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**National Summit on the Economics of Policing
Department of Public Safety, Canada**

**A Civilian Perspective on the Evolution of Policing
and Police Governance**

**Dr. Alok Mukherjee
President, Canadian Association of Police Boards
Chair, Toronto Police Services Board**

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1. Introduction

I am pleased to offer some remarks on behalf of the Canadian Association of Police Boards, also known as CAPB. As many of you know, CAPB is the national organization of police service boards and commissions who provide civilian oversight and governance of municipal and First Nations policing in most parts of Canada. For us, this summit is an important milestone, and we hope that it will produce broad consensus, a roadmap and a concrete plan for finding solutions to the urgent and critical issue of sustainability of policing that we face today.

Since this session is on the evolution of policing, let me begin with a bit of history.

The first police board in Ontario, and I believe in Canada, was established in 1858. The *Municipal Institutions of Upper Canada Act* was introduced to ensure independence of the police service from local government. According to a report prepared in 1982 by the Municipal Police Authorities of Ontario, precursor to the present Ontario Association of Police Services Boards, this act:

authorized local governments to operate police departments, but these departments were to be supervised by a Board of Commissioners of Police. The idea of an independent civilian board charged with the maintenance of a just enforcement was in its own way a major social innovation. It made possible an

effective solution to the conflict of political interest and community safety and justice.

Historically, then, police boards and commissions have been a fundamental part of the delivery of municipal police services across Canada.

Where are we today? Perhaps a look at the evolution of the police service and its board in Toronto will be illustrative of the situation in many jurisdictions across the country.

The act mentioned above gave legislative support to a system of police governance that had actually begun to emerge much earlier.¹ For instance, Toronto has had some form of civilian police oversight since 1834, when it was established as a city. A permanent police force consisting of a High Constable, five paid full time constables and 14 special constables was created on March 9, 1835. At that time, a special committee nominated by city council was entrusted with oversight of the force. This changed in 1858 when, pursuant to the *Municipal Institutions of Upper Canada Act*, control of police forces was vested in a board of police commissioners.

The first Board of Commissioners of Police for the City of Toronto was comprised of the city's Mayor, a magistrate, often called the "Police Magistrate," and a county judge. Virtually the first act of oversight undertaken by this board was to direct a reorganization of the police force in 1859. This included changing the title of the person in command from

¹ The following historical account is based on information contained in *Toronto Police Services Board: 50 Years of Civilian Oversight 1956-2006* (Toronto Police Services Board, 2006).

High Constable to Chief Constable. This form of oversight remained in place for nearly a century. It changed when, upon formation of the new Municipality of Metropolitan Toronto, an expanded Board of Commissioners of Police comprised of five commissioners came into existence on May 15, 1956. On the same day, the Chief Constable became known as Chief of Police.

This board gave Toronto a modern, professional police organization that has essentially remained intact to this day. Until 1957, Toronto was policed by 13 separate police forces, many of them very small. It fell to this board to amalgamate these 13 forces into one organization that became known as the Metropolitan Toronto Police Force. This is an event of some significance in that it underlines the status of the board as the body that precedes, gives shape to and manages the police service through its policies, decisions and directions.

Over the next forty years, the two-tier system of government of Toronto consisting of five municipalities and a metropolitan municipality changed through the amalgamation of the five municipalities into one municipality called the City of Toronto. During the same time, though not co-terminus with or because of it, the province's *Police Services Act* was amended as well. As a result of these two developments, the board and the service became what they are today, that is, Toronto Police Services Board and the Toronto Police Service and the membership of the board increased from five to seven.

The board that came into existence in the 1950s was very much a management board. It was hands-on and it micro managed the service, except for directing day-to-day policing operations. The board and the service were rule driven rather than policy driven. Through by-laws and rules, the board exercised oversight more than it provided governance, and decision-making, as a result, was primarily reactive.

