



A FINE BALANCE: MEETING THE CHALLENGES OF POLICE GOVERNANCE IN A CHANGING WORLD



CONFERENCE REPORT 2009



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Official Opening, Colour Guard, Call to Order, and Royal Salute

SPEAKERS

Greg Dionne
President
Canadian Association of Police Boards (CAPB)

John Morgan
Mayor
Cape Breton Regional Municipality (CBRM)

Myles Burke
Chief of Police
Cape Breton Regional Municipality (CBRM)

Derek Mombourquette
Chair
Cape Breton Regional Municipality Board of Police Commissioners

Jim MacLeod
President
Nova Scotia Association of Police Boards
Councillor
Cape Breton Regional Municipality (CBRM)
Director
Canadian Association of Police Boards (CAPB)

Derek Mombourquette welcomed participants to Nova Scotia. He said the committee had been planning the conference for several months and he hoped participants would leave with lasting memories.

The Canadian Association of Police Boards (CAPB) is celebrating its 20th anniversary, said **Greg Dionne**, and dramatic changes have occurred during this time.

John Morgan said the conference would provide an opportunity to discuss key issues and feature speakers from many spectrums. The resolutions formed at the conference would be important to the Cape Breton Regional Municipality (CBRM) and communities across Canada. "The conference is leading-edge decision making that will be acted upon," he said.

Myles Burke noted the appropriateness of holding the conference in Membertou as it is the home of Donald Marshall Jr., who has been instrumental in changing the Canadian justice system.

"We need to recognize that we are on the leading edge and we can make a difference. That's what leadership is about," said **Jim MacLeod**. "Although there are bumps, it's getting over those bumps that makes us better people."

Keynote Address: The Importance of Policing in Canada

MODERATOR

Derek Mombourquette
Chair
Cape Breton Regional Municipality Board
of Police Commissioners

SPEAKER

The Honourable Mayann E. Francis,
O.N.S., DHumL
Lieutenant Governor of Nova Scotia

Mayann Francis said she was honoured to be at the conference, particularly since it was being held in her home town of Sydney. She commended the police boards' representatives for their important work and the balancing act they perform by serving both the police and the public.

"If the process tilts, it is deemed failed. Tilt one way too far and there is trouble." Francis said the police commissions perform this balancing act well, especially given the level of public scrutiny they face. She encouraged conference delegates to learn, study, and take the best practices and experiences home with them.

Francis said crime and policy are often collapsed into the single category of security. While the crime rate is decreasing, "crimes have evolved." Schools, churches, and other locations traditionally thought of as safe are currently experiencing a rise in crime. Home invasions were unheard of 10 years ago, but are now widespread.

"Between us and harm stand the police." The constant risk of danger faced by police makes their profession unique. Francis noted that in many countries police are feared rather than trusted.

Francis said she has gotten to know some police officers since her appointment to office and now understands the true extent of their duties. She recounted how officers obtained special permission for her to go to a movie during a visit to Cape Breton, and how, upon her return to Halifax, the local officers also wanted to take her to a movie. "They really do take care of you in all respects."

Francis said she often worries about police officers' safety and is sure she is not alone. She expressed a wish that law enforcement was unnecessary, but acknowledged that would be living in a fantasy world. She asked participants to imagine how easy life would be without crime.

"Is crime embedded in us?" she asked. "Did we always behave like this?" In fact, she said, crime has always been with us. The large doors and hinges of medieval houses were not aesthetic choices—people barricaded themselves inside to protect themselves and their families.

Some form of policing has always been necessary, and written laws were developed to facilitate order. Changes in law enforcement were driven by the industrial revolution. The *Metropolitan Police Act* was passed in England in 1829. Canada created the Toronto Police Service five years later, followed by forces in Montreal and Quebec.

Demands placed on officers have continued to grow. The deinstitutionalization of the mentally ill in the 1960s and 1970s turned thousands of people into the street. Resources to address the needs of these newly homeless people were lacking and police were left to deal with the consequences.

Police are currently facing new challenges. Citizens are quicker to voice complaints and the police are operating under an increasing level of public scrutiny. When police confront a suspect, their actions are potentially being recorded, and those images could be distributed worldwide. The issues raised by this surveillance go beyond the public scrutiny of police actions. Police must hasten to identify a victim and notify the family before someone can send out a picture or video.

Another new challenge faced by police involves interactions with new Canadians, many of whom do not understand the police's role to be "to serve and protect." These new citizens may be used to a police state and often have a negative view of those in authority. "The challenge is to overcome this," said Francis. She commended the approach of the many police forces that are making their membership more reflective of their community.

Crime does not stand still, said Francis. Police work is not automated—it is done by men and women who do a different job every day. Francis said she prayed the police would not lose their spirit and sense of duty. She asked participants to support

the men and women who protect their communities and to look for ways to ensure the proper balance between the public and the police.

"Police need support from us as a society and so does the public. No doubt we can do the balancing act."



The Honourable Mayann E. Francis, O.N.S., DHumL,
Lieutenant Governor of Nova Scotia & Hamlin Grange of
the Toronto Police Services Board

Opening Plenary: Crisis in Policing: Growing Needs & Shrinking Resources

MODERATOR

Ivan Court
Mayor
Saint John, New Brunswick
Vice President
Canadian Association of Police Boards

SPEAKERS

Fred Biro
Executive Director
Regional Municipality of Peel Police
Services Board
Randy Goulden
Chair
Federation of Canadian Municipalities

(FCM) Standing Committee on
Community Safety and Crime Prevention

Alok Mukherjee
Secretary-Treasurer
Canadian Association of Police Boards
Chair
Toronto Police Services Board

Ivan Court said the Federation of Canadian Municipalities (FCM) has reported that fiscal imbalances are creating challenges for policing. While policing is a mandated municipal service, funding responsibilities remain unclear.

Fred Biro said the system is approaching a crisis. The population is growing and the demands placed on officers are increasingly complex, resulting in fewer officers on the front lines.

The total cost of policing has increased 62% over the past decade and this increase is hard to justify to the public. These costs include wages, salaries, and benefits, which make up 88% of policing budgets. Fewer officers are being hired, but they are being paid more.

All policing is local, said Biro, noting that the Royal Canadian Mounted Police (RCMP) depend on local police forces. Municipalities are paying for both national and provincial police—60% of the RCMP's budget and 50% of the Ontario Provincial Police's (OPP) budget derive from municipal funding.

Randy Goulden agreed that rising costs are a challenge. A report released last June on equity and policing called on the federal government to support a special panel to review police funding.

Municipalities are currently burdened with supporting federal police duties.

Municipalities spend 27% of their budget on policing. In comparison, municipalities spent 6% of their budget on health last year. Given the cost of policing, Goulden said the fact that municipalities currently receive only eight cents from each tax dollar is unacceptable. Growing municipalities create more demands on police and the need for increased spending on police services.

Goulden said the policing environment has changed. Police now deal with crime on both local and national levels. Issues like cyber crime and smuggling are placing new demands on limited resources. Crimes that used to be handled by the RCMP are now being handled locally.

"This isn't all about money," said Goulden. It is also about municipalities and the federal government cooperating at the operational level. The federal government must take the lead in these matters.

Alok Mukherjee agreed that expanding demands and additional costs are creating a crisis in municipal policing. This results in mismatches—discrepancies between what the police are supposed to do and what they actually do, between what the community needs and what resources are available, and between what officers need and the support they receive.

Local police officers' roles have expanded beyond protecting public property. The federal and provincial governments have downloaded responsibilities onto local police forces, such that they are now the

primary line of response in most municipalities. They also have to cope with new areas of crime, such as cyber crime. Mukherjee said municipalities must define their police forces' core services, as current definitions disregard a considerable number of the duties local police officers are expected to perform.

A discrepancy between community needs and available resources also exists, said Mukherjee. In addition to combating crime, officers are expected to engage in social work. Adequate training is needed to help officers deal with the new aspects of their jobs and municipalities should look at different strategies to manage these new responsibilities. Some regions have dealt with these issues by teaming police officers with mental health nurses. Police must be given the necessary tools, and municipalities must decide the best value for their money—budgets directly impact which services can be provided to a community.

The third mismatch results from outdated human resource policies that further escalate the cost of police services. An officer who is suspended because of misconduct is kept on payroll, costing taxpayers money. He called for a policy change to reflect modern human resource practices.

"The crisis caused by escalating costs is only part of the problem. We have to deal with mismatches and have a comprehensive strategy in place," said Mukherjee.

Discussion

A participant said financial crime affects a municipality's ability to pay for services. She said new policing approaches to financial crime are needed and the RCMP should not have exclusive jurisdiction. She called for this to be brought to the standing committee.

Panelists noted that it takes approximately 18 months to address fraud cases and said police departments are inundated with current cases.

A participant said he would like to see police services boards and police chiefs meet to discuss mismatches.

Another participant said officials have been meeting and making great recommendations for 20 years, but they do not seem to be heard. He asked how they can make themselves heard. It was suggested that all bodies unite as one voice.

