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Resolutions
adopted
at the
99th Annual Conference

August, 2004
Vancouver, British Columbia

**CANADIAN ASSOCIATION OF
CHIEFS OF POLICE**

Leading progressive change in policing

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Resolution #01/2004

MEDIA AND VIOLENT BEHAVIOUR IN YOUTH AND CHILDREN

Submitted by the Crime Prevention Committee

WHEREAS the Canadian Association of Chiefs of Police is dedicated to the well-being of children and youth, and;

WHEREAS the Canadian public is concerned with the possible influence and impacts of violence in television, movies and video games, and;

WHEREAS there is a need for public education on the importance of media education and media management as a parenting and community responsibility.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police endorse the efforts and resources as developed by the Media Awareness Network, and;

BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police encourages police agencies across Canada to collaborate with their communities in developing effective media awareness strategies relating to media violence.

MEDIA AND VIOLENT BEHAVIOUR IN YOUTH AND CHILDREN

Submitted by the Crime Prevention Committee

Commentary:

Discussions about the impact of violence in the media have raged for more than 30 years.

On balance, the empirical research appears to suggest that there is a link between exposure to violence media (television, video games, music videos, internet etc.) and increased aggression, but the precise nature of the causal relationships is still the subject of much controversy. Regardless of the complexities of the issue, and the differing views that appear in academic literature, surveys suggest that the public in general sees a link between exposure to media violence and increased aggression.

Policing agencies are in a unique position to collaborate with the community in developing timely, meaningful and appropriate media awareness strategies. Such collaboration is consistent with the CACP's position on crime prevention.

Based on the CACP's interest in the issue of media violence, a review of current literature and related services was conducted by the Ottawa Police Service. As a result of this review, the Media Awareness Network was identified as a leading educator on awareness of media violence.

The Media Awareness Network (*Mnet*) is a non-profit Canadian organization whose mission is to support media education and its widest possible integration into Canadian schools, homes and communities. *Mnet's* aim is to help people, particularly children and youth, develop an informed and critical understanding of the nature of the media, the techniques used in creating media products, and the media's role and influence within society.

The Media Awareness Network collaborates closely with the Canadian Pediatric Society, the Canadian Teachers Federation and a variety of school boards in both designing and delivering curriculum and other resources related to media education. Its website www.media-awareness.ca / www.education-medias.ca provides resources in both English and French.

These resources can be used by parents and community members working in collaboration with police to help build awareness among children and youth, who risk becoming both victims and perpetrators of violence. The Canadian Association of Chiefs of Police encourages police services in Canada to use the resources of the Media Awareness Network for this purpose.

Resolution #01/2004

MEDIA AND VIOLENT BEHAVIOUR IN YOUTH AND CHILDREN

Submitted by the Crime Prevention Committee

Media Lines

- Many believe that there is a link between exposure to media violence and increased aggression.
- Our children and youth are exposed to many violent images in the form of television, video games, music videos and so on.
- The police are committed to working with the community to reduce violence, whether in the home or in the schoolyards and streets.
- Violence in children and youth can be prevented through education and awareness.
- The Canadian Association of Chiefs of Police urges communities to use the resources of the Media Awareness Network.
- These resources help children and youth understand the role the media can play in shaping behaviour.

BIAS-FREE POLICING

Submitted by the Human Resources Committee

WHEREAS members of the Canadian police community are dedicated men and women committed to serving all members of society with fairness, respect and dignity, and;

WHEREAS the Canadian Association of Chiefs of Police Ethical Framework states that it is the primary duty of members of the Canadian Association of Chiefs of Police and of the policing community to work diligently in support of Canadian democratic values that are enshrined in the Constitution and the Charter of Rights and Freedoms, and;

WHEREAS the Ethical Framework is based upon the values of justice and the rule of law, ethical behaviour and democratic principles, and;

WHEREAS it is recognized that employing a broad range of strategies to advance the preservation of human rights and individual dignity is integral to policing in a democracy, and;

WHEREAS bias-free policing includes decisions based on reasonable suspicion or probable grounds rather than stereotypes about race, religion, ethnicity, gender or other prohibited grounds.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police is committed to the preservation of democratic freedoms, human rights and individual dignity, and;

BE IT FURTHER RESOLVED that Canadian Association of Chiefs of Police members will exercise leadership by initiating or strengthening programs and strategies that promote bias-free policing, giving particular attention to public accountability, policy-making, management, supervision, equitable human resource practices, education, community outreach and partnerships.

BIAS-FREE POLICING

Submitted by the Human Resources Committee

Commentary:

At the Canadian Association of Chiefs of Police Human Resources (HR) Committee held in Moose Jaw, Saskatchewan, 2003 November 23, there was a discussion on the meaning of “racial profiling” and “bias-free” policing and the value of introducing a resolution to the Canadian Association of Chiefs of Police for consideration at the 2004 Annual Conference, scheduled for Vancouver, B.C. The matter was referred to the HR Ethics Subcommittee for discussion. As a result, the Ethics Subcommittee met at the Canadian Police College in Ottawa, 2004 February 14, to discuss the value of such a resolution and its possible wording.

In advance of the Ethics Subcommittee meeting, considerable literature was distributed and reviewed regarding the subject matter, including the resolution on bias-free policing adopted at the 110th Annual Conference of the International Association of Chiefs of Police, held on 2003 October 24 in Philadelphia, Pennsylvania. Other literature included the Inquiry Report on racial profiling published by the Ontario Human Rights Commission, research on racially biased policing published by the Police Executive Research Forum (PERF), research published in the Canadian Journal of Criminology, and other relevant research.

The recommendations and rationale of the Ethics Subcommittee were subsequently considered by the HR Committee on 2004 April 04, in Vancouver, B.C. Here, it was agreed that bias-free policing was the most appropriate description, as “racial profiling” carries with it negative and erroneous assumptions about policing in Canada. Moreover, because no consensus exists on its definition (either in the literature or the media), racial profiling is understood differently by many people, the result of which is conceptual confusion, especially as it applies to policing and law enforcement issues.

