Resolutions Adopted at the 102nd Annual Conference

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CANADIAN ASSOCIATION OF CHIEFS OF POLICE
Leading progressive change in policing

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Resolution #01-2007

SUPPORT FOR THE AUTOMATED CRIMINAL INTELLIGENCE INFORMATION SYSTEM (ACIIS)

Submitted by the ACIIS Governance Committee – a sub-committee of the Criminal Intelligence Service Canada (CISC) National Executive Committee (NEC)

WHEREAS it is recognized that organized and serious crime has an adverse effect on Canada, and;

WHEREAS the police in Canada recognize their responsibility in combating organized and serious crime affecting Canada through integration and being intelligence led, and;

WHEREAS the ACIIS Governance Committee will work to further enhance the ACIIS database to meet the needs of the Canadian law enforcement community, and;

WHEREAS the greater utilization of the ACIIS database by all policing agencies in Canada will enhance the collective efforts of all Canadian law enforcement agencies in their efforts to combat organized and serious crime in Canada.

THEREFORE BE IT RESOLVED that the Canadian Association of the Chiefs of Police recommends that all CACP members in Canada fully endorse the efforts of the ACIIS Governance Committee in providing a criminal intelligence database that can be used by all policing agencies in Canada to store criminal intelligence on organized and serious crime, thus allowing the Canadian law enforcement community to be integrated and intelligence led, and;

BE IT FURTHER RESOLVED that the CACP recommends that all police agencies in Canada conduct an examination of their relevant internal policies to ensure that current procedures and practices are consistent with and supportive of, where applicable, the ACIIS database and the efforts of the ACIIS Governance Committee.

Resolution #01-2007

SUPPORT FOR THE AUTOMATED CRIMINAL INTELLIGENCE INFORMATION SYSTEM (ACIIS)

Commentary:

The CISC NEC is guided by the principles of integration and being intelligence led. In order to support this concept the CISC NEC has recognized that even though they have fully endorsed the ACIIS system as the only national database to store criminal information/intelligence on organized and serious crime, utilization of this database by a number of policing agencies can be improved upon.

The ACIIS Governance Committee was formalized in Sept 2006 with Chief Steve Tanner of the Belleville Police Service being elected as Committee Chair. Also elected were Vice-Chairs Jean-Guy Gagnon, Deputy Chief, Montreal Police Service, and Chief Superintendent Bob Paulson, RCMP Criminal Intelligence Program, who was reassigned and replaced in January, 2007, by Assistant Commissioner John MacLaughlan, RCMP Criminal Intelligence Program.

At the committee's inaugural meeting, three sub-committees were formed: Policy and Procedures, User Requirements, and Information Technology. The importance of these sub-committees cannot be understated, as they drive the work being undertaken in the areas most critical to the enhancement and continued success of ACIIS.

The work of these sub-committees has resulted in significant progress in standardizing policy and prioritizing the required IT enhancements. With additional valued resources being dedicated to ACIIS in order to meet the needs of the Canadian law enforcement community, greater utilization of this database by all policing partners will enhance their ability to effectively combat organized and serious crime.

Resolution #01-2007

SUPPORT FOR THE AUTOMATED CRIMINAL INTELLIGENCE INFORMATION SYSTEM (ACIIS)

Media Lines:

- Organized and serious crime has an adverse affect on all Canadian citizens.
- Each policing agency in Canada has a responsibility to not only ensure the safety of all Canadian citizens, they must also ensure they are being proactive in the efforts of integration so that we all are intelligence led.
- One initiative to assist the policing agencies in Canada is the ability to share timely criminal information/intelligence on organized and serious crime.
- As policing agencies, we are all committed to working together with all Canadian law partners to ensure the safety of Canada.
- Utilizing a single database to share criminal information/intelligence by all law enforcement agencies in the country to this extent is the envy of many countries.
- Adoption of Resolution #01 represents the Canadian Police Chiefs' continued commitment to utilize this asset.

Resolution #02-2007

COMMON FRAMEWORK FOR NATIONAL SECURITY

Submitted by the Counter-Terrorism and National Security Committee

WHEREAS Canada continues to face a real and significant threat to its national security, especially from terrorism, and;

WHEREAS municipal, provincial and federal law enforcement all play critical and complementary roles in national security (NS) from community engagement to prevention, detection, interdiction, crisis management, response, consequence management, and criminal investigations, and;

WHEREAS the Counter-Terrorism and National Security (CTNS) Committee of the Canadian Association of Chiefs of Police (CACP) is mandated to harmonize the work of Canadian Law Enforcement (LE) community in identifying, preventing, deterring, and responding to terrorism and national security threats, and;

WHEREAS the CACP CTNS Committee undertook at the August 2006 CACP Annual General Meeting in Newfoundland to revise a draft resolution aimed at addressing issues relating to terrorism and national security, and;

WHEREAS the CACP CTNS Committee, in conjunction with the Canadian Security Intelligence Service (CSIS), hosted a National Police and Security Terrorism Conference in February 2007 to arrive at a consensus, and;

WHEREAS these discussions resulted in agreement on 8 Key Principles that are consistent with the Committee's Strategic Priorities and represent a significant step towards the proper structural framework for the Canadian LE Community to meet the current threat environment, and;

WHEREAS these 8 Key Principles consist of agreement to:

- leverage the skills, knowledge and resources of the entire LE and security community to meet the evolving threat environment;
- use integration as the foundation of LE's strategy to investigate NS criminal activities;
- operationalize integration through the integrated National Security Criminal Investigations program;
- adopt guidelines for briefing political leadership on NS criminal investigations;
- coordinate media engagement amongst all partners in NS criminal investigations;
- maintain the security of information;
- represent our needs to our respective governments; and,

- have the CTNS Committee of the CACP take a leadership role in engaging government on counter-terrorism and national security.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges its members to adopt the 8 Key Principles of *Common Framework on National Security* as a foundation and guiding document for the LE Community's fight against terrorism and threats to the security of Canada.

Resolution #02-2007

COMMON FRAMEWORK FOR NATIONAL SECURITY

Commentary:

Municipal, provincial and federal law enforcement all play critical and complementary roles in national security (NS) from community engagement to prevention, detection, interdiction, crisis management, response, consequence management, and criminal investigations.

The Counter-Terrorism and National Security (CTNS) Committee of the Canadian Association of Chiefs of Police (CACP) is mandated to harmonize the work of the Canadian law enforcement community in identifying, preventing, deterring, investigating and responding to criminal activities related to terrorism and national security.

Resolution #02-2007

COMMON FRAMEWORK FOR NATIONAL SECURITY

Media Lines:

- The *Common Framework on National Security* represents a significant step towards the proper structural framework for the Canadian law enforcement community to meet the current threat environment.

- The *Common Framework on National Security* will improve integration and co-operation amongst law enforcement agencies and the security and intelligence community in Canada by clarifying the roles and responsibilities with respect to national security.

- The *Common Framework on National Security* consists of eight (8) key principles that serve to guide the law enforcement community's fight against terrorism and threats to the national security of Canada.

- The CTNS will be undertaking a number of initiatives, including training for front-line officers and greater integration to respond to threats to national security.

- The committee is co-chaired by RCMP Assistant Commissioner Mike McDonell and SQ Deputy Chief Steven Chabot.

COMMON FRAMEWORK FOR NATIONAL SECURITY

8 Key Principles

Recognizing that municipal, provincial and federal law enforcement all play critical and complementary roles in national security (NS) from community engagement to prevention, detection, interdiction, crisis management, consequence management, and criminal investigations;

Recognizing that the Canadian Security Intelligence Service (CSIS) has a duty under section 12 of the *Canadian Security Intelligence Service Act* (*CSIS Act*) to collect, analyze and retain information and intelligence on threats to the security of Canada and, in relation thereto, to report to and to advise the Government of Canada;

Recognizing that the RCMP, by virtue of subsection 6(1) of the *Security Offences Act*, has primary responsibility to perform the duties that are assigned to peace officers in relation to any offence referred to in section 2 of the *Security Offences Act*, and investigations related to terrorism offences as defined in section 2 of the *Criminal Code of Canada*;

Recognizing that under the Constitution, provinces have responsibility for the maintenance of law, order and public safety within their borders;

Recognizing that the police service of jurisdiction is responsible for the first response to all criminal offences within its jurisdiction, including terrorist threats, incidents and consequence management;

Recognizing that law enforcement must play a key role in engaging the private sector and the public at large about criminal threats to national security and national security-related issues;

Recognizing that the biggest challenge facing the Canadian law enforcement and security community in its fight against terrorism is capacity and not lack of will or understanding or desire for cooperation;

We, the Committee, affirm that:

1. Leveraging the skills, knowledge and resources of the entire law enforcement and security community to meet the evolving threat environment – from frontline officers to senior managers – necessitates:
    a. Increasing the flow of appropriate security *and* criminal intelligence *to and from* all levels of law enforcement;
    b. CSIS identifying and disseminating NS-related intelligence requirements to law enforcement;
    c. Formalizing threat-related incident tracking and reporting processes;
    d. Developing NS criminal and threat-related situational awareness and the “rich picture”;

e. Disseminating threat-related intelligence to law enforcement of jurisdiction; and,

f. Increasing the training and cultural awareness of frontline officers.