In confidential and public meetings, held twice a month, the board approved penalties, promotions, confirmation in ranks, reclassifications, individual pregnancy leaves, attendance in courses and reimbursement of fees upon successful completion, civil actions, purchases, tenders and invoices. The board approved individual secondments and service's participation in joint projects or in study tours. No one went to a conference or a course without the board's explicit approval of attendance and cost. The chief could not change the rank structure of the command of a police division without the board's approval; the board decided whether there will be a superintendent heading up a division and whether this unit commander will have a second-in-command and, if so, at what rank.

Whether it was manure removal or horse-shoeing, purchase of bullets, holsters, body armour, batons, car horns, file folders, motor cycles or cars, all quotations were presented to the board with no recommendation, and it made the choice. In effect, the board took direct responsibility for managing business, financial or labour relations matters.

Conversely, minutes up to the 1970s show virtually no interaction with members of the public by way of correspondence or deputations,

discussion of larger policy issues or evidence of advocacy for legislative change or needed programs.

But this does not mean that the board was oblivious to larger concerns or broader policy issues. A look at the “Chairmans Report” [sic] to the Metropolitan Board of Commissioners of Police dated January 20, 1977, is very educational. This particular report is somewhat historic as this was the last report from the first chair of this board, Judge C. O. Bick, who stepped down in 1977 after 21 years at the helm.

After a detailed review of crime trends, capital works program and such other matters, Judge Bick comments on four issues: consultation with the provincial government on legislation to ensure high quality and impartial investigation of public complaints to maintain the integrity of the police service and public confidence; need for the board to discuss with the Minister of Health the insufficient availability of detoxification centres as a result of which the police were forced to deal with alcoholism which was, according to him, “a health problem”; the need for attention to, what he called, “the nature and extent of prejudice against visible minorities in Metropolitan Toronto” because of his view that “it was not ‘race relations’ as much as it was involvement with ‘visible minorities’ that should be the focus of attention; and, lastly, the “future financing of police services,” to use his words.

Chair Bick may as well have been speaking about the issues we face today. In particular, I want to quote his comments on the last subject, financing of policing. Towards the end of his report, he said:

Crime costs to the community cannot . . . be estimated. The very real, very present danger is that the continued escalation of costs for police services will seriously weaken the financial ability of Metropolitan Toronto to contain the growth of crime.

In its assessment of the future financing of police services, the Ontario Task Force on Policing stated that there is “a very real potential crisis in financing municipal police services. This crisis could result in the imposition of constraints to growth.” For us it is not a “potential” crisis, it has arrived. . . .

. . . What should be recognized is that most citizens realize what a vital part an efficient and effective police force means to their enjoyment of life, but that there are limits to financial support which can be given. . . . One determination which will have to be made is what form of “community service” should the police be reasonably expected to provide. There are services now given which are not essentially police related, but which the public expects. One example has already been referred to, and that is in the handling of the public inebriate.

On all the four issues he discussed in his final report, but especially with respect to the issue of police financing, Chair Bick was not only speaking about the present but also anticipating the future.

The next two decades – the 80s and the 90s – witnessed significant shifts. The board assumed an increasingly prominent governance role, continuously streamlined its oversight role by giving up many of its direct

management responsibilities to the chief of police, began to embrace a policy driven strategic approach to decision making, became more open to public consultation and input, and started to play an advocacy role to influence public policy.

Evidence of this shift is to be found in the minutes of board meetings from the 1980s and 1990s, communications between the board and others, including representatives of the community and the government, and in other initiatives such as the creation of a working group on race relations in the late 1980s in answer to widespread public criticism of racial discrimination by members of the police service; the 1994 report of the Metropolitan Toronto Police Restructuring Task Force, better known as “Beyond 2000,” which was ground-breaking in terms of trying to use a longer term lens to look at future needs and the optimum organizational design to support the future; the conference called “Saving Lives: Alternatives to the Use of Lethal Force,” held in 1999 in partnership with several community-based anti-racist and mental health organizations in response to the death by police shooting of several racial minority individuals suffering from mental illness; and the management structure review performed by the consulting firm of Deloitte in August 2000, which attempted to identify the optimum structure at the highest levels of management.