On the other hand, the term “bias-free” policing carries with it a positive and principled message that is affirmed by everyone. It is an important ethical statement, articulating the current organizational practice of all CACP members. Moreover, it is not limited to matters of race, but extends to ethnicity, religion, gender and any other ground protected by the Charter of Rights and Freedoms or federal or provincial human rights legislation. Finally, it shows leadership, where CACP values are clearly communicated not only to its membership but also to the general public and to police agencies around the world.

In summary, the proposed resolution simply represents the current ethical practice of CACP members. However, as a formally written statement, it serves to emphasize the importance of bias-free policing, highlighting to the public the commitment of the CACP to principled policing.

**INTERPOL RESOLUTION 03-9:
GLOBAL STANDARDS TO COMBAT CORRUPTION
IN POLICE FORCES/SERVICES**

Submitted by the Ethics Subcommittee

WHEREAS the Interpol Group of Experts on Corruption has developed Global Standards to Combat Corruption in Police Forces/Services, and;

WHEREAS the Standards were ratified by the member countries at the 71st Interpol General Assembly in October 2002, and;

WHEREAS the endorsement of the Standards by the Canadian Association of Chiefs of Police is a commitment to support the highest standards of integrity in the international police community.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police endorses the intent and the objectives of the Global Standards to Combat Corruption in Police Forces/Services developed by the Interpol Group of Experts on Corruption.

**INTERPOL RESOLUTION 03-9:
GLOBAL STANDARDS TO COMBAT CORRUPTION
IN POLICE FORCES/SERVICES**

Submitted by the Ethics Subcommittee

Commentary:

The *International Police Organization's (Interpol) Group of Experts on Corruption (IGEC)* and *The Independent Commission Against Corruption (ICAC)*, are actively involved in initiatives to curb corruption in law enforcement agencies worldwide. The *IGEC* is made up of representatives from Africa, the Americas, Asia and Europe. An important initiative of the *IGEC* is the implementation of international standards of ethical behaviour for police officers. The formulation of international standards of ethical behaviour came by way of the *Global Standards to Combat Corruption in Police Forces / Services*.

At the 71st General Assembly of Interpol, held in October 2002, in Yaoundé, Cameroon, delegates from a majority of Interpol's 181 member countries, including Canada, adopted the *Global Standards to Combat Corruption in Police Forces / Services*, which were prepared by a leading group of world experts in the field of police disciplinary law and justice, headed by Justice Barry O'Keefe, Supreme Court of New South Wales, Sydney, Australia.

The *IGEC's* mandate is premised on the understanding that law enforcement is an essential element for the maintenance of the fundamental human rights, for the preservation of life and property and the protection of the innocent. Along with its initiatives to combat corruption in the international law enforcement community, the *IGEC* raises awareness of corruption and provides tools for those dedicated to combating corruption and facilitates easy access to these tools by providing a valuable electronic research data base, much of which is available to the public.

While the *Standards* are not meant to replace existing Codes of Ethics and Codes of Conduct governing police forces in Canada, in many other developing countries or in areas marred by internal conflicts, the *Standards* can assist in setting the foundation for a comprehensive Code of Conduct and provide a best practice tool to improve law enforcement's ability and effectiveness in the fight against internal corruption.

Canadian police services are generally respected worldwide and the great majority of our law enforcement officials govern themselves according to the highest standards of ethics. For this reason, the RCMP anticipates that support for the *Standards* from the Canadian Association of Chiefs of Police in Canada will reflect leadership in the advancement of ethical standards in policing and law enforcement. The *Standards* are important in light of Canada's contributions and commitment to international law enforcement efforts through our participation in United Nations Peacekeeping Missions in areas of conflict and in this country's daily interactions with foreign police agencies and governments. The *Standards* reflect a universal statement of common purpose and values.

The *Global Standards to Combat Corruption* and related materials are available at www.interpol.int, you may also obtain official copies of the *Global Standards* by contacting the Office of Ethics and Integrity Advisor of the Royal Canadian Mounted Police at (613) 993-1661.

**SEARCH AND RESCUE INTERAGENCY NATIONAL FREQUENCY (SARIAN F)
SEARCH AND RESCUE WORKING FREQUENCIES**

Submitted by the Informatics Committee

WHEREAS the effectiveness of Search and Rescue operations in Canada depends on the ability of its first responders to be able to quickly respond and to communicate together, and;

WHEREAS in Search and Rescue operations, the respondents involved are from numerous Federal / Provincial / Municipal and Volunteer organizations, and;

WHEREAS at the present time, there is in Canada no nationally recognized radio spectrum that can be used by all first responders to communicate with each other, and;

WHEREAS the National working group on SAR radio frequencies has concluded that the most efficient radio spectrum for SAR operations is VHF FM land frequencies, and;

WHEREAS the establishment of a SARIAN F would contribute to the increased safety and security of first responders involved in SAR operations, and;

WHEREAS the establishment of a SARIAN F would contribute to the ability of Police Officers of different organizations and jurisdictions to more easily communicate together in case of emergency, and;

WHEREAS the Canadian Association of Chiefs of Police is a strong supporter of radio interoperability between police agencies, and;

WHEREAS Industry Canada controls the allocation of radio spectrums.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges the Minister responsible for Industry Canada to set aside an assortment of nationally designated radio frequencies in the VHF FM land radio mobile system to be for the exclusive use of the first responder community involved in SAR operations, and;

BE IT FURTHER RESOLVED that the Canadian Association of Chiefs of Police urges the Minister responsible for Industry Canada to ensure that the designation of this spectrum supports both operational and financial efficiencies for the SAR first responders community.

