policing needs are, and to describe how those present could help attain them.

Syrette said First Nation police services have the same problems that any police force faces. “Our organized crime issues are exactly the same as everyone else—gangs, bikers, drugs,” he said. “When the OPP stop at the [reserve] border, that’s not a good thing.”

A participant thanked the panel for joining the conference. Syrette suggested that a follow-up meeting be convened, to identify gaps and create a plan together to fill in those gaps.

One problem is that provincial and federal contracts approach police services from different perspectives, and must be interpreted and applied differently, participants said. They noted the need for communities to reach out for the expertise they need. “You need to take the message back to your board members that they need to join CAPB, and come to meetings and conferences,” one said. “We offer training on how to run boards.”

Hepperle said Alberta did not fund police boards initially, but found they were not

achieving the success they needed. The province now funds the police commission, and Hepperle encourages them to go to meetings and participate; he stresses the value of sharing information with other communities.

A participant asked about First Nations population growth: does this apply to on-reserve First Nations, or to the population of Canada at large? White said it applies to the population both on and off the reserve. Staats said the First Nations youth population is growing at a tremendous rate; it is becoming clear that this will lead to a number of issues, and police will likely have to face the associated costs.

Scott said it might be possible to approach Public Safety Canada for the resources needed for First Nations policing. He noted the need for intervention in certain situations before they become policing issues. Investment in First Nations policing is not keeping up with that demographic’s population growth, and the outcome will be that even greater resources are needed in the future, he said.

Emphasizing the importance of joining CAPB, a participant suggested that people present a resolution at the AGM to help develop programs in partnership with the Office of the Solicitor General and the federal department of Public Works. She suggested CAPB could assume a mentorship role. Syrette said an education component should be built into any such motion.

Scott said it is important to understand the complexity of having to report to different levels—band councils, municipal governments, regional authorities, provincial authorities, and various federal departments including Public Safety Canada, Indian and Northern Affairs Canada, and Health Canada—it becomes a complicated jurisdictional situation.

A participant said while there continues to be an accountability gap between police and boards, his local police services recently hired a number of new personnel, and they are proud to say they are part of the First Nations policing system. Scott said it is important to share positive experiences like this, so advocates for improved services can draw on a variety of success stories.

Plenary 4 **The Status Quo is no Longer Viable**

IS THERE A FUTURE FOR SUSTAINABLE PUBLIC POLICING?

MODERATOR

Dr. Alok Mukherjee
Chair, Toronto Police Services Board
CAPB Secretary-Treasurer

PRESENTER

Fred Biro
Executive Director
Region of Peel Police Services Board

Dr. Alok Mukherjee said both he and presenter Fred Biro have examined the problem of sustainable public policing; he noted that many factors must be taken into account, including policing responsibilities and sources of funding from the different levels of government.

Fred Biro told session participants, “We are looking to you to help us find some solutions” along the way to affordable, effective public policing.

Biro described the six principles adopted by the Canadian Association of Chiefs of Police (CACP) in 2008 to describe the ideal state of modern policing in Canada:

- Access to adequate policing is a universal

right and expectation for all Canadians.

- The nature of policing in Canada is predominantly local.
- Modern policing requires extra-jurisdictional response capability.
- There exists an ongoing need to optimize police assets, nationally.
- An environment that promotes reciprocity and synergy is essential to achieving efficiency and effectiveness in modern policing.
- Ongoing and legitimized collaboration among police agencies is essential to sustaining modern policing practices.

The CACP requested input from key partners—the Canadian Association of Police Boards (CAPB), the Federation of Canadian Municipalities (FCM), and the Canadian Police Association (CPA)—in support of these six principles. In 2009, following a series of meetings that led to setting up a Coalition for Sustainable Public Policing, the CACP adopted the official position that the goals set out in the six principles had been achieved. The CAPB disagreed, and in March 2010 the CACP, FCM, and CPA expressed support for the CAPB to take the lead in this initiative.

“Today we are looking to you as CAPB members to assist in moving this initiative forward,” Biro said.

He noted the core elements of the CAPB position:

- All policing is local.
- Work of individual police officers and civilian members of all police services (federal, provincial, or municipal) is valued.
- Funding sources do not align with policing responsibilities and legislated requirements.
- This situation will only get worse because of

funding restraints at the federal and provincial levels, as this has traditionally led to downloads to municipal governments.

- The status quo is no longer viable.

While the other key partners in this initiative support CAPB's position, they want to know whether evidence shows that the current system is misaligned, and whether the public is aware of any misalignment. They also want to know how the issue can be made relevant to their membership, and whether the parties involved agree that this is an urgent matter. If so, what are the solutions?

The FCM maintains that local taxpayers are subsidizing federal police forces, accounting for nearly 20% of municipal operating budgets; the organization says municipal property taxes are not a sustainable approach for funding police services.

Discussion

Biro asked participants, "Do you see an inequity between funding sources and policing responsibilities and legislative requirements?"

During the group discussion that ensued, a number of comments and viewpoints emerged. Participants noted that communities are currently using their tax base to fund policing services that they feel should be paid by the federal or provincial governments. This includes services such as extra security for cruise ships, assisting the Canada Border Services Agency, and assisting marine services. Participants said budgets are already strained, and paying for these extra services places an unwarranted burden on the meagre funding available.

Underfunding services and agencies for the homeless, the mentally challenged, and those with drug and alcohol dependencies has led to higher rates of crime among those populations, which must be dealt with by police. Ultimately,

underfunding community agencies simply downloads the responsibility to police services.

Between 1961 and 1975, statistics showed that salaries for police officers rose steadily, while funding stayed the same. The police structure is already under stress, and while more police are needed, police departments are continually asked to trim their budgets, participants said. Today, there is no money in the system, yet police duties and workloads have increased due to complex issues and legislative requirements.

Governments are involved in fighting deficits, which has resulted in cutbacks to police forces. Currently, more than 50% of both RCMP and OPP budgets rely on municipal police contracts. The FCM says this tax base has become overstretched, and cannot absorb continued increases in public security costs.

Participants suggested a number of possible solutions to the complex issues under discussion. They noted the need to think about changing the model itself, rather than just throwing money at the problem. They emphasized the importance of working together and sharing information in order to build a collective solution. Information-sharing through global information systems, such as Alberta's current interjurisdictional model, would streamline investigations and reduce workloads.

Some suggested that fundamental attitudinal and legal shifts are needed: for example, legalizing marijuana would alleviate much of the workload of police forces. Participants suggested that drugs are a major funding source for organized crime; without the illegal drug trade, organized crime, including biker gangs, would lose much of their power.

Others noted the need to look at the type of crime a society wants to fight, or can afford to investigate. Participants said a holistic approach, examining root causes of crime such as poverty,

mental health issues, or drug and alcohol problems, would ultimately result in a lower policing burden.

Some participants noted that it might be possible to offset expenses by charge fees to large groups that require a police presence, such as parades, sporting events, or concerts.

For the short term, CAPB has recommended the following immediate actions:

- Dialogue between the federal government and the police community and partners to assist the police in either reducing costs or increasing efficiency
- Federal government to introduce a “viability” or “means” test prior to introducing legislation that has the potential to impact municipal budgets or municipal police services
- Provincial police boards should urge their provincial governments to take similar action as outlined above.

In the long term, CAPB is recommending that the federal government convene a meeting with the concerned parties to explore options to provide a comprehensive framework to deliver police services that properly align with resources. CAPB also recommends that the national bodies representing policing be provided standing at such a meeting as content experts who deliver police services.

Biro outlined the next steps for the CAPB:

- Research
- Advocacy
- Public awareness
- Measured approach to inform but not alarm
- Collaborative approach to benefit the members we represent and those we serve

Plenary 5 **Harassment and Discrimination in Police Agencies**

MODERATOR

Carol Allison-Burra
Chair
Kingston Police Services Board & CAPB
Director

PRESENTER

Dr. Sergeant Amy Ramsay
Ontario Provincial Police

Carol Allison-Burra introduced Dr. Sergeant Amy Ramsay, who told participants she wanted them to consider ways in which they could reduce the liability their agencies might face as a result of harassment and/or discrimination.

Incidents of discrimination and harassment in police agencies directly affect women and minorities, Dr. Ramsay said. “I have a total of 22 years in combined municipal and provincial policing and have experienced, witnessed, been told, and encountered harassment and discrimination many times within the workforce.”

Recent headlines from incidents at the 2010 Vancouver Olympics indicate that harassment and discrimination are still not being taken seriously; Dr. Ramsay noted that 15 police officers committed infractions ranging from sexual misconduct to shoplifting during the Games.

Harassment and discrimination are making headlines more often because women and minorities are gaining strength with numbers. They are younger, bolder, and better educated, Dr. Ramsay said, and they are far more willing

to speak out about issues of harassment and discrimination.

