

RESOLUTIONS

APPROVED AT THE 2002
CANADIAN ASSOCIATION OF POLICE BOARDS' ANNUAL MEETING
FRIDAY, AUGUST 23, 2002

RESOLUTION 02-1: JOEMAC COMMITTEE RECOMMENDATIONS

WHEREAS Sudbury Regional Police Constable Joe MacDonald was viciously beaten, shot and executed by Clinton Suzack and Peter Pennett in October 1993; and

WHEREAS Clinton Suzack is known to be a dangerous offender with a shocking, lengthy history of committing violent assaults culminating in the death of Constable Joe MacDonald; and

WHEREAS Suzack and Pennett received a life sentence of 25 years for the first degree murder of Constable Joe MacDonald; and

WHEREAS Suzack and Pennett were, shortly after their conviction cascaded to medium security settings; and

WHEREAS the Solicitor General of Canada, Lawrence MacAulay, despite compelling evidence to the contrary, denies that Correctional Services Canada (CSC) routinely cascades prisoners to lower security settings and ultimately freedom based on a "quota system"; and

WHEREAS while there will always be tragedies, the Solicitor General can ensure optimum safety for our citizenry by ensuring dangerous offenders are not set loose on an unsuspecting public and by ensuring that those convicted of first degree murder serve the duration of their sentences;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards call upon the Solicitor General to undertake the following three directives, as demanded by the JoeMac Committee during its 18 February 2002 meeting with Minister MacAulay:

1. Ensure the immediate return of Clinton Suzack and Peter Pennett to maximum security to serve the duration of their 25 year sentence for the first degree murder of Constable Joe MacDonald;
2. Order an external review of Correctional Services of Canada in light of compelling and irrefutable evidence that CSC continues to pursue a dangerous and illegal policy whereby prisoners are cascaded to lower security settings and ultimately freedom, based not on individual risk assessments but on meeting numerical targets or "quotas";
3. Follow through with a commitment made in April 2000 before a Federal Justice Committee whereby he denied the existence of the aforementioned policy and offered to confirm this in writing to the CSC Commissioner, Wardens and staff that prisoners must not be cascaded to lower security settings and ultimately,

freedom based on numerical quotas.

RESOLUTION 02-2: MARIHUANA HOME GROW OPERATIONS

WHEREAS our communities are experiencing an unprecedented increase in the illegal cultivation and distribution of marihuana (commonly referred to as grow operations) and there is now broad public awareness that such criminal activity is a threat to the safety and to the well being of people of our community; and

WHEREAS it is recognized that the unprecedented increase in the illegal cultivation and distribution of marihuana is the result of organized criminal activity; and

WHEREAS it is further recognized that there are residual effects which contribute to additional threats of crime that could impact innocent members of our community; and

WHEREAS local municipalities have recently passed resolutions directed towards provincial and federal legislative changes recommending increased penalties and streamlining the processes associated with the Proceeds of Crime legislation; and

WHEREAS current penalties given to individuals involved in the form of criminal activity are ineffective as they do not have the required deterrent necessary to prevent the continuation of these offenses, and appropriate sentencing must occur in order to promote safety and security in all communities;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards believes these grow operations pose a serious threat to our communities and recommends that legislative changes be made to ensure effective deterrents are in place, not only in the form of incarceration, but also in the form of substantial financial penalties.

RESOLUTION 02-3: DESTRUCTION OF EQUIPMENT SEIZED IN DRUG OPERATIONS

WHEREAS there is an alarming increase in marihuana hydroponic grow operations across Canada; and

WHEREAS marihuana grow operations pose dangers to the public and emergency personnel in the form of fire hazards, electrocution, and increased criminal activity in residential neighbourhoods; and

WHEREAS the public also bears the financial burden of increased insurance rates, cost of electricity and the cost to taxpayers for services used to dismantle these operations; and

WHEREAS marihuana grow operations have become a lucrative organized criminal activity with proceeds directed to the trafficking of dangerous drugs (e.g. ecstasy and heroin) and other criminal activities; and

WHEREAS on January 30, 2002, police services from across Canada participated in a national indoor marihuana eradication program, code name "Operation Green Sweep"

and seized equipment valued at \$3,888,500.00;

THEREFORE BE IT RESOLVED THAT the Canadian Association of Police Boards urge the federal and provincial governments to pass legislation requiring the dismantling of all equipment seized by the police in drug operations after it is no longer required by the Crown for evidentiary purposes, and that the components be disposed of in the same way that other seized property is disposed of through the Proceeds of Crime policy.

