



# **Resolutions adopted at the 97<sup>th</sup> Annual Conference**

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**CANADIAN ASSOCIATION OF CHIEFS OF POLICE**  
*Leading progressive change in policing*

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## Resolution 2002 - 01

**WEARING A DISGUISE WITH INTENT**

Submitted by the Law Amendments Committee

- WHEREAS** the Canadian Constitution provides for freedom of speech, lawful assembly and the freedom to take part in peaceful demonstrations, but this right is being eroded by demonstrators who attend peaceful demonstrations while wearing a mask, disguise or bandana for the sole purpose of committing criminal offences while attempting to evade detection by police, and;
- WHEREAS** section 351(2) of the *Criminal Code of Canada* provides that anyone who, with intent to commit an indictable offence, has his face masked or coloured or is otherwise disguised is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years, and;
- WHEREAS** it is a requirement of section 351(2) that the Crown be able to prove the intention to commit one or more specified indictable offences: *R v. Shay* 1976 (Ont. C.A.), and;
- WHEREAS** not all demonstrators who wear masks or disguises at demonstrations commit or have the intent to commit indictable offences but may commit or have the intent to commit a summary conviction offence.
- THEREFORE BE IT RESOLVED** that the Canadian Association of the Chiefs of Police calls upon the Government of Canada through the Minister of the Solicitor General and the Minister of Justice and Attorney General to amend section 351(2) of the *Criminal Code of Canada*, to reflect the intent of the individual as being to commit any criminal offence and not strictly an indictable offence under the *Criminal Code of Canada*, and;
- BE IT FURTHER RESOLVED** that the Minister of Justice and Attorney General be encouraged to amend section 351(2) of the *Criminal Code of Canada* to make the offence a dual procedure offence punishable by indictment or on summary conviction.

**Resolution 2002-01****WEARING A DISGUISE WITH INTENT  
COMMENTARY**

Peaceful demonstrations are often marred by the irresponsible acts of a few whose main goal is to commit criminal, often violent acts. To facilitate their cowardly acts and to avoid apprehension and detection, these criminals often wear masks, bandanas or similar disguises. In some cases these individuals have been arrested for similar offences and are out on bail with conditions that they not engage in similar behaviour.

The Criminal Code currently provides that anyone who, with intent to commit an indictable offence and has his face masked or coloured, is guilty of an indictable offence. This resolution calls for the offence of wearing a mask even if the offence is punishable by summary conviction.

It is important to note that individuals who wear masks and are not engaged in or do not intend to commit criminal acts could not be charged. Simply put, if you commit a criminal act and you are wearing a disguise, you can be charged with the additional offence of wearing a disguise with intent.

**Resolution 2002 - 02****IDENTITY THEFT**

Submitted by the Law Amendments Committee

**WHEREAS** the theft of documents or electronic identification confirming identity is fast becoming a problem of significant proportions in Canada, and;

**WHEREAS** criminals engage in identity theft to facilitate many types of criminal offences, including fraud and activities supporting organized crime or terrorist organizations, and;

**WHEREAS** there is currently no legislation that addresses identity theft, and;

**WHEREAS** possession of novelty identification has been proven to be used for the purposes of committing offences under both federal and provincial legislation, and;

**WHEREAS** personal information is used and transferred for the purpose of committing unlawful activity and there is no offence in Canadian law for this behaviour.

**THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister of the Solicitor General and the Minister of Justice and Attorney General to amend the *Criminal Code of Canada*, to reflect the seriousness of identity theft by including a section which deals with the possession of multiple identities with the following suggested wording: "Everyone commits an offence who, for an unlawful purpose and without colour of right, has in his possession, uses or deals in any way with personal identity information". Personal identity information could be defined as any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including any name, date of birth, official government issued driver's licence or identification number, certificate of Canadian citizenship, passport number, social insurance number, health card number, unique biometric data, such as fingerprints, voice print, retina or iris image, or other unique physical representation, unique electronic identification number, address, or routing code or telecommunication identifying information or access device, and;

**BE IT FURTHER RESOLVED** that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister of the Solicitor General and the Minister of Justice and Attorney General to amend the *Criminal Code of Canada*, to reflect the seriousness of identity theft by including a section which prohibits the sale or use of novelty identification capable of being used as a means of personal identity information.

## Resolution 2002-02

**IDENTITY THEFT  
COMMENTARY**

Identity theft has for years been a favourite technique of criminals looking to run up credit-card bills or take out loans they never pay back. However, militants and terrorists are increasingly using identity theft to acquire credit cards and fake IDs, just like common scam artists have done for years. Canadian and US law enforcement and intelligence agencies have identified several criminal groups that have used identity theft to get their hands on passports, credit cards and telephone calling cards. Criminals do not steal identities for the sheer thrill of impersonation; it is almost always done for the commission of another crime.