**SEARCH AND RESCUE INTER AGENCY NATIONAL FREQUENCY (SARIAN F)
SEARCH AND RESCUE WORKING FREQUENCIES**

Submitted by the Informatics Committee

Commentary:

The purpose of this resolution is to confirm CACP's support in the initiative put forward by the National Search and Rescue Secretariat and its National Working Group for SAR Radio Communication to:

- a) Identify and implement a nationally recognized VHF FM land radio frequency that would allow communications between agencies involved in Search and Rescue operations throughout the country (SARIAN F);
- b) Identify and implement an assortment of SAR working frequencies for Ground Search and Rescue teams;
- c) Identify and implement one Air to Ground SAR frequency.

This initiative is seen as a very positive step towards the enhancement of the interoperability of radio communications between first responders and will result in increased safety and security of the first responders of SAR operations including the members of the various police departments.

DRUG RECOGNITION EXPERTISE

Submitted by the Drug Abuse Committee

- WHEREAS** impaired driving is the leading criminal cause of death in Canada responsible for approximately 1,500 fatalities impacting 75,000 Canadians, and;
- WHEREAS** a Manitoba student survey on the prevalence of drug use indicated that young people were more likely to “**toke and drive**” than “**drink and drive**”, and;
- WHEREAS** estimates indicate a range of 5% to 12% of impaired driving in Canada is due to drug impairment, and;
- WHEREAS** the police community have successfully embraced the use of breath testing technology for alcohol impaired which, as a enforcement tool, is a deterrent and has contributed to the reduction of impaired driving,
- WHEREAS** no such technology exists for identifying the majority of drugs that cause drug impairment, and;
- WHEREAS** legislators in the United States, United Kingdom, Australia, Europe and others recognize the drug impaired driving problem and have given the police the tools required to combat the problem, and;
- WHEREAS** the CACP has urged the federal government to enact drug impaired legislation, in Resolution #14 - 2003, and;
- WHEREAS** legislation was introduced as Bill C-32 in the Third Session of the Thirty-seventh Parliament, 52-53 Elizabeth II, 2004, which included provisions authorizing police officers to: a) demand a driver submit to Standardized Field Sobriety Tests where a suspicion of impairment exists, b) where grounds exist to believe that the driver is under the influence of drugs a demand be given submit to an evaluation by a Drug Recognition Expert (DRE), c) where the DRE believes that the driver is impaired by drugs a demand be given to provide a body fluid sample to refute or confirm the DRE’s findings,

- WHEREAS** when parliament was dissolved this Bill was rescinded, and;
- WHEREAS** the police community in Canada has identified need for funding support for SFST / DRE training and research for new drug detection technology, and;
- WHEREAS** the International Association of Chiefs of Police (IACP) governing body for DRE initiated this program in the U.S. in 1987, recommending that all front line uniform police officers be “Standardized Field Sobriety Training” (SFST) trained and, that 10% of SFST uniform police officers be trained and certified as DRE officers, and;
- WHEREAS** application of the same formula in Canada would require funding and training support for 30,000 SFST officers 3,000 of whom would require additional DRE training and certification, and;
- WHEREAS** there are presently only 1,770 certified SFST officers (1360 in B.C.), 117 certified DRE officers (62 in B.C.) and only 38 certified DRE Instructors (22 in B.C.), and;
- WHEREAS** the majority are therefore located in the province of British Columbia, and;
- WHEREAS** the federal government through the renewed Canada’s Drug Strategy allocated the sum of \$910 K to establish a Drug Recognition Expertise coordinator position and the RCMP re-allocated \$4.1 million to implement DRE “train the trainers” training, and;
- WHEREAS** the initial allocation of resources through Canada’s Drug Strategy to fund DRE training was inadequate to support the level of training required, and;
- WHEREAS** as was the case with breath testing technology for alcohol impairment, the strategy requires leadership and funding support from Federal, Provincial, Territorial and Municipal governments, and;
- WHEREAS** private sector funding support is possible in British Columbia and Saskatchewan with the Insurance Corporation of British Columbia (ICBC) and Saskatchewan Government Insurance (SGI), and;

WHEREAS police officers in Canada, with the exception of British Columbia and the Northwest Territories require but do not presently have the authority to temporarily suspend the license of a driver they reasonably suspect is impaired by drugs, and;

WHEREAS the proposed new DRE legislation will impact on Forensic Laboratories requiring them to provide conclusive evidentiary toxicological analysis of body fluid samples, and;

WHEREAS the proposed new DRE legislation will necessitate both Crown Attorneys and the Judiciary to be familiar with the DRE evaluation process in order to fulfill their mandate.

THEREFORE BE IT RESOLVED that the CACP urges the Minister of Justice and Attorney General of Canada, to re-introduce Bill C-32 of the previous Parliament (Third Session, Thirty-seventh Parliament, 52-53 Elizabeth II, 2004), and;

BE IT FURTHER RESOLVED that the CACP calls upon the Minister of Public Safety and Emergency Preparedness Canada, to take the lead in coordinating with her provincial and territorial counterparts an integrated model of SFST / DRE training with funding support which also considers private sector funding assistance for all police services in Canada, and;

BE IT FURTHER RESOLVED that the CACP calls upon the provincial and territorial governments to enact legislation authorizing a police officer to temporarily suspend the driver's license for 24 hours for a person suspected of driving while drug impaired, and;

BE IT FURTHER RESOLVED that the CACP calls upon the Ministers of Health, Justice, PSEPC and their appropriate provincial counterparts to provide additional resources to ensure adequate capacity for Forensic Laboratory testing of drug impaired samples submitted by police officers, and;

BE IT FURTHER RESOLVED that the CACP calls upon the Minister of Justice and Attorney General of Canada, to provide necessary training for crown attorneys and the judiciary to address the proposed legislative and evidentiary amendments to the Criminal Code, and;

BE IT FURTHER RESOLVED that the CACP calls upon the Ministers of Health / Justice / PSEPC to advance research and development of technology for drug impaired driver testing, and;

BE IT FURTHER RESOLVED that the CACP support for “Cannabis Reform” is contingent upon technology and training being in place to allow front line officers to appropriately assess the level of impairment by drugs.