Symptoms for the need for some of these interventions had, of course, begun to appear in the 1980s when one finds the board facing severe criticism from activist groups in the community over allegations of racism, sexism and homophobia in the police force as characterized by excessive

use of force against racial minorities, raids on establishments used by gays and lesbians, and failure to deal effectively with sexual assaults on women culminating in the well-known “Jane Doe” case. This outcry included calls for public inquiry and resignation of the board.

Thus, strong board leadership of the time combined with increasing scrutiny and demand for transparency and accountability from a rapidly changing and vocal community to bring about the shift towards policy governance in place of only oversight.

The move was aided, as well, by the introduction in the 1990s of Adequacy Regulations by the Ontario government with its requirement for boards to create or review policy. The board was now required to establish a policy regime consistent with the Adequacy Standards.

While this is good, I must note a paradoxical consequence. As the board moved in the direction of policy governance, it gave up, consciously or otherwise, significant oversight responsibility to the chief of police. Matters that, in the early days of this board were treated as belonging to the board’s jurisdiction, are now deemed or claimed to be operational and outside the board’s purview. At least twice, the board has been taken to task for failure to exercise oversight as statutorily required. The first is an inquiry by the Ontario Civilian Commission on Police Services into the administration of internal investigation by the Metropolitan Police Force, better known as the Junger-Whitehead inquiry of August 1992. As a result of this inquiry, OCCPS was severely critical of the board for its failure to demand full information from the chief of police on the manner in which the

internal investigation was conducted on the erroneous basis that this was operational. The provincial oversight agency was of the view that demanding such information was an integral part of the board's statutory responsibility to oversee the management of the service.

The second instance is more recent and, perhaps you are quite familiar with it. I am referring to the independent civilian review into matters related to the G20 Summit conducted by the former Associate Chief Justice of Ontario, Honourable John W. Morden. The review of the board's role in the policing of the G20 Summit was initiated by the board itself and in his report of June 2012, Justice Morden made a strong case for much more active oversight of the police service by the board and cautioned against a too-easy acceptance of the generally accepted policy-operation divide.

I believe that the result of these developments will be a recalibration of the balance between oversight and governance. Certainly, this is already apparent in one area, namely the police service budget, where the board has used its authority to reverse the trend of year-over-year increase and set in motion a process to transform the way police services are provided. In 2011, the board committed to achieving a 10% reduction over 2 years. This year that target was achieved by flatlining the 2013 budget to the 2012 level. The 2012 budget itself included a reduction of 4.6%.

The board's assertion of its statutory authority with respect to the budget is indicative of the fact that underlying the work I have referred to above, there is one abiding concern, and that is the sustainability of our model of policing. Thus, we find a strong echo of Judge Bick's concern in what

another chair of this board had to say years later. In a discussion paper issued in June 2011, entitled “Avoiding Crisis, An Opportunity: Transforming the Toronto Police Service,” I remarked:

The spiralling cost of municipal policing is a matter of considerable concern for police governance and oversight bodies as well as for police leaders throughout Canada. There is general agreement that if the trend is not reversed, local policing will either become unsustainable or severely hinder local government’s ability to pay for all those other services that contribute significantly to the quality of a community’s life. . . .

The current situation presents the Board and the Service with an opportunity to seek transformative change in the way policing services are delivered. It is important that a short term, *ad hoc*, crisis response is avoided in favour of a strategy that produces lasting results, thus enabling the Board to provide adequate and effective policing services at a price that the funders of the service, i.e. the public, can afford now and in the future. This strategy must include measures to “right size” the organization consistent with its statutory mandate; to do business more economically, wherever possible; to use innovative practices; to moderate expectations of policing; and to re-focus on the essentials.