There is no legitimate reason for individuals possessing multiple identities. An amendment to chapter 47 of title 18, United States Code, relating to Identity fraud, makes it illegal for simple possession of five (5) or more identities. **Similar legislation should exist in Canada.** The United States has legislation that prohibits the on-line sale of identification such as drivers licenses, SSN cards etc. purportedly for novelty use. In Canada, recent media stories demonstrated how such novelty sales provided a ready source of fraudulent identification.



## Resolution 2002 - 03

**COMMUNITY SAFETY, HEALTH AND WELL-BEING**

Submitted by the Crime Prevention/Community Policing Committee

- WHEREAS** the public and governments look to police leaders as credible authorities, whose knowledge and attributes lend themselves to a role as champions on issues around community safety and well-being and the prevention of crime, and;
- WHEREAS** the Canadian Association of Chiefs of Police is committed to making communities across Canada safer places to live, learn, work, conduct business, play and raise a family, and;
- WHEREAS** the Canadian Association of Chiefs of Police supports preventive and sustainable measures that build upon Canada's hallmark community-based approach to safety and well-being, and;
- WHEREAS** it has been demonstrated, and experts agree, that community safety and well-being are best achieved by addressing root causes of criminal behaviour, and;
- WHEREAS** community safety and well-being require both innovative and proactive social development approaches and conventional methods of (situational) crime control, and;
- WHEREAS** the foundation of community safety, health and well-being is the community itself, and;
- WHEREAS** positive benefits accrue to Canadian communities when governments and the non-governmental sector at all levels work together in an integrated fashion to build capacity in communities so that they can address their needs, and;
- WHEREAS** the Canadian Association of Chiefs of Police advocates community partnerships and collaboration as a means of enhancing the safety and development of communities, and;
- WHEREAS** the Canadian Association of Chiefs of Police endorses a holistic, interagency approach as the most effective and resource efficient way to address issues of community safety, health and well-being.



**THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police calls upon governments at all levels to initiate a broad public dialogue on community safety for the 21<sup>st</sup> century in Canada, leading to a common vision shared by stakeholders.



## Resolution 2002 - 03

**COMMUNITY SAFETY, HEALTH AND WELL-BEING  
COMMENTARY**

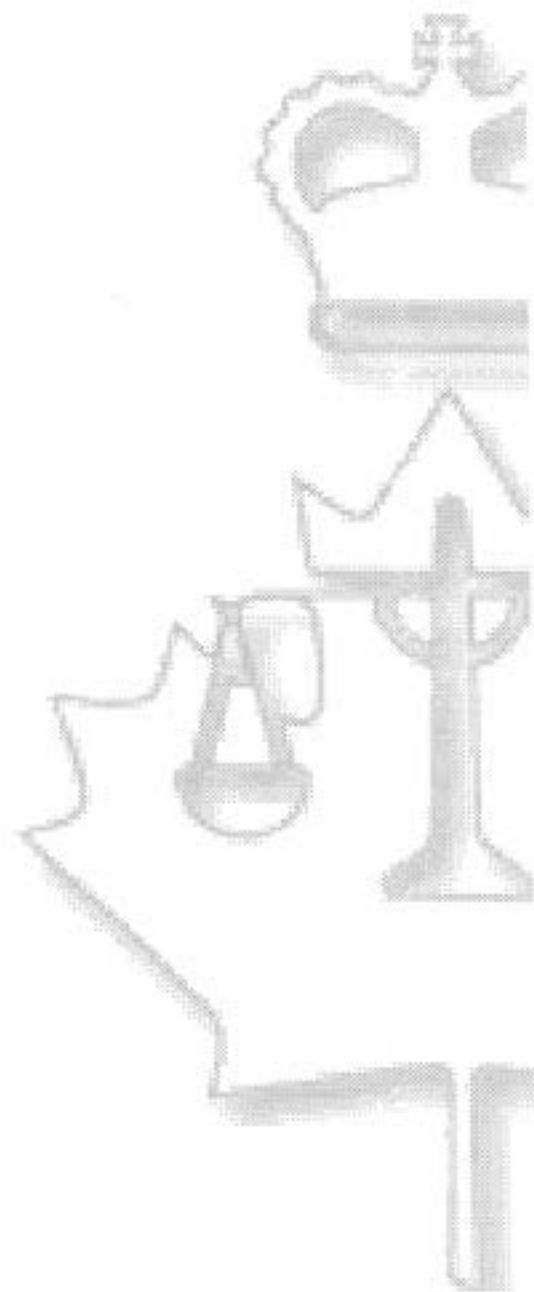
Canada is a leader internationally in promoting community-based responses to preventing crime, and in 2001 hosted a meeting of United Nations Experts on Crime Prevention. Canada is one of the few national governments that has put in place a comprehensive crime prevention strategy, developed and supported jointly by the federal and provincial/territorial governments, that is designed to address the root causes of crime.