2. Integration is the foundation of law enforcement's strategy to investigate NS criminal activities, because it:
    a. Maximizes the effectiveness of law enforcement's efforts against criminal terrorist acts;
    b. Ensures a clear and transparent accountability structure;
    c. Achieves economies of scale and eliminates duplication; and,
    d. Facilitates dedication of resources towards shared strategic priorities.

3. Integration on NS criminal investigations is best operationalized through the integrated National Security Criminal Investigations program, in which:
    a. The Integrated National Security Enforcement Teams (INSETs) and National Security Investigations Sections (NSISs), are the lead units within their Areas of Responsibility;
    b. Extra-territorial NS criminal investigations are a nationally-coordinated effort;
    c. The RCMP will look to apply the protocol it has developed to indemnify police officers from other police forces participating in INSET/NSIS units; and,
    d. The NSCI program is CSIS' primary point of contact for NS criminal investigations.

4. Standardized guidelines should be developed with respect to briefing political leadership on NS criminal investigations.

5. Media engagement must be coordinated amongst all partners in NS criminal investigations.

6. Standardized Government of Canada-mandated controls on information security and intelligence sharing must be in place and adhered to by all law enforcement personnel involved in NS.

7. All law enforcement organizations must clearly represent their needs to their respective governments in accordance with their mandates.

8. CACP's engagement of government on counter-terrorism and national security should be done in consultation with the Counter-Terrorism and National Security Committee of the CACP.

Resolution #03-2007

CACP – NPS SUB-COMMITTEE RESOLUTION CALLING UPON FEDERAL GOVERNMENT TO INCREASE FUNDING FOR DNA ANALYSIS

Submitted by the National Police Services Committee

WHEREAS it has been established that a person's DNA is a positive form of personal identification and that bodily substances located and seized from a crime scene can be used to identify an offender, and;

WHEREAS the application of the science of identification through DNA is a significant aid to police investigations by providing most positive identifier of victims and suspects alike, and;

WHEREAS DNA evidence provides the court with irrefutable proof of identity of victims and suspects as an aid to conviction of the guilty and avoidance of wrongful convictions, and;

WHEREAS the analysis of DNA evidence is the responsibility of RCMP Forensic Science & Identification Service as part of a National Police Service, and;

WHEREAS National Police Services were established by the Government of Canada to ensure and equitable and high standard of police investigation to all citizens of Canada, and;

WHEREAS the Government of Canada through the Minister of Public Safety has a responsibility to fully fund functions and activities identified as National Police Services, and;

WHEREAS the demand for the application of the science in support of police investigation and court proceeding exceeds the current capacity of the Forensic Services laboratories as determined by the Auditor General report of 2007, and;

WHEREAS it is estimated that demand for DNA examination will grow at a rate of eight percent per year into the future, and;

WHEREAS the provisions of Bill C-13 (An Act to Amend the Criminal Code, the DNA Identification Act and the National Defence Act), and Bill C-18 (An Act to amend certain Acts in relation to DNA identification), will add further to this existing capacity gap.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges the Minister of Public Safety to fund the Forensic Science and Identification Section (FS & IS) of National Police Services to a level that will enable them to achieve a capacity to meet the demands placed upon it by Canadian Police officers carrying out their duties of protecting life and apprehending criminals and meeting the initiative of the Government of Canada.

Resolution #03-2007

CACP - NPS SUB-COMMITTEE RESOLUTION CALLING UPON FEDERAL GOVERNMENT TO INCREASE FUNDING FOR DNA ANALYSIS

Commentary:

The purpose of this Resolution is to call upon the Federal Government to meet its obligation in providing necessary funding to Forensic Science and Identification Services of the National Police Services, in order that laboratory analytical capacity equals demand.

It has been established that a person's DNA is the most positive form of personal identification and that bodily substances located and seized from a crime scene can be used to identify an offender. DNA evidence is a significant aid to police investigations in providing positive identification of victims and suspects alike. Finally, DNA evidence provides the court with irrefutable proof which aids them in conviction of the guilty and avoidance of wrongful conviction.

Since the introduction of the application of the science of DNA to police investigations, the demand for analysis and reliance on this evidence has grown with the consequence that current demand far exceeds laboratory analytical capacity, resulting in unnecessary and unacceptable delays in investigations. It is anticipated that demands for analysis will increase at a rate of eight per cent per year into the future.

The pending introduction of the legislation created by Bill C13 (assented to May 12, 2005 and Bill C18 (assented to June 22, 2007) will expand the eligibility of offenders for submission to the DNA database, and will add significantly to lab case work exacerbating the problem further.

While technology through robotics enables the analysis of an extremely high volume of evidentiary samples, trained laboratory staff is required to interpret the results and write appropriate reports.

Diversion of funds within the NPS funding envelope has attempted to mitigate these problems, but the only durable solution lies in an infusion of significant additional funds by the Federal Government.

It is estimated that an increase in Urgent Cases, that is those that require a 15 day turn around, to satisfy police investigative needs from the current 145 to 500 per year would increase costs by $4.2 m. An increase in high volume routine cases such as B &Es and Robberies and all new unfunded cases arising from Bill C-18 with an anticipated growth of 8 per cent per year would costs an additional $10.6m per year. This figure would rise to $21.7 m if the turnaround time for all routine cases was reduced to a necessary and reasonable 45 days.

These costs are modest for this critical national service, especially so when compared to the costs savings that will be realized through investigative efficiencies the timely analysis on DNA evidence will foster.

It is critically in the public interest that laboratory service's ability to analyze DNA evidence is equal to demand.

Resolution #03-2007

CACP – NPS SUB-COMMITTEE RESOLUTION CALLING UPON FEDERAL GOVERNMENT TO INCREASE FUNDING FOR DNA ANALYSIS

Media Lines:

The Canadian Association of Chiefs of Police is calling on the Federal Government to provide additional funding for the analysis of DNA.

DNA provides police with a positive form of personal identification used to identify an offender, aids police investigations by providing positive identification of victims and suspects alike, and provides the court with irrefutable proof to aid them in conviction of the guilty and avoidance of wrongful conviction. It is critically in the public interest that these services are equal to demand.

Since the introduction of the application of the science of DNA to police investigations, the demand for analysis has grown and not only does current demand far exceed capacity, resulting in unnecessary and unacceptable delays in investigation, but it is anticipated that demands for analysis will increase at a rate of eight per year into the future.

In addition, the provisions of Bills C13 and C18, expanding those offences for which, upon conviction, the offender must provide a sample to the DNA databank, will add significantly to lab case work exacerbating the problem further.

While technology through robotics enables the analysis of an extremely high volume of samples, trained laboratory staff is required to interpret the results and write appropriate reports.

Diversion of funds within the NPS funding envelope has attempted to mitigate these problems, but the only durable solution lies in an infusion of significant additional funds by the Federal Government.

Funding of Regional Laboratories, operated by the RCMP, is a responsibility of the Federal Government as a consequence of being a National Police Service, an entity designed to ensure consistent levels of support to the police and the public across the Country.

Resolution #04-2007

CACP APPROACH TO ABORIGINAL OCCUPATIONS AND PROTESTS

Submitted by the Policing With Aboriginal Peoples Committee

WHEREAS Canadian police services are encouraged to achieve a trusting and enduring relationship with Aboriginal persons and their communities throughout Canada. The foundation for any approach should be based on building this trust and demonstrating integrity with Aboriginal persons, and;

WHEREAS police services have been working to achieve credible and enduring relationships with Aboriginal persons throughout Canada, and;

WHEREAS the primary and overriding mandate of police involved in protests is the safety and security of the general public, the protestors, non-protestors, and the police officers and members involved in the situation, and;

WHEREAS the recommendations of Commissions of Inquiry have upheld the need for and effectiveness of relationship-building, negotiation and measured police actions toward the prevention of and response to Aboriginal issues.

THEREFORE BE IT RESOLVED that a common philosophy and approach in policing Aboriginal issues should be based on the following principles.

In advance of any action:

i. **Develop an understanding of Aboriginal culture and a current awareness of related issues of concern,**

ii. **Build relationships of trust and confidence with Aboriginal Persons and communities,**

iii. **Establish protocols and strategic plans that underline commitment, communication, and collaboration during serious situations.**

During and after a dispute or conflict:

i. **Engage in effective ongoing communication with all affected in order to preserve the peace and safety of the situation;**

ii. **Facilitate the building of trusting relationships that will assist Aboriginal and non-Aboriginal leaders in constructively resolving the dispute;**

iii. **Ensure that police involvement leaves a lasting positive legacy.**

Resolution #04-2007

CACP APPROACH TO ABORIGINAL OCCUPATIONS AND PROTESTS

Commentary:

Findings in the course of recent Commissions of Inquiry indicate that the flashpoints for Aboriginal protests and occupations are as intense today as they were during Oka, Ipperwash, Gustafson Lake, or Burnt Church. No one can predict where protests and occupations will occur, but the fundamental condition and catalysts sparking such protests continue to exist in Canada.

