



BULLETIN!
April 14, 2008

**Report of 7th Annual Joint Meeting
of
Canadian Association of Chiefs of Police (CACP)
Canadian Association of Police Boards (CAPB)
Canadian Police Association (CPA)**

Gatineau, QC
Saturday 29 March 2008

The Hilton Lac Leamy was the venue for the seventh annual joint meeting of the three national policing associations on Saturday 29 March 2008 and a fine dinner the evening before.

The agenda followed the format of the previous year. Two topics were selected jointly in advance by the three associations, for discussion in the morning. Time was allocated on the agenda for burning issues to be raised from the floor in the afternoon session.

The day began at 0845 hours with a moment of silence in the memory of those who have lost their lives while preventing crime, making peace and enforcing the law. Introductions of participants from the CACP (7), CAPB (10) and CPA (10) as well as observers (4: 2 from Public Safety Canada and 2 students) followed. Moderator Dorothy Ahlgren-Franklin outlined the process for the day.

Topic 1: Labour Relations

Speaking on behalf of the CPA, Dale Kinnear traced the history of police labour relations in Canada to the New Deal in the United States, a set of measures put in place by President Franklin D. Roosevelt in the 1930s to help the country out of the Depression. One such measure was a redistribution of power away from big business and towards workers, through certification of bargaining agents. This was adopted by Canada somewhat passively, that is without being preceded by strikes or demonstrations. These measures survived better in Canada than in the US, largely because policing lies within provincial jurisdiction

and is therefore less vulnerable to federal tinkering. Today, only the RCMP has no access to collective action, and once again Canada's history—the Winnipeg General Strike—is the explanation. He summed up police labour relations as fundamentally one of respect for employees, whose bargaining unit is responsible for administering the collective agreement and representing the employees. He identified several factors that contribute to the good will that leads to a healthy labour relationship within a police service: respect from command staff, regular meetings, and recognition of police officers' concerns and achievements. He predicted that labour actions in the coming years would focus on issues such as working conditions and officer safety, on which police officers could be expected to speak up forcefully.

Jean-Guy Gagnon, on behalf of the CACP, provided a short overview of the CACP's work to date on the topic of police labour relations, which has generally been in the context of broader human resources themes. He noted several factors as contributing to the relative labour stability in policing in Canada. One is the long history of government involvement in policing, from New France and the British colonies, to the formation of the RCMP in 1873. Another is the community policing tradition, and community expectations and respect for officers as part of the community. He cited some examples of police officer actions designed to draw attention to dissatisfaction with salary settlements, including "blue flu", disregard for standards of dress, and work to rule campaigns. His prediction, for constructive labour relations in the future, was based on three concrete examples that demonstrate the commitment of police to public safety above all else. He cited the three-Association annual meetings as an exceptional testament to this shared public safety agenda, along with the Associations' work on the Police Sector Council. A third factor, not unique to policing, is the demographic change that will see a new generation of newcomers to a policing career, bringing with them a teamwork ethic, a can-do attitude, technological savvy, and greater interest in individual career development than in collective action.

Alok Mukherjee of the CAPB rounded out the panel discussion by soundly supporting Dale Kinnear's point about the need for respect and recognition on all sides. He cited three factors that contribute to the complexity of police labour relations. First is the statutory responsibilities of police boards for human resources, including labour relations issues such as bargaining, managing HR issues and the collective agreement. He emphasized the role of the police board in identifying the vision and objectives of the police service, especially in terms of the HR strategy. Labour relations is the most challenging responsibility of boards, because of the sensitive and often highly-emotional nature of terminations, absenteeism, the workplace environment and working conditions to accommodate the personal needs of a changing demographic of employees, and performance management, to name a few. Second, he acknowledged the importance of, and difficulty in maintaining, respect and recognition in a

relationship of 3 parties—the Chief, the police board and the workforce. Third, he drew attention to the many pressures in the municipal policing environment, such as the effect of work disruptions on community safety, the increasing and often unpredictable costs of emergency services including policing, and the challenge of providing services that are affordable and adequate, but where adequacy is ill-defined.