The police are recognized as essential to this Strategy. The Canadian Association of Chiefs of Police advises the Government on the National Strategy on Community Safety and Crime Prevention. Individual police organizations play an active participating role in the Strategy's implementation in communities across the country.

The Strategy's "social development" approach is recognized as a necessary complement to the traditional criminal justice system. Reactive responses to crime--through enforcement and incarceration--and traditional "situational" preventive measures do not, on their own, solve the problem of crime and halt potential offending that is rooted in familial, social and economic conditions. A comprehensive framework of policing and crime prevention includes responsive and preventive approaches, with appropriate roles for police and communities within this framework. The police role in the social development approach may not be that of leader, but of facilitator, supporter and advocate for community-based initiatives that flourish from a community's own assets.

According to both research findings and a recent significant public opinion poll undertaken by a major national polling firm, Canadians look to police first as credible authorities on crime and crime prevention issues. Therefore the CACP voice of support for a social development approach to community safety and well-being will be heard. It will signal to health, welfare, education, recreation and other social agencies the potential for practical partnerships with police that span the range of consultative, cooperative, coordinating and collaborative. It will support the learned findings of academics and researchers who are dedicated to issues of healthy human socialization. The CACP voice of support for community ownership of safety and well-being will encourage individuals and groups to assume their appropriate roles in strengthening their own communities.

The Canadian Association of Chiefs of Police is looking to governments at all levels to initiate a public dialogue on how communities might best achieve community safety, health and well-being, leading to a vision of policing in Canadian communities for the early 21<sup>st</sup> century.



## Resolution 2002 - 04

**MINIMUM SENTENCE FOR ASSAULTING  
A POLICE OFFICER**

Submitted by the Law Amendments Committee

**WHEREAS** over the last decade the trend to use violence against police officers has been steadily increasing. In 2001, Statistics Canada reported 7474 incidents in which police officers were assaulted; **this is an increase of 32% over the past five years, and;**

**WHEREAS** in many cases, these assaults have lead to serious or life threatening injuries, and;

**WHEREAS** the *Criminal Code of Canada* does not presently provide sufficient deterrence to offenders who use violence against police officers, nor does the judiciary appear to be treating these crimes with the seriousness deserving of actions designed to injure or intimidate police officers.

**THEREFORE BE IT RESOLVED** that the CACP urge the Minister of Justice and Attorney General to amend the *Criminal Code of Canada* to create a mandatory minimum sentence for those individuals who are convicted of assaulting a police officer when the assault causes bodily harm or if the assault was committed while using a weapon.

