



Alberta Association of Police Governance

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The Solicitor General and Public Security's recent Law Enforcement Framework Roundtable meetings in Red Deer are a significant step in the evolution of law enforcement in this province. The ministry is to be commended for doing its homework and for opening up the dialogue to make it possible for all stakeholders to participate in a meaningful way.

The fact that so many AAPG members were able to take time away from paid work and family to attend these meetings is remarkable, and a testament to the dedication and commitment of our police oversight appointees. It does not happen often that representatives from police executive, police associations, and police governance across the province come together to hear each other's points of view but, when it does, the learning is enormous.

The *What We Heard* document, summarizing the input provided at the April 6th and 7th meetings, is an excellent snap shot of the challenges and opportunities for Alberta in redesigning its law enforcement matrix. Some of the ideas put forward at the roundtable were that:

- integrated units make sense for dealing with low frequency - high impact crime (eg. terrorist attacks), for investigations requiring highly specialized training (eg. bomb squads or blood spatter), and for multi-jurisdictional issues (eg. gangs and drugs);
- localized policing is appropriate where relationship with the community, education, and timely investigations are the priority (eg. traffic safety and homicide);
- centralization of services such as wire tap and records management may create greater efficiencies;
- governance and oversight of law enforcement should operate independent from government and according to provincial standards, including consistent approaches to discipline and reporting;
- a revised funding structure must take into consideration not just population base but also population density, shadow populations, ability to pay, seized property, and circumstances that result in seasonal or extraordinary need.

As our government continues with the process of improving the law enforcement framework in this province, we look forward to working for our members and with other stakeholders to ensure that everybody has a seat at the table, all voices are heard, and Alberta communities are safe communities.

David Younggren, LL.B.

Chairman, Alberta Association of Police Governance

Members talk and AAPG listens

In the 2009 Member Survey, conducted at the AAPG spring conference in Edmonton, delegates ranked AAPG's services in order of importance as follows:

- #1 - Identification of best practices,
- #2 - Communication between police oversight bodies,
- #3 - Liaison and advocacy with government, and
- #4 - Conferences for education and networking.

Further, the majority of the member reps indicated that, of the AAPG goals proposed for 2009/2010, those considered most significant were (1) increased advocacy and influence with governments and (2) recruiting a larger membership, especially from unrepresented areas of the province.

AAPG directors and staff will work to ensure these needs are met over the course of 2009/2010 and beyond. And don't forget, input is welcome all year long so give us a call or send us an e-mail if we can be of service.

Visit us on the Web at www.aapg.ca

Our website offers current information on conferences, resolutions, chairman's reports, and minutes of meetings.

Contact us about becoming an AAPG member, to post information on our website or in our newsletter, and to share best practices.

SPRING CONFERENCE HIGHLIGHTS

By all accounts, the AAPG Conference, April 3rd and 4th in Edmonton was a resounding success. An unprecedented number of attendees (over 80) enjoyed sessions that included discussion of Alberta's new Law Enforcement Framework, governance of the RCMP, innovative approaches to community policing, policing and the mentally ill, and the future of policing.

The opening ceremonies were off to an impressive start with a presentation by the outstanding Edmonton Police Service Pipes and Drums Band. After dinner and a presentation by Solicitor General and Public Security Parliamentary Assistant Rob Anderson, the delegates laughed loudly along with the comedic artists from the Atomic Improv Co.

AAPG Vice-Chair (now Chair) David Younggren and Alberta Serious Incident Response Team Director Clif Purvis artfully debated the proposition "police should investigate themselves", addressing factors such as public confidence, investigator qualifications and the merits

of internal vs. external accountability.

Deputy Minister Brad Pickering spoke about the challenges the province is taking on in trying to stream-line the resources and oversight of Alberta's complex law enforcement matrix.

Many agreed that policing law expert and keynote speaker Paul Ceyssens' message was a conference highlight. He emphasized that police and police oversight cannot wait for the disciplinary process to bring dysfunction to light. It is much easier and less costly to manage the risk of wrong-doing by ensuring officers have the appropriate technical and management training to do their jobs in a safe and lawful manner.

Members of the closing panel, "Policing in a New and Complex World", spoke about a variety of topics including the need to address, more proactively, societal issues normally left for the police to clean up, such as drug abuse and child neglect, the sufficiency of resources for policing, the demand for more timely information about allegations of police misconduct, and the underutilized authority to order a commission inquiry.