Questions and comments from the floor

In discussions that followed, the importance of the three parties communicating as a group was highlighted as critical in maintaining public confidence, with the inverse having the potential of damaging morale of officers and loss of faith by the community. Differences from province to province in establishing clear adequacy standards for policing (or not) were noted as a weakness. There was discussion of interest-based negotiations and other methodologies for achieving agreed-upon service levels within set budgetary limits.

The conversation then shifted to the implications, for some municipalities, of the RCMP not having collective bargaining rights. Dale Kinnear, relishing the question, noted that the RCMP at its most senior levels does not want this. He noted that the recently-released report on RCMP Pension and Insurance Matters by David A. Brown, Q.C., does not address the subject of a neutral third-party dispute resolution process. This topic was identified as one to be raised with the Minister of Public Safety when the CAPB met with him in the coming days.

In response to a question from the floor, on what the three Associations could do in the coming three years, panellists identified bargaining rights for the RCMP, neutral third-party arbitration along the lines of that in place for the Sûreté du Québec, continued communications among the Associations, a solution to the financial pressures placed upon municipalities for emergency measures, attention to the issues of safety and liability, an emphasis on fair and firm bargaining, involvement of all three parties in discussions around budgets and interest-based negotiations. Subsequent comments acknowledged the role of elected municipal officials to act responsibly around election promises and budget issues, and the need for greater public awareness of the costs of the policing services they receive in their own communities.

Topic 2: Multi-Tier Policing

Dave Griffin, for the CPA, launched the second panel by characterizing multi-tier policing as introducing a cheaper, less effective and less accountable set of players, described as “overdressed impostors” and “cheap substitutes”, whose roles are expanding into core policing functions. He stated that marginalized people are the ones subjected to this lower tier of policing, and therefore are not provided with the same protections of accountability, training standards, security clearances and screening of employees that mainstream communities can

expect from police agencies. He pointed to confusion on the part of the public about who are police officers and who are not, because of the similarities in uniforms. If private security officers are facing the same risks and doing the same work as police, then they will demand higher compensation, thereby negating the financial rationale for using their services. He introduced, as an ethical issue, the situation of retired police officers working in private security. The debate over two-tiered health care, he suggested, offers a precedent for much-needed discussions about multi-tiered policing.

Commissioner Julian Fantino, on behalf of the CACP, raised the definitional question: what is meant by “multi-tiered policing”? He then explored this line of inquiry by referencing the Ontario Provincial Police role of providing service in 313 Ontario municipalities, working with two police associations, numerous police boards, community police advisors, and First Nations communities. In this context, the OPP supports First Nations police agencies that do not have specialized units and enters into Joint Forces Operations with other police services with varying levels of capacity. In a time of budgetary constraint, it is not possible for police officers to undertake all of the responsibilities for community safety. This is where private security companies and auxiliary police can contribute by performing non-core functions. Advantages of this shared responsibility are greater citizen involvement in crime prevention, service to victims of crime, and use of specialized knowledge and expertise for the greater good of the community. This allows a police agency to expand its services without straining police resources. An important proviso is that core policing must be done by police; traffic enforcement, for example, is one of the most dangerous functions and also one that results in numerous interceptions of smuggled and stolen commodities. The unclear mandates of privacy security firms are a concern, because of issues around standards of service, the accountability that co-exists with the “duty” of policing, and the confusion around roles and responsibilities. At the end of the day, community safety is not well-served if it is unclear who does what, who is accountable for what, and who pays for what. This is a jurisdictional issue that requires resolution by governments.