“In 1996 I created the Ontario Women in Law Enforcement (OWLE) and one of its mandates was to assist women officers in obtaining legal representation to fight harassment and discrimination within their own police agencies,” said Dr. Ramsay. Although female officers had paid their police association dues during their entire careers, they were refused legal representation through the association. In cases of harassment or discrimination, “when the police officer is the victim, only the police officer who is the alleged culprit gets free representation from the police association,” said Dr. Ramsay.

She described the situation of a friend, a veteran constable who was harassed, criminally harassed, sexually assaulted, and a victim of domestic violence in episodes from 1996–2004. The abuse was committed by another member of the same police agency. Over the course of nine years, the victim moved five times, and had to change her phone number on 17 occasions. She reported her abuser to her supervisors, Internal Affairs, the crown attorney, the OPP Behavioural Sciences Unit, and numerous other police contacts including the chief of police, but no one helped her.

This person was the first police officer in Canada to be treated for post-traumatic stress disorder (PTSD) resulting from criminal harassment. She received no settlement from her police service because Workplace Safety and Insurance Board (WSIB) rules made her ineligible to sue.

Dr. Ramsay said this victim knew all the right people to go to, and all the right questions to ask. She said she has difficulty imagining the plight of a civilian unfortunate enough to have married an abusive police officer.

“As an executive director and then president of the International Association of Women Police (IAWP), sexual harassment, combined with discrimination, continues to be the most serious obstacle facing women in policing all over the world,” said Dr. Ramsay. More and more often, women in policing today are turning to the courts for justice in these matters.

The recent case of ex-RCMP officer Nancy Sulz illustrates the cost of sexual harassment in policing. Sulz claimed she had been harassed by her supervisors to the point where she became so depressed she had to accept a medical discharge from the RCMP. At trial, the judge agreed with her claims and awarded \$1 million in damages. (Full details of this case can be found at CanLII.org)

Workplace discrimination and harassment prevention (WDHP) policies are important, Dr. Ramsay said: they represent a police agency’s interpretation of the provincial *Human Rights Code* at the time of publication.

An agency’s WDHP policy should do the following:

- Develop and support a respectful workplace that values diversity and inclusion, and does not tolerate prejudice, discrimination, and/or harassment
- Outline rights, responsibilities, and types of behaviour that fall within the scope of this policy
- Outline provisions for support services, including training and awareness initiatives, to promote a respectful work environment
- Outline procedures for handling and resolving complaints when this policy is breached

Dr. Ramsay briefly mentioned the recent Ontario Bill 168—*The Occupational Health and Safety Amendment Act (Violence and Harassment in*

the Workplace), 2009. Further information on this bill can be found at the [Sack, Goldblatt, Mitchell LLP website](#).

Police service boards (PSBs) can set the standard and establish best practices for other police agencies to follow to reduce harassment and discrimination within policing, through the following steps:

- Emphasize and ensure education: put in place—such as higher academic standards for entrance into policing on all levels. When advertising for a new chief, specify an academic requirement with at least a university degree.
- Ensure your WDHP is completely up to date on the latest legislation, and ensure every officer in your police agency receives the latest training in harassment and discrimination. Make sure this is documented.
- Ensure officers who lodge a complaint about being discriminated against or harassed by another member of your police department are also given access to legal representation.
 - Offer access to support to both the victim and the alleged harasser, such as an employee assistance program.
- Demand accountability:
 - Establish a zero-tolerance policy regarding harassment and discrimination, with absolutely no exceptions, and with consequences if the accountability demands are not met.
- Monitor complaints:
 - Monitor all complaints your agency receives, both internal and external. In many cases, you will be able to recognize trends that could save you thousands of dollars in settlement costs.

A proactive Police Services Board (PSB) educates all of its members on current WDHP policies and its consequences, Dr. Ramsay said. It can also mean having to terminate people who cannot, or will not, adhere to acceptable standards of conduct within a police agency.

Adopting a reactive stance, however, will cost significantly more money, and have a tremendously negative impact on the individuals directly involved and on the organization as a whole.

Dr. Ramsay recommended that PSBs keep current on the harassment and discrimination matters within their agencies. Doing otherwise can have negative impacts, she said. For example, in March 2009, the RCMP dismissed a sexual harassment case by a female officer because the deadline to file the paperwork needed to deal with the complaint was one month late.

And in June 2006, Hamilton Police Sergeant Kevin Dhinsa was charged with 24 counts of sexually harassing 12 female colleagues. The charges were thrown out after a police tribunal ruled police had failed to charge Dhinsa within the required six-month period—the paperwork was eight days late.

Dr. Ramsay said Eric Meade, a senior futurist and vice president of the Institute for Alternative Futures in the United States, has offered a number of thoughts about the future of law enforcement:

- How will society view crime and punishment a decade from now?
- There is a fear that our corrections system has failed in its mission. Too many never escape the cycle of incarceration, parole, and re-incarceration.
- Many thought leaders suggest our system has failed to address many of the factors

that eventually lead to crime.

- Crime and the resulting cycle of incarceration may be viewed as an ethical failing.
- What other means will society use to enforce the law, maintain order, and rehabilitate those who have been convicted of crimes?

PSBs have more power than they realize, and are ideally positioned to ensure that discrimination and harassment are eliminated from police agencies, Dr. Ramsay said. "If you don't take action, who will?"

Plenary 6

National Parole Board & Correctional Services Canada

MODERATOR

Mike Shaikh
Chair
Calgary Police Commission & CAPB Director

PRESENTERS

Harvey Cenaiko, Chair National Parole Board

Chris Price, Assistant Commissioner, Correctional Services Canada

Harvey Cenaiko, Chair National Parole Board

I do appreciate being given an opportunity to speak to you today about the Board, and most importantly, about how much we rely on police services across the country.

But before I get into that, I'd like to briefly share with you my background, a few perspectives on the Board, and on parole as a public safety tool.

Following my retirement from the Calgary Police Service after 25 years, I served as Solicitor General and Minister of Public Security for the province of Alberta. I was very pleased to join the National Parole Board two years ago as a Board member, and to be appointed Chairperson in July 2009. So I have now spent the better part of three decades working at various levels within the criminal justice system.

One question I get asked by those who know me from my days in policing is how have I adapted going from the police service to government to the Board? In all honesty, the thing that has struck me the most is just how very committed members working in each part of the system are to the security of Canadians.

This is true whether you're talking about the police services, the courts, the Correctional Service of Canada, the National Parole Board, or any of the many others involved in the administration of justice in Canada. Although our specific mandates may vary, we are all partners in the criminal justice system, and we share a common goal – to contribute to the security of Canadians. Because our mandates intersect with one another, it's important that we make an effort to better understand each other's roles, how they fit together, and how we can work even better together.

And that is why I am here today, to talk to you about the National Parole Board's mandate, and how much we depend on our partners in our work.

No system is perfect, but I believe the Canadian conditional release system is essentially sound.

Over the last 10 years, more than 90 per cent of parole releases did not result in a new offence

while on parole, and 99 per cent have not resulted in a new violent offence while on parole.

The low percentage of violent recidivism by offenders on parole tends to surprise many people. They expect the outcomes to be much worse. And while we cannot diminish the impact of recidivism on victims, on the whole, the system has many strengths. Some foreign jurisdictions have turned to Canada as a model because of our overall success rates.

They recognize that our system of parole has proven to be an effective public safety tool, and that the gradual, supervised release of offenders who are ready for this step actually contributes to the public safety interests of the community as a whole. I understand that this may seem counter-intuitive.

Parole is not always seen in a positive light by the general public. But in our experience, when individuals – whether victims or observers at hearings – come into direct contact with the Board, they tend to better understand the role of the Board in the parole process, and why we make the decisions we do. Now, the legislation that governs our work, the *Corrections and Conditional Release Act*, specifically mandates the Board to actively communicate about parole – to our partners, to offenders, to victims, and to the community. Those who drafted the legislation understood that communication – to partners and to the public – is absolutely vital. Legislators knew that good information exchange between criminal justice partners was an important way to keep the system running well, and also knew that good communication with the public helped secure support for parole as a public safety tool.

When I became the Chairperson of the Board last year, one of my first priorities was to renew our efforts in these two areas. Although many of you in this room today may be familiar with the NPB to varying degrees and the concept of parole in general, you may not be fully aware of who we are as an organization, how our decision-making process works and how some of our partners affect the quality of our work. And so let me take a few moments to speak to this.

The Board is an agency within the federal Public Safety portfolio that reports to Parliament through the Minister of Public Safety Canada. We are an independent administrative tribunal. Our decision-making process is inquisitorial, not adversarial. But like the courts, we operate free from external influence or interference.