DRUG RECOGNITION EXPERTISE

Submitted by the Drug Abuse Committee

Commentary:

Due to an increase in drug use, the public's perception of liberalization of drug laws and the Government proposed Cannabis Reform Legislation, there is an added burden on policing which requires necessary training in drug recognition and effective legislative amendments to deal with the serious issue drug impairment. Although CACP supports research to develop appropriate roadside screening devices for drugs, DRE remains the only legitimate tool to combat drug impaired driving.

The initial allocation resources through Canada's Drug Strategy to fund DRE training was inadequate to support the level of training required. We simply do not have the capacity to train the number of officers required. It is recognized that the Federal Government must take the lead in establishing these required skills, but Provincial, Territorial, and Municipal governments have a role to play just as they now do with breath testing training. This resolution also recognizes the need to train Crown Attorneys.

There is a need to standardize provincial and territorial legislation authorizing police officers to temporarily suspend the driver's license for 24 hours to include persons suspected of driving while drug impaired.

The proposed new DRE legislation will require evidentiary toxicological analysis of body fluid samples which will further stress over taxed forensic laboratories.

**MARIHUANA (CANNABIS) GROW OPERATIONS
DESTRUCTION SEIZED EQUIPMENT**

Submitted by the Drug Abuse Committee

WHEREAS there are acknowledged health, social, officer and public safety concerns caused by MGOs (*NCC Working Group on Marijuana Grow Operations Report and Recommendations to FPT Ministers Responsible for Justice, September 2003*), and;

WHEREAS MGO investigations involve sites contaminated with pesticides and fungicides that could cause health hazards, and;

WHEREAS often contaminated MGO equipment is of no commercial value, leaving the destruction and storage of such equipment to police agencies, and;

WHEREAS rarely is equipment needed at trial and rarely is it returned to the accused, and;

WHEREAS cost of the storage and eventual destruction of MGO equipment is taxing existing police operational budgets.

THEREFORE BE IT RESOLVED that the CACP urges the Minister of Justice and Attorney General to amend the Controlled Drugs and Substances Act (CDSA) to allow for court-ordered, pre-conviction forfeiture of equipment used for the production of marijuana.

**MARIHUANA (CANNABIS) GROW OPERATIONS
DESTRUCTION SEIZED EQUIPMENT**

Submitted by the Drug Abuse Committee

Commentary:

As noted at page 17 of the *NCC Working Group on Marijuana Grow Operations Report and Recommendations to FPT Ministers Responsible for Justice, September 2003*, most jurisdictions are faced with the high cost of disposing of seized marijuana and the equipment used to cultivate it. This equipment includes items such as grow-lights, ventilation fans, dryer hoses, power strips, extension cords, planting trays, watering cans, blankets, plant containers, generators, etc. There are costs applied to both the logistics of arranging the destruction of such equipment, and to the actual destruction. Under present law, equipment cannot be destroyed prior to a conviction being entered. As the equipment remains the property of the accused until forfeit on conviction, there is no authority for the early disposal of the materials. Storing the equipment prior to conviction, which takes several years to secure, is borne by the jurisdiction. Rarely is equipment needed at trial, and it is rarely returned to the accused. Money used for the pre-conviction storage of grow equipment could be better used for the investigation and prosecution of offenders.

**MARIHUANA (CANNABIS) GROW OPERATIONS
SCIENTIFIC STUDY ON MGO MOLD SPORES MYCOTOXICOSIS**

Submitted by the Drug Abuse Committee

WHEREAS considering that over 1.4 million marihuana plants were seized from MGOs last year and investigations into MGOs represent more than half of our drug cases, and;

WHEREAS MGO investigations involve sites contaminated with pesticides and fungicides that could cause health hazards, and;

WHEREAS large amounts of moisture in MGO confined spaces create and encourage the growth of many micro-organism and indoor species of mold including some that are considered by the United States Environmental Protection Agency as "potentially toxigenic fungi", and;

WHEREAS police officers are required to undertake these criminal investigations, and;

WHEREAS to fully understand the potential threat, it is necessary to undertake scientific study to understand the hazards encountered in indoor marihuana grow operations, and;

WHEREAS knowledge of potential mycotoxicosis of mold spores found in marihuana grows is necessary to ensure adequate Personal Protective Equipment is used by enforcement personnel.

THEREFORE BE IT RESOLVED that the CACP urges the federal Minister of Health in cooperation with law enforcement to do research and scientific study to seek details on health hazards found in marihuana grows.

Resolution #07/2004

**MARIHUANA (CANNABIS) GROW OPERATIONS
SCIENTIFIC STUDY ON MGO MOLD SPORES MYCOTOXICOSIS**

Submitted by the Drug Abuse Committee

Commentary:

Recently more concerns have been emerging on the potential threat to officers required to investigate and dismantle MGOs. Large amounts of moisture in MGO confined spaces create and encourage the growth of many micro-organism and indoor species of mold include some that are considered by the United States Environmental Protection Agency as "potentially toxigenic fungi". Police Agencies have legislated Health and Safety obligations to ensure police officers are protected from potential hazards. This can only be accomplished with sound scientific evidence of the hazards.