Michael Kempa, of the University of Ottawa, spoke as part of the CAPB contingent on the panel. He provided a brief survey of the oversight of the private security sector in Britain, Scotland, Ireland and Australia, and within Canada in Ontario, Vancouver and soon in Alberta. This has been necessitated by the increased role of private security and its growing use by the state. Consistent themes, as raised in the panel, have arisen as areas of concern in all jurisdictions: standards, based on a locally-accepted level of training and with a means of controlling these through licenses; limitations on the use of state symbols on uniforms and headgear in order to avoid confusion by the public; limitations on the use of force, which is being defined through the courts; and mechanisms for public complaints. Legislation to date has focused on efforts to professionalize the sector, rather than on its ultimate purpose, or end. He urged

public engagement on this issue, as a means of compelling a meaningful discussion. The CACP's Institute for Strategic International Studies, for example, could take on this topic of pro-social policing as a better option than purchasing private security services. More needs to be known about private security before regulations are put in place for the industry. Any proposed regulations or legislation for the private security sector would need to be analyzed for its impacts, in terms of racism, for example.

Bob Dunster, the second speaker for the CAPB, recalled discussions in Alberta on the topic of the public security peace officer program, which now exists in legislation. He noted that there are several kinds of peace officers, such as court officers, fish and wildlife officers and community peace officers at universities, hospitals and transit systems. He shared the concerns of Dave Griffin and Julian Fantino, with respect to the lack of clarity around the fragmentation of services without knowing the vision and intent for community safety.

Questions and comments from the floor

Participants welcomed this discussion as one that should have taken place some years ago. The gap is increasing between what people require in order to feel safe, and what police can provide within existing budgets. There is a role for the three Associations in taking this on as a priority, by asking politicians and citizens alike what kind of policing they want and what they will accept. Several CPA members challenged the CACP to clarify its position on private sector activity in policing, given its recent conference on building partnerships with the private sector and accepting donations from private sector sponsors. The CACP confirmed its position that core policing functions must reside with police. However, since private security services already exist, there is an urgent need for clarity around roles, responsibilities and accountabilities. This is an issue to be raised with federal-provincial/territorial Ministers.

There were challenges to the CPA view that individuals other than police should not be performing policing functions. Auxiliaries, sheriffs and by-law officers all support policing functions. Similarly, retired police officers bring their expertise to the private security sector, which means that the community continues to benefit from their skills and abilities. The fundamental issue, with respect to multi-tier policing, is that the policing system is broken, and the workload imposed on police needs to be addressed. Police are unable to lay fraud charges, for example, without the briefings provided by the banking industry's internal investigative units.

By the end of discussion on this topic, several points of consensus had been expressed. One is that core policing functions ought to be defined and performed only by police officers. Another is that lack of clarity is unacceptable around identifying features such as uniforms and substantive issues such as

roles, responsibilities and accountability. All participants agreed that, historically, auxiliaries have played an important role in emergency situations, and that this ought to be maintained and their status clearly understood within the community. There was general agreement that the topic of multi-tiered policing warrants more attention by the three Associations, and that they ought to work together to bring this issue to the forefront for Ministers. A representative from Public Safety Canada agreed that this would be an appropriate forum, and offered to assist the three Associations in working with the FPT working group chaired by Assistant Deputy Minister Richard Wex. Questions to be addressed include: where does private policing help and hinder public policing, what is the nature of interactions between the two, what is the state of information-sharing, and what is the public policy issue that is at stake. Ultimately, it is a societal question, about what Canada's citizens want policing to look like, and how to achieve consistency in the alignment of our national and local policing priorities.

Burning Issues

1. 2,500 new police officers

At issue are the program design, access mechanism, inadequate amount and unsustainable nature of funding related to the 2,500 new police officers initially promised by the Government as part of its election platform. In Budget 2008 the creation of a \$400 million federal Police Officers Recruitment (Trust) Fund was announced, from which provinces can draw to add new police resources to their communities. Rapid calculations reveal that this amount will cover only 800 officers, and that a considerable additional amount is required, per year, to maintain this increased number of officers. Last year the three Presidents wrote jointly to the Prime Minister, expressing concern about the program design and integrity of the "2,500 new police officers" commitment, as well as the sustainability of funding for these officers. It was agreed that a letter to the Prime Minister would be sent again this year seeking a meeting to discuss continuing concerns.