The Board is made up of 45 full-time Board members when at full complement. To ensure we process our cases as mandated under law, we also use approximately 44 part-time Board members. Members work in our national office and across our five regional offices. They come from all walks of life and have various professional backgrounds, including policing, corrections, education, the law, social work, psychology, and business, to name a few. They are recruited and interviewed by the National Parole Board, and our qualification process is rigorous. Once appointed by the government, Board members undergo extensive orientation and training before they can participate in decision-making panels. They're also provided with ongoing annual training to ensure they keep up to date with the latest research findings and developments in crime and criminal justice.

The Correction and Conditional Release Act is highly prescriptive of what our Board members

do and how we do it, setting out the decision-making criteria Board members must follow.

The legislation includes two basic principles that guide the Board – first, that the protection of society is the paramount consideration in the determination of any case, and secondly, the Board must make the least restrictive determination consistent with the protection of society.

The Board looks at a couple of things when making its decisions:

1. Will the offender present an undue risk to society before his sentence expires?
2. And will the release and reintegration of the offender as a law-abiding citizen contribute to the protection of society?

In order to properly assess an offender's risk to re-offend, Board members must undertake a thorough assessment of all available information that is relevant to a case. That includes not just the nature and circumstances of the offence but also the extent of harm to the victim, the offender's attitude regarding the impact of the offence and his attitude toward others, as well as any previous antisocial or deviant attitudes or behaviours.

Board members also assess the extent to which communities or groups are willing to support the offender in the community, and take into account any community contacts, release plans, or conditions of release.

Determining undue risk is based on an assessment of the offender's likelihood of re-offending, and is required for all pre-release decisions. Such assessments must anticipate the nature and severity of the offence if the offender were to re-offend.

Important Role of Partners

As I mentioned earlier, the Board is only one element in the system, and cannot do its job in isolation.

We depend on partner organizations to help us deliver on our mandate. Our partners—the courts, Justice partners, the Correctional Service of Canada, police, and many others—deal with an offender years before we do.

Whether in a police report or a judge's comments at sentencing, consistently reliable and relevant, detailed information informs the decisions we make. During my career with the police, few of us realized how important our reports were to the Board. So today we're constantly building our capacity for quality decision-making. For instance, we're partnering with CSC, the Halifax Regional Police Service and the RCMP on a pilot project to get timely and detailed intelligence information in an efficient and cost-effective manner.

We hope this partnership will lead to similar types of arrangements elsewhere in the country because we know the results are giving us the high-quality information we depend on to make the right decisions. Our goal is to get a clearer picture of the offender for decision-makers, higher-quality decisions, and ultimately greater public safety.

Canada is internationally recognized as a model to emulate for the openness of our parole system.

The law allows for public access to Board hearings. Open hearings not only address some of the information needs of victims, but also contribute to greater accuracy in media reporting and to the public's overall

understanding of conditional release. Nearly 9,000 people have observed a hearing over the last five years and I would like to extend an invitation to all of you to contact the Board so you may personally observe a hearing.

We also operate a public Decision Registry, which means that upon request, written decisions are accessible. Over the past five years, the Board has released more than 28,000 parole decisions to the public. And we recognize victims in the conditional release system. Victims may attend hearings, deliver statements, and receive specific information about the offender who harmed them.

Taken together, the Board operates in a very open fashion, and I would invite you to attend a hearing in any one of our regions.

This concludes my remarks on the parole system, but I would be remiss if I didn't speak briefly about the other business line of the board, namely the Pardons program. Approximately 3.3 million Canadians have criminal records. Every year, about 30,000 Canadians apply for a pardon. As with the parole system, the Board relies heavily on information from its police partners to make good quality pardon decisions. As some of you may know, the government amended the *Criminal Records Act*. Applicants who have committed the most serious crimes now have longer eligibility periods before applying for a pardon, and the new law has given the Board new factors to consider when determining whether to grant or deny a pardon.

In the past, applicants were required to meet the eligibility period of 3-5 years, and be law abiding citizens during that period of time. Under new legislation the eligibility period is 3, 5 and 10 years and the board considers:

1. Nature, gravity and donation of the offence;
2. Circumstances surrounding the commission of the offence;
3. Information on the applicants criminal history, and in addition;
4. The applicants have the onus of satisfying the Board that the pardon would have measurable benefit to the applicants and would sustain his or her rehabilitation in society as law abiding citizens.

To conclude, ladies and gentlemen, while the specific mandates of the various criminal justice organizations may vary, I've noticed a thread that connects us all in the criminal justice system—and it's that we all share a tremendous dedication and commitment to public safety. After all, our mandates not only intersect, they serve the same primary purpose: to protect society.

Thank you, and now I'd like to turn things over to Chris Price from CSC.

Chris Price, Assistant Commissioner, CSC

Good morning, and thank you for having me here today at your 21st annual conference. As you know, CSC Commissioner Don Head was not able to attend, but he asked me to pass along his regrets and greetings. It's a pleasure for me to have the opportunity to speak with you, and to share the stage with Chairperson Cenaiko.

I understand I'm the last speaker standing between you and your free afternoon, so I will do my best to leave you with some pearls of wisdom to ponder as you explore beautiful Saint John!

I want to start by telling you a bit more about the Correctional Service of Canada and the work we do, and then I'll spend some time talking

about the partnerships we've built with key stakeholders like police agencies, and government partners such as the NPB.

I also want to share some of our current operational challenges with you, which I think you'll find are very similar to the issues facing the law enforcement agencies you work with.

Then we'll open the floor up for any questions you may have of us.

As you may be aware, CSC is the federal agency mandated to administer sentences of two years or more, as imposed by the courts. This means that anyone convicted of a crime and sentenced to more than 24 months comes into our care. We are then responsible for supervising these offenders while they are in our institutions and when they are released into the community. This includes providing primary health care inside prisons, as well as educational, life skills and vocational programming.

Most of the offenders who come through our system are eventually going to end up back in the community, so it's our job to prepare them as best we can for a successful release, so they can return to society as law-abiding citizens. At the end of the day, we are one of the only business lines in the world who aims to have no repeat customers!

In carrying out our mandate, CSC employs about 16,000 people across Canada in 57 institutions, four healing lodges, 84 parole offices, 16 Community Correctional Centres, five Regional Headquarters and out National Headquarters in Ottawa.

On any given day, we are responsible for the care of approximately 13,000 offenders in our

institutions, and the supervision of an additional 8,000 offenders in the community.

And this offender population is increasingly complex and diverse, which presents challenges in how we manage them.

We are seeing more offenders with extensive histories of violence. About one in six male offenders have known affiliations with gangs or organized crime groups, and more than 25% of them are serving a sentence for homicide.

We are also seeing a rise in offenders presenting at admission with mental health issues. This is of particular concern with women offenders, where about a quarter of those in custody have been identified as having serious mental health disorders. Often, this goes hand-in-hand with a high prevalence of drug and alcohol addiction, which in turn partners with greater incidence of infectious diseases.

With the aging population in society as a whole, we are also encountering a "greying effect" inside our institutions. This translates to a greater prevalence of health problems for our older offenders.

It is also of great concern to CSC that Aboriginal offenders continue to be disproportionately represented in our offender population. Less than three per cent of Canada's overall population is Aboriginal, while we are seeing numbers over 17% in terms of their representation inside prison. Our Aboriginal offenders are also assessed as being higher risk and higher need than non-Aboriginal offenders.

Finally, it is worth noting that the majority of our new admissions – male and female – are serving sentences of less than three years. This not only presents challenges for us in terms of

adequately preparing them for release in such a short timeframe; it also leads to polarization of our in-custody population between the lifers and those who are passing through within a few years...adding to inmate management challenges.

CSC does not take these challenges lightly. As a key partner in the continuum of public safety, we have made adjustments to how we operate that will better position us to manage our complex and diverse offender population, and thereby ensure safer Canadian communities.

We have enhanced our intelligence and information systems, so we can identify potential problems before they arise. Our Security Intelligence Officers – whose job is to build relationships with offenders and keep their ear to the ground inside our prisons – are key to our ability to effectively manager our population.

We have also implemented a national strategy to better manage our population and address issues of overcrowding inside our institutions. This includes forming partnerships with stakeholders in the community to identify more residential options for offenders who are ready to be released back into society.

In addition, we have modernized the delivery of programming for this new offender profile, to ensure are addressing their complex needs and providing them with the greatest chance for rehabilitation.

Last but certainly not least, CSC has placed a greater emphasis on collaboration with our public safety partners – including the NPB and law enforcement agencies – to more effectively contribute to the overall safety of our citizens

and our communities. I'd like to tell you about a few of these initiatives today.

One project we are very proud of is the inception of our Integrated Police-Parole Initiative in 2005. This program embeds police officers in selected parole officers and Community Correctional Centres as Community Corrections Liaison Officers – or “CCLOs” for short.