Minutes of board meetings held between those years are full of similar expressions of concern and call for action.

Indeed, as the need for policing has grown as well as become diversified, those concerns are heard with increasing frequency and urgency from boards, commissions and municipalities throughout the country, as resolutions moved at the annual meetings of the CAPB and the FCM as well as the association's own briefs, position papers and activities testify.

This is one subject concerning which there is not only internal continuity in the history of police governance in Toronto but also commonality among boards and commissions throughout Canada. And so, let me turn to the work of CAPB in this area as reflective of a common concern among police governors in Canada.

The establishment of the organization in 1989 was motivated by a desire to find common ground among police governors on matters of mutual concern, matters that have "national implication," as the news release following the first conference of CAPB members held in St. John's, Newfoundland in August 1990 put it.

The initiative to create this national body came from the chairs of the Edmonton Police Commission, Dr. Zaheer Lakhani, and of the Metropolitan Toronto Police Services Board, June Rowlands. Led by them, a group of chairs of large boards met in Hamilton in 1989 to discuss the formation of CAPB. Dr Lakhani was chosen to be the first president and the first AGM was held the next summer in St. John's, Nfld. Since that meeting, the Association has grown steadily with continuously increasing membership and a strong strategic plan.

A key preoccupation for the CAPB over the past number of years has been the sustainability of municipal police services. I think it is worthwhile revisiting our history on that subject.

While the issue of sustainability was of concern for a long time, it must be acknowledged that the CAPB's active engagement with it stemmed from an initiative of the CACP. In 2008, the CACP asked our organization, along with the Federation of Canadian Municipalities and the Canadian Police Association, to endorse six principles to describe modern policing in Canada. This led to a series of meetings and exchange of views among these organizations on a framework for integrated policing.

Following these meetings which resulted in broad consensus over the desirability of such a framework, the CACP stated that it had made sufficient progress on its six principles. However in March 2010, the other organizations expressed support for the CAPB's position that discussion of a framework for modern policing in Canada involving an integrated approach was incomplete without addressing the issue of sustainability. It was agreed that the CAPB would take the lead on an initiative to deal with the question of sustainability.

I need not dwell on the fact that public policing has evolved significantly. Growing public expectation and demand for service, legislative changes, transfer of responsibility by different orders of government and securitization of local policing in our post-9/11 world are among the factors that have changed the nature and mission of policing, raised questions about the continuing relevance of the current model of governing and

financing local policing, and caused many to ask if the model is sustainable.

Simply put, we do not have a sound economic model of policing in Canada. There is not a comprehensive economic analysis of our system of policing. Consequently, we cannot really tell what value this model of policing, financed primarily from the local tax base, truly adds in terms of factors like community safety and wellness, national security, savings in other public expenditures and impact on the community's social, cultural and economic development.

The agreement for the CAPB to lead an initiative on sustainability should be viewed within this context. So what was the CAPB's position in March 2010? The core elements can be enunciated as follows:

- The work of individual police officers and civilian members is valued; regardless whether it is a federal, provincial or municipal agency;
- Funding sources do not align with policing responsibilities and legislated requirements;
- This situation will only be exacerbated by funding restraints at the federal and provincial levels as this has traditionally led to downloads on municipal governments; and,
- The status quo is no longer viable.

Commencing in 2010, the CAPB has worked with its partners in the Coalition for Sustainable Public Policing to attempt to address these matters. It has done so with the view that its approach had to be practical;

that it had to recognize political realities and that it had to accommodate the views of all Coalition partners.

The Coalition's deliberations have led to some very significant recommendations, adopted by the CAPB and others, and forwarded to the federal government. These include:

- That the federal government consult on a priority basis with the police community on cost-neutral measures that could either reduce costs or increase police service efficiency;
- That the federal government introduce a viability or 'means' test on all legislation that could impact the delivery of municipal police services as – at the end of the day – there is only one taxpayer; and,
- Finally, that the Coalition urge the federal government to convene a meeting of all concerned parties to address this issue and the national bodies representing the delivery of police services be invited as content experts.