A participant said municipalities are not in control of their own houses and suggested that the FCM's role be enhanced.

A participant said while both the RCMP and municipalities were promised new officers, only the RCMP got them.

A participant asked if it would be beneficial to come forth with resolutions for the membership to consider, rather than simply presenting problems.

Another participant said communities want to see police officers on the streets and do not understand why that does not happen.

Police need to communicate better with the public.

Panelists said the public wants an increased police presence, but does not want to pay for it.

It was suggested that previous successful resolutions be examined to determine which actions have been implemented.

Panel 1: The Policy/Operations Continuum: What are the Boundaries?

MODERATOR

Greg Dionne
President
Canadian Association of Police Boards
(CAPB)

SPEAKERS

Patrick Knoll
Professor, Faculty of Law
University of Calgary

David Emerson
Chair
Saint John Board of Police Commissioners

William Reid
Chief of Police
Saint John Police Force

Patrick Knoll asked whether the current challenge is community policing or operations and whether such matters of policy are under the authority of the commission or the police service.

Knoll said authority should be divided, with policy matters falling under the commission's authority and operational

matters falling under that of the police. However, a clear delineation of policy and operational matters is lacking—neither one is defined in police legislation.

Knoll said these roles must be clarified, beginning with a clear definition of each term. Policy is a more general term relating to planning, whereas operations is a more focused term relating to implementation. However, these definitions do not adequately address the task of delineating roles.

Disagreements between the commission and the police service can create further problems. A dysfunctional relationship can be created when both sides want to be involved in an issue, sometimes resulting in public arguments and litigation. "Cooperation is critical," said Knoll.

A series of questions was posed to the panel. Each member was given the opportunity to respond.

Question 1

For the last several months prostitutes have been plying their trade on Alpha Street. The Chief of Police has allocated available resources for the arrest and charging of these offenders (and their customers) but the trade has continued apace. The Alpha Street Merchants Association have expressed their continued dismay over these goings on, and have advanced inquiries to the police and the Solicitor General for the Province, seeking an end to this trade. They have skipped over the Board, offering the view that the Board is merely a gang of "cheerleaders" for the

police. The Board had nevertheless placed the matter on its agenda for its next meeting. This step is against the express wishes of the Chief who maintains that this is an operational matter involving investigation, arrest, and charging. Does the Board have any jurisdiction over such a matter?

William Reid said this is an operational matter under the responsibility of the police and the board has no jurisdiction. The board should only be involved if the chief does not practice due diligence.

David Emerson raised the issues of strategic policy and the manner in which the board determines its agenda, noting that the board is largely misunderstood. In this case, an intentional effort was made to undermine the board and a lack of public discussion resulted in distrust of the board. Emerson said the matter is fair game for board discussion, because the board defines loose ends.

Knoll agreed that the board has jurisdiction over this matter. Although the matter is operational by definition and therefore under the chief's legal jurisdiction, it also involves police reputation and citizen concerns. The latter issues are not completely operational and are difficult to slot into one category or the other. In this case, both the chief and board have roles to play and should work together.

Question 2

A local newspaper has recently carried a story concerning a man who alleges that he was rendered unconscious when an

officer forced him from cells, using a restraint method imported from the LAPD. He asserts brain damage has occurred and that he will sue all concerned, but has made no official complaint. The Police Service has indeed adopted a new restraint method—the "Katsumi" technique—employed by the LAPD for the last three years and adopted by the Service six months ago, with great success. The Chief has advised informally that this is an operational matter within her operational jurisdiction and not the business of the Board. The police Board, however, is concerned about this new approach and have demanded a report of the incident from the Chief at the next Board meeting. The Board has further advised the Chief that they intend to do something about this situation. Who has jurisdiction in such circumstances?

Reid said the chief has jurisdiction over the use of force. The board's interest in this matter should only extend to the issue of accountability and not to operations.

"Who determines standards for force?" asked Emerson. While the board has insight into public sentiment regarding the use of force, the issue of force lies with the chief and is not the board's concern.

Knoll said both the chief and the board have jurisdiction. The board should not have demanded a report from the chief as the use of force is an operational matter and under the chief's jurisdiction. However, commissioning a report about possible problems is acceptable as a matter of policy,

which falls under the board's jurisdiction. The board's discussion should be generalized and not focus on a specific incident.

Question 3

Mid-year, your Chief wants to transfer 10 people from front line patrol to create a permanent public order unit. This is in response to anticipated labour disruptions plus the need to provide security for a high level political gathering. Is this solely an operational issue under the authority of the Chief of Police?

Reid said this is an operational issue under the authority of the chief because the police must maintain an adequate force.

Emerson noted the importance of isolating policy function from political interference. Political interference does not seem to be an issue here—the chief is trying to anticipate a change in landscape. The transfer might have implications on the budget, but this is not a matter of board concern.

Knoll said this is solely an operational issue, dependent on the number of police officers in the service. It would only be a board issue if political pressure were being applied to the chief.

Question 4

The Chief watches as Board members become engaged in public debate over the construction of a new police HQ complex, part of a larger urban renewal initiative. This debate pushes Council and the Force to decisions that will have

long lasting consequences for operations and financial matters, thereby confining the Chief's scope of options. Should the Chief enter the fray? If so, in public or in private?

Reid said the council only has authority when acting as a group, although councillors can be legitimate forces in the community. The chief has the right to express his opinions and the board and the chief should act as partners.

Knoll said the chief must approach the situation properly and noted the importance of dealing with the issue directly.

Discussion

A participant noted the opinion that elected officials should not be on boards or commissions because they generate publicity.

Regarding the first question, a participant said the board should have jurisdiction over available resources. The board must respond to a demand for more resources as it is responsible to the public.

Reid said he would have engaged in conversations with the board in this type of situation.



Plenary 2: Mental Health Issues in Policing

MODERATOR

Carol Allison-Burra
 Director
 Canadian Association of Police Boards (CAPB)
 Chair
 Kingston Police Services Board

SPEAKERS

Sarah Peddle
 Researcher
 Dalhousie University

Dr. Linda Courey
 Director, Mental Health Services
 Cape Breton District Health Authority

Constable Delton McDonald
 Mental Health Liaison Officer
 Cape Breton Regional Police Service

Detective Fiona Wilson-Bates
 Vancouver Police Department

Fiona Wilson-Bates' report, *Lost in Transition: How a Lack of Capacity in the Mental Health System is Failing Vancouver's Mentally Ill and Draining Police Resources*, attributes an increase in calls to police to the mentally ill. Out of 1,134 police tracked calls, 36% involved mental health issues,

rising to 50% in some areas. "Police members are becoming front line mental health workers," said Wilson-Bates.

Wilson-Bates called for better information sharing between the mental health system and the police. A common records management system does not currently exist for these groups. Officers should be properly trained and mental health workers should be involved in this training. Some areas have introduced a mobile unit where mental health workers travel with officers when responding to calls.

The lack of community resources available to the mentally ill creates more challenges for the police and problems arise from the chronic interaction between these two groups. Some police officers criminalize the mentally ill, sending them to jail instead of to the hospital. The *Mental Health Act's* language is very broad, and the court system is often used as a means to enforce treatment and medication regimes.

The report uses the experience of Corey O'Brien, a young mentally ill man who committed suicide after several inadequate interactions with both the police and the mental health system, to illustrate the failure of the mental health system to help those in need. The report includes several recommendations for improving this system:

- Establish an urgent response center
- Establish a new mental health care facility
- Increase supportive housing
- Improve hospital response

- Improve data collection
- Implement a records system

“With will and the support of executive members, it is possible to effect positive change,” she said.

Dr. Linda Courey said many challenges currently exist regarding mental health issues in policing. Police interactions with mentally ill offenders range from suicide interventions to crisis situations that involve threats to others. Families often request police assistance when dealing with a mentally ill family member.

Police officers are becoming the first point of access to mental health services for mentally ill people. Several factors have contributed to the increase in interactions between police and the mentally ill, including:

- Changes in mental health laws and individual rights and freedoms
- A shift from institutionalized care to community-based care
- Insufficient funding for community mental health and social support systems
- Fewer mental health hospital beds and reductions in lengths of stay
- An increase in the victimization of those with mental illnesses

Increased interaction with the mentally ill has resulted in more incidents involving the use of force by police and a trend toward criminalizing the mentally ill. Mental health services have noted an increase in requests to criminally charge in-patients. An

increased focus on community-based treatment, new legislation, and a philosophy of least restraint has created occupational health and safety concerns.

Several obstacles to collaboration between police and mental health care services exist, including:

- Differing mandates
- Differing policies and procedures
- Issues of patient confidentiality
- Problems of bias against the mentally ill
- Disagreements about whether to lay charges

Dr. Courey noted the existence of police guidelines for dealing with the mentally ill, including the *Contemporary Policing Guidelines for Working with the Mental Health System*, which outlines 10 principles to guide police in this area.

Dr. Courey reviewed several best practices, including mobile crisis teams, police training, adequate and accessible mental health support services, transfer and referral protocols, use of force policy revisions, and Psychiatrists in Blue conferences.