RESOLUTION 02-4: REGARDING PUBLIC DISCLOSURE

WHEREAS police services in Ontario are governed by the public disclosure requirements of the *Police Services Act* regarding the release of the names of High Risk Offenders living in neighbourhoods,

WHEREAS corresponding and comparable public disclosure legislation exists elsewhere in other provinces within Canada,

WHEREAS members of the community in which High Risk Offenders reside continue to demand full public disclosure of all dangerous offenders,

WHEREAS police services and other offender management stakeholders owe it to the public to ensure that current practice continues to yield world-leading safety results,

THEREFORE BE IT RESOLVED THAT the Government of Canada and the provinces join police leaders in the following initiatives designed to enhance and support the current system:

- a. an international study be launched to collect more current data on the effect of full public disclosure and recidivism rates of High Risk Offenders – particularly sex offenders;
- b. a national workshop be held to discuss consistent public notification thresholds and strategies;
- c. a review take place of new and emerging technologies that could assist all of the stakeholders in the offender management system;
- d. that the proposed National Sex Offender Registry be based on and linked to other highly successful provincial models.

RESOLUTION 02-5: CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME

WHEREAS the transnational problem of organized crime groups requires a global solution to address, among other things, criminal conspiracy, money laundering, corruption, obstruction of justice and increasing involvement in migrant smuggling by land, sea and air; and

WHEREAS Canada has been a leader since 1995 in working to build partnerships

around the world to deal with organized crime and has ratified the United Nations "Convention Against Transnational Organized Crime", together with its optional protocols on the smuggling of migrants and the trafficking in persons; and

WHEREAS the Convention is designed to improve information sharing and law enforcement cooperation among parties, creates obligations on countries to criminalize certain conduct, including practical measures for international extradition and prosecution preventing criminals from hiding behind borders;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards applauds the Government of Canada for ratifying the Convention and congratulates the previous and current Minister of Justice and Attorney General of Canada.

**RESOLUTION 02-6:
NATIONAL DIVERSION PROGRAM FOR PERSONS WITH MENTAL ILLNESS**

WHEREAS a Calgary Diversion Project strives to divert low-risk mentally ill offenders from the justice system to the mental health system through coordinated community action; and

WHEREAS the goal is to reduce contacts with the justice system by individuals who are mentally ill and who commit minor, low-risk offences, through timely and appropriate intervention; and

WHEREAS the goal is to develop and implement effective and efficient strategies that link the mental health/justice systems to appropriately meet the needs and improve outcomes for individuals who, due to mental illness, come into conflict with the law;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards encourage the Government of Canada to meet with its appropriate provincial counterparts to consider the feasibility of implementing a criminal justice diversion program for persons with mental illness through a national standardized program.

**RESOLUTION 02-7: PROTECTION OF CHILDREN
FROM EXPLOITATION THROUGH WRITTEN CHILD PORNOGRAPHY**

WHEREAS earlier this year the Supreme Court of British Columbia found that in the case of R. v. John Robin Sharpe, child pornographic material written by Mr. Sharpe was deemed to have "artistic merit", and he was subsequently acquitted of the charge connected to the written material; and

WHEREAS the impact this decision may have on future police investigations and the safety of children has caused great consternation and outrage among both the public and the policing community; and

WHEREAS the Court's interpretation of "artistic merit" creates a gap in legislative enforcement that is of grave concern;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to adopt a national leadership position in responding to this situation through both legislative and non-legislative options.