2. Sector Council

The issue of furthering the work of the Sector Council was raised as one to be addressed by the three Associations. Following some discussion, it was clarified that questions relating to the Sector Council more properly belong with the governance body established for that purpose.

3. Identity Theft

This was identified as the number one crime in Canada today, with banks not meeting their responsibility to adequately protect the public. It was agreed that

this issue is part of the broader cyber crime issue, for which a federal strategy is needed.

4. RCMP Governance, 2012 Negotiations

It was agreed that these two issues are essentially part of the same topic, which is the process for RCMP policing contract renewal discussions. In the absence of any senior RCMP representative at the meeting, and recognizing that the provinces are the decision-makers on policing arrangements, there were some reservations about addressing this topic. Whereas some at the meeting wanted a role for the three Associations, it was nonetheless agreed that the Associations have no jurisdiction and therefore cannot offer a discussion forum. One issue is the federal subsidization of the RCMP, which is not offered to the OPP, SQ or municipal police services, and whether this will continue into the new round of negotiations. The topic was put down, with the three Executive Directors asked to meet in order to determine what role, if any, the three Associations might have as stakeholders.

5. First Nations Issues

As was the case at the 2007 meeting, the escalation of the conflict was noted this year as a topic of grave concern. Police, once again, will be caught in the middle of volatile and explosive situations brought about by the failure to resolve long-standing disputes between First Nations and governments. The CACP noted that a letter has been prepared on this subject, for several federal Ministers, and that this would be shared with the CPA and CAPB. It was noted that the three Associations have previously failed to get action from Ministers, and that the public needs more information about the background and current status of the disputes, so that they can convey their views to their elected officials.

6. Lawful Access

This item was noted as a burning issue, but time constraints did not permit discussion.

Conclusions

Participants expressed satisfaction with the morning's fulsome discussion on the scheduled topics. While different perspectives were presented in both panel discussions, there were also significant areas of agreement on key issues within these topics. The ability of the three Associations to hold respectful and open discussions on key issues remains a strength that serves all stakeholders well.

There was some frustration with the process during the afternoon session, when questions arose as to the authority of participants to take any decisions on

burning issues that might commit their respective Associations to a course of action without due discussion and decision-making by the Boards of Directors.

The meeting was adjourned at 15:00.

Report on Consultation with Federal Ministers and Opposition Critics

**CAPB 'Lobby Day'
Monday, March 31, 2008**

As the national body representing municipal police governing authorities, the Board of Directors of the Canadian Association of Police Boards (CAPB) meets annually with the Minister of Public Safety and the Minister of Justice to discuss issues of concern to CAPB members. These meetings are in addition to the regular liaison that takes place between federal officials and the CAPB throughout the year. This year CAPB directors also met with public safety and justice opposition critics Penny Priddy and Wayne Marston from the New Democratic Party and Marlene Jennings and Ujjal Dosanjh from the Liberal Party of Canada. All were provided with copies of the Resolutions passed at the 2007 CAPB AGM as well as responses received from federal and provincial ministers.

The morning meetings took place in the Karsh Boardroom at the Rideau Club.

NDP Critics:

Penny Priddy, critic for Public Safety and Wayne Marston, critic for Human Rights, Justice and Attorney General said it was refreshing to have the opportunity to discuss important issues with representatives of CAPB. The first topic for discussion was oversight models for RCMP in municipal contracts. The NDP is looking at putting something forward on oversight and they asked CAPB to explain what it might look like. Board members were happy to discuss important issues of holding the Chief accountable, setting budgets and dealing with complaints. This led into a further discussion of the \$400 million budgeted for the Police Officers Recruitment Fund and how that money should be allocated. Ms. Priddy stated she is hearing from people that they are willing to pay more for additional police officers as long as they can see the increase – ie more officers in working in the community/on the streets.