Most major occupations and protests involve a dispute over a land claim, a burial site, resource development, or harvesting, hunting, and fishing rights. There are literally many hundreds of outstanding, unresolved land claims. In the context of the centuries-old tension between Aboriginal and non-Aboriginal people over land claims and resource rights, disputes, protests and occupations present unique challenges to policing.

Aboriginal people possess certain rights and entitlements as defined in the Constitution of Canada along with Supreme Court rulings. In addition, Aboriginal people believe they have a legitimate claim over certain lands and resources. These lands and resources may not always be situated on reserve land and this further complicates the approach that police services take in implementing effective responses.

The principal mandate of the police is the safety and security of all persons involved - the general public, the protestors, non-protestors, and police officers/members. Prolonged or large-scale protests and occupations require enormous resources and resulting disruptions to public convenience can lead to political or community pressure to resolve the situation quickly. Court injunctions may also be sought as a means to quickly end the protest or occupation. Hasty and uncompromising actions on the part of the police have provoked sympathetic actions on the part of other Aboriginal communities.

Over the past 15 years, significant and constructive changes have occurred in the quality of policing in Aboriginal communities and in police response to Aboriginal occupations and protests. Police services across Canada have been working to achieve trusting and enduring relationships with Aboriginal communities, agencies, and institutions.

In responding to Aboriginal protests, police face distinct limitations. Even effective conflict negotiation facilitated by the police can be accurately seen as only temporarily restoring order, not yielding a final solution to the underlying conflict factors.

Building trusting relationships during a crisis is much more difficult than working to do so prior to any critical incident. The critical path to building relationships of trust and confidence with Aboriginal communities involves fostering organizations that are

culturally competent, interested and knowledgeable about Aboriginal history and concerns, and effectively reflecting the community in their workforce.

Some police services have entered into cooperative public safety protocols that establish a framework for engagement, enhance communication, and set an appropriate operational tone. Both the RCMP "D" Division and the Ontario Provincial Police currently provide excellent examples of effective protocols and frameworks.

Effective past practices have revealed that a patient, professional "measured approach" produces more lasting resolutions and an increased level of trust. It is crucial that police response is viewed as being neutral, treating all participants and related parties with dignity and respect. Police agencies are in a unique position to initially establish a foundation of meaningful communication in order to lay the groundwork for subsequent negotiation. For that reason, involved police members should have the necessary skills and competencies to engage in meaningful and culturally competent communication.

Lastly, and just as importantly, given the current atmosphere of unresolved Aboriginal land claims and resource rights, the police response and resolution of the conflict must leave a positive legacy for other agencies and services.

Resolution #04-2007

CACP APPROACH TO ABORIGINAL OCCUPATIONS AND PROTESTS

Media Lines:

- The principal mandate of police in situations of Aboriginal protests or occupations is the safety and security of all persons involved - the general public, the protestors, non-protestors, and police officers/members.

- The vast majority of Aboriginal protests and occupations involve disputes over land claims, burial sites, resource development, or harvesting, hunting, and fishing rights.

- Prolonged or large-scale protests and occupations require enormous resources and resulting disruptions to public convenience can lead to political or community pressure to resolve the situation quickly.

- History has shown that the use of force to swiftly end an Aboriginal protest, occupation or blockade will only serve to increase tension and the risk of violence.

- Because significant land claim and resource rights issues exist in all parts of Canada, there is a need for a common approach for police services to base their response to Aboriginal protests or occupations.

- Effective practices in police organizations dealing with Aboriginal protests in recent memory have involved the use of a measured approach rather than confrontation and force.

- Establishing effective and ongoing communication, with an understanding of Aboriginal culture, and building confidence between the police and the community will lay the groundwork for a safer environment for both the protests participants as well as police and the general public.

- In conjunction with Aboriginal communities or agencies, and in advance of any protest or occupation, police agencies should consider establishing protocols and strategic plans that underline commitment, communication, collaboration, and set an appropriate operational tone.

- The ultimate goal of any police response to an Aboriginal protest or occupation is to achieve a lasting, peaceful, and safe resolution.

Resolution #05-2007

POTENTIAL IMPACT OF THE RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

Submitted by the Policing With Aboriginal Peoples Committee

WHEREAS the Indian Residential Schools Settlement Agreement was a resolution reached by the Government of Canada, legal counsel of churches, and the Assembly of First Nations and other Aboriginal organizations, for redress of individuals who were part of the Indian Residential Schools legacy, and;

WHEREAS a significant proportion of the Aboriginal population in Canada lives in areas away from traditional Aboriginal communities and the distribution of potential settlement claimants is in virtually all provinces and territories in Canada, and;

WHEREAS the federal government is already dispensing advance payments of $8,000 to as many as 80,000 Aboriginal recipients across Canada, a process which will be completed by the end of 2007, and;

WHEREAS there is the potential for people to try to exploit or take advantage of claimants with offers to purchase items, solicit charitable contributions, or offer loans prior to the receipt of settlement payments, and;

WHEREAS a disbursement of this magnitude, and in a relatively short timeframe, has the potential to create significant disruption in communities and within families, and;

WHEREAS police services have been continuing to foster credible and enduring relationships with their Aboriginal communities throughout Canada.

THEREFORE BE IT RESOLVED that all police services need to be aware that payments which are intended by the federal government to compensate those who suffered in residential schools could instead cause harm if the recipients are exploited by criminal or unscrupulous members of our communities, and;

BE IT FURTHER RESOLVED that all police jurisdictions should consider offering support to their respective Aboriginal communities to counter threats to the well being of Indian Residential School Settlement recipients and also disseminate informed crime prevention advisories.

Resolution #05-2007

POTENTIAL IMPACT OF THE RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

Commentary:

Residential schools were boarding schools for Aboriginal children that operated throughout Canada for over a century. Harms and abuses were committed against the children. Various lawsuits were started against the Government, the Churches, and others, based on the operation and management of residential schools in Canada.

The Indian Residential Schools Settlement Agreement is a settlement reached by the Government of Canada, legal counsel of the churches, and the Assembly of First Nations and other Aboriginal organizations, for redress of individuals who were part of the Indian Residential Schools legacy. Approximately 130 schools existed over time, and while most Indian Residential Schools ceased to operate by the mid-1970s, the last federally-run school in Canada closed in 1996. The schools were located in every province and territory except Newfoundland, New Brunswick and Prince Edward Island.

It is estimated that there are 80,000 people alive today who may be included under the settlement agreement. Claimants age 65 and older have qualified for an advance payment of $8,000. Thousands have already received payments. Applications for people under 65 are expected to be available toward the end of 2007.

The average age of claimants is 57 years old, and the average settlement is $28,000. Given that a significant proportion of the Aboriginal population in Canada currently lives in areas away from reserve communities and that the distribution of potential claimants is in virtually all provinces and territories in Canada, the potential for related issues could have an impact on virtually every police service. A disbursement of this magnitude has the potential to create significant disruption, especially in those communities that are already struggling with an array of social issues.

The issues of Indian Residential Schools and the compensation settlement have garnered significant media attention. The Assembly of First Nations and the Royal Canadian Mounted Police have already posted advisories for First Nations communities and residential school survivors to be vigilant of people who would seek to take advantage of them and the situation.

Both police and Aboriginal communities need to be aware of the potential crime or disorder issues that could manifest themselves in frauds, elder abuse, and other corrupt behaviours in relation to those receiving common experience payments. Police services across Canada should consider working with their respective Aboriginal communities in disseminating informed crime prevention advisories in order to prevent or otherwise mitigate the potential threats to the well being of the settlement claimants.

Resolution #05-2007

POTENTIAL IMPACT OF THE RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

Media Lines:

- The Indian Residential Schools Settlement Agreement payments made by the federal government will be completed by the end of 2007.

- The potential 80,000 claimants currently reside in virtually all provinces and territories in Canada.

- A disbursement of this magnitude has the potential to create significant disruption in communities and among families.

- Given that a significant proportion of the Canadian Aboriginal population live in areas other than traditional lands, all police services could be affected by issues arising from the disbursements.

- Therefore all Canadian police entities need to be aware that the payments could cause further harm to residential school survivors if they are exploited by criminal or unscrupulous members of our communities.

- Police jurisdictions across Canada need to consider offering support to their respective Aboriginal communities to counter threats to the well being of Indian Residential School Settlement recipients and also to disseminate informed crime prevention advisories.