PRESCRIPTION DRUG DIVERSION

Submitted by the Drug Abuse Committee

WHEREAS the diversion of prescription drugs for illicit purposes is a serious problem in many Canadian Communities, and;

WHEREAS the Newfoundland and Labrador Government Task Force on abuse of Oxycontin reports that the quantity of Oxycontin tablets prescribed and dispensed in that province increased by 400% from 2000 to 2003. (*Newfoundland and Labrador Oxycontin Task Force, Interim Report: January 30, 2004*), and;

WHEREAS it has been demonstrated that there is a “black market” profit that can exceed 7,000% in the illegal sale of hydromorphone known by the brand name Dilaudid (*Canadian Medical Association, Department of Family Practice, U.B.C., published in 1998 in the Canadian Medical Association Journal*), and;

WHEREAS the illicit use of prescription drugs is a serious public health concern that could be mitigated through safeguards including enhanced inspections of distributors, enhanced inspections of pharmacies, monitoring of excessive doses prescribed in prescriptions and other proactive measures.

THEREFORE BE IT RESOLVED that the CACP calls upon the Federal, Provincial and Territorial Ministers of Health to prioritize the implementation of safeguards, in consultation with Canadian Policing and Pharmaceutical representatives, to prevent the further diversion of prescription drugs to the illicit drug trade.

Resolution #08/ 2004

PRESCRIPTION DRUG DIVERSION

Submitted by the Drug Abuse Committee

Commentary:

The diversion of prescription drugs to the illicit drug trade has been a problem in Canadian Communities for a number of years. The issue has come to the forefront with an increased awareness of the abuse of oxycodone (brand name Oxycontin). In some communities the illicit use of Oxycontin has been linked to deaths. Cape Breton Regional Police attribute eight of 20 sudden deaths in the last 18 months directly to Oxycontin abuse, while the number of prescription opiate addicts reporting to Sydney's detoxification unit has more than doubled in the last four years. Authorities in other Atlantic provinces report similar grief: a task force into the issue in Newfoundland and Labrador recently linked the painkiller to six overdose deaths there since 2001.

CANNABIS REFORM LEGISLATION

Submitted by the Drug Abuse Committee

WHEREAS the CACP adopted Resolution 2003-10, Cannabis Reform Legislation based on the following:

The CACP and the Canadian Police Association adopted a joint statement in March 2002 on Illegal Drugs, subsequently adopted by Resolution 2002-13 in August 2002 which called upon the Government of Canada to establish Alternative Measures that had meaningful, appropriate and graduated consequences.

On May 27, 2003 the government introduced Bill C-38, Cannabis Reform Legislation, which authorizes a police officer to issue a ticket to a person in unlawful possession of 15 grams or less of cannabis (marihuana) and/or 1 gram or less of cannabis resin but removes the discretionary enforcement option to proceed by way of a criminal charge.

The offence does not provide for graduated consequences for repeat offences, and is therefore not a meaningful or appropriate consequence to act as a deterrent. The bill did not incorporate an appropriate range of Alternative Measures to address personal possession of less than 15 grams of cannabis.

Bill C-38 is silent for the possession of cannabis for those in high risk occupations such as, but not limited to: airline pilots, emergency services providers, health care professionals and operators of public transit.

The government funding for a new National Drug Strategy is not consistent with its pledge in the Liberal Red Book III of \$420M over four years nor is it commensurate with the costs associated to substance abuse estimated in excess of \$18B per year. The message conveyed to society implies that cannabis is not harmful.

The CACP in 2003 urged;

The Prime Minister and the Government of Canada to provide funding for Canada's National Drug Strategy consistent with its Red Book Promise of \$420M and commensurate to the costs associated to substance abuse.

The Minister of Justice and Attorney General to create legislation for Alternative Measures for personal possession of not more than 15 grams of cannabis, and we strongly recommend the amount should be 5 grams or less, or 1 gram or less of cannabis resin, and to retain the discretionary option to proceed by way of criminal charge.

The Minister of Justice and Attorney General to create a penalty structure that is meaningful, appropriate with graduated consequences to serve as a deterrent for ALL repeat drug offences, including possession of small quantities of cannabis.

The Minister of Justice and Attorney General to create a category of aggravating factors which will provide for increased penalties for ALL drug offences such as, but not limited to: in a public place, including in or around schools and parks, in a motor vehicle, boat or any motorized conveyance; for those engaged in high risk occupations such as: airline pilots, air traffic controllers, emergency services providers, operators of public transit or health care professionals; and ALL drug offences committed in the company of a person under the age of 18 years.

The Minister of Justice and Attorney General retain the DISCRETION for police officers to proceed either by criminal charge or issuance of a ticket for a contravention as circumstances dictate, and;

WHEREAS House of Commons Special Committee on the Non-Medical Use of Drugs adopted the Bill C-38 on November 5, 2003 with amendments further reducing police discretion, and;

WHEREAS Bill C- 38 legislation was re-introduced, as amended, as Bill C-10 in the Third Session of the Thirty-seventh Parliament, 52-53 Elizabeth II, 2004, but was rescinded when parliament was dissolved, and;

WHEREAS the Prime Minister as recently announced that the government is committed to marijuana decriminalization and will reintroduce legislation after Parliament resumes in October 2004.

THEREFORE BE IT RESOLVED that the CACP urges the Government of Canada to engage in meaningful consultation with Law Enforcement to design legislation that addresses the legitimate aims of cannabis reform and respects the need to safeguard the public from the illicit drug trade.

Resolution #09/ 2004

CANNABIS REFORM LEGISLATION

Submitted by the Drug Abuse Committee

Commentary:

The government's proposed "Cannabis Reform Legislation" will have an impact on policing in general and on drug enforcement specifically. It will therefore be necessary to obtain government support to maintain public confidence through effective legislative changes that policing can confidently implement.

IDENTITY THEFT

Submitted by the Prevention of Crime in Industry 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 adequately addresses identity theft, and;
- WHEREAS** possession of novelty identification has proven to be used for the purpose 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 Public Safety and Emergency Preparedness Canada and the Minister of Justice and Attorney General to:

1. Clearly define *Identity Theft* in the *Criminal Code* and enact a provision making it an offence to possess multiple pieces of identification;
2. Define Personal Identification in the *Criminal Code*
3. Consider a prohibition on the sale and distribution of novelty identification documents in Canada;
4. Strengthen the integrity and security of identification documents by containing, in each case, a photograph and signature, and
5. Provide greater access to the federal and provincial databanks for the purpose of validating identification documents.