The police officers are actually assigned to work for CSC in a temporary assignment through the Interchange Canada program. The qualifications we look for include a minimum of five years of active policing, with a minimum of one year conducting investigations or other similar work.

While they are assigned to CSC, they remain police officers and their function is very much that of a law enforcement officer. CCLOs assist our parole officers with the release planning and management of higher-risk offenders in the community. They enhance the information-flow between police and CSC, and they assist with the tracking and apprehension of offenders who are unlawfully at large.

CSC appointed the first CCLO in February 2006, and I am proud to say that we now have 17 officers working in 16 locations across Canada. This is an excellent initiative that brings together two important public safety partners – the police and corrections – in order to enhance public safety.

We've actually taken this concept one step further in Regina, where the CCLO actually works right in the Oksana Community Correctional Centre, where the offenders live.

As you can see, we have made some excellent inroads in opening ourselves up to greater

collaboration and information-sharing with our public safety partners. This has certainly helped us to address some of the challenges we face with our increasingly complex and diverse offender population.

This being said, there are certainly challenges that CSC faces beyond our offender population, and these are challenges that are shared by many of our partners, including the law enforcement agencies you work with.

First and foremost, we are challenged to recruit an adequate number of front-line correctional officers to meet our current and future demands. However, I am immensely proud of the staff we have, who go above and beyond every day to ensure we are providing safe, humane and secure custody for our offender population. We're also facing huge challenges recruiting and retaining health care professionals – like nurses and psychologists – to work with our offender population. The problem is particularly acute in some of our more remote geographic locations.

In addition to needing more staff, we need our staff to be more representative of the population we manage. As I mentioned before, we have a significant number of Aboriginal offenders in our institutions, and of course we also manage offenders of other ethno-cultural backgrounds.

At the root of these challenges is the need to make a career in corrections something that is interesting and desirable to the next generation of university and college graduates. And that's not an easy sell. Correctional Officers and other front-line workers deal with society's most difficult cases in a challenging institutional environment. Not unlike law enforcement, the working conditions can be difficult, and sometimes it's tough to see that you're making a difference.

But it is our challenge – and the challenge of all public safety agencies – to hire and keep those who want to make a difference; who want to be part of a larger machine that is really all about keeping our communities safe for those who live and work there.

In fact, one of the Commissioner Head's goals is to make CSC one of the top ten federal employers of choice. It's a real passion for him, and it's something he believes in very strongly. Not only this, I believe the efforts that the organization will take in this regard will be crucial to our ability to effectively manage Canada's prison population in the coming decade.

I'm sure this concept is not news to any of you. I know that law enforcement agencies are facing similar challenges in recruiting and retaining staff. In fact, our shared experiences actually place us in competition with one another, as we're drawing from the same resource base – those Canadians who want to be a part of overall public safety efforts.

As we move forward, I'm sure that police and correctional agencies will have a lot to learn from each other. It is my hope that the bridges we've built on operational initiatives I mentioned earlier can extend into helping each other with administrative challenges like human resources issues.

As I said at the start, I don't want to be the guy standing in the way of lunch and your afternoon exploring this great city, so I'll conclude my remarks now. I would be happy to answer any questions you may have of me, or expand on anything I've raised this morning. Once again, I do thank you for inviting me and it was a

pleasure to represent CSC on behalf of our Commissioner.

Workshop 1

Risk Management

FACILITATOR

David Walker
CAPB Director, Nova Scotia

PRESENTER

Wendy Cukier
Ryerson University

Risk has a negative connotation, **Wendy Cukier** said: people tend to believe that risk should be avoided at all costs. However, “the reality is we assume risk from the moment we get up in the morning,” she said. “Risk is not something you can eliminate.”

For example, she said gun control legislation does not eliminate risk, but offers the assumption of reduced risk.

“You need to use a systematic approach to try to mitigate unreasonable risk,” Cukier said. “In policing, what police do is risk management. Officers go into a situation, try to evaluate what possible outcomes there are and try to take measures to lessen those negative outcomes. Eliminating risk is not the objective.”

Cukier said risk management is important in policing for a number of reasons: threats today are on a scale never seen before; the regulatory structure is becoming more restrictive as rules and regulations become more complex; there is more litigation against police and more decisions in favour of the plaintiff; there are extraordinary demands for accountability and access to information; access to information is faster and more efficient; links with the private sector are increasing; citizen expectations are

growing; and more performance indicators are being put in place.

“The legal risks don’t stand alone,” Cukier said. “The reputational impacts of some of these risks far exceed the monetary or legislative impacts. It can take decades to build a reputation but a few moments to destroy it, and that goes for organizations as well as people.”

Cukier asked participants to identify some of the top policing innovations over the past two or three years. Participants offered a number of suggestions, including getting the public more involved, putting officers in schools, increasing diversity in the workplace, and making greater use of technology.

Each of these poses risks, Cukier said, but they can also be good for policing. She asked how many present are involved in a social media campaign; this kind of activity can build relationships, but also means losing a certain amount of control.

A participant said police services must ensure officers have the right skills. Cukier said things can go very wrong when officers are faced with one-of-a-kind situations, such as the attacks on 9/11.

“High risk, low probability events are the most difficult kinds of risk to deal with,” she said. “Officers are trained to deal with repeat occurrences.” Risk management and quality assurance can be used to identify high-frequency, high-impact risk, and devote resources to deal with these problems.

Cukier said that in a study that asked police services to identify priorities in risk management and quality assurance, respondents ranked public safety first, quality of service second, improving officer safety third, reducing likelihood of litigation fourth, and cost effective allocation of services fifth.

She noted the example of the Ford Pinto, in which the auto maker analyzed the cost benefits and losses, and then left the situation the way it was. It would have cost more to fix the problem than to pay out potential litigation from deaths. The result was that Ford let people die rather than fix the problem.

“That’s why you can’t do cost analysis when thinking risk,” Cukier said. “If the risk is one life lost, the risk is immeasurable.”

Cukier said agencies with strong police associations place a higher priority on police safety. Ultimately, she said, mechanisms put in place to protect the police are often good for the community at large.

Effective government and good relations between those in police services, the police association, and the chief can reduce risk overall; this works in the same way that working with the community does, Cukier said. “It’s to nobody’s benefit to focus on reducing the likelihood of litigation and cost-effective allocation of services.”

More than any other sector, policing sees the huge impact that the perception of risk can have on particular incidents. Cukier asked participants how many thought the media plays a watchdog role. The majority said they do not believe this, and Cukier agreed with them. While the media might have played this role 20 years ago, it is no longer the case.

Discussion

A participant said the public still perceives the media as a watchdog, but another participant said the younger generation is less likely to believe this. Cukier identified this as another risk—that traditional forms of media don’t operate the way they used to.

Developing a risk strategy tends to be very low on a police services priority list. “Arguably, I

would say this is the most important thing: policing should be addressing risk,” Cukier said. “When you have a limited budget, you have to focus on certain parts of risk management,” but it need not be very costly. Rather, risk management should be incorporated into the strategic planning process. At that point, it is no longer a cost, but a strategic part of the process.

To measure risk, Cukier said people need to ask how likely it is for an incident to happen, what the impact is likely to be, how intense the impact might be, and what the positive or negative impacts of risk are.

“Because of resources, you can’t address all risks equally,” she said. “Risk relates to uncertainty and not to outcome.” For example, weapons are generally a well-managed risk, she said. They are used infrequently, but every time an officer pulls a firearm, there’s a risk. “Because it’s well managed in Canada, we don’t see the negative impacts we see in other jurisdictions,” Cukier said.

A participant asked how an organization changes the course when dealing with an incident like the Vancouver Airport taser case. Cukier said that a few years ago, tasers were not seen as lethal. “When it went wrong, we saw there was a risk that needed to be addressed,” she said. “It is often through exposure that we get more information.”

Cukier said problems can arise in a culture where risks are not acknowledged, where risks are ignored, or where people are suppressed when they try to identify problems. She said this is one of the great risks faced by police today.

Mentioning the G20 Toronto Summit, a participant said he wondered what could have happened if the police had really thought it through. Cukier said this is related to perception. “The goal was to protect world leaders,” she said. “Look at the situation.

Nobody died, there was some property damage and costs associated with that, lots of bad media and some litigation, but think worst-case scenario. Some risks were mitigated.”

Cukier said an organization can prepare a perfect risk assessment, but if an unanticipated event occurs during the implementation, the results will not be perfect.

“We always know when risk management fails,” she said. “We can’t measure risk prevention. Protecting citizens’ rights and protecting world leaders were two goals at odds with one another. We have to prioritize safety.”

Cukier asked participants to think about recent high-profile failures, and ask themselves how probable they were. Could the failure have been prevented? Could it have happened in the participant’s organization? She said failures usually can be traced back to inexperienced officers arriving at the scene to deal with unusual circumstances.