Resolutions #06-2007

LAWFUL ACCESS TO ENCRYPTED ELECTRONIC MEDIA

Submitted by the e-Crime Committee

WHEREAS sections 487 (2.1) and (2.2) provide law enforcement with access to data on computer systems which are described in a search warrant. There are now an increasing number of security features available to users of computer systems to ensure that unauthorized users do not access data on such computer systems. Criminal use of computer security technology such as passwords, encryption and other means, can result in situations where, during the execution of a lawful search, law enforcement is not able to access and interpret the data on a computer system or media described in the search warrant, and;

WHEREAS section 487 (2.2) of the Criminal Code and Section 16 (2) of the Competition Act provide that "any person named in the warrant to use or cause to be used any computer system or part thereof on the premises to search any data contained in or available to the computer system for data from which a record that that person is authorized to search for may be produced". However, the issue of encryption in relation to these sections has not been clarified by the courts but with some revised wording may provide some relief in this regard, and;

WHEREAS there are increasing instances of encryption being used to impede law enforcement. Encryption in its varying degrees has the potential to stop investigations. Data protected with properly implemented strong encryption technology continues to be very difficult, if not impossible, to decrypt unless one has access to the decryption key, and;

WHEREAS section 341 of the Criminal Code already provides limited relief in this regard but the wording is non-specific and may be interpreted to include data but is restricted to "a fraudulent purpose" and omitting other serious offences, and;

WHEREAS section 341 of the Criminal Code could be amended to include criminal purpose and include serious offences, and;

WHEREAS the most impenetrable physical structure can be opened with force, but this is not so in the virtual world. Reasonable and probable grounds to believe evidence exists is a core fundamental of Criminal Code Search warrants and this belief would have to justify access to encrypted files, and;

WHEREAS provisions already exist in the Criminal Code of Canada that allow for suspects to provide potentially self-incriminating evidence such as breath samples, blood samples, DNA and fingerprints, and;

WHEREAS provisions that already exist in the Criminal Code of Canada that demand potentially self-incriminating evidence also provide a penalty equivalent to the crime being investigated and should be included as a deterrent should the suspect contemplate not providing the encryption key, and;

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister of Justice and Attorney-General to amend the Criminal Code to provide a requirement which would compel parties to provide electronic encryption keys to data under their care and control during the execution of a lawful search, and;

BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister of Justice and Attorney-General to amend the Criminal Code of Canada so as to create an offence for failing to comply with an order to provide a password or encryption key as aforesaid, which offence would be punishable by the same penalty as the subject offence under investigation.

Resolutions #06-2007

LAWFUL ACCESS TO ENCRYPTED ELECTRONIC MEDIA

Commentary:

Sections 487 (2.1) and (2.2) provide law enforcement with access to data on computer systems which is described in the search warrant but there are now an increasing number of security features including encryption techniques available to computer systems to ensure that unauthorized users do not access data on computer systems. Criminal use of computer security technology such as passwords, encryption and other means, can result in situations where, during the execution of a lawful search, law enforcement is not able to access and interpret the data on a computer system described in the search warrant. The Criminal Code should be amended to require persons in control of a computer system and/or data to provide any and all computer passwords, encryption keys and other means, that secure data in a computer system during the execution of a search warrant.

Resolutions #06-2007

LAWFUL ACCESS TO ENCRYPTED ELECTRONIC MEDIA

Media Lines:

- There are now an increasing number of security features including encryption techniques available to computer systems to ensure that unauthorized users do not access data on computer systems.

- Criminal use of computer security technology such as passwords, encryption and other means, can result in situations where, during the execution of a lawful search, law enforcement is not able to access and interpret the data on a computer system described in the search warrant.

- An encryption key itself would not likely be self-incriminating evidence as the use of it only allows access to previously inaccessible electronic information. It is information that will either exonerate or provide more evidence, which would be used to aid in determining guilt in a judicial proceeding.

- Law Enforcement choosing to use this avenue of investigative technique should have to provide reasonable and probable grounds sworn before the appropriate judicial official as to why they believe that evidence that they seek to investigate a serious crime cannot be accessed due to one or more encryption methods.

Resolution #07-2007

CYBERTHREATENING, CYBERSTALKING, CYBERMESSAGING (FALSE MESSAGES BY TELECOMMUNICATIONS)

Submitted by the e-Crime Committee

WHEREAS Canadians have connected to the Internet and embraced computer related technologies at one of the highest rates in the world, and;

WHEREAS electronic communications have too often become a vehicle to intimidate, castigate and humiliate victims, and perpetrators are youth and adults alike, and;

WHEREAS a recent study (2007) conducted by Kids Help Phone has found that 70% of youth have been cyber-bullied and 53% of youth have been witness to cyberbullying events, and;

WHEREAS the same study conducted by Kids Help Phone found that 44% of youth suggested that there be zero tolerance and 41% believed that students should be punished, and;

WHEREAS today's youth are not being properly guided in proper behaviors and potential risks when using technology due to generational gaps and differences in technical skills, and;

WHEREAS Cyberbullying is a term that is often used to describe this new phenomenon and the term 'bullying' brings a connotation that it is only a youth issue when in fact adults are using modern technology to terrorize, criticize and debase other citizens as well and are not leading by example, and;

WHEREAS law enforcement has very limited options when dealing with false messages using modern telecommunications in a criminal manner. Present measures include investigations of criminal harassment, threatening, defamatory libel, all of which carry heavy punitive measures, and;

WHEREAS the Canadian Government can be seen as providing a legislative solution to tackle changes in modern society and respond to public safety concerns that outdated legislation appears unable to address, and;

WHEREAS an update to Section 372 of the Criminal Code False Messages would update the present wording to include modern communication methods including telecommunications, and;

WHEREAS an update to the penalty portion of Section 372 to make all three offences hybrid would be a reasonable measure (currently, False Messages is a straight indictable offence with a maximum penalty of two years while the other two offences in s. 372 are straight summary offences).

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister of Justice and Attorney-General to amend Section 372 of the Criminal Code to provide for a modernization of wording so as to include telecommunications and to make hybrid each of the three-related subsections to allow for maximum investigational and prosecution benefit.

Resolution #07-2007

CYBERTHREATENING, CYBERSTALKING, CYBERMESSAGING (FALSE MESSAGES BY TELECOMMUNICATIONS)

Commentary:

Technology has forever changed how we communicate. Technology is ubiquitous in our everyday lives and has the ability to turn seemingly innocuous communications into weapons that have the power to intimidate, castigate and humiliate other citizens. Our youth in particular have embraced advanced means of sending messages. Further, due to generational gaps and differences in technical skills, today's youth are not always provided guidance in appropriate behaviours and potential risks when using technology. Cyberbullying is a term that is often used to describe this new phenomenon and the term 'bullying' brings a connotation that it is only a youth issue. Regrettably, however, adults are also using modern technology to terrorize, criticize and debase other citizens as well and are not leading by example. As a result, it is now common to experience or witness events of electronic telecommunications abuse or cyberbullying. Presently, law enforcement has very limited options when dealing with these issues in a criminal manner. Available measures at present include investigations of criminal harassment, threatening, defamatory libel, all of which carry heavy punitive consequences. . The false messages section of the Criminal Code may provide the most likely criminal offence but each of the subsections offers restrictive and limited options and do not include present day technology. Each of the subsections also provide differing penalties possibly restricting or impacting options on whether or not charges should be laid. Changes to Section 372 of the Criminal Code would provide law enforcement with new tools to address False Messages By Telecommunications by youth and other users of the Internet.

Resolution #07-2007

CYBERTHREATENING, CYBERSTALKING, CYBERMESSAGING (FALSE MESSAGES BY TELECOMMUNICATIONS)

Media Lines:

- Technology is present in all aspects of our everyday lives and has the power to turn seemingly innocuous communications into weapons that have the power to harm our citizens through acts of intimidation, humiliation and the like.

- Due to generational gaps and differences in technical skills, today's youth are not always provided guidance in appropriate behaviors and potential risks when using technology.

- It is now common to experience or witness events of electronic telecommunications abuse or cyberbullying. Presently law enforcement has very limited options when dealing with these issues in a criminal manner.

- The Canadian Government can be seen as providing a legislative solution to tackle changes in modern society and addressing public safety concerns that outdated legislation appears to have little deterrent.