Delton McDonald said the CBRM plan includes the creation of a mental health liaison officer. The officer’s roles would include training, liaison, and outreach, including community education. The goal is to educate the community about the issues surrounding mental illness. During orientation, the mental health officer would shadow staff and attend therapeutic groups.

The training plan for CBRM police officers includes a general classification of mental disorders. Officers would be taught skills in managing individuals with mental illness and how to access mental health services and relevant legislation. Mental health staff and patients would be involved in the officers' training, and there would be site visits.

Dr. Courey said the expected results from the CBRM plan include:

- Improved treatment of individuals with mental disorders by officers
- Improved skills in verbal de-escalation techniques
- Decrease in the use of force
- Decrease in injuries during crisis events
- Decrease in the criminalization of the mentally ill

Reducing the unnecessary use of emergency departments and police services and decreasing the liability for health care issues in jails will result in associated cost savings.

Sarah Peddle discussed the services offered by a mobile crisis team. Peddle's project, *Evaluation of an Integrated Mobile Crisis Service: The Mental Health Mobile Crisis Team*, is a partnership between the Capital District Health Authority (CDHA) Mental Health Services, the IWK Health Centre, the Halifax Regional Police, and the Emergency Health Services (EHS).

The mobile crisis team operates a 24 hours a day, seven days a week telephone crisis line answered by a mental health clinician. It

provides short-term crisis management and outreach, community capacity and education, training, and partnered services. The mobile team includes a dedicated mental health police officer and a mental health clinician working together to offer a mobile response to the community.

Peddle performed a before-and-after evaluation of the overall mobile unit, and a controlled before-and-after evaluation of the mobile team. Quantitative data sources included key informant interviews with partners and community organizations, and before-and-after focus groups with consumers, family members, partners, and community organizations. Qualitative data sources included a satisfaction survey and administrative data.

Her research showed an increase in mental health response and a decrease in police, EHS, and emergency department use. Individuals experiencing a mental health crisis or emergency had better health outcomes.

The volume and location of interventions showed a threefold increase in responses over the last two years, demonstrating that the team is reaching more clients. The research also showed an increase in the number of youth calls. Police are spending less time on calls, while the call volume has gone up.

Peddle said the change has been significant, entailing a greater connection to mental health services and less strain on emergency departments. Mobile crisis team referrals to emergency departments resulted in a 74.7%

admission rate to hospital—an increase from the previous year.

Peddle said many lessons can be learned from this research—be flexible in timelines, be creative in recruitment methods for reaching mental health consumers, and do not rely on administrative databases, which may soon become obsolete.

Discussion

A participant asked about community funding for this type of program. Panelists said mental health services are funded by the department of health and told participants to appeal to this department for any available funding. Continued advocacy is necessary.

A participant asked about Wilson-Bates' relationship with the media before and after the report. Wilson-Bates said she had consulted with the media, but had no control over them.

A participant asked about lessons learned from the interactions between mental health services and the police, and possible avenues to reconcile their differences.

The panel said a significant amount of information is available in this area, but police frustration remains. They noted the importance of understanding that mental health professionals are on the same side.



Constable Delton McDonald & Dr. Linda Courey

Panel 2: The Role of Oversight in Police Use of Force

MODERATOR

Robert Dunster
Director
Canadian Association of Police Boards (CAPB)
Vice-Chair
Edmonton Police Commission

SPEAKERS

Paul Kennedy
Chair
Commission for Public Complaints Against the RCMP

Fred Sanford,
Director, Policing Services
Nova Scotia Department of Justice

Myles F. Burke
Chief of Police
Cape Breton Regional Police Service

Brian Gibson
Chair
Edmonton Police Commission

Paul Kennedy said the police's ability to effectively perform their duties is dependent upon public approval of police actions. Public oversight bodies play an

important role in the issue of use of force by police. Policing is a cornerstone of democracy and distrust is a feature of democracy. As police gain more power and intrude more deeply into the lives of citizens, distrust of the police increases.

Kennedy said the world of public safety is changing. Police have developed innovative practices and techniques, such as joint task forces and integrated police units. Police equipment has evolved from the simple revolver to a pistol, a baton, pepper spray, and in some cases, a conducted energy weapon (CEW).

The increasing diversity in Canadian society has also had an impact on police and on the expectations placed on them by the *Charter of Rights and Freedoms*.

Kennedy listed two of Robert Peel's nine principles of policing:

- Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
- Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only paid members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

"In a complex public safety world, how does the average citizen acquire the

knowledge and experience to determine whether police actions are balanced and appropriate, or to determine when the use of force is justifiable?" asked Kennedy.

One of the police's central roles is to restore and maintain the public confidence. This can be accomplished by the investigation and review of individual complaints concerning police conduct, and the identification of systemic problems that may be the root cause of the conduct that gave rise to the complaint.

Police are finding it increasingly difficult to maintain public confidence. Justifications for their actions are often viewed as biased and self-serving. Kennedy recommended the establishment of an impartial arbitrator to investigate facts and render credible findings as to the appropriateness of officer conduct, make recommendations to improve an officer's performance, and effect changes.

Kennedy said civilian oversight bodies might help bridge the divide between the police and the public, citing his commission's work regarding CEWs.

Police services are traditionally reluctant to make major changes in response to individual cases. There is a natural tendency to view individual cases as exceptions rather than examples of a larger trend.

An incident involving the death of an immigrant following the deployment of a CEW occurred in October 2007. At the request of the minister of public safety, Kennedy conducted a review of the RCMP's

policies and practices. The resulting report outlined 22 recommendations. Significant changes have taken place within the RCMP following the issuance of the report. A follow-up report was issued in 2008, and additional reports will be made in 2009 and 2010.

Kennedy said constructive recommendations from civilian oversight groups could help to restore and maintain public confidence in the police.

Fred Sanford said Nova Scotia has appointed an advisory panel to provide recommendations regarding provincial oversight. Nova Scotia's *Police Act* mandates that the Department of Justice ensure adequate policing and gives it the authority to issue mandatory directives to the police. The panel's recommendations include:

- Establishing a use of force coordinator who might set new standards for use of force
- Utilizing police officers' experience in a committee format
- Acquiring staff to conduct research and form policies
- Educating officers on all policies and procedures

Myles Burke said the police are accountable to the public they serve. He said he believes in Peel's principles—the police work for the people. Technology is bringing about a change in police standards and public expectations are higher than ever.

CBRM's success comes from working with the public. Accountability is crucial and the commission holds police accountable to the

public. The police must create and maintain a positive relationship with the public.

Standard policies and procedures on use of force do not currently exist and training is lacking. Burke said the Department of Justice should fill this role.

"Decisions are made provincially or federally and then are handed to municipalities to implement without any funds to carry them out," said Burke. Police forces must deal with the prescribed standards but resources are often an issue.

Police must work with the commission on all types of training and not only the use of force. "There has to be a balanced approach and equal trade-off," said Burke. Police need to know that the commission understands the challenges of the front line. It is unacceptable to impose standards at the provincial level when the implementation of those standards becomes the financial responsibility of municipalities.

Brian Gibson said police have a mandate to avoid political interference and ensure ethical policing, thereby building public confidence and trust. Police must represent the communities' voice.

Gibson said certain key activities should be implemented including preparing a strategic planning process for both long- and short-term goals, working with the chief's annual policing plan, and conducting an annual evaluation.

The public is increasingly asking questions about use of force, said Gibson. The chief is accountable for overseeing police conduct. Gibson said his force requires a semi-annual

report from the chief detailing the physical and mechanical use of force, criminal activities, officers under investigation, and officers who have been dismissed. The commission can request an inquiry into any matter about services or police actions.

“An officer has the responsibility to encourage and foster a positive relationship with the public. Excessive use of force will break that confidence,” said Gibson.

Discussion

A participant asked about the RCMP’s weaknesses and shortcomings and the 22 recommendations made in Kennedy’s report. Kennedy said the RCMP have taken initiatives regarding the recommendations but have not demonstrated how the recommendations have been implemented.

A participant noted that many data capture systems cannot be shared between departments.

A participant asked what prompted the semi-annual report on use of force and whether any changes had resulted. Gibson said the report is publicly presented and there has been a reduction in use of force.

A participant asked whether all incidents involving serious injury or death should be investigated by an outside agency.

Panelists said the police should play an investigative role and the commission should intervene in some cases to restore public confidence.

Plenary 3: Update from Public Safety Canada on Conducted Energy Weapons (CEWs) FPT Working Group

MODERATOR

Alok Mukherjee
Secretary-Treasurer
Canadian Association of Police Boards
(CAPB)

SPEAKER

Barry MacKillop
Director General, Law Enforcement and
Border Strategies Directorate
Department of Public Safety Canada

Barry MacKillop said a few high-profile incidents created the need for a review of CEW policies. The Federal-Provincial-Territorial (FPT) Working Group was formed to gather information and determine the best available practices.