AAPG MEMBERSHIP — WHAT'S IN IT FOR YOU?

The objects of the Alberta Association of Police Governance are to support excellence in civilian governance of police services by providing its members with educational opportunities, the sharing of best practices, forums for liaison with related agencies, and identification of common ground in order that police oversight speaks with one voice when advocating for change to law or policy.

Catching Up with Ian Wilms

Executive Director Patricia Tolppanen met with Ian Wilms in Calgary on April 8th and 9th while he was in town for a seminar hosted by the Global Centre for Securing Cyberspace (GCSC). Patricia presented Ian with a certificate of appreciation for his work as AAPG chair in 2005/2006 as Ian was unable to attend the past-chair appreciation ceremony at the AAPG Spring Conference.

Ian is the Chairman of the GCSC, an international agency designed to bring together resources from government, law en-

forcement, industry and academia to monitor, track and prevent crime committed through the Internet. More information is available at www.gcsc.org

The GCSC's April seminar in Calgary was a presentation by eBay and PayPal open to all police, loss prevention and security officials in the province. eBay and PayPal have developed a Global Law Enforcement Organization to promote the safe use of its platforms and to collaborate with local, state, federal and international law enforcement to assist in the proactive detection and prosecution of online fraud.

Urban Traffic Safety Conference a Success

March 16 – 18th 2008 the Edmonton Police Commission and the Office of Traffic Safety hosted Edmonton's first ever International Conference on Urban Traffic safety.

Over the three days some of the world's leading traffic safety experts and almost 200 participants explored the four e's of traffic safety: engineering, education, enforcement and evaluation. "What we really wanted to do at this forum was challenge peoples old ideas about traffic safety," said Gerry Shimko, executive director of the Office of Traffic Safety. Some of the more provocative ideas explored at the conference were getting rid of road signs and signals. The idea is that driver's become so reliant on traffic signs and rules that they stop paying attention. Without the signs and rules, they're forced to drive more carefully and cautiously. Speaker Ian Walker showed how this has been implemented with great success in Holland. More conservative ideas like lowering speed limits in residential zones and creating more public transit to lessen traffic were also discussed.

It wasn't just about the roads. Eric Howard from Australia spoke about the new car culture and how it has increased the number and severity of collisions. Car companies and advertisers have turned cars into symbols of freedom and autonomy. Commercials tell us that faster is better and rules are made for the other guy. "Why do we even make cars that can go well above the highest speed limit?" Howard asked in his session. Government agencies in Australia have restricted speed capabilities and up-graded mandatory safety features in cars. He

urged everyone in the room to push for the same in Canada.

One initiative that will help push innovative thinking is the new Traffic Safety Research Chair at the University of Alberta. The position was announced at the conference kick-off. "This position will attract the best and brightest traffic engineers," said Shimko. "These new engineers will shape the future of traffic safety here and around the world."

On the Tuesday evening, the Edmonton Police Commission held a public forum where various groups presented traffic safety initiatives already at work in Edmonton. As well, it gave citizens a chance to ask questions and voice their opinions about traffic safety. The most common concerns were speed limits in residential zones, seat belts, and increased traffic enforcement. "We listened to what they had to say and will certainly keep all of the input in mind as we continue to advocate for traffic safety," said Brian Gibson, chair of the Edmonton Police Commission.

Motivated by the conference, the Edmonton Police Commission brought a resolution to the Alberta Association of Police Governance's annual meeting. The resolution suggests driver demerits be given for seat belt infractions. The resolution was discussed and a similar resolution will be brought to the Alberta Urban Municipalities Association. As well, the Office of Traffic Safety and the Edmonton Police Service are in the process of developing a comprehensive Traffic Safety Plan that should be presented and ready for implementation in 2009.

Plans have already started for next year's conference. Speaker's presentations from the Traffic Safety Conference are available at www.edmontonpolicecommision.com under traffic safety.

Supreme Court of Canada raises the stakes for police discipline

On January 16, 2009, the highest court in Canada issued a decision that will have a significant impact on the management and oversight of the police disciplinary process.