Resolution #08-2007

ORGANIZED CRIME LAW REFORM

Submitted by the Organized Crime Committee

WHEREAS Canadians are concerned about the growing and pervasive threat of organized crime in their communities and the ability of Law Enforcement to deal with the threat given mounting legislative gaps and/or impediments, and;

WHEREAS the Attorney General and Minister of Justice in Manitoba presented a number of legislative reform recommendations to the Provincial Territorial and Federal Provincial Territorial meeting of Ministers responsible for Justice in October 2006, which provide guidance to the federal government to resolve some of the difficult issues facing Canadian police in the fight against organized crime.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police supports the efforts of the Attorney General and Minister of Justice in Manitoba and urges the Government of Canada to endorse the Manitoba proposals for federal law reform targeting organized crime, specifically:

BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police urges the Government of Canada to amend the Criminal Code to make a murder automatically first degree where the accused intentionally killed the victim while the accused was an active participant in a criminal organization, and where the murder was carried out to further the activities of the criminal organization, and;

BE IT FURTHER RESOLVED that the Government of Canada create a specific offence of "Drive-by shooting" that focuses more on the fact of the shooting rather than the intention of the shooter, and;

BE IT FURTHER RESOLVED that the Federal Provincial Territorial Committee undertake a review of disclosure responsibility to assess whether or not it is necessary to legislatively "rebalance" the issue as between the accused, the Crown and police, and;

BE IT FURTHER RESOLVED that the Government of Canada be requested to revive the provisions of Bill C-426, first introduced in the 38th Parliament, but not reintroduced in the 39th Parliament, which would amend the Controlled Drugs and Substances Act to significantly increase the penalties for production of marihuana, and;

BE IT FURTHER RESOLVED that the federal government be urged to re-examine the circumstances in which evidence of previous convictions may be tendered in cases where an accused has been charged with criminal organization offences, and;

BE IT FURTHER RESOLVED that the Government of Canada undertake a review to determine whether and to what extent relatively routine police evidence may be tendered in an alternative fashion following a ruling on admissibility, to ensure that police officers are not unnecessarily tied up in court proceedings on issues that are largely uncontested, and;

BE IT FURTHER RESOLVED that the Government of Canada be urged to amend Part XXIV of the Criminal Code be to allow a person convicted of a criminal organization offence to be designated a dangerous or long term offender, and;

BE IT FURTHER RESOLVED that the Government of Canada amend section 810.01 of the Criminal Code to broaden the types of conditions that may be included in a recognizance when there are reasonable grounds to fear that a person will commit a criminal organization offence. It is also recommended that sections 810, 810.1 and 810.2 of the Criminal Code, which provide for parallel recognizance schemes, be amended to broaden the types of conditions that may be included in a recognizance ordered under any of those sections.

Resolution #08-2007

ORGANIZED CRIME LAW REFORM

Commentary:

The Organized Crime Committee Resolution outlines federal criminal law reforms sought by the Canadian Association of Chiefs of Police, intended to counter the threat posed by criminal organizations; most involve amendments to the *Criminal Code*, while some involve amendments to the *Controlled Drugs and Substances Act,* all of which attempt to identify current gaps contained within our criminal law, some propose new offences to deal directly with gang violence; others propose legislation to disrupt gang activity, while others deal with procedural points intended to enhance the Crown's ability to prosecute gang offences effectively.

1) Gang violence: gang homicides automatically first degree murder

Section 231 of the *Criminal Code* describes the circumstances in which murder may be considered first degree.

There is only one provision that deals specifically with criminal gangs─ section 231 (6.1) which provides as follows:

Irrespective of whether a murder is planned and deliberate, murder is first degree when the death is caused while committing or attempting to commit an offence under section 81 for the benefit of, at the direction of or in association with a criminal organization.

Section 81, in turn, deals with explosives offences, including sending or delivering an explosive substance, throwing an explosive substance at someone, throwing an explosive substance with intent to destroy or damage property and making an explosive substance to endanger life.

The combination of these two provisions was likely intended to deal with criminal gangs who use bombs or throw Molotov cocktails into buildings.

This legislative scheme is vulnerable for two reasons: it does not deal with gang murders, and when it does deal with gang activity it prohibits a very narrow form of conduct involving explosives.

There is, therefore, a serious gap in our criminal law on a step that is seen as the most important in our criminal law: namely, making it clear that a gang member who commits murder to further the interests of the gang will face an indictment for first degree murder.

2) Gang violence: drive-by shootings

Gang wars, extortion attempts and drug deals that have gone sour often generate drive-by shootings. There are several scenarios. The shooting can be directed towards a residence, person or a business premises. The common element is that the shooter has some sort of "vehicle" to facilitate a quick escape. That can include a motor vehicle or bicycle.

To act as an effective deterrent, it is important to make a legislative statement that where a drive-by shooting has occurred the penalties will be particularly high. These underlying principles are easy to understand, but there is an even more fundamental problem that has rendered the law relatively ineffective: the law requires a high degree of *mens rea*, as it must be shown that the shooter deliberately intended to wound or endanger the life of someone. Often, that cannot be proven in a "typical" drive-by shooting. With no confession, the most that can be shown is that the shooter intended to injure someone or *intended to frighten someone*. Where the evidence is capable of either inference, the prosecution will fail.

The *Criminal Code* does not appear to provide for any offence that properly describes this type of conduct. Section 244 comes the closest, but requires the Crown to establish that the shooter intended to wound or endanger (rather than simply attempting to frighten). Charges must often be reduced to offences that are not really appropriate, such as careless use of a firearm (section 86 (1)) or pointing a firearm, whether loaded or not (section 87 (1)), or mischief.

The new drive-by shooting offence will allow police to specifically target and prosecute criminals who use guns to intimidate and threaten others by shooting at a building. The act of shooting at a building would be sufficient to establish the offence. It would not require that any person be injured as a result of the shooting or that there even be any intent to injure a person.

3) Electronic Disclosure of documents to the Defence

Specific issues may include: empowering the Crown to provide electronic disclosure; empowering the Crown, subject to judicial control, to provide access to volume documents rather than hard copies and requiring a scanning for electronic disclosure; examining the issue of relevance from the standpoint of when a disclosure obligation is triggered; examining and confirming the responsibility of police services in the provision of disclosure to the Crown.

Disclosure is, of course, intended to ensure a fair trial. Despite this, in some parts of Canada (perhaps many) disclosure requests have been converted into *weapons* in the hands of the defence. A number of techniques have arisen. First, wholly unreasonable demands ("I want any records concerning this Crown witness that may be in the possession of any police services in Canada and the United States"). Second, volume demands that are intended to cause the Crown to pause and wonder whether it should continue with the prosecution, given the time and costs associated with meeting with the

demand ("I want a copy of every document in that warehouse"). At least one volume demand, confirmed by court order in Alberta, cost the Crown $500 000 a few years ago. Third, last minute volume demands which the Crown finds difficult to meet have turned into motions to dismiss the indictment on the basis of an inability to make full answer and defence.

There are many variants on these themes as well. The point is that the disclosure obligations are now being used by the defence to frustrate the Crown into a stay of proceedings or in some other fashion to defeat the case for the prosecution.

4) Increased jail terms in cases of significant, commercial-level trafficking and grow operations

These are the type of crimes where a message must be sent to the courts. Traditionally, the judiciary have seen grow operations as more in the nature of a harvesting event than anything else. Linkage to organized crime is generally not seen. The reality is that in major grow operations there is invariably a linkage to organized crime, particularly organized motorcycle gangs and Asian crime groups. Occasionally, high grade hydroponic cannabis products are smuggled by vehicle into the United States, traded for guns which are then returned back to the street in Canada.

The reality is this: Even the most significant, commercial level grow operation production case will attract no more than three years or so. Because it is a non-violent offence, the offender will generally be released after a year. When the stakes are so high, and the profits to be gained so significant, criminal gangs and large scale grow operators see this penalty simply as a cost of doing business— tantamount to being the cost of a license to engage in the business. Put simply, the combination of several factors— the high quality of Canada's hydroponic marijuana, the huge profits that can be made, the exceedingly low penalty involved, and the availability of early parole— have combined to create a spiraling effect in terms of the proliferation of grow ops throughout Canada. In the past several years, it has become abundantly apparent that the law needs to reflect the fact that the stakes are very high where the evidence demonstrates a "significant, commercial level" operation.

5) Admission of previous convictions for predicate offences in gang cases

Under an old rule of the common law the prosecution may not adduce evidence tending to show that the accused has been guilty of criminal acts, other than those covered by the indictment, for the purpose of leading the jury to the conclusion that the accused is a person likely from his criminal conduct or character to have committed the offence for which he is being tried. "Propensity evidence", as it is now known, is presumptively inadmissible. The onus is on the prosecution to satisfy the trial judge on a balance of probabilities that in the context of the particular case the probative value of the evidence in relation to a particular issue outweighs its potential prejudice and therefore justifies its reception: *R v Handy*, [2002] 2 S.C.R. 908 at par. 55.

Strictness of the rule that precludes the admission of previous criminal conduct has in recent years been relaxed in the United Kingdom and the United States. While there continues to be a need to ensure that juries do not convict on the basis of propensity reasoning, there exists the need to re-examine whether and with what safeguards evidence of a previous predicate criminal offence may be tendered by the prosecution where it is material to a fact in issue in the case.

6) Routine police evidence to be presented by affidavit

Contested evidence is often first examined during a *voir dire* that allows the evidence to be considered in the absence of the jury, following which there are submissions and a ruling on its admissibility. If ruled admissible, the full evidence is often tendered again before the jury, sometimes lasting weeks if not months.

Lengthy investigations that result in even lengthier trial proceedings often result in a significant number of police officers being taken off the streets for months if not years, essentially for two reasons: preparation of volume disclosure (for which a recommendation has already been made, above), and extended testimony in court on issues that are largely uncontested. There exists a need to reduce the requirement for *viva voce* evidence. Several precedents already exist in our criminal laws─ principally by, certificate or affidavit, where legislation specifically provides for an alternative method of proof, is often accompanied by a provision which allows the defence to seek an order permitting cross-examination of the affiant where good grounds for doing so exist.