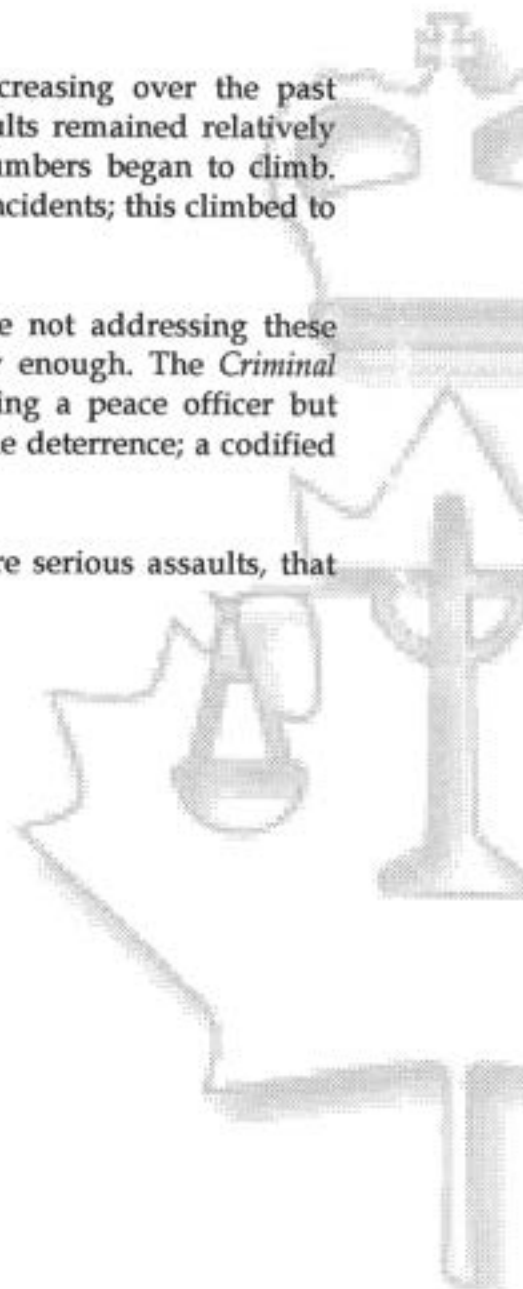
## Resolution 2002 - 04

**MINIMUM SENTENCE FOR ASSAULTING  
A POLICE OFFICER  
COMMENTARY**

Assaults against police officers have been steadily increasing over the past number of years. From 1980-1988 the numbers of assaults remained relatively constant, however as we moved into the 1990's the numbers began to climb. Statistics Canada indicates that in 1997 there were 5433 incidents; this climbed to 7474 incidents in 2001.

The police community is concerned that the courts are not addressing these crimes, directed specifically at police officers, seriously enough. The *Criminal Code* does provide offences for assaulting or intimidating a peace officer but stops short of providing what we believe would be a true deterrence; a codified minimum sentence.

It is hoped with increased penalties directed at the more serious assaults, that these crimes against police officers will decrease.



## Resolution 2002 - 05

**MOBILE DRUG/ALCOHOL TESTING SYSTEM FOR  
IMPAIRED DRIVERS**

Submitted by the Law Amendments Committee and Traffic Committee

- WHEREAS** impaired driving continues to pose a significant threat to the lives and safety of Canadians, and;
- WHEREAS** there is reason to believe that impaired driving is not limited to the excess consumption of beverages containing alcohol, but includes the use of illicit drugs as well, and;
- WHEREAS** the *Criminal Code of Canada* presently restricts the testing of suspect drivers for the consumption of a drug to the testing of their blood, which tests can only be carried out under very limited and strict conditions, and;
- WHEREAS** blood tests are intrusive for the suspected impaired driver and exceedingly time consuming for police investigators, and;
- WHEREAS** new technology has been developed that permits prompt roadside drug and alcohol analysis of possible impaired drivers through a simple, non-invasive saliva test.
- THEREFORE BE IT RESOLVED** that the CACP urge the Alcohol Test Committee of the Canadian Society of Forensic Science to begin testing this new technology with a view to determining its suitability as a new tool to combat impaired driving in Canada, and;
- BE IT FURTHER RESOLVED** that the CACP urge the Minister of Justice and Attorney General to support the initiative to explore new technologies that will assist in the goal of significantly reducing the incidence of impaired driving in Canada.

## Resolution 2002 - 05

**MOBILE DRUG/ALCOHOL TESTING SYSTEM FOR  
IMPAIRED DRIVERS  
COMMENTARY**

The vast majority of charges for impaired driving in Canada are based upon the excess consumption of alcohol. This is principally because of the practical reality that technology and legislation have limited law enforcement's ability to test suspected impaired drivers for drugs.

In recent times, however, new technology has been developed that allows for the roadside testing of persons for both alcohol and illicit drugs. This technology is based upon a non-intrusive saliva test that permits officers to quickly determine not only whether a driver has alcohol in their system, but also whether they have consumed illicit drugs such as cocaine, marihuana, amphetamines and phencyclidine (PCP).

At the present time, the protocol for legislating the validity of a new evidentiary instrument (i.e., including it in the *Criminal Code*) requires that the device in question be tested by the Alcohol Test Committee of the Canadian Society of Forensic Science. This process can take up to three years. It is important, therefore, that the process for approving the testing of such devices commence in the near future if Canadian law enforcement agencies are to have any hope of utilizing such instruments within the next few years.



**Resolution #2002 - 06****ORGANIZED CRIME ACTION PLAN**

Submitted by the Organized Crime Committee

- WHEREAS** the Canadian Association of Chiefs of Police (CACP) recognizes that the tentacles of organized crime reach far and wide and that its effects are not only pervasive and deadly, but also economically devastating, and;
- WHEREAS** the CACP continues to have grave concerns about the advances being made by organized crime, nationally and internationally; advances that threaten Canadians and their communities, and;
- WHEREAS** the CACP is well aware of the predominance of intimidation, violence and fear which allow criminal organizations to operate and ultimately survive and expand throughout the community of nations - of which Canada is no less impacted, and;
- WHEREAS** the CACP is encouraging law enforcement agencies to strengthen cooperation against organized crime through increased sharing of intelligence and resources.
- THEREFORE BE IT RESOLVED** that the CACP promote a national coordinated effort against organized crime by encouraging law enforcement executives to act strategically on a common front in an all out integrated strategy to effectively combat the threat of organized crime, and;
- BE IT FURTHER RESOLVED** that the CACP petition the provincial governments to ensure that adequate resources are dedicated to their respective Criminal Intelligence Service (CIS) agencies, thereby enabling the development and sharing of timely, accurate information and intelligence on individual criminals, criminal groups and criminal acts as vital components for law enforcement agencies to combat jointly the threat of organized crime on Canadian society.