What it comes down to is leadership, she concluded. “In your roles on police boards, make sure the processes are in place so discussions on risk occur at all levels. . . . Developing a risk management plan is not costly, but dealing with risk consequences can be.” Cukier also recommended that when high-profile cases do occur, management should make sure the lessons learned are shared, and that people think through these situations and the implications on their organizations.

“Risk assessment and risk management is not about the planning process,” she concluded. “It’s about building a culture in which risk needs to be identified and talked about.”

Additional materials can be accessed on the [Quality Assurance in Law Enforcement Committee \(QALEC\) website](#), where the Canadian Association of Chiefs of Police is collecting tools and resources related to risk management.

Workshop 2

Managing Health & Safety for Due Diligence

FACILITATOR

Mike Shaikh
Calgary Police Commission, Alberta

PRESENTER

James Ebidia
Proactive Health & Safety Solutions

Mike Shaikh introduced James Ebidia, founder and president of Proactive Health & Safety Solutions (PHS), a company that specializes in occupational safety, health and environment management systems, consulting, auditing and training.

Ebidia told participants he would look at issues police organizations should be aware of with respect to legislation and managing health and safety. A health and safety management system (HSMS) offers a modern approach to managing an organization’s health and safety, he said. HSMSs provide quality assurance, help meet ISO standards, and apply a standardized approach to health and safety management.

Ebidia recommended that police organizations use a self-audit and take a due diligence approach to measure where the organization stands.

“Due diligence with respect to health and safety has a very specific definition on a federal and provincial level,” he said. “Basically, are you doing everything you can to protect the health and safety of the people that are part of your organization?”

Part of a due diligence audit means ensuring precautions—physical, behavioural, administrative, and organizational—are in place, to manage risk and exposure. Every reasonable precaution must be taken to

minimize hazards. This could take the form of compliance with external standards, Ebidia said.

He asked participants how their organizations measure up. "From [the perspective of] your role, how much awareness do you have with respect to health and safety in your police service organization that you are responsible for? Do you even see statistics on injuries to civilian employees as well as front-line workers? Do you know how that part of the business is being managed?"

Organizations are required by both federal and provincial governments to have a health and safety policy statement, which must be supported by a health and safety program.

An HSMS can help establish goals and objectives that support the policy; develop policy and procedure manuals; and create an action plan ready to implement if required. Senior management must also be up to date on legislated health and safety-related duties, and must be informed on a regular basis of the status of health and safety performance. Without buy-in from senior management, organizational change will not happen, Ebidia emphasized.

A staff member should be appointed to coordinate and manage an organization's health and safety systems. This person must be aware of the codes and legislative requirements for health and safety; this will require some formal training. The higher the level of risk, the more controls must be in place, and someone must manage this, Ebidia said.

Senior management should ensure that all work-related accidents and incidents within the organization are reported and thoroughly investigated. This includes motor vehicle accidents, but also seemingly minor incidents such as someone straining their back, twisting their ankle, or tripping over a hazard.

Discussion

A participant noted that legislative requirements exist for physical accidents, but mental health issues are an emerging issue in policing. "Are there legislative requirements or industry best practices with regard to preventative, educational, for post traumatic stress disorder (PTSD)?"

Noting that industry has seen a lot of activity in this area, Ebidia said that from a legislative point of view, "I cannot think of any sector that addresses this." However, he said some employee assistance program (EAP) agencies would likely have this kind of information available.

Another participant asked whether Ebidia was aware of any case law with respect to Bill C-45, which concerns employer responsibilities regarding mental health and safety factors.

"Bill C-45 came into the *Criminal Code* from the health and safety aspect, but does not address this," Ebidia said. "Because most compensation will only approve a claim for PTSD (post-traumatic stress disorder) . . . everything else goes on short-term disability (STD) or long-term disability (LTD)." Companies are seeing the impact due to STD and LTD, and the corresponding increased cost to insurance premiums.

Reports issued by an organization's insurer will list the number of STD and LTD claims, and the category of prescription medications being used by employees through the insurer. Psychotropic medications would indicate mental health or stress issues. This would flag the organization on the need to be proactive in managing employee wellness through the health and safety program, Ebidia said.

He noted that procedures, practices, and guidelines should be consistently applied throughout the organization to enforce health

and safety standards. In the event of non-compliance with these standards, senior management can be held accountable.

Any health and safety program should include a contractor safety program for outside contractors and sub-contractors who have access to an organization's work area. The program can also extend to visitors and members of the public.

Organizations should review all regulatory requirements to ensure they comply with these requirements.

A participant commented, "Some boards rely on municipal policies: 'the city manages that' or 'it's another operational matter—not something that the board should be concerned with,'" and said "the right approach is to hire an outside consultant to perform an audit to take a look at this."

Ebidia asked whether the participant's board has the jurisdiction to request an audit. The participant replied, "Yes, but there might be resistance." Boards may not learn about health and safety issues until they are brought to light by the media. For example, the participant said, traffic accidents are very common in the police sector, and are often caused by police speeding unnecessarily.

Shaikh asked Ebidia what his firm's audit report covers. "It depends on the type of audit," Ebidia said. While some audits cover only legislative or regulatory compliance, "I can do a health and safety management audit . . . not only from legal compliance standards, but from best practices and management system standards."

He urged participants to keep in mind that managing health and safety starts at the top of any organization. Safety must be part of an organization's core values. While organizations have a legal and regulatory obligation to protect

the health and safety of employees, they also have a moral obligation.

And from the business perspective, organizations cannot afford to operate at a loss. For example, organizations may spend money not in a budget because they did not anticipate replacing certain equipment damaged in an accident. Personal injury to a worker brings compensation costs and loss of productivity; the cost of maintaining that worker's role can exceed budget projections.

Beyond provincial and federal legislation, Bill C-45 of the *Criminal Code* has implications for senior management who look the other way when employees fail to comply with an organization's health and safety program. Board directors now face personal liability in such cases, Ebidia said.

"What gets measured gets done," said Ebidia. Creating a standard that must be followed provides a benchmark for measuring future progress.

In 2006 Canada created standard CSA Z1000-06, which provides companies with a model for developing and implementing an occupational health and safety management system. This sets the criteria for an HSMS, Ebidia said.

A positive safety culture leads to good health and safety practices. To foster a safety culture within an organization, employees must trust each other, communicate well, and above all believe in the safety culture.

To implement a HSMS, organizations need to perform the following steps:

- Achieve commitment from the senior leadership level.
- Assign an implementation coordinator.
- Select a standard.
- Educate the stakeholders.

- Conduct a gap analysis based on safety activities and culture.
- Establish implementation resources.
- Determine an HSMS model.
- Establish implementation action plans.
- Maintain and continually improve the HSMS.

Workshop 3

Legislation and Lobbying

FACILITATOR

Derek Mombourquette
CAPB Director, Nova Scotia

PRESENTERS

Bob Dunster
Director CAPB
Vice-Chair Edmonton Police Commission

Carol Allison-Burra
Director CAPB
Chair Kingston Police Services Board

Don Robinson
Former President and Director of CAPB

The role of the police commission includes representing citizens, anticipating the needs of the community and citizens, ensuring there is adequate funding for policing and for police and citizen safety, and listening to its stakeholders, said **Bob Dunster**.

Dunster said policing comprises 25% of the City of Edmonton's \$25 million budget. Surveys show citizens appear to support police costs, but politicians prioritize other issues. Dunster said a service review looked at reducing the cost of policing, by making changes to services and programs with no additional tax burden. One recommendation was to look at issues such as homelessness, drugs and alcohol abuse, and

other areas that could be addressed by municipalities or provincial government.

For example, the catch-and-release program tracked the frequency of offences such as property crime and crimes against people, identifying when offenders were locked up and when they were on the streets. Dunster said they discovered that 130 offenders accounted for a significant amount of time and money, so police joined a coalition of all the groups involved in the system, and lobbied to influence change. "We are actively lobbying, trying to change the justice system," Dunster said.

He says the Edmonton Police Commission has done a good job meeting with provincial politicians on a regular basis, asking that its views be considered in new legislation; it has had some successes. However, "we have had less success in lobbying federal politicians," he said.

Dunster noted CAPB's efforts to mount an effective lobby in Ottawa; last year, the association had 45 appointments on Parliament Hill. CAPB has taken part in consultations on issues like protecting citizens from crime, and community safety. "To change the justice system, the legislation is daunting to read and we don't know the impact of it all, but we would like them to ask for our input before making decisions," he said.

All police boards struggle with budgets and demands from citizens, said **Carol Allison-Burra**.

"The resources now required in policing are growing and growing," she said. "As police service boards, it is important to look at legislation that's on the books. We have to decide which ones we can know about, which ones we can demonstrate on, which ones affect public safety, and which ones we've heard a need for from citizens of our jurisdictions."