**RESOLUTION 02-8:
REQUEST FOR LEGISLATION GOVERNING SEARCHES OF PERSONS**

WHEREAS the Supreme Court of Canada in the case of R. v. Golden stated that a set of guidelines in the form of legislation would greatly assist both the police and the courts in determining where, when and how strip searches should be conducted;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards write to the Federal Minister of Justice requesting that, in light of the suggestion by the Supreme Court of Canada that Parliament should enact legislation which would provide clear and unequivocal rules to police officers with respect to when, where, and how strip searches incident to arrest should be conducted, the Minister enact such legislation.

**RESOLUTION 02-9: COMPENSATION FOR
MUNICIPAL POLICE FORCES FOR COST OF POLICING SERVICES
RELATED TO OFFENCES COMMITTED BY OFFENDERS ON PAROLE**

WHEREAS police forces are being challenged to provide policing and public safety services at a level appropriate to community expectations, with decreasing human and financial resources,

AND WHEREAS municipal police forces are faced with the additional cost of responding to crimes committed by offenders who are considered to be at a high risk to re-offend and who are on parole and housed in federal security facilities,

THEREFORE BE IT RESOLVED that municipal police forces be reimbursed by the Department of the Solicitor General Canada for costs associated with the investigation and detention of offenders considered to be at a high risk to re-offend and who re-offend while on parole and being housed in a supervised federal facility.

RESOLUTION 02-10: POLICING OF CANADIAN PORTS

WHEREAS the responsibility for port policing and security in Canada rests with the Government of Canada; and

WHEREAS ports policing and security is performed by local police agencies since the devolution of Ports Canada Police; and

WHEREAS the Standing Committee on Transport has recommended the transfer of responsibility for ports policing and security to individual ports; and

WHEREAS the Canadian Association of Chiefs of Police and local municipalities are deeply concerned about the impact that such transfers have had on police services located in the affected communities; and

WHEREAS the continuation of a high level of protection of life, property and from organized crimes in our harbours under the policing command, direction and control of municipalities must be adequately funded, independent of the Port Corporation whose interest is mainly profitability;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards strongly urge the Government of Canada to ensure port corporations fund municipalities adequately to provide the policing required in the ports.

RESOLUTION 02-11: FUNDING FOR MUNICIPAL POLICING

WHEREAS Municipal police departments across Canada are responsible for the safety of their citizens at the local level; and

WHEREAS Municipal police departments across Canada also enforce various Federal statutes; and

WHEREAS Municipal police departments provide policing services associated with prevention against terrorist attacks, combatting organized crime and other national policing and security issues; and

WHEREAS the continuation of a high level of protection of life and property in local communities is very expensive;

THEREFORE be it resolved that the Canadian Association of Police Boards strongly urge the Government of Canada to provide equitable funding for municipalities across Canada, to offset the costs associated with policing services and to ensure the high standard of policing and security is continued.

RESOLUTION 02-12: REQUEST FOR A CANADIAN DRUG STRATEGY

WHEREAS the Canadian Association of Police Boards (CAPB), Canadian Association of Chiefs of Police (CACP) and the Canadian Police Association (CPA) advocate a healthy lifestyle for all Canadians, free of drug use; and

WHEREAS the Liberal Red Book III committed the government to "...implement a National Drug Strategy to reduce both the supply of and the demand for drugs, and to crack down on organized crime"; and

WHEREAS the December 2001 Auditor General's Report states "The government should ensure that Canada's Drug Strategy receives the profile and dedicated resources necessary to deal with the illicit drug problem in Canada"; and

WHEREAS in the interest of a safer and healthier Canada there is an immediate need for demonstrated national leadership for an effective drug strategy;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards join the CACP and CPA in urging the Prime Minister of Canada, Minister of Health, Solicitor General, Minister of Justice and the Government of Canada to implement a Canadian Drug Strategy in partnership with our municipalities, provinces, and territories;

AND FURTHER, that the CAPB endorse the following statements:

1. As front-line professionals who see first-hand the impact of drugs in our society, police officers share a goal of encouraging all Canadians, particularly children and our youth, to “*stay drug free*”.
2. The CAPB, CACP and CPA do not support or endorse the legalization of marihuana or any other currently illicit substances. Illegal drugs, including cannabis, present adverse health effects.
3. The CAPB, CACP and CPA advocate a balanced approach that reduces the adverse effects associated with drug use by limiting both the supply of and demand for illicit drugs, enabling an integrated approach to prevention, education, enforcement, treatment, rehabilitation and research.
4. While Canada’s existing laws have been successful in limiting the harm caused by illicit drug use, there needs to be a sustained effort by the Government of Canada, the CAPB, CACP, CPA and the Canadian Association of School Boards to educate Canadians, particularly vulnerable young people, about the adverse effects of illicit drug use.
5. The CAPB, CACP and CPA recognize that the illicit drug trade is inextricably linked to criminal activity, including terrorism, and increases the level of violence and crime in our communities.
6. Canada’s Drug laws must provide police with tools to effectively combat the illegal drug trade, Organized Crime, and Terrorism.
7. Alternative justice measures are required to efficiently and effectively address summary conviction offences. The CAPB, CACP and CPA advocate the adoption of alternative justice measures that instill meaningful, appropriate and graduated consequences, focused on preventing and deterring drug use amongst all Canadians.
8. Greater emphasis and resources must be provided for stakeholders involved in both demand and supply reduction, with a focus on public education and awareness.
9. The CAPB, CACP and CPA, representing Canada’s policing community, are strongly committed to working together as “*Partners for Safer and Healthier Communities*” to encourage all Canadians to “*stay drug free*”.

RESOLUTION 02-13: EXTRA-PROVINCIAL POLICE JURISDICTION

(Commentary attached as Annex A)

WHEREAS the Canadian Association of Police Boards recognizes the mobility of organized crime and the problems associated with jurisdictional boundaries of provincially appointed police officers; and

WHEREAS in the investigation of major crimes, organized crime, drug related offences, and outlaw motorcycle gangs, provincially appointed police officers are engaged in investigations, surveillance and other police duties which take them outside their jurisdictional boundaries; and

WHEREAS upon leaving appointed jurisdictions, police officers lose their legal authority to carry a firearm, peace officer power of arrest and the protection afforded under section 25 of the Criminal Code of Canada; and

WHEREAS the present method of obtaining extra-jurisdictional authority has proven to be inadequate, time consuming and cumbersome; and

WHEREAS it is necessary to take proactive steps to ensure the safety of Canadian police officers, support police investigations and ensure police agencies are protected from liability;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Solicitor General of Canada to work with his provincial counterparts to encourage a solution that would provide that a provincially appointed police officer's authority remain in effect when that officer leaves their provincial jurisdiction in the furtherance of a bona fide police duty elsewhere in Canada.

RESOLUTION 02-14:
FUNDING PROTOCOL FOR HOSTING INTERNATIONAL MEETINGS
(Background information attached as Annex B)

WHEREAS the Canadian government's international affiliations and responsibilities are resulting in Canadian locations being designated as host sites for international events, sometimes at short notice; and

WHEREAS the host municipalities for these events experience an influx of individuals and organizations to the host municipality from around the world with varying agendas and the potential for public disruption; and

WHEREAS the influx of people has policing implications which can overwhelm municipal police resources requiring assistance and aid from other municipalities, provinces and federal resources; and

WHEREAS there needs to be coordination and agreements with Federal departments in place to ensure adequate resources and policing are maintained; and

WHEREAS the City of Calgary has successfully implemented a process whereby its agreements with the Federal government has enabled the Calgary Police Service to successfully police the G-8 Summit held on June 26 and 27, 2002 in concert with other supporting organizations and agencies;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards encourage the Government of Canada to develop a protocol with respect to the hosting of international events using the City of Calgary G-8 Summit experience as a framework to be utilized by other municipal police services for future international events.