## Resolution 2002 - 06

**ORGANIZED CRIME ACTION PLAN  
COMMENTARY**

The resolution stems from a Special Criminal Intelligence Service Canada (CISC) Executive Committee meeting held in Ottawa on June 7/02, where discussions involved the future role of CISC respecting the need for a more strategic and well-integrated national fight on organized crime. During these talks it became apparent that some of the provincial governments were not committing adequate resources in support of their respective Criminal Intelligence Service (CIS) agencies. Presently, a significant disparity of resources exists amongst the provincial governments respecting their commitment of funds dedicated to the fight against organized crime. Some of the CIS agencies are receiving negligible resources from their provincial governments.

Once adopted by the CACP members the resolution will give added impetus to the need of provincial governments to simply become equal partners in a truly national fight against organized crime.

It should also be noted that The CACP Organized Crime Committee has developed a mandate that includes the need to: "lead and strengthen cooperation and coordination amongst law enforcement in the fight on organized crime...". The proposed resolution has been developed with that very "leadership" focus and purpose.

## Resolution 2002 - 07

**CANADA/US COMMON RADIO SPECTRUM**

Submitted by the Informatics Committee

- WHEREAS** the safety of police officers is directly dependent on operational mobile radio communications, and;
- WHEREAS** on a daily basis, police officers work in partnership with members of other police agencies and public sector organizations, and;
- WHEREAS** this requires an integrated mobile communications capability so that officers' safety is ensured and the radio system allows for communication with other jurisdictions and agencies, and;
- WHEREAS** at the recent Border Crimes Forum meeting in Banff between Canada and the US, the Canadian Solicitor General and the US Attorney General agreed there is a need to move forward aggressively to establish a common Canada-US Radio spectrum, and;
- WHEREAS** the Canadian Association of Chiefs of Police is a strong supporter of a common Canada-US Radio spectrum, and;
- WHEREAS** Industry Canada controls the allocation of radio spectrum, and;
- WHEREAS** Canadian Chiefs have previously written to Industry Canada to express concern over the future availability of the very limited radio spectrum for use by police and other public safety agencies.
- THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police urge the Minister responsible for Industry Canada to set aside a common radio spectrum which will be compatible with the US for the exclusive use of the Public Safety sector, and;
- BE IT FURTHER RESOLVED** that the Canadian Association of Chiefs of Police urge the Minister responsible for Industry Canada to ensure that the designation of a common radio spectrum will not have negative financial impacts on the public safety sector.

## Resolution 2002 - 07

**CANADA/US COMMON RADIO SPECTRUM  
COMMENTARY**

The purpose of this resolution is to address the lack of a common radio spectrum for police operations in Canada. Currently in areas where there are multiple police agencies operating, officers who are working with counterparts in other organizations must carry more than one radio so that they can communicate with these departments. This puts officers at risk particularly in life threatening situations where the officer may pick up the wrong radio to call for help. In addition, since many police officers work in areas that are adjacent to the US border, there is an increasing need for a common Canada-US radio spectrum.



## Resolution 2002 - 08

**EXTRA-PROVINCIAL POLICE JURISDICTION**

Submitted by the Law Amendments Committee

- WHEREAS** the Canadian Association of Chiefs of Police recognizes the mobility of organized crime and the problems associated with jurisdictional boundaries of provincially appointed police officers, and;
- WHEREAS** in the investigation of major crimes, organized crime, drug related offences, and outlaw motorcycle gangs, provincially appointed police officers are engaged in investigations, surveillance and other police duties which take them outside their jurisdictional boundaries, and;
- WHEREAS** upon leaving appointed jurisdictions, police officers lose their legal authority to carry a firearm, peace officer power of arrest and the protection afforded under section 25 of the *Criminal Code of Canada*, and;
- WHEREAS** the present method of obtaining extra-jurisdictional authority has proven to be inadequate, time consuming and cumbersome, and;
- WHEREAS** it is necessary to take proactive steps to ensure the safety of Canadian police officers, support police investigations and ensure police agencies are protected from liability.
- THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police urge the Solicitor General of Canada to work with his provincial counterparts to encourage a timely solution that would provide that a provincially appointed police officers authority remain in effect when that officer leaves their provincial jurisdiction in the furtherance of a bona fide police duty elsewhere in Canada.