7) Designating a person convicted of a criminal organization offence as a dangerous offender or a long term offender

The above recommendation would add a third category to the types of offences that may support a dangerous or long term offender designation, in addition to serious personal injury offences and the listed sexual offences.

If Part XXIV is not amended, an offender who commits a criminal organization offence may be designated a dangerous or long term offender only if the offence also meets the other personal injury or sexual offence criteria.

Currently, there is no relationship between the long term offender provisions and the criminal organization offence provisions of the *Code*. Given the social and economic impact of organized crime activities and the associated harm to community health and safety, it would be appropriate to add criminal organization offences to the types of offences for which a person may be designated a long term offender. This would provide a mechanism for greater public protection from long term gang offenders, more sustained supervision of repeat gang offenders in the community and more effective disruption of gang activities.

8) Recognizance conditions where there are grounds to fear that a person will commit a criminal organization offence

Section 810.01 empowers a judge to order a person to enter into a recognizance (or peace bond) when there are reasonable grounds to fear that the person will commit a criminal organization offence. The recognizance requires the person to keep the peace and be of good behaviour, and may also include any other reasonable conditions that the judge considers desirable for preventing the commission of a criminal organization offence.

Although the wording of the section is broad, court decisions have severely limited the types of conditions that may be included in the recognizance. An amendment to the *Criminal Code* is necessary if this provision is to be effective in preventing unlawful activity.

The conditions, or the criteria to be used in determining conditions, must be targeted to meet the objective of preventing criminal conduct associated with criminal organizations. The amendment should provide scope for conditions such as non-association, non-contact, geographical, substance use, drug test, reporting and curfew requirements.

Resolution #08-2007

ORGANIZED CRIME LAW REFORM

Media Lines:

The proposals and amendment put forward in the CACP Resolution identify critical gaps in federal law which impede more effective responses to organized crime in Canada.

These reforms will greatly assist front-line personnel who see the impact of organized crime first-hand.

Public safety demands that Canada's legislative framework to counter organized crime directly address gang violence, gang dynamics and the special challenges organized crime cases pose to the safety of all Canadians.

These reforms are aimed at protection of our children and communities from the threats from organized crime. They are also designed to address criminal procedure and sentencing issues which experts have identified as deficient when applied to organized crime cases.

Resolution #09-2007

CANADIAN LAW ENFORCEMENT STRATEGY TO COMBAT ORGANIZED CRIME

Submitted by the Organized Crime Committee

WHEREAS the Canadian Association of Chiefs of Police (CACP) fully endorse the principles and values of integration and intelligence-led policing, and;

WHEREAS Canadians are concerned about the growing and pervasive threat of organized crime in their communities, and;

WHEREAS in response to their concerns, and in cooperation with the Law Enforcement Community, the CACP Organized Crime Committee is currently implementing a governance model for which the setting of enforcement priorities at the municipal, provincial, regional and national levels based on the intelligence contained in the National Threat Assessment will be a key component.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police supports the efforts in the development and implementation of the integrated intelligence-led Canadian Law Enforcement Strategy to Combat Organized Crime; whereby enforcement priorities are recognized, based on the Provincial and National Threat Assessments, and acted upon at the municipal, provincial and federal level.

Resolution #09-2007

CANADIAN LAW ENFORCEMENT STRATEGY TO COMBAT ORGANIZED CRIME

Commentary:

The Canadian law enforcement community has made significant progress in operating by the principles of Intelligence-Led Policing (ILP) and integration over the past several years. Clear examples of this progress include the production of integrated Provincial and National Threat Assessments on Organized Crime and the more recent move towards the development and implementation of a Canadian Criminal Intelligence Model (CCIM).

The next step in the evolution of intelligence-led policing, in the context of a fully integrated approach to crime control/prevention, is to implement the Canadian Law Enforcement Strategy to Combat Organized Crime. A key component within the CACP Organized Crime Committee Strategy is the setting of enforcement priorities at the municipal, provincial, regional and national levels based on the intelligence contained in the Criminal Intelligence Service Canada (CISC) integrated Provincial Threat Assessments and complementary integrated National Threat Assessment. The achievement of this next step would ensure that the principles of Intelligence-led Policing and integration are operational at all levels of law enforcement across Canada: municipal, provincial and federal.

The realization of this next step presupposes that all the key organizations and individuals are actively involved in the process, thus ensuring the overall success of the Canadian Law Enforcement Strategy to Combat Organized Crime.

Current Status

The CACP Organized Crime Committee, co-chaired by Chief Bill Blair, Toronto Police Service and Deputy Commissioner P-Y Bourduas, RCMP, has advanced the CACP OC Strategy from its initial conception in May 2004 to the point where a governance structure has been established to fully operationalize the integrated CISC Provincial Threat Assessments and complementary National Threat Assessment within the 2007 calendar year (See Figure 1.) A structural diagram of the governance model for the CACP intelligence-led Canadian Law Enforcement Strategy to Combat Organized Crime is contained in Figure 2.

In March 2006, with the assistance of all CISC Provincial Bureaus, provincial chiefs selected a senior law enforcement official to represent their respective provinces on an Intelligence-Led Enforcement Priorities Group as illustrated in Figure 3. This group was called the Council of Public Safety (CoPS). The provincial law enforcement representatives would have a dual role; one, to chair the integrated intelligence-led

provincial enforcement group; and two, to represent their respective provinces at CoPS. At the national level, it was agreed that existing Integrated Organized Crime Investigative Units (IOCIU) would be suitable bodies to coordinate national enforcement priorities in line with enforcement priorities identified at the provincial level and that Chief Superintendent Derek Ogden, RCMP, in his capacity as coordinator of the IOCIUs nationally, chair the Council of Public Safety.

This governance model was discussed in detail in St. John's, Newfoundland at the August 20, 2006 CACP Organized Crime Committee Meeting. The committee fully supported the model and tasked the CACP Organized Crime Committee Strategy Sub-Group to move forward with the development and assist in the full implementation of the integrated intelligence-led Organized Crime Strategy in 2007. It was also agreed that any governance model must leave room for innovation and individual best practices at the municipal, provincial, regional and national levels in the implementation of the CACP OC Strategy (for example, the IROC model in Alberta and Projet Minerve in Québec). Further, the CACP Organized Crime Committee OC Strategy Sub-Group prepared a Position Paper in order to advance the integrated intelligence-led strategy from concept to full implementation in calendar year 2007. The CACP OCC fully endorsed this Position Paper and a timeline for the implementation of the OC Strategy is contained in Figure 4.

Additionally, as the OC Strategy will evolve over time as new strategic approaches to crime control and prevention are integrated into the strategy, the CACP OCC will be called upon to periodically update the CACP on the future progress of the strategy. The OC Strategy will also be made more effective with the implementation of the Canadian Criminal Intelligence Model that CISC is developing in co-operation with the Canadian as well as international law enforcement community.

As noted in the Issue description above, the success of the strategy is dependent on all law enforcement organizations and individuals being actively involved in the process to ensure a fully integrated intelligence-led approach to crime reduction and prevention in all communities throughout Canada. Therefore, the Draft Resolution as outlined in this document is submitted to the CACP membership to ensure the success of the integrated intelligence-led Canadian Law Enforcement Strategy to Combat Organized Crime.

Resolution #09-2007

CANADIAN LAW ENFORCEMENT STRATEGY TO COMBAT ORGANIZED CRIME

Media Lines:

- The confidence of the Canadian community in law enforcement providers is of the utmost importance to the CACP.

- The CACP is dedicated to the support and promotion of efficient law enforcement and to the protection and security of the people of Canada.

- The CACP takes pride in its remarkable record of progress and service that has embraced the police community Canada-wide.

- The Canadian law enforcement community has made significant progress in operating by the principles of intelligence-led policing and integration over the past several years.

- As a leader of progressive change in policing, the CACP fully supports the Canadian Law Enforcement Strategy to Combat Organized Crime advanced by the CACP Organized Crime Committee.

- The CACP OCC equally promotes a fully integrated approach to crime control/prevention.

- The CACP Organized Crime Committee Strategy is currently setting enforcement priorities at the municipal, provincial, regional and national levels.

- The implementation of the Canadian Law Enforcement Strategy to Combat Organized Crime will provide the Canadian law enforcement community with an enhanced capacity to curtail the activities of criminal organizations operating in Canada.

- Moreover, the principles of intelligence-led policing and integration, which governs the Canadian Law Enforcement Strategy to Combat Organized Crime, are operational at all levels of law enforcement across Canada: municipal, provincial and federal.

Specific to Organized Crime (operations)

- According to the *Criminal Code of Canada*, organized crime refers to any group of three or more people engaged in a continuing pattern of serious criminal activity where the primary motive is profit.

- The law enforcement community along with municipal, provincial, territorial and federal governments are working hard to combat organized crime.

- Operations, with respect to organized crime, demonstrate the excellent intelligence-led cooperation between the national and international law enforcement partners.

- The Council of Public Safety (CoPS) provides an opportunity for the entire law enforcement community to operationalize or put into action the intelligence contained in the Criminal Intelligence Service Canada (CISC) integrated Provincial Threat Assessments and complementary integrated National Threat Assessment.