RESOLUTION 02-15:
AMENDMENT TO “HATE PROPAGANDA” SECTION OF THE CRIMINAL CODE

WHEREAS equal protection and treatment of all citizens is fundamental to a fair justice system; and

WHEREAS the Canadian Charter of Rights and Freedoms section 15(1) ensures that “every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination;” and

WHEREAS the Supreme Court of Canada has consistently interpreted section 15(1) of the Charter as including sexual orientation as an identifiable group that is protected by these principles; and

WHEREAS the present Criminal Code hate propaganda section does not protect members of the public distinguished by sexual orientation; and

WHEREAS the brutal murder of Aaron Webster, a gay man, in November 2001, in Vancouver, British Columbia has once again drawn attention to these provisions of the Criminal Code which discriminate against members of the gay, lesbian, bisexual and transgender community; and

WHEREAS Bill C415, adding sexual orientation to “identified groups” in Section 318(4) has passed second reading and been referred to the Standing Committee on Justice and Human Rights;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards support the Federal Government to expedite the development and passage of Bill C415 amending the hate propaganda provision of subsection 318(4) of the Criminal Code to expand the definition of “identifiable group” to include protection on the basis of sexual orientation.

RESOLUTION 02-16:
AMENDMENT TO DEFENCE PROVISIONS OF THE CRIMINAL CODE

WHEREAS equal protection and treatment of all citizens is fundamental to a fair justice system; and

WHEREAS the Canadian Charter of Rights and Freedoms section 15(1) ensures that “every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination;” and

WHEREAS the Supreme Court of Canada has consistently interpreted section 15(1) of the Charter as including sexual orientation as an identifiable group that is protected by these principles; and

WHEREAS the present Criminal Code includes a defence that a person accused of murder may resort to the defence of provocation based on "homosexual panic" which discriminates against victims based on their sexual orientation; and

WHEREAS the brutal murder of Aaron Webster, a gay man, in November 2001, in Vancouver, British Columbia has once again drawn attention to these provisions of the Criminal Code which discriminate against members of the gay, lesbian, bisexual and transgender community;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to amend the Criminal Code, section 232(2), in order that persons accused of murder may no longer resort to the defence of provocation based on "homosexual panic."

**RESOLUTION 02-17: REQUEST FOR TASK FORCE
ON USE, POSSESSION AND DISTRIBUTION OF CANNABIS**

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards respectfully request the Government of Canada to establish a national task force to provide options concerning the regulation or legal status of the use, possession and distribution of cannabis.

RESOLUTION 02-18: CODE OF CONDUCT ON ETHICS

THEREFORE BE IT RESOLVED that the Board of Directors of the Canadian Association of Police Boards assess the Canadian Association of Chiefs of Police Ethical Framework for the policing profession, with the objective of adopting the Code of Conduct as is, or with modifications, as the Code of Conduct on Ethics for the Canadian Association of Police Boards.

RESOLUTION 02-13: INTERPROVINCIAL POLICE JURISDICTION

COMMENTARY SUBMITTED BY THE CACP

In Canada, approximately seventy-one percent of all appointed police officers are sworn in under local, municipal or regional Police Services established pursuant to Provincial Acts. These “provincially appointed” officers are restricted to the jurisdiction of the province appointing them and at no time can they exceed provincial boundaries while maintaining their power as a police officer. This restriction has created difficulty in effectively enforcing crimes that span provincial boundaries, specifically with regard to investigations of organized crime and drug related offenses. In many cases police members encounter situations where an investigation takes them outside of their jurisdictional area. This is most prevalent when assisting extra-provincial police agencies or conducting surveillance / investigations pertaining to Outlaw Motorcycle Gangs.

The Canadian Law Enforcement community has established a National Strategy to Combat Outlaw Motorcycle Gangs. This strategy includes the need for police agencies to work in concert. It is imperative that police agencies become organized and that the Federal and Provincial Governments support initiatives of the National Strategy by amending the *Criminal Code* or otherwise providing/facilitating a unilateral provincial solution, to allow for the authorized extra-provincial movement of police officers who are involved in criminal investigations.