Ms. Priddy asked for three examples where costs are born by municipal police that are directly related to federal initiatives. More than three examples were quickly stated. The overarching point being that municipal policing is not strictly that but has evolved over years and become more complex and involved on many levels.

Mr. Marston and Ms. Priddy were interested in knowing more about the complaints process, how the public gets information and what type of transparency there is in

provinces that have civilian oversight of their municipal police. Mr. Marston encouraged more ordinary people who represent labour and unions to have representation on boards.

Both Mr. Marston and Ms. Priddy agreed that interoperability is a critical component for ensuring public safety and the government should be putting this issue on their agenda. Cyber crime is a huge problem not being addressed and needs a national strategy. They also agreed that the Government need to deal with First Nations issues as they relate to the planned official day of protest as this has a big impact on all levels of policing.

Liberal Critics:

Marlene Jennings, Justice Critic and Ujjal Dosanjh, Public Safety Critic, began with by discussing the \$400 million in funding for the Police Officers Recruitment Fund. Both Ms. Jennings and Mr. Dosanjh agreed it is not only unsustainable but as we see increased enforcement, we will also see greater pressures put on the court system and this plan does not take this into account. It was also recognized that the funding for the 2500 may not necessarily reach the municipal level in every province.

Topics raised through the meeting included the role of civilian oversight of the RCMP, concepts of a cyber crime strategy, interoperability, CBRN funding for municipal officers and the First Nations National Day of protest.

Ms. Jennings asked if CAPB had a formal position on the formation of a union/ collective bargaining for RCMP officers and or a model of civilian oversight that could be used for the RCMP. Ian Wilms explained that no formal position or resolution has been approved by the membership but we are looking at both issues very closely as well as consulting with the other national police associations.

Ms. Jennings suggested the federal government should look at taking responsibility for policing (outside of RCMP) in the same way they approach healthcare and education, to really look at the level of services and how much is being downloaded from provinces and federal government to the municipalities and make changes.

After lunch the members of the Board attended Question Period in the House of Commons.

MEETING WITH THE MINISTER OF PUBLIC SAFETY

The members of the Board of Directors of CAPB met with Minister of Public Safety, Stockwell Day, Assistant Deputy Minister, Richard Wex and Senior Policy Advisor, Joel Bernard at the Ministers Centre Block office.

The Minister had responded formally to the Resolutions in a letter sent earlier this year. Topics that had been identified as priorities were the funding for the 2500 new officers; RCMP 2012 contracts and implementing the recommendations from the Brown Task Force.

RCMP

Ian Wilms stressed to the Minister that CAPB wants to be engaged in the drafting of the 2012 RCMP contracts especially in the areas of civilian oversight, complaints and accountability in municipalities with RCMP. Minister Day said that the government has been aggressive in restructuring the RCMP and that with the new Implementation Council a first report is expected on September 15. There will likely be some changes to legislation in order to put some of the recommendations into action. The government wants to see changes in accountability and transparency for RCMP contract police and at the moment there is a dedicated team, with representatives from provinces and public safety, in place working on the contracts.

CAPB President asked for a meeting with the Implementation Council but first he expressed concern that when the Association was invited to appear before the Brown Task Force late last year the report had already been written.

The President's message was clear: CAPB needs to know that the opinion of the police governance bodies represented is one valued by this government and therefore needs to be afforded the same respect as some of the other police associations.

2500

Ian Wilms asked the Minister about the sustainability and breakdown of cost-sharing for the 2500 new officers. The Minister replied that different provinces have different pressures and that each province has the maximum flexibility in how they allocate the money. The breakdown of the \$400 million is on a per capita basis. He went on to say that it will be difficult to estimate when the 2500 will actually be in place but they will be watch and see how it rolls out. Each province also has the ability to either draw down all the money at once or on an annual basis. Each province has signed on and agreed to a commitment but they will each have their own model and ultimately it is up to them how the money is to be spent. Quebec, as an example, will after year one meet with the Chiefs of Police to review what they allocated and see what is needed the next year.