In **R. v. McNeil** (2009 SCC 3), the Supreme Court of Canada found that an accused's right to full answer and defence to criminal charges includes the right to know about findings of police misconduct where they may pertain to the credibility of a witness officer. The effect of this decision is that all law enforcement agencies must now, and without prompting, provide to the Crown records of "serious misconduct by police officers involved in the investigation against the accused...where the police misconduct is either related to the investigation, or the finding of misconduct could reasonably impact on the case against the accused." The Crown, in turn, is required to include information pertaining to the credibility of police witnesses in the disclosure package required (since *Stinchcombe* [1991] 3 S.C.R.326) to be provided to (counsel for) the accused. Failure on the part of the Crown to provide proper disclosure could result in charges being stayed or convictions subsequently overturned.

As with any evidence, the test as to whether evidence of police misconduct should be included in the disclosure package is relevance. Although what is relevant is always fodder for courtroom debate, the SCC provided some clarification of this point when it recommended following the guidelines set in the Ferguson Report. That list made relevant all outstanding charges under the *Canadian Criminal Code* and the *Controlled Drugs and Substances Act*, all convictions under the *Canadian Criminal Code* and the *Controlled Drugs and Substances Act* for which a pardon has not been granted, all findings of guilt under any other federal legislation or provincial statute other than for speeding, all find-

ings of guilt after a misconduct hearing that have not been expunged, and all outstanding charges of misconduct for which a Notice of Hearing has been issued.

If the defence believes that the Crown has failed to provide complete and proper disclosure of all relevant information with respect to the credibility of a police witness, it can bring an *O'Connor* application to try to gather other records pertaining to a witness officer's history with the service.

The implications of this decision for police and police oversight are broad and include the following:

1. As records of criminal or disciplinary charges or findings of fault against witness officers must now form part of the disclosure package provided by police to the Crown, additional resources may be required for a police service to review, discern and distribute these records.
2. Although the SCC noted that the accused has no right to automatic disclosure of every aspect of a police officer's employment history, or to police disciplinary matters with no realistic bearing on the case against the accused, the question as to which acts of misconduct on the part of an officer are relevant remains open for interpretation. Significant police resources could be spent trying to answer this question on a case-by-case basis and/or responding to *O'Connor* applications.
3. Alternatively, a police service could take a proactive approach and establish a procedure whereby it provides the Crown with copies of all disciplinary and criminal records pertaining to active members of the service but, in doing so, may leave itself open to be challenged under privacy legislation.
4. Is a police service required to include in its disclosure to the Crown records of discipline that have been removed from the witness officer's record pursuant to section 22 of the *Police Service Regulation*? What about the records that form part of the Law Enforcement Review Board's files?

Supreme Court (cont'd)

5. It is not yet clear if or at what stage a police service is required to disclose information pertaining to criminal or disciplinary investigations where charges have not yet been laid.

6. If the answer to #5 is affirmative, police services are left to decide whether the records of incomplete investigations should form part of disclosure to the Crown and, if so, whether that could jeopardize the investigation. Further, the disciplinary process would be open to

abuse whereby witness officers could be made the subject of bogus allegations of misconduct in order to impeach their credibility, the investigation of which will absorb even more police resources.

7. If being held responsible for certain types of misconduct discredits police officers as witnesses in any subsequent criminal trial, police services may be tempted in some cases to delay and even avoid prosecuting their members in order to preserve the value of their members as investigators/witnesses.

The sincerest of thanks to our Board of Directors for 2008/2009:

Dennis Anderson (Edmonton Police Commission) – Chair
 David Younggren (Calgary Police Commission) – Vice-Chair
 Josie Krokis (Fort Saskatchewan Policing Committee) - Sec/Treasurer
 Don Roberts (Chestermere Policing Committee) - Director
 Warren Stark (Medicine Hat Police Commission) – Director
 Alvaro Zanolli (Taber Police Commission) - Director

And congratulations to the newly elected Board for 2009/2010:

David Younggren (Calgary Police Commission) - Chair
 Don Roberts (Chestermere Policing Committee) - Vice-Chair
 Josie Krokis (Fort Saskatchewan Policing Committee) - Sec/Treasurer
 Doug McLaughlin (Lethbridge Regional Police Commission) - Director
 Caroline Sawatzky (Lacombe Police Commission) - Director
 Arlene Yakeley (Edmonton Police Commission) - Director
 Alvaro Zanolli (Taber Police Commission) - Director
 Dennis Anderson (Edmonton Police Commission) – Past-Chair



Alberta Association of Police Governance

2010 CONFERENCE

Next year's conference will take place April 30—May 1, 2010 in Calgary. Please see our website for more details.

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 THANKS THE
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 OUR 2009
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