The CACP initially addressed the cross-jurisdictional problem by submitting a Resolution in 1998. Since that time talks with all levels of government has been ongoing. This has truly become a paramount issue for police officers across the country, which has now been recognized as such by the provincial and federal governments who are actively seeking a solution. This year’s Resolution supports those efforts.

RESOLUTION 02-14:
FUNDING PROTOCOL FOR HOSTING INTERNATIONAL MEETINGS
(Submitted by the Calgary Police Commission)

BACKGROUND INFORMATION

On July 22, 2001, Prime Minister Chretien announced that the 2002 G-8 Summit, a meeting of the heads of state representing the eight industrialized countries, would be held in Kananaskis, Alberta. The 2002 G-8 Summit would become the largest security operation in Canada's history.

The decision to hold the 2002 G-8 Summit in a more remote location came after extreme protestor violence and property damage at the 2001 G-8 Summit in Genoa, Italy. This followed an escalating pattern of activist/police behavior at several international conferences. The decision to host the event in Alberta was not debatable and was final.

Security planning for the G-8 Summit became the joint responsibility of the Royal Canadian Mounted Police (RCMP), and the Calgary Police Service (CPS). Upon learning of the location of the Summit, the RCMP and CPS immediately began strategic planning for the event which included administrative and operational preparations.

Planning for the event was done on a massive scale. At the Federal level, there were various organizations and agencies involved such as the Prime Minister's Office, the Ministry of Justice, the Solicitor General, the Department of National Defence, the Department of Foreign Affairs and International Trade, as well as agencies such as Health Canada, Public Works, Canada Customs and Revenue, and Immigration. Alberta government departments included the Solicitor General, Justice (Crown Prosecutors Office and Court and Prisoner Services), Transportation, Environment, Sustainable Resources, Community Development, Aboriginal Affairs, Health and Wellness, and Municipal Affairs (Disaster Services). At the Municipal level, the City of Calgary (Police Service, Finance, Transportation, Engineering, Fire Department, Emergency Medical Services), and the towns of Canmore, and Banff were involved.

Confirmation of CPS G-8 Summit Security funding was the first priority of the CPS and the CPC. A separate financial account was identified to track all CPS G-8 costs. Chief Beaton informed the Calgary Police Commission (CPC) of his concerns regarding a written funding commitment from the Federal Government and early discussions occurred with Mayor Duerr and Summit personnel in Ottawa.

A draft CPS budget was presented to the CPC on September 15th and was taken forward to City Council on September 24, 2001. Immediate "bridge funds" for equipment purchases that had extremely tight time frames and supply shortages after the terrorist attacks on September 11, 2001 (e.g., gas masks, fire retardant coveralls, helmets) were requested. City Council approved a one-time expenditure of \$3.3 million

for the CPS and \$500,000 for other City departments.

A financial agreement between the City of Calgary and the Government of Canada (represented by the Federal Solicitor General Department) was signed on November 19, 2001 for the “financing of security measures required in connection with the holding of the G-8 Summit in Kananaskis”. The agreement provided for interim payments whereby all Summit related bills would be paid within 5 days of receipt of an invoice. It was determined that the City of Calgary would contract with the Federal government directly as would any Provincial Government departments that were involved in the G-8 Summit preparations. This was the first agreement of its kind between a municipality and the Government of Canada.

The contract with the Federal government contained schedules that identified policing equipment, specialty vehicles, computers, telecommunication equipment and any other purchases that were to become the property of the Federal government after the Summit. Additional clauses covered the audit privileges and dispute prevention processes. The CPS kept track of all overtime costs incurred from backfilling positions seconded to the G-8 Summit planning for reimbursement purposes by the Federal government.

Securing an agreement with the Federal Government during the initial planning stages for the Summit was a critical factor in Calgary successfully hosting the G-8 Summit. It enabled the CPS to focus its time and energy on strategic planning for administrative and operational preparations without concern for how or when funding for those preparations would occur.

The CPC submits the Calgary G-8 Summit experience should be used as a framework in the development of a protocol with the Government of Canada with regards to the hosting and policing of international events.