Resolution #10/ 2004

IDENTITY THEFT

Submitted by the Prevention of Crime in Industry Committee

Commentary:

According to PhoneBusters, more than 13,000 Canadians were victims of identity theft last year, a crime that cost them roughly \$21 million. The criminal activity involved in someone assuming and using another person's identity has been around for many years – typically used to run up credit card bills or take out loans that are never repaid. However, militants and terrorists are now using identity theft to obtain credit cards and false IDs, just like the common scam artists have done for years. Canadian and American law enforcement agencies have identified criminal organizations that have used identity theft to acquire passports, credit cards and telephone calling cards. Criminals do not steal identities for the sheer thrill of impersonation; it is usually done to facilitate the commission of other crimes.

While this criminal activity is not new, there is a need to find a new approach that addresses the problem. Lucrative for criminals and very costly for its victims, identity theft is a form of criminal activity that, if left unchecked, is likely to become a problem of significant proportions in Canada.

POLICE GOVERNANCE

*Submitted by: Chief Frank Beazley, Halifax Regional Police Service
Chief Jim Cessford, Delta Police Department
Chief Cal Johnston, Regina Police Service
Chief Constable Paul Shrive, Port Moody Police Department
Chief Glenn Stannard, Windsor Police Service*

WHEREAS the Canadian Association of Chiefs of Police is dedicated to serving the public through excellence in policing, and;

WHEREAS the early 21st century environment is characterized by threats to public safety and national security as a result of transnational crime and terrorism, and;

WHEREAS the impacts of international crime and terrorism are experienced and dealt with at the national, provincial and local community level, and;

WHEREAS Canadian police services have embraced “integrated policing” in order to work collaboratively across jurisdictional and agency boundaries, thereby meeting the expectations of citizens and government, and;

WHEREAS effective “integrated policing” requires a policy framework including structure, roles and responsibilities for all orders of government and currently no such framework exists in Canada, and;

WHEREAS Canadian police agencies and governance bodies have identified this lack of framework as contributing to ambiguity about roles and responsibilities of respective police services and orders of government, and;

WHEREAS the role of government is to provide the legislative and policy structure to elucidate and support police governance.

THEREFORE BE IT RESOLVED that the CACP calls upon all orders of government in Canada to join together with police and governance associations in a public policy discussion on policing in the 21st century, with the intention of defining *the roles and responsibilities of each order of government* and *establishing a governance structure* to support police agencies and their bodies in operating within Canada’s multi-level policing environment.

POLICE GOVERNANCE

Commentary:

Local crime and safety concerns are closely linked to threats of a global magnitude. In order to respond to global threats of organized crime and terrorism, police in Canada have embraced “integrated policing” as the preferred operating method.

“Integrated policing” is defined as police agencies working together at the ascending tactical, operational and strategic levels (Gazette, Vol. 66, No. 1, 2004, “Why integrated policing?”, p. 12). Integrated policing “requires unifying people, systems and processes, technology and equipment, policies, and most of all, attitudes and organizational cultures at all levels” (Gazette, Vol. 66, No. 1, 2004, “An integrated response: The Calgary Criminal Intelligence Section”, p. 28). Integrated policing at the tactical and operational levels is in place with notable successes; however, integrated policing at the strategic level poses a policy challenge in Canada’s tri-government environment.

The Royal Canadian Mounted Police actively promotes the development of a multi-level strategy to support an integrated policing model. The RCMP acknowledges that “this may lead to significantly different structures, governance, and systems” (Canadian Police Chief Magazine, Winter 2004, “Integrated Policing and Law Enforcement: Why and Why Not?”, p. 16) and asks “can a different model of governance ensure enduring integrated policing leadership and commitment?” (Gazette, Vol. 66, No. 1, 2004, “Why integrated policing?”, p.13). The RCMP signals that “successful integration requires leadership...to take on the enormous strategic and practical challenges associated with a new vision of policing” (Canadian Police Chief Magazine, Winter 2004, p.16). The RCMP stresses urgency in addressing the meaning and implications of integrated policing as a prelude to thoughtful action, before a crisis precipitates fundamental and reactive changes in organizational structures and mandates.

There are calls for a vision of integrated policing to be more clearly defined, so that accountability and responsibility can be demonstrated within existing and future policing arrangements. This is particularly the case for municipal police services. For example, the “Big Twelve” Ontario Police Boards have expressed their concern about the absence of multi-tiered counter-terrorism plans, resources and measures and have proposed a solution in the form of a direct funding relationship between the federal government and municipalities (Brief to Parliamentary Sub-Committee on National Security, April 8, 2003). The Canadian Association of Police Boards has made this same point in its 2002 and 2003 resolutions on the needs of municipal police services as first responders to chemical, biological, radiological and nuclear events.

National police associations have identified the theme of governance as key to understanding and implementing integrated policing. The Canadian Association of Chiefs of Police, the Canadian Association of Police Boards and the Canadian Professional Police Association have agreed on the need for a public policy discussion on policing arrangements. This discussion is required so that the national agenda, which calls for an integrated response to organized crime and terrorism, can be reconciled with the agenda of local communities' policing needs (Third Joint Meeting of CACP-CAPB-CPPA, April 17, 2004).

International experience is germane to this issue in Canada. A landmark CACP research project undertaken by selected police leaders concluded in 2003 that "success [in the fight against organized crime and terrorism] can only be achieved by transparent forms of enforcement integration", and that success can be demonstrated to local, provincial or federal stakeholders only if "clear and meaningful performance measurements" are created and implemented. (CACP International Best Practices Research Project, 2003, page 32). Performance measures require a clear and comprehensible policy framework and governance structure.

