



MOUs and Integrated Units

BUILDING A SAFE AND RESILIENT CANADA

Immediate operational concerns usually take precedence over the timely establishment of memoranda of understanding (MOU) for integrated units. There are, however, ways to improve the efficiency with which MOU are established.

Previous research has underscored the importance of having a memorandum of understanding (MOU) in place at the establishment of an anti-organized crime integrated unit because of the liabilities and risks that can be involved, as well as to help maximize the effectiveness and efficiency of the unit. Unfortunately, finalizing an MOU can take considerable time as partners and their respective legal departments work through the process of finding terms acceptable to all parties. As a result, integrated units are often operational for a significant amount of time prior to the finalization and endorsement of an MOU.

The purpose of this study was to identify best practices and areas for improvement in processes surrounding the creation and endorsement of MOUs through interviews with front line police officers and other persons involved in the process. Seventeen semi-structured interviews were conducted over the telephone, including 11 with members of anti-organized crime integrated units, 6 with respondents who worked in an MOU coordination unit or in a similar role, and two with legal counsel. The interviews were recorded, transcribed, and analysed using thematic analysis methods.

Compared to other police work undertaken to combat organized crime, the drafting of an MOU is not seen as a priority, and key persons involved in the drafting and review process suggested that it should not be a priority. Dedicating resources to form new MOU units or to compensate legal services for the review of MOUs during an economically difficult time may not be the best use of limited police budgets. Instead, mutually developed training and more hands-on project

management could ameliorate some of the delays experienced in the drafting and review of MOUs. An online course that MOU drafters could attend at a time and place convenient for them is suggested as an approach. Assigning a person who works in an administrative capacity as responsible for drafting and ushering the MOU through the review process, including setting deadlines for feedback and following up could reduce delays currently experienced in the MOU process.

Police forces that do not have MOU templates could use existing MOU templates as a starting point to create their own (particularly if the recommendation with respect to legal services is adopted). Where there are competing MOU templates, the integrated unit could either defer to the lead agency's MOU template or to whichever MOU template has the most strict requirements, as consolidating MOU requirements takes considerable time, which may not reflect the risk associated with deferring to one standard or the other.

Many respondents indicated that the MOU consultation process is overly burdensome. It may be useful to create a checklist that drafters could use to ensure their MOU is in line with departmental policies (of the lead agency or the agency with the most exacting requirements). Although the determination of whether an MOU is in conflict with other previously signed MOUs is useful for consistency, it may not be necessary if the MOU is in line with policy, particularly if this step significantly contributes to the delays in reviewing the MOU. With respect to the involvement of financial services, MOU drafters could foster a better working relationship with financial services personnel, which could be accomplished through short phone calls or, where possible, in-person meetings.

Views regarding the involvement of legal services varied, and were at times contrary. Legal services



were often cited as a major obstacle or challenge that hinders MOU processes, while also being cited as a main factor that facilitates the timely endorsement and review of MOUs. A few respondents thought that lawyers should be involved in the MOU process, particularly if the goal was to get a perfect document, but that it is important for lawyers to appreciate the non-legally binding nature of the document and to treat it accordingly. Many respondents underscored that MOUs are not a legally binding document. Although only two respondents belonged to the legal services sample, they both suggested that they were not provided enough time to give feedback to the drafters or that their suggested revisions were ultimately not included in the signed MOU. In addition, a few respondents indicated that in the event of a conflict, the MOU would be set aside and the Joint Management Team would be actively involved in the dispute resolution.

Finally, it is important to ensure corporate memory in order to learn from the experiences of previous partnerships among police agencies. To that end, documentation surrounding those partnerships should be retained and made available for use of current and new anti-organized crime integrated units. The RCMP's MOU Coordination Unit currently has such a practice, as may other police agencies across Canada.

Burnett, Kim. (2012) *Memoranda of Understanding and the Administration of Anti-organized Crime Integrated Units*. Ottawa, ON: Public Safety Canada.

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