The group’s findings showed “a convergence towards consensus,” MacKillop said. While the group’s work is ongoing, a series of preliminary findings have been issued.

The group recommends that certain policies be restricted to special teams. Additional work is needed in this area to improve consistency in fields such as deployment, training, data collection, and reporting.

More specific recommendations include restricting the use of CEWs to officers with five years’ experience or more; introducing clearer operational guidelines; and improving data collection, analysis, and accountability.

Based on these findings, a small percentage of CEW models have been removed from service, and a number of jurisdictions have assumed enhanced testing of CEWs. The RCMP has implemented annual recertification of CEW-trained officers, a working model that is better aligned with that of the Canadian Association of Chiefs of Police (CACP), and has chosen to enhance the reporting of CEW use.

MacKillop said the issue of CEW use is “front and centre” and ongoing work in the area is considerable.

Discussion

A participant asked why five years’ of experience is recommended for CEW use, while a handgun is issued to an officer on his or her first day of duty.

MacKillop said the five-year time frame is just a recommendation and asked the author of the report, Paul Kennedy, to answer the participant’s question.

Kennedy said the five-year time period is a dramatic marker intended to “drive the point home.” The restriction may be necessary because such weapons have not always been used with proper discretion.

Comparing the use of a CEW to other forms of force, Kennedy said an officer typically only pulls out a gun during a serious situation. According to the last report, officers chose CEWs over force 600 times. An officer would not have 600 opportunities to use a gun, yet the danger of using a CEW is not recognized.

A participant asked MacKillop to comment on the recent increase in CEW use.

MacKillop said consistent information is unavailable due to inadequate data collection and research. The working group might choose to compare the use of batons with the use of CEWs, or identify the methods used most frequently in the absence of CEWs.

MacKillop said a standardization of terms such as “assaultive” and “combative” is being explored. While organizations’ force models are not completely uniform, work is being done to align them across the board.

The FPT Working Group comprises public servants who are willing to take part in discussions with other organizations. Although the group itself has no dedicated funding, their study was funded by the Canadian government.

A former police force member disagreed with the five-year experience rule. He said criminals are smart and officers must learn how to do their jobs properly before they complete training.

MacKillop said the five-year recommendation has not been adopted by the Canadian government as a new policy.

Kennedy said an officer could face a minimum of four years in prison for the improper use of a CEW.

Regarding remaining issues, MacKillop said data collection is a challenge. Sufficient comparative data has yet to be collected about the number of lives lost to CEWs and guns.

MacKillop noted that the FPT Working Group was created to identify best practices for the future and recommend models that work for both the police and the public, and not to establish national standards.

Annual General Meeting



Greg Dionne, CAPB President

CAPB PRESIDENT'S OPENING REMARKS & ANNUAL REPORT

As President of the CAPB and on behalf of the Board of Directors, I'd like to welcome all of you to the Twentieth Annual Meeting and Conference. I am confident in saying that this conference is the best and biggest CAPB conference ever. We had 260 guests to dinner last night! I want to thank the team from Cape Breton for putting together an outstanding evening of entertainment.

I'm excited about this year's conference program because it emphasizes the balancing act we have to perform in our

roles as oversight of municipal police services. On one hand we defend our responsibility to provide adequate and effective police services. On the other we are alarmed to see the cost of policing increasing, as police take on more complex roles and responsibilities without the resources to support it. In the research done by Darryl Plecas of the University College of the Fraser Valley it was alarming to hear of one police agency that was forced to consider abandoning a homicide investigation because of the costs involved and another police force in which a six-figure fraud investigation was shelved because the losses involved were not considered big enough to justify the cost of investigation and prosecution support. It also appears that increasing numbers of impaired drivers are being given 24 hour suspensions rather than being charged and increasing numbers of drug cases end with contraband seizures rather than charges. Moreover private security personnel still outnumber public police in Canada and have begun to act in matters such as investigating corporate fraud, preventing computer crime and conducting forensic analyses that have traditionally been done by public police. CAPB remains committed to addressing this imbalance, fixing the 'mismatches' and remains one of the strategic priorities that we carry through in our discussions with all levels of government. This is reflected in the conference program, as well as in steps taken throughout the past year which you can read about in our Annual Report.

We've put together an excellent program, covering topics that we want to challenge you, make you reflect on your role and hopefully provide you with some new insights that will assist you and your board in the future. We continue to provide as many opportunities as possible for discussion and interaction between delegates. I encourage you to take full advantage of these sessions -- participate in the discussion, share your ideas, and learn from one another. No one knows the challenges you face as police commissioners better than other police commissioners. Someone from another part of the country may have the solution to a problem your board has been grappling with – I urge you to talk with your colleagues from across the country and share your ideas.

I would like to take this opportunity to publicly recognize and thank the Government of Nova Scotia, Department of Justice for its financial assistance in delivering this year's conference programming. Their support of the CAPB's Annual Conference is greatly appreciated. We look forward to hearing from The Honourable Ross Landry, Minister of Justice of Nova Scotia, during dinner tonight.

As President of the CAPB, I'd like to take a few moments to tell you about some of the activities in which the Association has been engaged over the past year. The following initiatives have been undertaken on your behalf, with the goal of improving police governance, and policing, in Canada.

8th Annual Joint Meeting took place in April this year, the CAPB, the Canadian Police Association and the Canadian Association of Chiefs of Police gathered in Ottawa to discuss policing funding, reforming the justice system, peacekeeping, CEWs and the use of police disciplinary testimony. When we get together in these meetings we always walk away with some new insight into our counterparts. We have learned that while we won't always agree on every matter, we can agree to disagree and respect our different positions. I am very proud of the work we have undertaken in setting up our committees. It might seem to some that 10 committees are too many but we feel very strongly that working committees are what is needed to give CAPB the national exposure it needs. As an association that operates on limited funding this is an excellent way to leverage resources and engage our members. After all this is your association. We are here to serve our members and we encourage you to get involved.

The Aboriginal Issues committee has already attracted interest and we look forward to developing that committee's terms of reference and hit the ground running.

The Executive Director continues to meet regularly with her counterparts from CPA and CACP to follow up on priorities identified at the joint meeting in the spring and to share information on upcoming events, it is another excellent building block toward improved collaboration and

dialogue between the three associations.

You can read about our meetings with various opposition critics and senior bureaucrats in our Annual Report, copies are available outside.

As in past years, many of our resolutions have been, or are in the process of being, addressed through the introduction of federal legislation.

The resolutions passed at our annual conferences form, to a large extent, the agenda that your Directors will pursue over the coming year. That concludes this year's annual President's Report. I sincerely hope all of you enjoy the conference, and find something of value to take home with you. The CAPB Board of Directors and the Executive Director look forward to continuing to work on your behalf in the coming year

REPORT OF THE NOMINATING COMMITTEE:

Pursuant to CAPB By-law Section 5.1, a Nominating Committee was established to consider and recommend a slate of candidates for election to the Board of Directors and Executive Committee for the 2009-2010 year. No member of the Nominating Committee was standing for nomination to the Board of Directors or Executive Committee.

The members of the Nominating Committee were: Cheryl Jamieson, Member Peel Regional Police Services Board & President

of OAPSB; Don Robinson, former Chair of CAPB, and Baj Puri, Member South Coast British Columbia Transportation Authority Police Board & Chair of BCAPB. In accordance with the CAPB By-laws, the Committee met on July 7, 2009 to approve the slate presented below:

CAPB 2009 – 2010 **BOARD OF DIRECTORS**

1. Jim MacLeod, 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. Carol Ann Hart, New Westminster Police Board, British Columbia
12. Paul McKivett, Saanich Police Board, British Columbia
13. Wellington Staats, Six Nations Police Services Board, First Nations

EXECUTIVE COMMITTEE

After consultation and in order to provide consistency in leadership it was unanimously decided that the following individuals are recommended by the Nominating Committee to continue in their service as members of the Executive Committee for 2009-2010:

President: Greg Dionne, Prince Albert Board of Police Commissioners

Vice-President: Ivan Court, Saint John Board of Police Commissioners

Secretary-Treasurer: Alok Mukherjee, Toronto Police Services Board

RESOLUTIONS:**Resolution 09-01: FEDERAL FUNDING – 2500 POLICE OFFICERS**

WHEREAS, during the 2006 federal election campaign, the federal Conservative Party of Canada committed to sustainable funding for the hire of 2,500 new municipal police officers, recognizing the need for additional front-line police resources in communities across Canada; and

WHEREAS, once elected, the federal Conservative Party, as part of its 2008 federal budget, committed \$400 million in a trust fund for five years to fulfill its commitment; and

WHEREAS it is well recognized by the police community that this does not meet

the sustainable funding commitment made in 2006; and

WHEREAS police leaders recognize the need for additional police resources is even more vital and urgent in 2009, given the increase in violent crime, and as evidenced by recent statements made by the Prime Minister of Canada and the Minister of Public Safety in response to gang violence in the Vancouver area;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Federal Government to fulfill its 2006 commitment for sustainable funding for the permanent hire of 2,500 additional municipal police officers before the federal budget in 2010.