Accountability and responsibility are current themes in public and private sector governance, in the wake of celebrated cases that have had harmful financial, public safety and public health repercussions.

In respect of policing arrangements for services provided to all police agencies in Canada, the Auditor General of Canada has commented that "It is time for a clear agreement among all of the players in the law enforcement community – in the federal, provincial and municipal governments – on level of service, funding arrangements, user input, management and accountability. A new agreement will require the collaboration of all parties" (Report of the Auditor General of Canada, Chapter 7.3, 2000). This recognizes the importance of a clear and unequivocal accountability structure, developed collaboratively, in relation to public safety.

An analysis of the factors influencing policing resources in Canada was commissioned by the Research Foundation of the CACP. The study addressed public expectations for quality police services on the one hand, and the fiscal capacity of all levels of government in Canada on the other, within the current policing framework. The study recognizes the impact of federal and provincial policy decisions on police capacity at the local level, including the policy decision to encourage integrated policing, and points to the existing "tri-government governance and funding model ...[as] an obstacle to the evolution of systemic accountability" ("Impacts on Policing Resources in Canada", MacInnis & Associates, November 2003, p. 24). By virtue of their unique role as legislators and policy makers, governments have the mandate to address current issues around accountability and governance in policing.

There is an existing forum that brings together key policy makers from two levels of government. The Federal-Provincial-Territorial Assistant Deputy Ministers' Committee on Policing Issues was created as a dedicated forum to discuss broad policing policies on such issues as integrated policing models and related issues. There are several current examples of tri-government discussions and collaboration around other priorities such as health care and the sustainability of cities. These discussions respond to the expectation of the public that all levels of government will work together for the public good within the context of constitutional realities.

The Canadian Association of Chiefs of Police is seized by the urgency of the need to define the roles and responsibilities of each order of government in respect of the integrated policing model. The CACP strongly urges governments at all levels to join together with police and governance associations in a public policy discussion that will address the issue of police governance at the highest levels. This discussion is necessary to a renewed, revitalized and relevant policing arrangement within Canada's multi-level policing environment.

POLICE GOVERNANCE

Media Lines

- More than ever before, Canadians are alarmed about the impact of organized crime and the threat of international terrorism in their communities.
- Canadian police – national, provincial, regional and municipal – are integrating their efforts to prevent and respond to these threats.
- Police continue to respond to the daily public safety concerns and priorities of their local communities.
- National priorities have an impact on the budgets and level of policing services at the municipal level.
- The Canadian Association of Chiefs of Police (CACP) proposes that current policing arrangements be reviewed.
- The CACP is urging all levels of government to work towards a resolution to this apparent imbalance in roles and responsibilities.

TRACKING OF HIGH RISK SEX OFFENDERS

Submitted by the Law Amendments Committee

- WHEREAS** the number of reported sex offences in Canada is on the rise and is fast becoming a problem of significant proportions, and;
- WHEREAS** sex offenders are known to commit many offences in multiple jurisdictions prior to apprehension, and;
- WHEREAS** sex offenders are not compelled to take sex offender treatment programs while incarcerated, and;
- WHEREAS** many sex offenders do not take the treatment programs available or do poorly in treatment and are still considered a high risk to reoffend when released from custody, and;
- WHEREAS** there is not currently a system of centrally gathering and storing of interagency information pertaining to sex offenders, and;
- WHEREAS** there is not currently a system in place to effectively track, supervise and monitor the movement and behaviour of these offenders once released from custody, and;
- WHEREAS** the current Bill C-16 does not address police concerns relative to issues of high risk offenders who are not under investigation for a specific crime of a sexual nature, and;
- WHEREAS** the effective sharing of information can only be accomplished through a process which is accessible to all police and approved public service organizations.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police urges the National Sex Offender Working Group to consider the establishment of inter-agency processes for the purpose of sharing and reporting information, tracking, monitoring and supervision of sex offenders.

TRACKING OF HIGH RISK SEX OFFENDERS

Submitted by the Law Amendments Committee

Commentary:

Members of Canadian society are becoming more aware of sexual offenders living in their communities through Public Notifications and Media coverage. In the field of law enforcement we are becoming more aware of the dangers imposed by these sexual offenders and safety plans to deal with the safety of women and children in our communities. But are we doing enough? Can we be more effective in managing the risks imposed by these offenders on society and can we be more efficient in tracking these offenders?

At the present time, there is no effective system in Canada to track High Risk Sex Offenders as they move from jurisdiction to jurisdiction across the country. There also is no system of central collection of police reports, probation reports, corrections reports and risk assessment on these highest risk offenders. Every agency across Canada that deals with an offender has its own system of record collection and reporting and this is problematic when dealing with offenders who continually cross numerous jurisdictions offending along the way.

Bill C-16 addresses, in a very minimal way, some of the issues relative to the tracking and monitoring of high risk sex offenders but it is so restrictive as to be, in reality, ineffective in any investigation of a pre-emptive nature.

A National Working Group for the Sex Offender Registry has been established with a mandate to facilitate the seamless implementation of the National Sex Offender Registry in all provinces and territories through:

- a) Effective consultation with all stakeholders;
- b) Development of system models that meet the needs of all provinces and territories;
- c) Collaboration of efforts with other justice system agencies who have a stake in the NSOR;
- d) Participation in working groups at the provincial/territorial level;
- e) Addressing administrative and operational requirements at a national level; and
- f) Provision of assistance and guidance to all provinces and territories as required.

It is hoped that through their efforts, a more useful system can be developed to assist police in pre-charge investigations, as well as in the establishment of inter-agency processes for the purpose of sharing and reporting information, tracking, monitoring and supervision of sex offenders.