## Resolution 2002 - 08

**EXTRA-PROVINCIAL POLICE JURISDICTION  
COMMENTARY**

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

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

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



## Resolution 2002-09

**CRIMINAL JUSTICE DATA STANDARD**

Submitted by Informatics Committee

- WHEREAS** the CACP recognizes that greater information sharing between and among criminal justice agencies is essential to improving public safety, and;
- WHEREAS** the CACP has been instrumental in promoting and supporting data standards as fundamental to the effective, timely and accurate sharing of information, and;
- WHEREAS** the CACP has previously supported the federal *Integrated Justice Information Action Plan* aimed at enhancing the flow of operational information between all partners within the Canadian criminal justice system by creating a *Canada Public Safety Information Network* (CPSIN), and;
- WHEREAS** the CACP has previously supported full partnership with the federal government's data standards initiative, in collaboration with the provincial, territorial and municipal partners, with a view to creating national criminal justice data standards, and;
- WHEREAS** the Data Standards Secretariat of the Solicitor General Canada has been established as an ongoing entity within the Integrated Justice Information Secretariat, and;
- WHEREAS** no other criminal justice data standards organization exists in Canada, and;
- WHEREAS** the National Police Service of the RCMP is utilizing the CPSIN data standards in the National Criminal Justice Index and is developing migration plans for early implementation of the CPSIN data standards in CPIC and its operational systems.
- THEREFORE BE IT RESOLVED** that the CACP recognizes the CPSIN data standards developed by Solicitor General Canada as the national criminal justice data standard and urges all law enforcement and criminal justice agencies to make similar resolutions, and;
- BE IT FURTHER RESOLVED** that the CACP strongly advocates the full and speedy adoption and implementation of CPSIN data standards in



the information systems of all partner law enforcement and criminal justice agencies.



## Resolution 2002-09

**CRIMINAL JUSTICE DATA STANDARDS  
COMMENTARY****CPSIN Data Standards Essential to Improving Information Sharing Across the Canadian Criminal Justice System**

Further to its commitment to improve public and officer safety and enhance the confidence of Canadians in their criminal justice system, the Government of Canada has started to implement the Canada Public Safety Network (CPSIN) – a gateway to information sharing across Canada's criminal justice system.

Fundamental to this initiative is the development and adoption of common national criminal justice data standards. By facilitating the development of these standards, the Solicitor General Canada is helping to establish a common criminal justice terminology, further enhancing not only the integrity of, but also the capacity to, electronically exchange criminal justice information across Canadian jurisdictions in a timely, efficient, and accurate manner.

CPSIN Data Standards build on and extend beyond the original, groundbreaking Common Police Environment Group (CPEG) standards, as they will embody the business requirements of the wider criminal justice community. The CPEG standards, which were designed for the police community, were instrumental in the success of the Canadian Police Information Center (CPIC), one of the first integrated justice information initiatives in Canada.

While currently only federal partners (Solicitor General Canada, Correctional Services Canada, the Royal Canadian Mounted Police, the National Parole Board; Justice Canada, Citizenship and Immigration Canada, and the Canada Customs and Revenue Agency) are participating in the development of CPSIN data standards, discussions with provincial and territorial agencies are underway.

A fully bilingual Data Dictionary - a compendium of all terminology and data elements to be shared between two or more criminal justice organizations - and an accompanying Logical Data Model, which outlines the hierarchy of this information, will be published by April 2003 and updated twice annually thereafter.

By supporting the use of CPSIN Data Standards, the CACP acknowledges the important role that CPSIN Data Standards will play in addressing the real

challenges of interoperability that have historically undermined the trust of Canadians in their criminal justice system.



**Resolution 2002-10****INFORMATION SHARING**

Submitted by the Informatics Committee

- WHEREAS** the sharing of operational information between all police and public safety organizations is necessary for effective response to crime and social disorder, and;
- WHEREAS** the events of September 2001, have emphasized just how important information sharing is to effective policing and law enforcement, and;
- WHEREAS** that effective sharing of information can only be accomplished through the development and broad implementation of national standards for public safety information, and;
- WHEREAS** that effective sharing of information can only be accomplished through a national index which is accessible to all police and approved public safety organizations.
- THEREFORE BE IT RESOLVED** that the CACP encourage its members to pursue interagency agreements for sharing of operational information as soon as possible; and
- BE IT FURTHER RESOLVED** that the CACP supports the establishment of a national index based on common information and data standards to enable the more efficient sharing of operational information.

**Resolution 2002-10****INFORMATION SHARING  
COMMENTARY**

The sharing of operational information between police and law enforcement agencies in countering inter-jurisdictional crime such as organized crime, drug trafficking and terrorism has been a priority of the CACP. The tragic events of last September have reminded the police and law enforcement community of how critical timely and efficient information sharing is for dealing with crime and social disorder. Police are most effective when a collective approach is taken in dealing with problems of this nature. Sharing of information has gone from a periodic and isolated practice to normal way of doing business for many effective police organizations.