It is critical to understand the issues that legislation is addressing. For example, Allison-Burra said, Bill C43 affects the mental health of inmate discharges, reforms to prison farms, and the gun registry.

"I didn't know about lobbying when I started, but found out my whole life I had been lobbying," Allison-Burra said. "It's just going out and talking, getting information back, and seeing what we can do to affect policing in the community."

Don Robinson said part of the police board member's job is following legislation and framing the budget to the legislation. Some continuity is needed, so members can learn the process and methodology.

A key part of being a board member is lobbying, Robinson said. Lobbying does not just happen in Ottawa: it's done by going to provincial capitals and reporting back to council resolutions made at board meetings. The board is also responsible for reporting to the media, drafting media releases that include meeting topics, decisions, and resolutions.

"When you do go see the mayor or the premier, don't go up as a gang," Robinson advised. "Take three or four people. Make a submission before you go telling them who you are, why you want to see them, and what you want. Then when you make your presentation, they know who you are, they have the background and costs and what you want. Give them something they can take away."

Robinson also recommended that lobbyists ask, "What do you think of this, and when can I expect a response, because I have a responsibility to take this back?" Lobbying permeates everything boards do. Robinson said. "Get a group behind you on a project you want to address in your mandate, get your chief's endorsement. When you say what you want,

follow up on it. Be tenacious. Be patient. Listen to what people say. Get good people on your board and keep them there."

Discussion

A participant asked how boards could be effective in Ottawa, given the attitudes of the current government.

Allison-Burra responded that it's important to realize going into a lobbying situation that this government doesn't necessarily want evidence-based information. She said her organization put together a long version and short version, and she believes it did have an impact.

Robinson advised the participant to remember that governments are subject to change. Lobbyists must be persistent and keep pushing back.

Many politicians will respond based on whether they feel an issue will get them elected, another participant said. He asked how boards can remain involved in saving a good piece of legislation, without crossing over into the police chief's position.

Dunster said boards must be in tune with their service, and do solid groundwork in their own territory so they can go forward as unified group. Robinson said not to be afraid to step on your chief's toes: "You've got the mandate."

He recommended getting a small group together to form a committee, identify a mandate and move it forward. "It's a lot of work, it's frustrating, it's a pain in the butt, but you took on the job," he said. "It's a huge commitment to your community."

Allison-Burra said it's critical to know who your allies are. Bringing together different levels of organizations is powerful, increases credibility, and gets attention.

Many municipal, provincial, and federal politicians will avoid doing the right thing because they fear they will not be re-elected, a participant said. What role can police boards take to put the gun control issue in front of them?

Allison-Burra advised talking to local members of parliament now, because the vote will be closed in mid-September. She recommended having police chiefs speak out on the issue; currently, the public is receiving very little information, and they need to be informed.

Another participant asked whether the CAPB is effective in its lobbying. Allison-Burra said recent lobbying efforts have been very encouraging; 45 parliamentarians agreed to meet with them in Ottawa, including senators and politicians from all parties. During those meetings, CAPB addressed other target issues as well as the gun registry.

Allison-Burra recommended that people collect all the aides' cards following meetings. "You need to know who the aides are so can pick up the phone and say, "This is my concern; what's up?" she said.

Allison-Burra said this session was inspired by discussions about expanding the committee to include non-board members, to hear what legislation concerns them.

"It expands your horizon and you should do it," said Robinson. "This government is pro-police so it may be the opportune time to form a civilian committee. Go instil some enthusiasm in them."

A participant asked if there was a talking points paper they could take back to their communities. Allison-Burra said there is a "facts and myths" sheet that will stir interest of officers. She said she will send that as well as a brief overview of the potential strategy plan to members.

Participants discussed the private member's bill currently before Parliament, on the issue of gun registration. A participant suggested holding a national day to notify the media on CAPB's position on issues like this; another responded that even if the bill passes through the House of Commons, Senate could overturn it. Thus, members should consider lobbying local senators as well as members of parliament. Allison-Burra said lobbying senators would be the next step.

Workshop 4

Intelligence-Led Policing

FACILITATOR

Emil Kolb
CAPB Director Ontario

PRESENTERS

Brian Malone
Director of Knowledge Management
Saint John Police Force

James Stewart
Crime Analyst
Saint John Police Force

Emil Kolb introduced Brian Malone and James Stewart, civilian managers with the Saint John Police Force (SJPF).

Malone described the Intelligence-Led Policing (ILP) model, which has played a major role in recent paradigm shifts in policing. The ILP model focuses on crime reduction by directing attention and resources towards resolving patterns of repeat and concentrated incidents. It is data- and evidence-driven, using data collected by the police to allow them to take action and produce results. The system addresses the crime problem, not the crime event, and is predictive and proactive instead of reactive.

“Police are knowledge workers, but think of themselves as action people,” said Malone. Once officers realized they could be both, they began to utilize crime statistics and gather data for use in crime mapping, the SJPF’s primary analytical tool.

Much information can be gleaned through “conversations that matter”: when police discuss crimes, noting where and when they are occurring, and gathering this data to assist in decision making and problem solving.

ILP basics include:

- Accurate and timely intelligence
- Effective tactics
- Rapid deployment of personnel and resources
- Relentless follow-up and assessment

Statistics indicate that of 1,000 actual offences, only four will result in jail time.

“The best thing we can do as a police organization is to not solve the crime that has just happened, but to prevent and reduce future crimes,” said Malone.

ILP used the standard policing model as its foundation, but took what worked well, added programs, expanded others, and adapted it to include what the SJPF needs to do work smarter and obtain good results.

One major component of the ILP model is crime analysis. This process makes sense of the data collected, by identifying relationships, series, patterns, trends, and probabilities to create usable information. This data becomes very important when it results in successful action. During bi-weekly crime control meetings, information is shared with operational divisions and others to support development of crime reduction strategies before putting a plan of action in place. Evaluation of this process also

provides the metrics for reporting to police governance.

Crime mapping is another analytical and communication tool; when combined with data information on a map, it becomes easy to recognize problem areas. **James Stewart** offered three examples to showcase the methods involved.

“In Saint John, if your house is broken into, you are four times more likely to be broken into again, for the next 30 days,” he said. That is powerful information that can be passed on to victims and their neighbours as part of the crime reduction strategy; it takes no additional resources to do this.

Prospective mapping is a forward-looking map showing elevated risk areas and looking at short-, medium- and long-term areas that are at risk for certain periods of time. Stewart said 27% of break-and-enters (B&Es) can be predicted.

Simply increasing patrols in an area does not reduce B&Es, he said, but activities like expanded field interviews, traffic enforcement, drunk-driving enforcement and street-level drug enforcement will reduce the incidence of B&Es.

“We have found through our research that there is a group of repeat impaired drivers who do not respond to social messages, and have learned from experience that they are not going to get caught. This group accounts for 90% of all impaired driving trips,” Stewart said. Prior to arrest, the typical impaired driver offends between 80–2,000 times, and with higher blood alcohol content.

Entering statistical information for impaired driving on the data map will show the next likely target area and date. This is a tool to develop crime reduction strategies, Stewart said, noting that every police agency has the responsibility to target offenders. There are

three intervention points for impaired driving—before, during, and after the offence.

“The people targeted before the offense should be called to let them know they have been flagged, which might stop the offence,” Stewart said.

Predicting where a robbery will occur can greatly reduce the crime rate. Stewart was able to predict the area where a robbery was likely to occur, and even predicted the area where the offender lived, by analysing the data collected and entering the information on the map. Tools like this are invaluable to a police force.

One of the biggest challenges when putting together the ILP model was resistance to “culture change,” Malone said. “The ILP model started out small.” Between 1999–2010, crime mapping and crime analysis were established as tools to be included in the ILP model.

Connections between people can help to make data meaningful. With the right people in the room having conversations that matter with others who have been exposed to the problem, “the answer to your problem is always in the room,” Malone said.

He noted a number of lessons learned during the culture shift to the ILP model:

- Stay focused on crime reduction.
- Think big—develop a framework based on a systems view.
- Make it evidence-based, and make it adaptive-by-design.
- Exercise integrative thinking.
- Develop organizational capacity, by design.
- Allow time: 18 months—five years.

Some successes outside policing include having the ILP model chosen as a case study by the International Association of Crime Analysis (IACA). In addition, an analytical product

developed by crime analyst James Stewart won second place during an international crime analyst conference last year.

Malone provided some statistics to validate the first-year results of the ILP model:

- Target crimes 2009:
 - B&Es down 26.4%
 - Thefts motor vehicle down 18.9%
- Diffusion of benefits 2009:
 - Arsons down 30.1%
- Diffusion of benefits from the first half of 2010:
 - Robberies down 53%
- Crime reduction economics 2009:
 - B&Es down \$500,000
 - Reduction in victim and social costs

Discussion

A participant asked Malone where the SJPD has incorporated risk management into its system. Malone said, “Just by design, our total model has risk management built in, with checks and balances allowing us to ensure that nothing is falling through the cracks.”