Resolution 09-02: GANG VIOLENCE

WHEREAS violence, most notably organized crime and gang related homicides has been on a steady increase over the last two decades with no signs of change; and

WHEREAS law enforcement is dealing with increasingly complex legislation surrounding disclosure, search warrants, and lawful access making it increasingly more difficult to arrest, charge and ultimately convict criminals involved in organized crime and gang related violence; and

WHEREAS the proliferation of new technology in communication has not brought with it the ability to manage and

monitor these new forms of communication, allowing organized crime circles to freely communicate without risk of interception; and

WHEREAS the CAPB has, along with other government and policing organizations including the Canadian Association of Chiefs of Police, the Federation of Canadian Municipalities, the Union of British Columbia Municipalities, the RCMP and various research groups, developed resolutions, policy recommendations, in the light of the above concerns since the 1990's;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards call on the Federal Government to act swiftly and effectively in making those changes recommended by all stakeholders, specifically in the areas of lawful access, disclosure, proceeds of crime as well as organized crime laws, in order to stop the proliferation of gang violence on Canadian streets.

Resolution 09-03: REDUCING FEDERAL CRIME LAB DELAYS

WHEREAS efficient crime lab services are essential to police investigative abilities; and

WHEREAS long delays in processing evidence impair police services' abilities to investigate serious crime in a timely fashion; and

WHEREAS public safety is adversely impacted due to investigative delays;

THEREFORE be it resolved that the Canadian Association of Police Boards urge the Federal Government to invest additional funds and resources in federal crime labs to increase capacity, improve technology and reduce processing delays.

Resolution 09-04: REDUCING REMAND CREDIT AND DEAD-TIME SENTENCING

WHEREAS pre-trial custody is required for offenders whose actions and criminal histories pose a risk to public safety; and

WHEREAS offenders create tactical processing delays prior to trial to maximize two-for-one or three-for-one sentencing credit for time served in pre-trial custody; and

WHEREAS public safety and confidence in the justice system is reduced by the public perception that offenders are taking advantage of this loophole in the law; and

WHEREAS the ability to amass credit has led to significant overcrowding and inhumane conditions in remand facilities;

THEREFORE be it resolved that Canadian Association of Police Boards urge all political parties to pass Bill C-25 currently before the House of Commons to amend the *Criminal Code of Canada* to prohibit 'two for one' and 'three for one' credit for pre-trial custodial time.

Resolution 09-05: INCREASING FEDERAL PROSECUTORIAL CAPACITY

WHEREAS there is an ongoing lack of federal prosecutorial capacity; and

WHEREAS due to the increase in illegal drug, gang and organized crime related activities, there is an increase in the number of files being sent to the federal prosecution service; and

WHEREAS there is high staff turnover and a reduction in prosecutorial experience;

THEREFORE be it resolved that the Canadian Association of Police Boards urge the Federal Government to increase federal prosecutorial capacity and experience by increasing positions, staffing levels, funding and other resources particularly with regard to illegal drug, gang and organized crime activities.

Resolution 09-06: REDUCING 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 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 request the Federal Government pass legislation to amend the *Criminal Code* to require new telecommunications technologies to be intercept-capable, to inhibit intercept 'safe havens' and to modernize electronic intercept provisions.

Resolution 09-07: REDUCING CYBER-BULLYING

WHEREAS new technologies allow individuals to increasingly enter private domains; and

WHEREAS these same technologies allow individuals to hide their identities while targeting others; and

WHEREAS cyber-bullying is increasingly affecting Canadian youth; and

WHEREAS current legislation does not criminalize cyber-bullying;

THEREFORE be it resolved that the Canadian Association of Police Boards request the Federal Government pass legislation to increase and strengthen current *Criminal Code* provisions to criminalize cyber-bullying behaviours and to increase the accountability of

technological service providers for ongoing abuses of their systems.

Resolution 09-08: FORFEITED OFFENCE-RELATED PROPERTY/PROCEEDS OF CRIME/CIVIL REMEDIES FOR ILLICIT ACTIVITIES

WHEREAS criminal organizations perpetrate crimes largely for financial gain, and that Proceeds of Crime, Offence-Related Property and Civil Remedies for Illicit Activities legislation provides policing organizations with effective tools to disrupt and combat organized crime; and

WHEREAS the seizure and subsequent forfeiture of offence-related property and proceeds of crime is an effective means of disrupting organized crime, limiting the profits associated with criminal acts and discouraging recidivist impaired drivers from re-offending; and

WHEREAS the enhancement of police resources to apply asset forfeiture legislation will reduce crime, increase returns to the government, and ultimately makes our communities safer; and

WHEREAS the Regional Municipality of York Police Services Board supports the Canadian Association of Chiefs of Police and Ontario Association of Chiefs of Police positions with respect to the use of forfeited asset.

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge

the Federal Government to amend the *Forfeited Property Sharing Regulations* to include a cost recovery component to local jurisdictions or municipalities;

AND BE IT FURTHER RESOLVED that the Canadian Association of Police Boards request the Federal Government to revisit the Provincial Memoranda of Understanding to incorporate a cost recovery clause mandating reimbursement of costs to local jurisdictions or municipalities.

Resolution 09-09: CRIME REDUCTION STRATEGY SMALL MUNICIPALITIES AND RURAL AREAS

WHEREAS organized crime activities:

- Impact the quality of life in our nation, provinces, municipalities and rural areas
- Contribute significantly to the breakdown of families, youth and community safety; and

WHEREAS we need to reinforce our law enforcement agencies in our communities as they are:

- Challenged with the task of addressing and reducing organized crime activities
- Challenged to sustain an aggressive crime reduction plan
- Often lacking specialized police sections to focus on organized crime activities; and

WHEREAS it is acknowledged that a multidisciplinary approach to crime

reduction relating to organized crime, would include all Enforcement, Justice, Correctional, Social and Family Service agencies. A sustained and aggressive crime reduction plan may prove effective in reducing the “business” of organized crime groups in our communities; and

WHEREAS it is acknowledged that the quality of life in Canadian communities depends upon effective policing and law enforcement. The Federal and Provincial governments have recognized and continued to focus on addressing this concern with increased funding and resources. It is acknowledged that we need more police officers to deal with growing populations and a growing crime rate. We also need to support the efforts of police to increase reporting, target repeat offenders and address issues in high crime areas;

THEREFORE BE IT RESOLVED that the Canadian Association of Police Boards urge the Government of Canada to continue to support local law enforcement agencies, inclusive of smaller municipalities and rural areas, in the form of resources and funding that will enable local police forces to address and reduce the impact of organized crime activities on our communities. A sustainable crime reduction plan will provide all municipalities, towns, counties and villages with an effective means to protect the quality of life we enjoy in this country.

Concurrent Workshops

Workshop 1: Policy Boards in Rapidly Changing Communities: Governance Roles & Responsibilities

Workshop Leaders:

Joanne Campbell, Toronto Police

Services Board Executive Director

*David Walker, Bridgewater Board of
Police Commissioners*

Joanne Campbell advised that she always provides a disclaimer before speaking. She explained that Toronto features the fourth largest police service in North America, with a very diverse population and the “most competitive media environment” in the country. Campbell went on to note that the Toronto board is structured and resourced differently than others, which influences how they conduct their work.

Despite the differences between the Toronto board and smaller communities, Campbell hoped that the attendees would leave the workshop feeling inspired, with ideas that could be customized to their particular communities.

Campbell revealed that she had only agreed to take part in the presentation if a representative from a smaller or medium-sized board joined her. As a result, Bridgewater Board of Police Commissioners

member David Walker was invited to speak on behalf of the smaller communities.

Campbell stated that the Toronto board features seven members and a staff of seven, with only one full-time chair in Ontario – and possibly the only in the country. The Toronto police budget currently sits at 843 million, with the expectation that it will reach 1 billion within the next four years.

Speaking about structure, Campbell noted that the board is based in Toronto, on the same floor as the chief of police. Board members meet once per month for a full day, and they are sometimes called upon for additional meetings or police-organized ceremonial events.

Campbell called Toronto “one of the most diverse cities in the world,” reflective of the city’s motto *Diversity Is Our Strength*. However, she advised that the city faces many great challenges in policing in connection with the variety – an obstacle that is not expected to be resolved anytime soon. According to Statistics Canada, half of Toronto’s population will consist of minorities by 2017.

On the positive side, Campbell noted that people from all different backgrounds are employed at all levels of service. She stated that the board wants to make sure every level of community has input, and to ensure that no policies or service procedures are discriminatory. Campbell stressed the need to show respect for human rights.

She agreed that while workshop participants may not think the Toronto board is reflective of their respective communities, there is always a need for change. Campbell confirmed that diversity is present in every community, it just takes on different forms.

She then moved into ways that board members can create a board that is “capable of being responsive to change.” Campbell recommended that a board work proactively, not just reactively, by recognizing and responding to “pockets of diversity” within the community.