LAWFUL ACCESS

Submitted by the Law Amendments Committee

WHEREAS the capability to lawfully intercept private communications is an essential investigative tool in relation to serious crimes such as Internet child luring, organized crime, homicide and kidnapping, and;

WHEREAS the Government of Canada's deregulation of the telecommunications industry as it relates to wireline and wireless telephone services has resulted in the emergence of new telecommunications service providers and new technologies, thus making lawful interceptions by law enforcement agencies more convoluted and costly, and;

WHEREAS there is a move by telecommunications service providers to charge police agencies for the execution of court orders (search warrants, interception orders), and;

WHEREAS if the practice of telecommunication service providers charging police agencies for the execution of court orders is legitimized, it will expand to all other institutions (financial institutions, insurance companies, hospitals, etc.), compromising investigations by effectively curtailing the use of search warrants and other court orders due to oppressive costs, and;

WHEREAS each new and evolving telecommunications technology, including but not limited to Internet-based technology, wireless communications (including cellular telephones), satellite communications and encryption, present significant technical and cost challenges with respect to lawful interception, and;

WHEREAS the provisions contained in Part VI and Part XV of the *Criminal Code* are seriously outdated and do not attend to the aforementioned technology and cost issues; and;

WHEREAS the Canadian Association of Chiefs of Police has approved numerous resolutions over the past several years requesting that the federal government take action to address the technological and cost challenges facing the police with respect to lawful access.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police once again urges the Deputy Prime Minister/Minister of Public Safety and Emergency Preparedness as well as the Ministers of Justice and Industry to take immediate action that will attend to the technological and costs challenges facing law enforcement and to enable police agencies to recapture their former capabilities with respect to lawful access and, thereby, significantly enhance public safety.

Resolution #13/2004

LAWFUL ACCESS

Submitted by the Law Amendments Committee

Commentary:

Law enforcement's capacity to use the lawful access tool continues to be seriously eroded. The two principal reasons for this state of affairs are:

1. New unregulated technologies continue to be rolled out by the telecommunications industry, many of which are not interceptable.
2. The attempt by some telecommunications service providers (TSPs) to charge for the execution of court orders poses a serious threat to law enforcement. It is contrary to sound public policy to impose fees in relation to the execution of a search warrant or any court order including authorizations to intercept private communications. If law enforcement is obliged to pay TSPs "fees" for the execution of search warrants, then all industries should be able to do so (financial institutions, hospitals, insurance companies, etc.). Additionally, the "fees" that are being "assessed" by some TSPs are arbitrary, unregulated and inequitable. Not only does this impact on current police budgets but, more importantly, will lead to ever increasing costs due to the present unregulated environment and will, therefore, become unsustainable. In this regard, law enforcement has no bargaining power in relation to the execution of a search warrants or wiretap authorizations. Its not as though the evidence/information required can be obtained by going to another company as is the case with the purchase of products such as police cars or fuel. In any event, evidence cannot and should not be treated as a "product".

The Canadian Association of Chiefs of Police has approved several resolutions with respect to lawful access over the last several years. The present resolution is designed to remind the federal government that this matter continues to be critically important to law enforcement and that immediate corrective action is required.

**RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION
ON CYBERCRIME**

Submitted by the Electronic Crime Committee

WHEREAS The Council of Europe *Convention on Cyber-Crime* is an international treaty that provides signatory states with legal tools to help in the investigation and prosecution of computer crime, including Internet-based crime, and crime involving electronic evidence, and;

WHEREAS The Convention is the first international treaty on crimes committed via the Internet and other computer networks, dealing particularly with infringements of copyright, computer-related fraud, child pornography and violations of network security. It also contains a series of powers and procedures such as the search of computer networks and interception, and;

WHEREAS Its main objective, is to pursue a common criminal policy aimed at the protection of society against cybercrime, especially by adopting appropriate legislation and fostering international co-operation, and;

WHEREAS Canada had signed the *Convention* which calls for the criminalization of certain offences relating to computers, the adoption of procedural powers in order to investigate and prosecute cyber-crime, and the promotion of international cooperation through mutual legal assistance and extradition in a criminal realm that knows no borders, and;

WHEREAS The Canadian government has already passed Bill C-13 which includes a procedural mechanism called a 'production order' which is one of the measures to be taken at the national level as called for in the Council of Europe *Convention on Cyber-Crime*.

THEREFORE BE IT RESOLVED that the Canadian Association of Chiefs of Police calls upon the Government of Canada through the Minister Public Safety and Emergency Preparedness Canada, the Minister of Justice and Attorney-General to ratify the Council of Europe Convention on Cybercrime.

**RATIFICATION OF THE COUNCIL OF EUROPE CONVENTION
ON CYBERCRIME**

Submitted by the Electronic Crime Committee

Commentary:

On November 23, 2001, The Council of Europe created Treaty 185, commonly known as the Convention on Cybercrime. Guiding principles of this treaty includes consideration of the 1989 United Nations Convention on the Rights of the Child and the 1999 International Labour Organization Worst Forms of Child Labour Convention. It also takes into account the existing Council of Europe conventions on co-operation in the penal field, as well as similar treaties which exist between Council of Europe member States and other States, and stressing that the present Convention is intended to supplement those conventions in order to make criminal investigations and proceedings concerning criminal offences related to computer systems and data more effective and to enable the collection of evidence in electronic form of a criminal offence. The treaty goes on to welcome recent developments, which further advance international understanding and co-operation in combating cybercrime, including action taken by the United Nations, the OECD, the European Union and the G8. Canada is considered a non-member State of the Council of Europe and has participated in the creation of the treaty and as a result has provided its signature agreeing to the treaty and its contents. The treaty has been open for signature since November 23, 2001 and Canada has not yet ratified the agreement. In order to be successful in the global fight against cybercrime, all countries must enact similar legislation in order to facilitate the collection of digital evidence.

The Internet does not subscribe to the formality of geographic or jurisdictional boundaries and therefore global law enforcement must have the tools to protect Canadians and citizens around the world affected by the actions of Canadian criminals.