- Often the end result of integrated operations, led by sound intelligence, is a significant disruption to illicit organized crime activities.

- In cases involving drugs, for example, these operations result in fewer harmful drugs reaching Canadian streets.

Specific to the Intelligence community

- Criminal intelligence is a fundamental component of the Canadian Law Enforcement Strategy, enabling more effective policing operations through a deeper knowledge of the capabilities, limitations and vulnerabilities of organized crime.

- The Canadian Law Enforcement Strategy will help maximize the value of criminal intelligence through the identification of enforcement priorities and the resulting enforcement activities.

- Canada's strong criminal intelligence capabilities are reflected in the Canadian Law Enforcement Strategy, which enables more effective targeting of the most serious organized crime threats.

- The Canadian Law Enforcement Strategy will help combat organized crime by serving as a roadmap to effectively use valuable criminal intelligence.

- The Canadian Law Enforcement Strategy supports integrated and intelligence-led policing by utilizing criminal intelligence to facilitate the development of municipal, provincial, regional and national enforcement priorities.

Resolution #10-2007

DISPOSITION OF PROPERTY SEIZED UNDER THE CDSA

Submitted by the Drug Abuse Committee

WHEREAS the domestic production of synthetic drugs, and marihuana grow operations have increased dramatically over the last decade, and;

WHEREAS costs to law enforcement of storage, management, and disposition of seized items are increasing, and in many cases exceed the value of the goods seized, and;

WHEREAS when illegal drug production operations are dismantled, law enforcement and first responders are exposed to, and end up being responsible for the safe removal of chemicals, contaminated items, and other production equipment, and;

WHEREAS the chemicals and waste seized from synthetic drug production operations include solvents, reagent, precursors, by-products and the drug products themselves; many of the chemicals found are reactive, explosive, flammable, corrosive and toxic, and;

WHEREAS great care must be taken in the handling and storage of such chemicals and equipment to minimize potential risks to the health and safety of the persons handling these goods as well as the risks to the communities surrounding the locations where these production operations are found and where the chemicals are stored while they await disposition, and;

WHEREAS storage of large quantities of seized goods also carries with it certain security risks and measures must be taken to protect goods against loss and possible diversion back to the illicit drug market. The longer these goods are stored, the greater the risks, and;

WHEREAS long retention times due to the current CDSA requirements lead to increased costs for exhibit management and storage. Seized Property Management Directorate estimates that 70% of all assets in their warehouses are items seized from marihuana grow operations including light bulbs, neon tubes, shades, wiring, fans, rubber tubing, water pumps and timers. Seized goods are also managed by law enforcement agencies in secured storage facilities at significant costs, and;

WHEREAS it is evident that significant law enforcement resources are being expended on managing the assets seized from illegal drug production operations that are of little or no worth whatsoever, and;

WHEREAS Health Canada is currently engaged in a consultation process with various stakeholders including the CACP on legislative amendments to the CDSA specifically related to the disposition of seized property.

THEREFORE BE IT RESOLVED that the Minister of Health and the Minister of Justice continue to move the legislative amendment process forward as a priority in order to allow for safer, faster, more efficient handling and disposition of goods seized under the CDSA, including a provision to allow Law Enforcement to authorize the expedited destruction of goods, other than drugs, seized from illicit drug production operations.

Resolution #10-2007

DISPOSITION OF PROPERTY SEIZED UNDER THE CDSA

Commentary:

The CACP has been advocating for several years to have amendments introduced to the CDSA that would reduce the burden on police agencies for the storage and management of seized property from grow ops and clan labs. Health Canada is currently advancing a legislative amendment package that would see significant changes in the requirements to store and manage seized property. Now that this project is moving forward it is important to reiterate the high level of priority that this issue holds for our members. These legislative changes will free up a significant amount of financial resources that can be devoted to fighting crime on our streets.

Resolution #11-2007

DRUG POLICY

Submitted by the Drug Abuse Committee

WHEREAS drug abuse issues in Canadian communities continue to threaten the health and safety of Canadians, and;

WHEREAS drug abuse and its societal impacts are complex in nature requiring strategies that engage partners from many different sectors of society, and;

WHEREAS there is considerable discussion and controversy at the local, provincial and national levels on the appropriate approach to drug abuse, and;

WHEREAS the Canadian Association of Chiefs of Police has passed many resolutions related to drug abuse issues in recent years, and;

WHEREAS the Canadian Association of Chiefs of Police represents members of police agencies at the municipal, provincial and federal level, and;

WHEREAS Canadian Association of Chiefs of Police members would benefit from a clear policy statement on drug abuse issues reflecting the spirit of the numerous policy related drug resolutions passed by the CACP, in order to guide the development of local policies on drug issues, and;

WHEREAS the Canadian Association of Chiefs of Police Drug Abuse Committee has considered input from police agencies across Canada and from external stakeholders in developing a balanced policy, and;

WHEREAS the Canadian Association of Chiefs of Police believes in a balanced approach to the issue of substance abuse in Canada, consisting of prevention, education, enforcement, counseling, treatment, rehabilitation, and where appropriate, alternative measures and diversion to counter Canada's drug problems.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police adopt the attached policy, developed by the CACP Drug Abuse Committee, as the official position of the CACP, and that it be made available as a resource to guide CACP members in the formulation of local policies on drug issues.

Resolution #11-2007

DRUG POLICY

Commentary:

The increasingly complex landscape around substance abuse issues in our communities can be very challenging when it comes to determining an appropriate policing strategy. DAC wishes to assist CACP members by presenting a Drug Policy that reflects the spirit of the many policy themed resolutions that have been passed by the Association in recent years. It is our hope that the attached policy will be helpful to CACP members in developing strategic drug policies.

Resolution #11-2007

DRUG POLICY

Media Lines:

What does CACP support in a Drug Strategy or Policy?

The CACP supports a balanced a properly funded federal drug policy based on enforcement, education, prevention, treatment, counseling, and rehabilitation.

Does CACP support Harm Reduction?

“Harm Reduction” is a poorly defined term that is used by many people to mean many different things. CACP has offered qualified support to some initiatives that are referred to in general as "harm reduction" initiatives such as needle exchange programs, as long as they are programs that involve counseling and access to treatment.

Appendix A

Canadian Association of Chiefs of Police
Drug Policy

Introduction

The CACP has taken a number of progressive positions over the years with respect to drug policy in Canada. As far back as 1973 the association has, through its resolutions, programs and initiatives, sought to exert a positive influence as our communities struggle with substance abuse issues.

In drafting this policy, the CACP Drug Abuse Committee was guided and influenced by a number of stakeholders and positions, including the overarching position that **the use of illicit drugs is harmful.** For example, the vision of the *National Framework for Action to Reduce the Harms Associated with Alcohol and Other Drugs and Substances in Canada - Answering the Call,* is that "**All people in Canada live in a society free of the harms associated with alcohol and other drugs and substances**", and acknowledges that there is harm associated with substance abuse. This Framework has been reviewed and endorsed by the CACP Drug Abuse Committee.

Objective

This document is intended as a guide for CACP members in their day-to-day responsibilities as Canada's police leaders as well as when commenting publicly on Canada's drug policy and substance abuse issues in their communities.

Outlook

The CACP is an important leader of progressive change nationally, and is committed to building safer and healthier communities through safe streets, safe homes, safe schools, and strong, vibrant neighbourhoods. The CACP *"Leads Progressive Change in Policing"* and has a clear public position on drug abuse, including a policy that can be examined, critiqued, and debated. The CACP welcomes dialogue on this complex and evolving issue as we continue to work towards a safer and healthier Canada in collaboration with our partners.

Terminology

The CACP defines "Drugs" as all substances, legal and illegal, that cause behaviours that are harmful to the community at large, including alcohol, as well as legal and illicit drugs. In the context of policing, the CACP is primarily concerned with the negative behaviours that arise from substance abuse, and the impact of those behaviours on public safety and public order.

For the purposes of this policy, the CACP considers any illicit drug use to be **"abuse."** Further, any use of a licit substance (e.g., alcohol, medication) in a harmful way is considered abuse.

CACP Drug Policy: A Balanced Approach

The CACP believes in a balanced approach to the issue of substance abuse in Canada, consisting of prevention, education, enforcement, counseling, treatment, rehabilitation, and where appropriate, alternative measures and diversion to counter Canada's drug problems.[i]

We believe in a balanced continuum of practice distributed across each component, supplemented by projects and initiatives as necessary. In addition, the policy components must be fundamentally **lawful and ethical**, must consider the interests of all, and must strive to achieve a balance between societal and individual interests. Further, the CACP believes that to the greatest extent possible, initiatives should be evidence-based.

The CACP does not support uncoordinated silos of effort and work. CACP members partner in a broad spectrum of proactive, community based initiatives. The CACP encourages participation in substance abuse prevention and awareness initiatives that support a safer and healthier Canada, through a vision aimed to reduce crime, reduce the fear of crime, protect the vulnerable, and create safer and healthier communities for all Canadians.