Asked whether they share this system with other police services in the area, Malone said they have presented it to other agencies. However, he said, “It is not our position that this is the only way to do business; it is just a model that works for us.”

Addressing Stewart’s description of the model, a participant commented, “How unlike normal policing is the suggestion to go see the offender, in this case a drunk driver, before he offends again?”

Malone responded, “We brought that up at a crime control meeting, and the response was, ‘But then he would know we were looking for

him and we wouldn't catch him.' My reply was, 'This is about crime reduction and if he knows that we are looking for him and he changes his behaviour, then we are successful.'"

Another participant asked whether this kind of advance targeting might be subject to Charter challenges, or whether it might be equated to tactics like racial profiling. Malone said, "All I'm doing is presenting a pattern supported by data showing repeat offences."

A participant agreed: "This was not a random 'pick you'; it was 'pick you' because of all the data I have on you that shows you are already doing this."

UPDATE FROM PUBLIC SAFETY

Deputy Minister William V. Baker

Et merci aussi à l'Association canadienne des commissions de police de m'avoir invité à venir vous parler aujourd'hui, à l'occasion de votre 21^e conférence annuelle et assemblée générale. But it's the first time that I have had the opportunity to be here; and I do appreciate the chance to meet with so many of you who play such an important role in municipal policing.

Je suis particulièrement heureux que vous ayez choisi de tenir cette importante conférence ici, à Saint John, qui est un endroit merveilleux à visiter et, bien sûr, qui est si bien connu pour l'hospitalité maritime. J'espère que certains d'entre vous avez eu la chance de faire quelques parties de golf ou de visiter la baie de Fundy, malgré votre horaire très chargé. Les organisateurs ont fait un excellent travail; le programme est complet, les sujets abordés sont passionnants et les conférenciers invités sont de première classe. Félicitations à vous tous.

For those of you who I have not yet met, I should perhaps tell you a little bit about myself. I've been in the civil service for a long time. I've spent a lot of my career at the Canada Revenue Agency and have also served as Commissioner at the Canadian Firearms Centre. I can assure you these are very challenging places to work but also very rewarding in many ways. Last October, I was very proud to be appointed Deputy Minister of Public Safety Canada, which I quickly found out is an equally challenging place to work, if not more so.

Our mandate is very broad and I don't think it's an exaggeration to say that Public Safety represents one of the most important portfolios in government.

The issues we deal with touch the lives of millions of Canadians and have a very large bearing on policing in this country. That keeps us busy. We have done a lot over the past year alone, as I am sure many of you are aware.

We've also continued to provide ongoing support to the development and delivery of the Government's crime and safety agenda. In recent months, Public Safety has advanced legislation touching on issues such as Victims of Terror, Lawful Access, Accelerated Parole and Pardons.

We've continued to move forward on initiatives to combat serious and organized crime, brought about new models of collaboration with the United States and initiated a comprehensive review of the First Nations Policing Policy.

Nous avons continué à aller de l'avant avec des initiatives pour lutter contre le crime organisé et les crimes graves, nous avons élaboré de nouveaux modèles de collaboration avec les

États-Unis, et nous avons entrepris un examen approfondi de la Politique sur la police des Premières nations.

And that is just the tip of the iceberg. This afternoon I want to spend a few minutes bringing you up to date on some of these initiatives and on what we're doing at Public Safety to complement and support the work you do locally.

One initiative that has kept us very busy – and one that I know is of particular interest to all of you – is modernizing and strengthening the RCMP civilian review and complaints body.

Consultations were launched in the fall of 2007 when the Minister of Public Safety wrote to his provincial and territorial colleagues asking for their input and, since then, Public Safety has been consulting with Provinces and Territories on an ongoing basis.

We have also consulted with a wide range of stakeholders and police organizations, including the CAPB, to help us develop a proposal which I'm happy to say is now before Parliament in the form of Bill C-38.

A message we heard loud and clear throughout our consultations was that there was a need to better coordinate the review process with that of similar provincial bodies.

The proposal we developed will do that by allowing the new RCMP civilian complaints and review body to conduct joint investigations with other police review bodies concerning complaints arising from integrated or coordinated policing operations.

It will also be able to share information relevant

to its mandate with those review bodies, subject to certain safeguards. These are but a few of the proposed changes that will bring the new body in line with that of other provincial, federal and international review bodies.

En ce qui a trait aux services de police, Sécurité publique Canada a également reçu pour mandat d'effectuer un examen approfondi de la Politique sur la police des Premières nations, ce qui comprend une évaluation des principales composantes du programme. Les vastes consultations avec les intervenants entreprises en janvier se sont terminées en juin, et nous prévoyons présenter des options stratégiques à l'automne.

Another area of concern to all police organizations and one in which Public Safety is playing a very important role, involves the use of Conducted Energy Weapons – or Tasers.

We have been facilitating and coordinating the process currently underway with provincial and territorial governments to establish national guidelines for the use of CEWs as well as a research agenda on CEWs and their impacts.

At their June 2010 meeting, Federal/Provincial/Territorial Deputy Ministers Responsible for Justice directed that the FPT Conducted Energy Weapons Working Group consult key stakeholders on the national CEW guidelines and that draft guidelines be presented to Deputy Ministers in early September, in anticipation of going to FPT Ministers for approval in the fall.

I'm very grateful for the input we have had from the CAPB and other organizations on the guidelines and we will continue to keep you involved in their development.

Comme vous le savez déjà, l'ensemble des initiatives de Sécurité publique Canada découlent de l'engagement qu'a pris le gouvernement d'accroître la sécurité des collectivités pour les Canadiens, ce qui englobe diverses composantes. Permettez-moi de vous parler brièvement de quelques-unes de ces composantes.

The Minister has said on numerous occasions that one of the government's top priorities is to crack down on crime and give police and law enforcement officials the tools they need to do their jobs. That by itself has kept us busy.

Over the last few months alone, Public Safety has supported the introduction of legislation to strengthen the National Sex Offender Registry and the National DNA Data Bank, as well as legislation to strengthen the *International Transfer of Offenders Act*.



Deputy Minister William Baker

We have supported the introduction of legislation to deliver tougher sentences for white collar criminals. And we have supported the passage of legislation to reform the system of pardons in this country.

I know that some of these initiatives touch on resolutions before you at this conference and have the support of many of your members.

One of your resolutions involves getting tough with gangs. I want to assure you that Public Safety is working very hard to support the government's efforts to do that through crime prevention strategies targeted at youth, as well as through the upcoming Organized Crime Summit in October.

Another resolution pertains to so-called "lawful access" capabilities. Some of you will know that the Minister introduced legislation during the last Parliamentary session to address this.

Sécurité publique Canada a appuyé l'élaboration de mesures législatives exigeant des fournisseurs de services de télécommunications qu'ils dotent leurs réseaux d'une capacité d'interception et la maintiennent, et qu'ils veillent à ce que les organismes de sécurité et d'application de la loi aient accès aux renseignements de base sur les abonnés.

The last Speech from the Throne committed the government to moving forward with lawful access legislation, and I assure you that Public Safety will be working hard to support these efforts.

Another resolution from the CAPB speaks to the need to reduce perceived delays at federal crime labs.

To address concerns raised by contract jurisdictions regarding service delivery, and to improve overall laboratory efficiency, the RCMP is currently taking steps to advance a transformation process called the *Forensic Identification Process*, to improve service delivery and effectiveness.

Although not fully implemented, it has already yielded significant results. For example, average turnaround times for DNA analysis on priority

cases are now down to 14 days from 30 days since the end of 2008, while routine case turnaround is now down to 31 days from 151 days, over the same timeframe. The average turnaround times for priority homicides have been reduced to 22 from 31 days, and routine cases are now down to 67 from 130 days. So, this is good news for everyone.

Let me now turn my attention to an issue which is not directly addressed by your 2009 resolutions but which is certainly top of mind for the government and for many of your members – organized crime. Public Safety Canada is playing a lead role in supporting the government's efforts to help combat the threat of organized crime through initiatives such as the Integrated Border Enforcement Teams to combat cross-border organized crime groups and our work to combat the sexual exploitation of children and human trafficking.

Last year, Public Safety also supported the government's work to sign a framework agreement with the United States that would allow specially-trained Canadian and U.S. peace officers to work together on each others' vessels in our shared waterways to enforce the law on both sides of the border. What that means is that organized crime will no longer be able to exploit the waterways along our border to evade arrest and prosecution.