Campbell then listed the building blocks of a responsible board:

1. Transparency – Make public meetings public; simply calling a meeting “public” is not enough. Ensure that a procedural by-law is in place regarding community presentations, and distribute meeting notices and agendas in advance.
2. (a) Commitment to Public Education and Accessibility – Make the community aware of the board, and use radio and other forms of media to generate interest.

Campbell noted that while the Toronto board web casts their meetings, cable television or other infrastructures may be used.

- (b) Make the Board’s Public Information Public – The Toronto board files their

agendas at the Public Affairs library; smaller communities could consult their local public libraries. Publicizing the board's policy manual is also necessary.

Campbell advised that although the Toronto board makes regular use of a blog for the chair, she would not recommend it to everyone, stressing the importance of keeping personal opinions at bay.

Campbell then detailed the steps a board can take to make themselves as responsive as possible:

Receptiveness – Listening to the community and responding to the community are equally important. Many communities have consultation as part of their legislation but additional communication can be used in other aspects of policy building as well.

Campbell declared that public consultation is most effective when there is an “educational component” to it. Once the board receives feedback, they know that the community's voice has been heard and considered. Campbell reminded larger boards to consult with stakeholders about policy development.

Campbell mentioned independence and diversity as beneficial components of a board. She explained that establishing fundamentals takes time, staff, and money, urging boards to support their accounts with an independent budget. A board cannot function without the necessary tools, with Campbell warning of the pitfalls of using police and municipal resources. She

suggested the possibility of influence in securing this type of funding, making an independent budget “an essential tool” for a “truly effective board.”

She touched on diversity by demonstrating a need for boards to reflect community diversity in their practices. As a board, it is possible to create an inventory of skills and attributes that should be required of each member and share that list. As Campbell stated, “A board needs a variety to be effective.”

Campbell provided a few examples of how the Toronto board has had to “scurry around” to become more accessible, diverse and independent, including implementation of the “Don't Ask” policy.

Campbell closed her presentation by stressing the importance of being responsive to – and making the board relevant to – the community. She noted that these practices will make a community stand up and take notice, which in turn will spark an interest in the decisions being made.

David Walker was then called upon for input. As the Deputy Mayor of Bridgewater, 17-year town councillor, and Bridgewater Police Board chairman, Walker explained that someone else had volunteered him to speak at the conference during a committee meeting that he failed to attend.

He provided some background about Bridgewater, noting that the community contains 8,200 residents and the board

operates on a commission budget of \$40,000, with zero staff. He revealed their total police budget as 3.5 million.

Walker listed public participation, transparency, and accountability as the reasons police boards exist. He advised that the community reserves the right to hold the police accountable for the way their power is used, before noting governance and oversight of police as the two purposes for a municipal board.

Walker spoke about the challenges facing boards, including financial, technological, service delivery and community expectations.

He pointed out that a small community like Bridgewater cannot afford to do everything themselves, relying on the monetary assistance of the Nova Scotia Government (Department of Justice). The defibrillators used by the police force were funded by service clubs.

Walker explained that their policy manual is reviewed every three years, with an annual report produced and made available to the public to outline their successes, deficiencies, and budget.

“Sound, effective governance and oversight equals knowledge, knowledge, knowledge,” Walker said.

He detailed the members of the Bridgewater board, which includes seven residents from various professional backgrounds.

Walker credited The Justice Learning Centre (established by the Nova Scotia Department of Justice) for helping to foster their goals, advising that it’s not always easy to get people across the country to attend conferences – particularly due to a total budget of \$40,000.

Walker noted that knowledge is crucial to the success of a board, before the floor was opened to questions.

One participant asked Walker how the board members were chosen, to which he replied that the citizen applications are forwarded to the board, where they are reviewed, selected and passed on to council.

Walker advised that the board travels with him wherever he goes – whether he is at the grocery store or out for coffee, working in a small community gives many residents the impression that issues are always open for discussion.

Responding to a participant whose board implemented a communications director, Walker stated that the Bridgewater board secretary is a secretary in the town, with the board office consisting of his own basement. While the board’s structure may need to be modified in the future, for now, it functions well without committees and staff.

Campbell revealed that the Toronto board has one staff member dedicated to communications basics. There are no standing committees present; they are created on an issue-by-issue basis. During

times of bargaining, a bargaining committee is established, for example.

Both speakers answered a series of participant questions before accepting a gift and concluding the session.

2. The Emerging Accountability Model: Oversight of Police Boards & Commissions

Workshop Leader: Kristine Wolski, Manager Civilian Oversight of Policing, Alberta Solicitor General and Public Security.

Ms. Wolski went over the objectives for the workshop: to review the responsibilities of boards/commissions, provide an overview of policing in Alberta, a review of the oversight bodies, and a look at future trends in Alberta.

Civilian Oversight – This is a delicate balance between the independence and authority of law enforcement on one hand, and their accountability to the public and the civilian authority, on the other, is a vital part of our democratic society.

Responsibilities of Boards – Groups held discussion by table on what they believed are the role of boards and what makes an effective board. After further discussion on good governance and defining that it is about achieving desired results and achieving them in the right way, Ms. Wolski recommended the book ‘The Imperfect

Board Member’ as a great tool for understanding governance. This book is a business fable that is easy to read and provides a simple, yet effective model of governance.

The Board is there to direct and protect; to represent the public and community’s interest to the police service; to collaborate with the police service to set local priorities for policing; to ensure public and community’s needs are met; and to provide balance between the independence of police and being accountable to the public for their actions. The ideal is balance where the police are free of political influence and maintain the trust and confidence of the public.

Overview of Policing in Alberta - Alberta’s overall policing strategy centres around three principles: equitable policing, provincial leadership, and appropriate civilian oversight of policing. The goal of the Solicitor General and Minister of Public Security is to ensure Albertans have safe and secure communities in which to live, work and raise their families. The Ministry achieves that goal by working in partnership with Albertans to promote safe, secure communities through effective law enforcement, crime prevention, corrections and victim services.

Equitable Policing - Policing is becoming increasingly complex, requiring specialized functions and expensive technology. All Albertans are entitled to high quality police services which have adequate training, technology, and standardized services. The

province is committed to ensuring all communities in Alberta have access to the policing services they need to ensure their safety and security.

Provincial Leadership- The province establishes standards for police services and commissions and ensures those standards are met. This includes monitoring and auditing by the province as well as providing police services, commissions, committees and councils with assistance and advice in developing training, and conducting targeted research.

Roles of Oversight Bodies – Ms. Wolski explained the different models in Alberta with policing commissions and policing committees. Police commissions prepare a budget, establish polices for the police services, conduct inquiries and hires the chief of police as ratified by council. Policing committees oversees the municipal policing agreement and assists in selection of the officer in charge. Both entities represent council to police service and vice versa; they consult to establish plans and priorities and give direction to the head of police services (no operationally). Policing committees contract with the Federal Government for the RCMP. In summary they are designed to be as similar as possible, offer equitable access in all communities, localize the complaint process, increase the accountability of police services to the public and embrace informal resolution.

Manager, Civilian Oversight of Policing –

This role was created so that police commissions and committee members are appropriately trained so that they can perform their roles effectively. Efforts continue with providing equitable access to policing across the province, training in conjunction with Alberta Association on Police Governance (AAPG), increase training breadth and supporting informal training. Sample policy manuals, Bylaw template and provincial policing standards documents that include alternative dispute resolution and complaint terminology are available to use to develop good governance tools. Copies will be available on the CAPB website.

In Alberta there are currently 10 municipal police commissions, 3 are First Nations and there are 6 policing committees from 42 possible municipalities.

Policing Oversight and Complaints

Manager – To fulfill the requirement for public satisfaction with and confidence in police complaint handling and discipline processes, Alberta has a public complaint director training; protocol for working with the RCMP; provincial tracking of complaints (IAPro); standardization of complaint terms; promotion of policing committee formation in municipalities where one has not been established.

Groups finished the session by discussing differences between the provinces, innovative approaches, new directions and concerns they had in their own province.

3. Succession Planning: Importance of Identifying, Developing and Mentoring Future Leaders.

Workshop Leaders:

Cal Corley, Director General, Canadian Police College

Dr. Tulio Caputo, Professor, Carlton University

Chief Bill Reid, Saint John Police Service

Ivan Court, CAPB

Kevin Gregor, Hamilton, Hall, Soles Ray & Berndtson

This workshop focused on the importance of proactive succession planning to establish strong leadership and ensure continuity in police services. It reviewed what chiefs and boards could do to build the foundation for future success in order to achieve a smooth transition and healthy tenure. It also encouraged boards to examine and recognize when it is time to bring in an executive search firm and how to maximize that experience.

Chief Bill Reid, Saint John Police Service *“Leadership is a pattern of behaviour, not a rank or title”* was a key message delivered by Chief Reid. He clearly differentiated between “Succession Planning” and “Succession Development” – noting that the latter is an ongoing process, not a single event. He emphasized that while many police services may have a good pool of prospective leaders, proper development is needed to ensure they are ready to move up in the organization. He added that leadership development is a practice that

must both precede and follow promotion and that learning is continuous – even at the Chief’s level. Taking a systems approach to succession, Chief Reid expanded on six key areas to ensure development of great leaders.