Prevention

The CACP strongly believes that prevention is most important. If prevention is successful there will be a decrease in the harms attributed to substance abuse.

To gauge the magnitude of the alcohol and illicit drug use problem in Canada, Canadian Centre on Substance Abuse, Health Canada, and provincial partners conducted a national telephone survey in 2003 (Canadian Addiction Survey, 2005). This study (CAS) revealed that in the preceding year,

- 79.3% of the population ages 15 and over consumed alcohol,
- 14.1% used cannabis, and 3% used other illicit drugs (i.e., hallucinogens, cocaine, amphetamines, ecstasy, and heroin).

Furthermore, young people are disproportionately more likely to consume substances,

- about 90% of youth aged 15 to 24 reported past-year consumption of alcohol,
- 40% reported past-year cannabis use, and
- 13% reported past-year use other illicit drugs.

In addition, the age of initiation for substance use appears to be dropping. Young people aged 15 to 17 reported engaging in earlier use than those 18 to 24. This is a troubling pattern as earlier substance use is related to an increased likelihood of heavy use, experiencing harms from use, and symptoms of dependence.[ii,iii]

Data from the CAS also indicates males are substantially more likely to use alcohol and illicit drugs compared to females; however, females are more likely to experience harm. Therefore, prevention programs also need to be gender specific.
The overall theme of prevention should be to encourage Canadians to stay "**drug free**," and to discourage substance abuse. The relative lack of resources, and inconsistent use of existing resources and effort directed at age-appropriate prevention and education strategies on a national scale is a significant concern. Drug education and positive youth development, as a regular and sustained part of the school curriculum, is imperative. Furthermore, prevention programs should be informed by research that helps identify the high risk users in order to better refine the implementation of these programs.

Positive youth development through asset building makes an important difference in the lives of children and youth as they transition to young adulthood. While children and youth are only 20% of our population, they are 100% of our future. Police, as community leaders have a role to play in helping to keep their dreams alive and full of hope through a HEP (Health, Education and Enforcement) partnership model. The SEARCH Institute's Developmental Asset Building tm is evidence based and endorsed by the CACP.

Past prevention campaigns, such as those for anti-smoking and anti-drinking and driving, were successful in changing societal attitudes and behaviours, in part, because the undesirable behaviour was identified, judged and stigmatized. Recent messages that tend to de-stigmatize drug use have desensitized society, particularly impressionable young people, to the dangers of illicit drug use. Therefore, the CACP supports long-term and sustained prevention campaigns involving all key partners that have a clear abstinence message and that include clear information about the harm caused by illicit drug use.

The CACP values its ongoing partnership with the Health, Education and Enforcement in Partnership (HEP). HEP is comprised of a network of organizations and individuals representing diverse perspectives, committed to addressing substance abuse issues. HEP unites key players from the health and enforcement fields at the local, provincial, and national levels. It is an inclusive network, including Health Canada's F.P.T. Committee on Alcohol and Other Drug Use, Addictions Agencies, Justice Canada (DOJ), Correctional Services of Canada (CSC), Public Safety Canada (PS), R.C.M.P., Canadian Border & Security Agency (CBSA), National Crime Prevention Center (NCPC), and Federation of Canadian Municipalities (FCM) all united in a partnership co-chaired by Canadian Centre on Substance Abuse and the CACP.

Prevention supports CACP's public safety mission in that it will reduce the number of people who abuse substances. This will reduce the number of incidents where a drug abuser's behaviour, in the form of crime and disorder, has a negative impact on themselves, their family, and their community.

Ultimately, effective prevention strategies will:

- Reduce crime,
- Reduce the fear of crime,
- Minimize victimization, and
- Create safer and healthier communities.

Enforcement

The CACP is also committed to enforcement practices that target **the criminal infrastructure**, which supports and perpetuates the cycle of crime, violence, disorder, as well as the victimization of the most vulnerable citizens in our communities. This strategy supports our mission to reduce crime, reduce street disorder, protect the vulnerable and create safer communities. As well, an enforcement priority will remain targeted at those who profit from the drug trade in trafficking, cultivation, importing, exporting, and production of illicit drugs.

Enforcement should also be prioritized towards those whose trafficking behaviour interferes with the lawful use and enjoyment of a given facility or location, whether public or private, or contributes to street disorder, and causes fear among citizens and the community at large.

The CACP endorses the practice of police discretion in individual communities, but believes there should be emphasis on enforcement of laws against the possession/illegal use of drugs where the users are engaged in behaviours that harm or interfere in the lawful use or enjoyment of public or private property, and contribute to street disorder. In particular, the CACP believes that enforcement should be a priority in **parks, school grounds** and other locations where **vulnerable children and youth are placed at risk.**

Healthy Communities and Transition to Treatment

The CACP supports a range of strategies that serve to reduce harm in society, and has in the past, expressed ***qualified*** support for certain activities that reduce harm, such as Needle Exchange Programs. **This means that CACP does not endorse *all* initiatives that are presented as "harm reduction", but rather assesses specific initiatives that advocate reducing harm.**

Qualified support of activities claiming to reduce harm has always been accompanied with a call to ensure these activities are based on credible evidence and are part of a **comprehensive response**. The CACP acknowledges that the reduction of harm is necessary to support public health objectives such as reducing transmission rates of HIV and hepatitis, as well as preventing drug overdoses. Reducing harm should reflect transitory measures to prevent addicts from contracting disease, injuring themselves, or dying before they have an opportunity to access and eventually

succeed at treatment. Harm reduction measures **should not be seen as an end in themselves**, but rather as temporary measures for hard-to-reach addicts leading to treatment and abstinence.

Some practices may initially reduce harm to the user, but may unintentionally cause more long-term harm by enabling the addicted user to remain in a perpetual cycle of addiction.

The longer addicts are maintained in a cycle of addiction without an accessible pathway to treatment, the more likely they are to engage in negative behaviours that harm themselves, other citizens, and the community at large. These behaviours are reflected in property crime, violence, street disorder, and calls for service to which the police must respond. The CACP supports health initiatives that **preserve and protect life** by preventing disease transmission and overdose deaths. However, the longer a person stays in the cycle of addiction, the longer they remain at risk. The health and safety of drug abusers and those in the community at large must be considered in the implementation of any initiatives.

Initiatives designed to reduce harm to drug abusers may also conflict with law enforcement activities intended to address public safety issues. The CACP encourages the management and mitigation of these impacts through communication with community partners.

The CACP acknowledges that there are different types of harm associated with drug abuse that fall outside the realm of health (e.g., social and economic harms). Therefore, health-based initiatives that reduce harm **should not be perceived as automatically taking priority over other concerns**. By expanding the definition of reducing harm to include all initiatives (and organizations) that reduce harm, this strategy becomes less controversial and more understood, inclusive, and supportable.

Where there is public debate on the merits or disadvantages of initiatives or activities claiming to reduce harms related to substance abuse**,** the CACP urges its members to recommend that the following questions guide the discussion:

- *What do we know about this problem?* Has anyone validated the problem trying to be addressed? (e.g., is there empirical data to support the claim that there is an injection drug use problem that warrants a Supervised Injection Site?)

- *Why are we trying to address it this way?* Has anyone considered alternate means of addressing this issue? (If there is such a problem, is an SIS the only way to address it?)

- *Where is the evidence supporting this action?* Does this initiative conform to the law? Is this a shot in the dark?

- *When do we know we've reached the goal?* Are there specific objectives for this initiative? What are they and how will they be measured?

- *Who is accountable?* For this initiative and its anticipated/unintended consequences?

Treatment

The CACP calls for accessible and on-demand treatment for substance abuse for both adults and youth. Society as a whole has an obligation to provide whatever treatment tools and resources are necessary to end addiction to drugs. Treatment interventions should address and anticipate a broad spectrum of needs.

The CACP acknowledges that addiction is a chronic and relapsing disorder that may require multiple interventions. Treatment will reduce the number of addicts and reduce their addiction-related behaviours that harm society, and to which the police must devote resources. Clearly, the more accessible and comprehensive the treatment program, the more likely an addict is to succeed in ending the harmful cycle of addiction.

The CACP strongly supports legislated and properly resources programs, such as **drug courts** and other initiatives, which facilitate and enforce **mandated treatment programs**. In addition, treatment programs should be made available for those incarcerated or being released into the community under conditions.

Conclusion

The CACP leads progressive change in policing in Canada, contributing to and supporting healthy, strong, and safe communities. This document is intended to provide a reference point for CACP members, and to encourage further debate, research, and communications internally and externally on the issue of drug abuse.

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[i] CACP Resolution 1999-15.

[ii] Grant, B.F., Stinson, F.S., & Harford, T.C. (2001). Age of onset of alcohol use and DSM:IV alcohol abuse and dependence. A 12 year follow up. *Journal of Substance Abuse, 13*, 493-504.

[iii] Warner, L.A., & White, H.R. (2003). Longitudinal effects of age at onset and first drinking situations on problem drinking. *Substance Abuse and Misuse, 38*, 1983-2016.