I am very pleased to see that some three years later we are here to speak to the very issues identified by the CAPB and the Coalition some years earlier.

In preparation for this meeting, the CAPB leadership believed it important to canvas the views of our membership on steps for moving forward. These efforts culminated in a day long plenary session at our most recent annual meeting, held in Victoria in August 2012. The entire membership was engaged in determining next steps to advance this issue. And while by

definition the discussion was at a high level, our members reached four very important conclusions:

- 1) The issue of public safety requires a 'whole system' approach. The police community needs to engage our partners – those in health, education, social services and justice to name a few – in a meaningful dialogue on a more integrated approach for the future. However, to do so, it is vital that the police community come to as much of a common understanding and develop its own knowledge base on the issues before doing so. Hence this Summit.
- 2) We need to build a repository of knowledge and then undertake research to ensure that best practices are just that – best practices. We need a central resource in Canada on police issues that will maintain, develop, analyze and continue to enhance our understanding of best practices in public safety – not just in Canada but throughout the world.
- 3) We must develop the next generation of police leaders alive to and eager to grapple with these new challenges. We must begin by identifying needed competencies in future leaders who will guide these reforms and lead us to a more integrated world of public safety and policing. Then we have to work to develop systems to develop these competencies.
- 4) Finally, once we establish our next steps – we must reach out to all major players, including the three levels of government to develop a shared vision and from that a shared agenda.

Those, Ladies and Gentlemen, were the conclusions of participants representing jurisdictions and municipal police boards from across Canada. This is indeed recognition that the status quo is no longer viable.

As an organization, we are very pleased that the issue of the economics of policing has reached this stage. It is worth noting that there are a number of provincial initiatives looking at this same topic or examining issues directly related to this Summit's subject material. As an example, the province of Ontario has a steering committee, the Future of Policing Advisory Committee or FPAC, and four working groups looking at issues related to the viability of our current model of policing.

However, as I believe we all recognize, the issue of sustainability of public policing – or the economics of public safety – will require a focused, concentrated and ongoing effort by all parties – local police services, police boards, provincial and national police organizations, and the three orders of government – to move towards a new vision of policing and of public safety that will meet the needs of our individual communities; that will be effective in reducing and combating crime in a modern era, and that will be affordable and sustainable in the short and long term. That remains the goal of the Coalition partners, and I believe is the goal of the participants in this room today.

I want to acknowledge that a by-product of the work of the Coalition has been a strengthening of relations between groups that I believe will serve us well in the future. We have come to know and acknowledge areas of combined interests and to see the benefit of working towards common

goals. Just a few years ago, it would have seemed peculiar to some to see representatives of the Federation of Canadian Municipalities, the Canadian Association of Chiefs of Police, the Canadian Police Association and the Canadian Association of Police Boards meeting on a regular basis to see how we could advance the cause of sustainability of public policing. Today, we look upon each other as trusted partners. We do not agree on everything. However, we agree on more than we perhaps expected, and we are united in our determination to serve our communities through the delivery of effective public policing.

I want to thank the representatives of those groups – many of whom are in this room – for their hard work and dedication to this goal. I also want to thank the federal officials who have provided context and information to guide our deliberations. It has been a long journey and this Summit represents a milestone as the issue has seized a much larger audience and gained greater prominence and enhanced urgency

My hope is that we will leave tomorrow afternoon as a collective with a clear vision, clear objectives, achievable targets and meaningful time lines to move this issue forward on a multitude of fronts. We owe nothing less to the communities we serve and to the women and men of the numerous police agencies who on a daily basis provide a level of safety and security that is truly the envy of the world.

We must ensure it remains that way.

Thank you.