Ivan Court, CAPB

Mayor Court provided an overview of succession-planning challenges facing police services in Canada. He reviewed the age demographics in policing which illustrates that the retirement wave has already hit many departments and that over 50 percent of senior police executives in Canada will retire within the next three to five years. He encouraged boards to assess the needs and interests of their departments and prepare a work plan to illustrate clearly how they will prepare, promote and select future police leaders for their communities.

Kevin Gregor, Hamilton, Hall, Soles Ray & Berndtson

Kevin Gregor defined succession planning as *“an ongoing process of systematically identifying, assessing and developing leadership talent for future strategic tasks.”* He emphasized the proactive and ongoing nature of succession planning – and reiterated that succession planning in Police Services is not just selecting the Chief, it is ensuring development through job rotation, mentoring and formal training. He outlined the steps a board could take to ensure succession readiness – as well as the key steps to hire a new Chief. The importance of using a qualified executive search firm in the search for a new Chief was examined. The key steps and timeline for an executive

search process and the common traps that are often deterrents to a successful search were reviewed.

Cal Corley, Director General, Canadian Police College

Cal Corley summarized three key factors driving succession planning in policing; the aging demographic of current senior executive; the changing nature of harm (including an increase in extreme and violent crime, cyber crime and white collar crime); and the growing demand for police services in the face of diminishing resources. He emphasized the importance of strategic succession planning. He noted the board's role in not only selecting the Chief, but also ensuring that the Chief implements both operational and administrative development of future leaders. With the changing face of policing and the impact that this may have on resource allocation, he encouraged participants to *"think outside the box"* to find new and innovative ways to effectively use limited resources to deliver policing services in their communities.

Dr. Tulio Caputo, Professor, Carlton University

Dr. Caputo led a discussion on the continuum and overlap in responsibility between the domain of the board to lead vision and policy development compared to the domain of the Chief who is responsible for operations. In the context of succession planning, Dr. Caputo noted that many senior police executives are promoted based on their operational expertise and often feel uncomfortable or inadequate in the role of a

senior manager. There was discussion on the need to provide broad-based training, education and job rotation for future leaders in order to fill the gap between operations and administration. He challenged boards to evaluate their role in ensuring the development of future leaders in their department. It was noted that a good board needs to be both reactive and proactive – as often the board has to move quickly when unexpected changes occur in their leadership team.

4. Safer Communities Initiative, Nova Scotia Model

*Workshop Leader: Roger Merrick,
Director of Public Safety, Department
of Justice, Nova Scotia*

For those who govern police boards, it is always insightful to listen to a police officer talk about the world he has experienced first-hand. You can change his title to Director, Public Safety Investigations, Department of Justice, Nova Scotia, but Roger Merrick is first and foremost a police officer. How could he not be after 32 years with the Halifax Regional Police Service where he was in charge of the Vice and Prostitution Task Force and the Internet Child Exploitation Unit from 2004 to 2007, and also gained invaluable experience as Station Commander in Kosovo. And his experience in law enforcement is exactly what he needs to lead the charge on the local front.

Today, Mr. Merrick is educating us about Nova Scotia's *Safer Communities and*

Neighbourhoods Act (“the Act”) which was proclaimed on January 7, 2007. He pays tribute to Manitoba, Saskatchewan, the Yukon and Alberta that also have similar legislation in place. Communities are supposed to be safe places, he says, but unlawful drug use or dealing, prostitution, unlawful sale of liquor and illegal gaming adversely affects the neighbourhood’s safety and security. And that’s where Mr. Merrick and his team come in.

The Province’s Public Safety Investigation Section receives and investigates public complaints and enforces the legislation that applies to property that is privately or publicly owned. All Merrick’s staff are former police officers experienced in conducting covert investigations.

To dispel any misperception that we may have, Mr. Merrick is quick to clarify: “We are not an arm of the police – we deal with civil law.”

Citizens who make a complaint under the *Act* by calling a toll free complaint line are assured confidentiality throughout the process, unless they provide their written consent. To this end, the court relies on sworn affidavits by departmental investigators. Once a complaint is made, Mr. Merrick can exercise various options under the *Act* including investigating or not acting on the complaint; sending a warning letter to the owner of the property or its occupant; resolving the complaint through agreement or informal action; or applying to the Nova Scotia Supreme Court for a community safety order.

The Court is required to hear the application on an urgent basis and make a ruling based on a “balance of probabilities.” Since April 2007, Mr. Merrick’s office has received 441 complaints, of which 40 investigations still remain active.

Mr. Merrick’s presentation is peppered with case examples that peak our interest, including that “Gentlemen’s” Massage Club in Dartmouth Nova Scotia. Evidently, the owner, who lived in New Brunswick, set up his massage parlour in a “nice residential area.” The focus of several police investigations, the owner eventually stopped the operation of the illegal business and sold the property and “thus the courts did not make a decision.” The court ordered another property to be closed for 90 days, if the mobile home used by the family to sell loaded syringes to support its drug habit, was not moved or vacated within the required timeframe.

His presentation provides us with graphic photographs of bordered up homes used for illegal activities that have effectively disrupted the peaceful enjoyment of a neighbourhood.

Part II of the legislation deals with fortified buildings (e.g., drug houses and outlaw motorcycle clubhouses). Mr. Merrick has the legal authority to order fortifications removed and to remove them at the owner’s cost and close properties for up to 90 days if the owner does not comply with his order.

The Public Safety Investigation Section also manages the *Rewards for Major Unsolved Crimes Program*. Unlike the Crime Stoppers Program, however, citizens must speak directly to Mr. Merrick's investigators before a reward can be issued.

All in all, the implementation of the *Safer Communities and Neighbourhoods Act* in Nova Scotia has met with much success. In a total of 441 cases to date, Mr. Merrick and his investigators have only had to deal with the same problematic property owners in two cases. Sounds like the neighbours are getting their communities back once and for all.



Plenary 4: Civilian Oversight of Policing in Canada: An Interdisciplinary Overview of Public-Private Integration, RCMP Transformations, and Related Governance Themes—

Or Telling a Hawk from a Handsaw

MODERATOR

Wellington Staats
Member
Canadian Association of Police Boards
(CAPB)

SPEAKER

Paul McKenna
President
Public Safety Innovation, Inc.

Explaining the title of his presentation, **Paul McKenna** said the phrase “hawk from a handsaw” is from Shakespeare’s *Hamlet*, and refers to governing authorities, or hawks and the police service, or handsaws.

During the writing of a background paper on police investigating police with his colleague Chris Murphy, McKenna said the lack of research in this area was a key issue.

Because the CACP comprises members from all backgrounds and positions, an “important and constant blending” between the public and private service occurs across the continuum of safety.

Policing has not yet reached a stage where it can be considered a true profession, said McKenna, but is “in the process of professionalization.” Dalhousie University has faculties of law, medicine, and public administration but no faculty of policing.

McKenna listed six components of professionalism:

- Abstract and specialized knowledge
- Autonomy

- Self-regulation
- Authority
- Altruism
- High status

Regarding the first component, McKenna said a body of knowledge clearly exists in the field of policing.

The professional model of policing from the early 20th century is currently being used to help civilian governing authorities balance autonomy. In the modern world, police need to balance autonomy against accountability.

McKenna noted the need for political regulation to guide police forces' operations. "We're not seeking to erode operational independence in policing," said McKenna. Modern policing fails the test of self-regulation.

Regarding authority, the police force is the only public service agency authorized to "compel people to do things," albeit within reason.

McKenna said policing is clearly altruistic since most academy students enrol to perform a public service, not to make money or wear a uniform. A sense of public service is the most common reason students give for wanting to join the police force.

Policing has a high status as a public safety service. Salary levels for officers and within police organizations indicate a reasonably high status in modern society.

McKenna listed the six stages in the process of professionalization:

- Full-time service in the area of professional responsibility
- The establishment of a training school
- The formation of a professional association
- Political efforts to get legal recognition and turf protection
- A formal code of ethics
- Interdisciplinary study

Some of these stages, such as the formation of a professional association and the establishment of a formal code of ethics, are self-explanatory, said McKenna.

Full-time service in the area of professional responsibility is clearly visible in the field of policing. Police departments are continuously trying to maximize the number of full-time members.

Regarding the establishment of a training school, McKenna said almost everyone in the field has attended the Canadian Police College at some point.

McKenna said those involved in politics must be able to see a variety of points of view. A professional body seeking turf protection must be composed of more than subject matter experts. The police should know how their actions resonate in the public forum.

McKenna suggested using criminology as a template for interdisciplinary studies, saying interdisciplinary study in policing is extremely valuable. He listed a number of excellent resources, such as the Police Executive Research Forum (PERF), which

focuses on the critical area of balancing theory and practice, the National Policing Improvement Agency, Demos, the Campbell Collaboration, and the RAND Corporation.