Legislation was tabled in the last Parliamentary session to implement this framework agreement; and again Public Safety will be working hard to support the government's efforts to reintroduce it should they decide again to move forward with this initiative.

Public Safety is also supporting the government's efforts to combat the sale and

distribution of illegal tobacco products, which today we know is increasingly dominated by sophisticated organized crime groups who subsequently reinvest their profits from the sale of illegal tobacco into drugs, firearms and other illegal activities.

Plus tôt cette année, nous avons annoncé que la GRC comptait mettre sur pied une Unité mixte d'enquête sur le crime organisé – Équipe du tabac de contrebande. Cette unité aura pour tâche unique de détecter les réseaux criminels responsables de la fabrication et de la distribution de produits illicites du tabac et de démanteler ces réseaux.

Sécurité publique Canada travaille également avec la communauté internationale dans le cadre sa participation au G8, à l'Organisation des Nations Unies, à l'Organisation internationale de police criminelle (INTERPOL), à l'Office européen de police (Europol), à l'Organisation des États américains, à la Commission interaméricaine de lutte contre l'abus des drogues et au Virtual Global Taskforce pour lutter contre l'exploitation sexuelle des enfants sur Internet.

Here at home, we're working in conjunction with our partners to advance an FPT Organized Crime Work Plan which recognizes that the fight against organized crime is a national priority that requires all levels of government, the law enforcement community and other partners to work together.

All of these initiatives are helping to support the work you do – making our streets safer, our communities better and our country stronger. But in a global world, we also know that we have responsibilities beyond our own borders. For almost 20 years, Canadian police have

answered that call by deploying officers to international peace operations.

Today, in countries devastated by war or teetering on the brink of collapse, the need for Canadian police assistance has never been greater. And I'm proud to say that from Afghanistan to Kosovo, Haiti to Côte d'Ivoire – and many other places around the globe – Canadian police officers are helping to rebuild police services, improving capacity and restoring law and order.

Leur travail est apprécié dans tous les pays concernés, et il est important pour nous tous, peu importe où nous habitons. En contribuant à la sécurité des collectivités à l'étranger, ils renforcent également la sécurité de nos collectivités. En aidant à mettre sur pied les capacités nécessaires pour lutter contre le crime à l'étranger, les policiers canadiens veillent à ce que le crime n'atteigne pas notre pays.

As I close, let me note that we live in a time of rapid change and evolving threats. At such a time, we must ensure that our police have the resources they need to meet the challenges they face.

At the same time, the need for civilian oversight – and for greater cooperation between society and law enforcement officers – is more important than ever.

Thank you again for the work you are doing and the difference you are making.



Jennifer Freund & Pat Knoll

Plenary 7

Negligent Investigation and the Cost of Liability for Police Services

MODERATOR

Ivan Court
CAPD director New Brunswick

PRESENTERS

Pat Knoll
Professor, University of Calgary

Jennifer Freund
Senior Advisor, Policy & Communication
Calgary Police Commission

Pat Knoll said police boards and commissions should ask their police services two questions: Do you have a sound investigative standard to use against complaints? And does it incorporate current legislation? It is the boards' and commissions' place to ask about this, he said. "The chief may say that's operational and not the board's issue, but that's not the case when it leads to potential litigation."

Prior to 2007, there was uncertainty across the country as to whether it was possible to sue for negligent investigation. Some provinces said it was possible, while some said it was not. It was possible to sue for malicious prosecution if a

suspect or person was improperly arrested or charged, but this was very difficult to achieve, as the plaintiff had to prove malice.

Prior to 2007, the 1997 *Beckstead v. Ottawa* case involved a charge of illegal bank card use. “The officer did a terrible job,” Knoll said. “He declined to interview the complainant. He declined to interview Beckstead. He declined to look at an alibi Beckstead gave. He refused to look at a photo taken in the bank of the person who used the card—and the photo was not of Beckstead.” The Ontario Court of Appeal ruled that malice need not be proven in this case; it was simply a bad investigation.

Knoll said the question now is whether victims can take action against negligent investigation. In cases such as the Pickton murders, do the families of the victims have a case?

Jennifer Freund said *Hill v. Hamilton Wentworth Regional Police Services Board* (2007) changed the face of liability in policing. The case involved a number of bank robberies that saw Hill’s photo released to the media. Another bank robbery occurred, and Hill was identified from the media photo; he was charged with a number of robberies, but was eventually convicted on that one charge.

During his second trial Hill was acquitted. The civil trial commenced, arguing negligent use of his photo, because bank staff had identified him from the photo in front of them on the desk. The police received tips that someone else was the robber, but these were not investigated. Eventually the other robber was arrested, and testified at Hill’s trial that he, not Hill, had robbed the bank.

The appeal raised two questions—was it a negligent investigation, and should the tort exist? The court was unanimous that the police were not negligent, but split on question of the existence of tort that negligent investigation is a

cause of action in Canada. No lower court had looked at this between the Beckstead and Hill cases.

Freund said this raised the question: to whom does the tort apply? The courts said it only applies to the particularized suspect, and that it does not apply to victims, victims’ families, or the general public. “As of now the only person who can sue is the particularized suspect,” Freund said.

The next question to be addressed was what constitutes the standard of care. “It is that of a reasonable officer, judged in the circumstances prevailing at the time the decision was made,” Freund said. “Police meet a standard of reasonableness by merely doing what a reasonable officer would do in the same circumstances. It is important to note that the standard may include deficiencies of information, so the standard is flexible.”

While a case based on this premise has yet to be successful in a Canadian court, the idea is spreading into other areas such as social work, and there is talk of it extending to private police and security. “It is important that whatever standards are applied externally, you must apply those standards to internal complaints as well,” she said.

“If you aren’t asking ‘do we have a standard?’ you are not doing your job,” Knoll said. “It doesn’t matter what the service size is. This could happen to any size service. This should be looked at now, not two or three years down the road when we’re faced with litigation.”

Freund said police services can get certification through the Commission on Accreditation for Law Enforcement Agencies (CALEA). The UK is very active ensuring negligent investigation assurance across country. Independent reviews and external review process are valuable to ensure standards are being met. Another

consideration should be provincial standards, Freund said. Ontario has a manual that is a good resource for anyone determining the standards that must be met in an investigation. "It's a good baseline."

While police boards cannot tell the chief how to run an investigation, it can ask whether standards are in place. "This reduces risk of liability but also improves how you do investigation," Freund said. Boards should discuss the following topics with their police service to ensure investigation standards are in place: training, records management, major case management system, police and standard operating procedures, information updates and sharing, independent review processes, and assessment of resource availability.

"Get your service talking about negligent investigation and liability," Freund said. "Liability might be closer to some than others."

Discussion

A participant asked the presenters to define the legal liability of a board member. Freund said it depends on board's Police Act. "I would ask whether you are acting in the best interest of the police service when you've failed to ask 'do you have a standard?'" Knoll said.

A participant said Ontario Police Services has a major case management system in place that is inspected by the province; he said he feels Ontario is in pretty good shape. Freund said the major case management system stemmed from the Bernardo case, and only handles murder by stranger. She emphasized that it is not just about having a manual with standards, but about using it.

A participant asked what the word "reasonable" means in this context. Freund said this is a legal term that refers to best practices: if everyone else is following the same standard, it can be construed as reasonable, she said. "Meet the

standards out there, and keep on top of what the investigative standards are."

Plenary 8

Setting the Course for the Future

Facilitator: Pam McConnell, Member of the Toronto Police Services Board

The group reviewed the CAPB Strategic Plan for 2011-2015 as well as the Member's Survey. The discussion focused on issues of sustainability of the Association, the role that members can or should take, expectations versus deliverables, and ensuring benefits of membership are not only met but exceeded.

Developing research and sharing policies was identified as an important role for CAPB. It was suggested that CAPB should explore partnering with universities and utilizing the resources of large boards to maximize the results with a limited budget.

Opening lines of communication and getting the information out to the membership were also seen as areas that need improvement. It was suggested that the Executive Directors from different provinces need to become more engaged and share more information and that individual boards also need to use technology to communicate on issues affecting policing.

The survey results reinforced the fact that the annual conference is one of the most important services that CAPB provides.

Improving communications through new technology, offering training in partnership with provincial associations, having more high profile speakers, delivering more governance focused sessions, were some of the suggestions made to advance the work of CAPB.

CAPB Golf Tournament in support of Cops for Cancer



Thank-you to the Saint John Police Force for a great day on the links and a wonderful evening Concert.



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Christopher Waldschutz, Chair, Saint John Police Commission

*Mary-Eileen Flanagan, Saint
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David Emerson, Saint John Police Commission

*Alan Rouse, Mayor's Office
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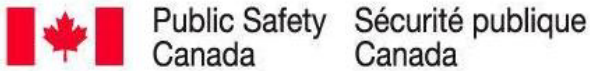
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