Cyber Crime

Minister Day was advised of the delay in release of the Gap Analysis/Impact Study that CAPB had commissioned Deloitte to undertake. When the results of this study are released, the Minister said he wants to take a lead on this and push it forward and he looks forward to seeing the results.

Other Issues

Lawful Access is a hot button topic and there are some people who are worried about a 'police state'. The Minister urged us to bring that message forward when meeting with opposition critics.

Ian Wilms raised the issue of Interoperability and asked the federal government to show leadership on this issue – not necessarily in the form of funding but in putting this on the agenda as an item of critical importance. The Minister stated that this is under provincial jurisdiction but if the CACP and CAPB worked together his government would support both associations on any messaging of this solution.

National Day of Protest is, of course, a concern to the Government. Last year they had a good handle on the situation and coordinated information from many levels. CAPB directors expressed their worry about the municipal police officers who may pay a price for problems that should be solved by federal and provincial governments. The Minister thanked CAPB for their concerns and stated that the approach will be to keep things cool and disruptions to a minimum.

MEETING WITH THE MINISTER OF JUSTICE

The Minister of Justice, Rob Nicholson met with representatives in his East Block office and began by revealing his own experience with Regional Council in the Niagara region and his knowledge of Police Services Boards.

Bill C 25 - Amendments to Youth Criminal Justice Act

The Minister said there are likely to be more changes to Bill C 25 and he is undertaking a comprehensive review of the whole Act. He mentioned the Nunn Commission Report and how Nova Scotia has been a driving force in some of the recommended changes.

Cyber Crime

CAPB President Ian Wilms gave Minister Nicholson an overview of the problems in Canada, the current Gap Analysis/Impact Study that is underway and the financial impact because of a lack of legislation and enforcement. The Minister looks forward to receiving the report and hopes to see some legislative recommendations come out of it.

Bill C 27 – Identity Theft

Bill C 27 has had second reading and Minister Nicholson would like to get this one moved through and in to force as quickly as possible. This bill will create several new *Criminal Code* offences specifically targeting those aspects of identity theft that are not already covered by existing provisions. Essentially, Bill C-27 will focus on the preparatory stages of identity theft by making it an offence to obtain, possess, transfer or sell the identity documents of another person. The

Minister said identity theft is a huge problem and it is difficult to stay ahead on this one but this new law should help.

Bill C 2 – Tackling Violent Crime

CAPB congratulated the Minister on this getting this comprehensive Bill into law and CAPB members are pleased to see that resolutions brought forward by them in the past are addressed in this legislation. Four of the five key parts of the Bill are:

- mandatory minimum sentences for firearms offences;
- increasing the age of consent from 14 to 16;
- drug impaired driving;
- reverse onus bail hearing for crimes involving firearms.

Bill C 26

This Bill is also currently before Parliament but in effect it will impose stricter penalties for offences involving drugs. The Minister gave examples of how these stiffer penalties do act as a deterrent and he believes that the police have to have the tools to do the job.

Drug Treatment Courts

The Minister has received very positive feedback on the drug treatment courts and he is very supportive of this initiative.

When asked about the First Nations National Day of Protest, the Minister agreed that there is a need to expedite things to get problems settled and he told CAPB to expect to see progress. Bill C 30 is addressing the claims tribunal and there is a willingness to move forward.

2500

We discussed the impact of putting more police officers on the street and how it will be felt in the justice system and could create a potential backlog with possibility of criminals being released due to lengthy delays to come to trial. The Minister of Justice talked about how Bill C 31 is currently before Parliament and the intent of the Bill is to put 20 new superior court judges in place.

Charter challenges

CAPB raised the cost of and impact on police services of Charter challenges and the Minister agreed that there is a need for the revisions to the *Criminal Code*, even to simply keep up with changes in technology and language used.