## Resolution 2002 - 11

**NATIONAL DRUG ENFORCEMENT INITIATIVE FOR  
GROW-OPS**

Submitted by Drug Abuse Committee

- WHEREAS** Canada is a signatory to the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), in which marihuana is a listed substance, and;
- WHEREAS** Canada has gained an international reputation as being a source country for high quality marihuana, and;
- WHEREAS** there does not presently exist *a national*, co-ordinated, intelligence-driven drug enforcement strategy, related to clandestine marihuana grow operations, and;
- WHEREAS** the policing community recognizes that clandestine marihuana grow operations generate significant profits for Organized Crime, and;
- WHEREAS** the seizure of such profits under proceeds of crime legislation is a critical component of an effective drug enforcement strategy.
- THEREFORE BE IT RESOLVED** that the CACP calls upon the Prime Minister of Canada, the Minister of Justice and Attorney General and the Solicitor General of Canada, in conjunction with their Provincial counterparts, to take a leadership role in creating and funding a co-ordinated national initiative that focuses on the significant threat to public health and safety posed by clandestine marihuana grow operations. Such funding could be supplemented in part by the dedication of fines and Proceeds of Crime Forfeitures from drug convictions, directly to policing drug enforcement initiatives, committed to mitigate the production, distribution, importation and exportation of cannabis products and derivatives.

**Resolution 2002-11****NATIONAL DRUG ENFORCEMENT INITIATIVE FOR  
GROW-OPS  
COMMENTARY**

In the past few years there has been an escalating number of clandestine marihuana grow operations started across Canada. Organized crime groups are making significant profits from these operations.

These grow operations are producing high quality marihuana, high in THC content which is up to 500% higher in THC content than the marihuana of the late 60's and 70's.

These hydroponic operations are often set up in communities and involve hydro-electrical by-passes and present fire and explosion hazards. They also create lingering health dangers to police and other emergency services personnel.

Some grow houses are rigged with booby traps that present dangers for police officers and the communities. These operations raise huge concerns for officer and public health and safety, place extraordinary demands on police resources to address these public safety concerns and require costly training and special equipment to address this problem.



## Resolution 2002-12

**DRUG SENTENCING FOR CLANDESTINE GROW OPERATIONS**

Submitted by Drug Abuse Committee

- WHEREAS** front-line emergency services professionals recognize the proliferation of clandestine marihuana grow operations in our communities, across Canada, and;
- WHEREAS** front-line professionals recognize that there are inherent, significant dangers to first-responders and the community directly related to clandestine marihuana grow operations (such dangers include: hydro-electric bypasses, unregulated electrical wiring, the presence of chemical fertilizers and pesticides, insect infestations, mould and spore contaminations, and the presence of booby traps), and;
- WHEREAS** front-line professionals recognize that the health and welfare of children is at stake when they are present within or exposed to, clandestine marihuana grow operations, and;
- WHEREAS** the police community recognizes that the illicit production of Marihuana is orchestrated by and generates significant profits for Organized Crime, collaterally resulting in an increased level of violence and crime in our communities, and;
- WHEREAS** the present sentencing practices of the courts, upon conviction for charges of producing marihuana, are not creating either a specific or general deterrent, and are not reflective of the dangers to society and police, that result from clandestine marihuana grow operations.
- THEREFORE BE IT RESOLVED** that the CACP calls upon the Minister of Justice and Attorney General, and the Solicitor General of Canada, in conjunction with their Provincial counterparts, to take the necessary action to ensure that all components of our judicial system, be educated and informed of the scope, nature and serious impact of Marihuana Grow Operations, in order to ensure that sentences, upon conviction, provide adequate deterrence and protection to society.

**Resolution 2002-12****DRUG SENTENCING FOR CLANDESTINE GROW  
OPERATIONS  
COMMENTARY**

In the past few years there has been an escalating number of Clandestine Marihuana Grow Operations started across Canada. Organized Crime Groups are making significant profits from these operations.

These grow operations are often set up in communities and involve hydro-electrical by-passes and present fire and explosion hazards. They also create lingering health issues due to heat, humidity, moulds, insects and chemicals at grow locations. It is recognized that even the dismantling of these operations creates lingering health dangers to police and other Emergency Services personnel.

It is well known by police officers that some grow houses are rigged with booby traps that present dangers for police officers and the communities.

These operations raise huge concerns for officer and public health and safety, place extraordinary demands on police resources to address these public safety concerns and require costly training and special equipment to address this problem.

Clandestine marihuana grow operators are aware that sentences in Canada are less severe than in the United States. The typical court dispositions related to cultivation charges provide little, if any, real deterrence, considering the huge profits to be gained. Insignificant fines and short custodial sentences are the norm.