McKenna commended PERF and its monthly newsletter. Although the forum is American, police operations are similar in many jurisdictions. The United States Department of Justice has worked with PERF and other American organizations to develop the Community Policing Self-Assessment Tool. The tool is valuable because it has been test driven through several layers of stakeholders, chiefs, community stakeholders, and political authorities.

New public management, or managerialism, is characterized by the provision of high-quality services that require, measure, and reward individual and organizational performance, and reduce central agency controls.

Police organizations fundamentally remain command-and-control entities because they are expected to provide enforcement, emergency response, and assistance to victims. While the service may operate on a command-and-control basis, room must be created for managerial autonomy and discretion at the front line.

McKenna said the eHealth Ontario system was a superb concept and harnesses the power of information technology to devolve medical records to electronic format. Although eHealth Ontario simplifies access to patient records, the process does not appear to be moving fast enough within the

province for managers to meet performance objectives.

McKenna cited the British school system as a good example of the public-private blend in which their public schools provide a private education.

McKenna said striking a balance is a critical topic for policing organizations and civilian authorities. The problem lies in balancing the responsibility as governors with the responsibility to oversee and responsibility to political levels. In the current economic climate, the struggle is “a point of obvious constraint.”

McKenna cited the increasing cost of policing in large cities like Los Angeles, where each murder costs approximately \$8 million to investigate. Given the number of homicides committed in Los Angeles, the aggregate crime cost would be just over \$6 billion for the city.

Alternatively, jurisdictions like San Diego are enjoying a decrease in crime costs. The mayor of San Diego is also the chief of police—if police chiefs could become effective mayors, it would create “the ideal world,” said McKenna.



Plenary 5: The Right Stuff—Good Governance, Good Leadership

MODERATOR

Mike Shaikh
Member
Canadian Association of Police Boards
(CAPB)

SPEAKER:

Andrew Graham
Adjunct Professor, School of Policy
Studies
Queen's University

Andrew Graham divided participants into groups to discuss various aspects of leadership. He said his presentation would reflect on points made in the earlier stages of the conference to determine what the participants, as board members, understand about leadership.

Graham said his work with boards has given him a sympathetic insight into their work. Academics cannot provide the right answers—it is the board members' responsibility to make decisions.

He asked the groups to list the positive attributes of their own police board or commission, such as the composition of the organization, how it operates, or where it meets.

The first group named accountability as a positive attribute, and the transparency involved in adapting to the relationships at a board level and within the community.

Graham said the positive aspect of being in government is the ability to work with people and learn from them. This is the key to board members' leadership. As boards

lead, "they must value each other as being board members who are making a contribution that is unique. Yet, above all, your whole is bigger than your parts by being unique."

Other positive attributes listed by the first group included trust between the board, the chief and executives, and working with political figures without political baggage.

"A political appointment is a positive appointment," Graham said. It is impossible to govern properly if class distinctions are not abandoned.

The second group named the positive attributes of strategic planning, equality, board autonomy, and dedication and commitment.

"Governance comes from this whole notion of steering," said Graham. The board and chief are in the same boat—the board is steering and the chief is rowing.

Graham said leadership has a complicated structure. While board members have certain aspects of control, the board cannot determine how their suggestions are implemented. Leadership is about vision, but it is also about direction. Direction is "how we're going to do something." Leadership is also about making things happen, and pursuing an issue to its resolution.

Graham said nurturing tradition is an important part of leadership. As chiefs come and go, service must continue and board members want the service to be helpful. Stewardship is a critical concept.

Board members must clarify the terms of management by asking where they want to be and where they want to go. Previous research has shown that effective organizations are resilient and have clear goals.

Responding to a participant's comments, Graham said any board operating on a "country club ethic" is doomed to failure. Unless board members can come together to maximize positive relations while minimizing conflict, their efforts will be totally ineffective. Graham said creative tension keeps boards going.

The board is always looking and asking—pursuing the "whys" and trying to understand. Graham told participants they can exercise their accountability to the community by listening to community members.

"The best products that you produce in good governance are questions. Good, probing questions," said Graham. Boards are a culture of inquiry and failure to pursue meaningful dialogue means the board members are not governing properly. While the board cannot appreciate the full scope of operations, it must understand what is going on. Although the board does not take part in the "doing side," their role in the overall process is very important.

Board members should ask "Are we having good discussions?" If the board appears to be a "one-trick pony," adequate governance is not in place, and the board is not carrying out its responsibilities to the fullest extent.

Graham asked participants to list the characteristics of an effective leading police service board and the characteristics of a poor leading board or commission.

Participants listed the positive characteristics of non-bias, curious minds, and focus. Negative characteristics included rubber stamping, and the ability to be easily swayed during times of decision making.

Graham added the word "open" to the list of positive attributes, saying one of the challenges of public sector government is acting in an unbiased manner, particularly given the coexistence of responsibilities and high-level political values. Acting openly is a source of legitimacy for the public. The board should be open to complaints and issues, although Graham noted that the board does not have much control in this area.

A system must be in place to maintain focus when the board works in conjunction with the chair's responsibilities. While some procedures may be boring, the governance aspect is a continuous necessity. Rules must be looked at once every three years to remain effective, said Graham.

Non-confidentiality was listed as a negative characteristic. Graham referred to this as "back chat," saying governance effectiveness is compromised when board members disclose information to the media.

Setting a clear direction was identified as another positive attribute. Graham said the board knows when a decision must be made and has the instruments to make that decision.

Graham grouped together two negative characteristics—personal agendas and the inability of the board to manage its budgets properly—under the category of ineffective financial management. He said the budget is the board’s touchstone. No matter how many strategic plans are in place, acquiring the necessary funding should remain the board’s primary concern.

Graham concluded with a list of “The Eight Deadly Sins That Kill Leadership”:

- Board members acting as if they have authority to make decisions.
- Conducting phantom meetings (discussing inappropriate topics outside of meetings).
- Approving a budget that is not based on realistic projections or sound information, then trying to manage it.
- Meeting too often and for too long.
- Failing to focus on what matters most.
- Neglecting the board’s responsibility to create and govern through board policies.
- Failing to communicate.
- Making rules and not sticking to them.

Graham said the last item on the list was the worst. People tend to take a static view on governance whereas it takes time for good governance leadership to form.

Closing Plenary: 20-Year Retrospective on Civilian Governance

MODERATOR

Greg Dionne
President
Canadian Association of Police Boards (CAPB)

SPEAKER

Dr. Zaheer Lakhani
Founding President
Canadian Association of Police Boards (CAPB)

In recognition of the CAPB’s 20th anniversary, founding president **Dr. Zaheer Lakhani** reflected on events over the past two decades. Dr. Lakhani said he had decided to deliver an account of the CAPB’s formation as participants would be more familiar with current policing issues than he is.

After joining the Edmonton Police Commission, Dr. Lakhani said he looked for support and learning avenues from his police board peers, only to realize that there were no such resources available. As a physician, he was accustomed to learning from other physicians and he could not understand the lack of a similar network for members of police boards.

He told the board secretary he would like to meet with other board members to learn how to do his job properly. The secretary agreed with the concept but said no budget existed to fund such an organization. Dr. Lakhani shared his networking idea with the police commissioner, who enlisted the

help of Sandy Humphrey, who had previously worked with municipal police authorities. In a matter of weeks, the pair was taking part in meetings.

Because of career commitments, Dr. Lakhani initially refused the invitation to sit on the police commission. He agreed to join after being told that only three hours per month would be required. Faced with important decisions, he was uncomfortable about one's ability to respect the community without truly understanding it. He determined that everyone was learning as they went along, which is not the way governance should work.

Dr. Lakhani said the only reason he was able to found the CAPB was because he paid his own way to Toronto. Police commissions have always had modest budgets and they could not afford to cover his travel costs.

At that time, Edmonton was facing the challenge of developing a distinction between governance and implementation. The commission was housed within the police headquarters, entailing that complaints directed to the commission ultimately passed through the police force first—a system that failed the community.

Currently, when a complaint is received on behalf of an officer, everyone involved in the complaint is included. "Perception is everything," said Dr. Lakhani. Much concern is generated if the community believes it is wrong.

Dr. Lakhani emphasized the need for diversity on police boards. It is beneficial to

have a variety of professions and ethnic backgrounds working together because everyone brings something unique to the table.

"One of the best things we can give to the world is good governance practices," said Dr. Lakhani. "Great things can and do happen when we work together as one voice."

He thanked participants for providing constructive input for improving communication and collaboration with police bodies.



CAPB Vice President, Mayor Ivan Court thanks Dr. Zaheer Lakhani



CAPB President Greg Dionne with youth volunteers & troop leader, Tiny.



Chief Myles Burke addresses delegates



Town Crier, Colour Guard & Derek Mombourquette, Chair CBRM Board of Police Commissioners



Crowds are entertained at the CBRM Host dinner



Outstanding Volunteers, CBRPS retired officers led by Bob McLean and Mike Mullen



Men of the Deeps