## Resolution 2002-13

**ILLEGAL DRUGS**

Submitted by Drug Abuse Committee

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

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

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

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

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

**THEREFORE BE IT FURTHER RESOLVED:**

1. As front-line professionals who see first-hand the impact of drugs in our society, police officers share the goal of encouraging all Canadians, particularly children and our youth, to "*stay drug free*".
2. The CACP and CPA do not support or endorse the legalization of marijuana or any other currently illicit substances. Drugs are illegal because drugs are harmful. Illegal drugs, including cannabis, present adverse health effects.
3. The CACP and CPA advocate a balanced approach that reduces the adverse effects associated with drug use by limiting both the supply of and demand for illicit drugs, enabling an integrated approach to prevention, education, enforcement, rehabilitation and research.
4. While Canada's existing laws have been successful in limiting the harm caused by illicit drug use, there needs to be a sustained effort to educate

- Canadians, particularly vulnerable young people, about the adverse effects of illicit drug use.
5. The CACP and CPA recognize that the illicit drug trade is inextricably linked to criminal activity, including terrorism, and increases the level of violence and crime in our communities.
  6. Canada's Drug laws must provide police with tools to effectively combat the illegal drug trade, Organized Crime, and Terrorism.
  7. Alternative justice measures are required to efficiently and effectively address summary conviction offences. The CACP and CPA advocate the adoption of alternative justice measures that instill meaningful, appropriate and graduated consequences, focused on preventing and deterring drug use amongst all Canadians.
  8. Greater emphasis and resources must be provided for stakeholders involved in both demand and supply reduction, with a focus on public education and awareness.
  9. The CACP and CPA, representing Canada's policing community, are strongly committed to working together as *"Partners for Safer and Healthier Communities"* to encourage all Canadians to *"stay drug free"*.

**Resolution 2002-13****ILLEGAL DRUGS  
COMMENTARY**

The Canadian Association of Chiefs of Police (CACP) in 1999 developed a statement on illegal drugs. This statement included a position on the subject of decriminalization of marihuana, conditional on the implementation of sound government initiatives for prevention, treatment, rehabilitation and research.

The Canadian Police Association had a statement on illegal drugs which was different from that of the CACP.

Groups in society advocating the legalization of drugs or groups with opposing views on drugs to that of the police, including some media recognized the apparent difference in statements or positions. In all the controversy surrounding the issues of illegal drugs it was often stated, "even the police can't agree on this issue around illegal drugs."

Representatives of both organizations met to discuss their positions and there was much agreement on the positions of both organizations when common language was used. A joint statement and joint resolution was drafted and the Board of Directors of both organizations approved the resolutions pending a vote by their membership.

The membership of the CPA voted in favour of this resolution at their last Annual General Meeting. The resolution will be put to the membership of the CACP on August 28<sup>th</sup>.

The Board of Directors of the Canadian Association of Police Boards (CAPB) learned of the joint statement and resolution and requested a presentation by the CACP and the CPA at their recent Annual Conference in Ottawa on August 22<sup>nd</sup> and 23<sup>rd</sup>.

A joint statement from the police community would be influential in shaping drug policy at this time.

## Resolution 2002-14

**CANADIAN POLICE TRAINING**

Submitted by the Human Resources Committee

**WHEREAS** the demand for police training has risen astronomically as a result of demographic trends, and;

**WHEREAS** legislative changes create requirements for new and on-going training, and;

**WHEREAS** judicial decisions create requirements for new and on-going training, and;

**WHEREAS** new crime trends create requirements for development of and training in new policing techniques, and;

**WHEREAS** it is necessary to harmonize police practices across Canada for reasons of quality and equity.

**THEREFORE BE IT RESOLVED** that the Canadian Association of Chiefs of Police call upon the proper government authorities to provide the necessary resources to enable police training institutions in Canada to create new training curricula, develop and deliver new training courses and materials for preparing police officers to meet effectively the new legislative and policing circumstances.



## Resolution 2002—14

**CANADIAN POLICE TRAINING  
COMMENTARY**

Canadian police services are losing expertise, knowledge and experience because of the accelerated rate of retirements. This is creating a new and increased demand for training at both the recruit and advanced levels of policing.

New legislation, including terrorist and organized crime legislation, as well as Charter and other judicial decisions, are also creating new requirements for police training. There is a particular requirement to harmonize police practices across Canada, through training, to ensure uniform quality of police services and equitable treatment of Canadians.

During government downsizing activities of the 1990's, police training budgets came under severe pressure. Most of the police training institutions had to introduce partial or total cost recovery for their courses, as well as other efficiency measures. Due to budgetary restraints, they cannot now respond effectively to all the new and future demands for training without additional funding.

