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New Brunswick Policing Study: Overview

January 1993

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New Brunswick Policing Study: Overview

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New Brunswick Policing Study:

Overview

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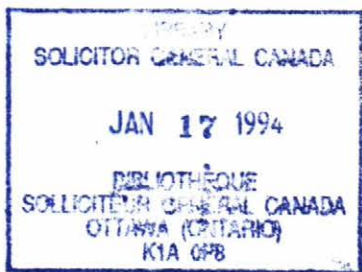
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NEW BRUNSWICK POLICING STUDY

OVERVIEW



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January, 1993

INTRODUCTION

In the summer of 1992, the Honourable Bruce A. Smith, Solicitor General of New Brunswick, released the Report entitled Policing Arrangements in New Brunswick: 2000 and Beyond prepared by Professor Alan Grant of Osgoode Hall Law School. This event marks the conclusion of the New Brunswick Policing Study. Background papers, developed by the Department of the Solicitor General as adjuncts to Professor Grant's Report, have been completed and are now available for distribution.

The circulation of this material represents a fitting occasion upon which to review the origins of the Study and to describe the process which lead to the determination of its scope. It is hoped that the summary which follows might be helpful to other jurisdictions which are considering a similar review of policing arrangements.

The Report, Policing Arrangements in New Brunswick: 2000 and Beyond, marks the culmination of a process which officially commenced in October, 1989 when the government of New Brunswick approved the undertaking of a Policing Study to examine in a comprehensive fashion alternative service delivery models and to project provincial policing needs into the twenty-first century. It was anticipated that such a intensive analysis would possess both a descriptive and normative component. That is, the Study would explore the structural and institutional underpinnings of the existing policing framework and would also, where appropriate, identify aspects meriting reform.

As noted in a press release issued at the time, "...the Study will focus on the relationship between provincial policing services and municipal police forces. It is essential to examine the feasibility of consolidating policing efforts. This could be accomplished through the realignment of provincial policing services or the creation of regional police forces."

The then Solicitor General of Canada, the Honourable Pierre Blais, in a concurrent press release, indicated that the federal Ministry of the Solicitor General would contribute \$120,000 (later increased to \$150,000) to the project over a three year period, consistent with the Ministry's priority to co-operate with the provinces in order to improve police efficiency. The federal Minister also expressed the view that the final Report would be of value to other jurisdictions contemplating a similar review of policing, an aspect of the Study's significance which provided an additional reason for federal financial assistance.

However, while the Policing Study officially commenced in 1989, its origins may be traced to much earlier periods. It is not inaccurate to view the Study as the natural response to concerns which had been expressed concurrent with the inception of organized policing in the province. However, while issues associated with such subjects as police independence, professionalism and political control had been raised prior to 1989, their resolution gained new impetus due to events occurring in the late 1980's which dramatically illustrated the need for an objective examination of the allocation of policing resources.

REVIEW OF POLICING ARRANGEMENTS IN NEW BRUNSWICK (UP TO 1980)

While New Brunswick, with a population of approximately 720,000, is one of the smaller jurisdictions, the basic policing arrangements which are in place -- a provincial policing service (the RCMP) covering unincorporated areas and numerous small municipalities, and separate forces employed or contracted by larger municipalities -- resemble those found elsewhere in Canada. These policing arrangements embody a delicate balance between localizing and centralizing impulses. The enforcement duties which have been assigned to both the provincial and municipal forces are regulated by the legal regime established in the provincial Police Act which is premised upon the interaction of opposing forces of diversity and uniformity resulting in a relatively complex process of control and responsibility.

Current policing arrangements in the province are neither the result of deliberate policy choices nor the product of a coherent policing philosophy. Instead, policing has evolved in a largely ad hoc manner and the tensions in contemporary policing noted in the Grant Report are the inevitable consequence of its historical antecedents. The principal conflict characterizing the evolution of policing in New Brunswick consists in the contest between centralization and decentralizing influences. Thus, an overview of the history of policing in New Brunswick discloses both the practical necessity for consolidated provincial forces (the result of particular demographic and geographic factors) and the simultaneous desire of organized communities to maintain control over the structure of law enforcement.

Initially, policing was regarded as a purely local enterprise. Pre-Confederation policing within the province was provided for by the appointment of constables in the towns or parishes of the several counties. By Confederation, only five municipalities had established police forces, subject to the direction of police magistrates.

The transformation of the position of the part-time local constable acting under the direction of judicial officers into a professional, full-time police force accountable to local government was triggered by two distinct phenomena. First, by the end of the nineteenth century, the office of the provincial constable had been established through the intervention of the legislature. Secondly, the proliferation of small municipalities in the early part of the twentieth century created the necessity for a more professional force. As a consequence by 1920, constables in most municipalities with a population of 1,000 or more were employed on a permanent basis.

The development of policing was also hastened by the enactment of prohibition laws, the enforcement of which placed significant demands upon the utilization of policing resources, and thus formed a principal argument in favour of the creation of a provincial force. The result was the New Brunswick Provincial Police, established in 1927, which, until its disbandment in 1932, was responsible for the enforcement of the Criminal Code and highway traffic regulations, other federal and provincial statutes as well as provincial liquor legislation.

The New Brunswick Provincial Police represents an early impulse toward consolidation of policing resources within a single force enjoying province-wide jurisdiction. Although the force was disbanded in 1932, the trend toward centralization was continued through the contractual hiring of the RCMP. As observed by the provincial Attorney General in 1932, the desire of officials of the federal Department of Justice to provide provinces with RCMP services was "part of a general scheme for the co-ordination of police duties throughout the Dominion."

With the elimination of the New Brunswick Provincial Police, the stage was set for the employment of the RCMP as a provincial policing service in the unincorporated areas of the province. In 1932, in concert with Nova Scotia and Prince Edward Island, New Brunswick concluded an agreement with Canada for RCMP service, an arrangement which has been maintained by subsequent agreements during the intervening years, with the most recent twenty year agreement negotiated in 1992.

Centralization, achieved through the deployment of agencies such as the New Brunswick Provincial Police and the RCMP, represents, however, only one dimension of the history of policing in New Brunswick. In contrast to the movement towards uniformity and regionalization which is characteristic of patterns of policing in respect of unincorporated areas of the province, municipalities have resisted centralization and integration and have, instead, jealously guarded their traditional law enforcement domain. As a result, the policing of municipalities has been and continues to be distinguished by adherence to the opposing values of heterogeneity, diversity and decentralization.

In addition to consolidation, the history of policing within municipalities reveals a persistent fidelity to the principles of local responsibility and control even as other aspects of the justice system have gradually been unified and placed under the supervision of the provincial government. Thus, while centralization of the principal components of the administration of justice had ensued in the late 1960's as a result of the recommendations of the 1963 Report of the Royal Commission on Finance and Municipal Taxation in New Brunswick (the Byrne Commission), policing has remained the direct statutory responsibility of municipalities.

The traditional pre-eminence extended to local claims to supervise the conduct of police forces has been tempered in more recent years by legislation. The passage of the first provincial Police Act in the late 1970's represents a significant milestone in the history of policing in the province through its recognition of the legitimate interests of both central and local government in the regulation of policing.

Legislative articulation of local and central roles in law enforcement was not achieved without difficulty, however, as witnessed by the successive introduction and withdrawal of police bills in 1973 and 1975. Provisions of the proposed legislation which mandated both governance by police boards (mandatory for larger municipalities and optional for smaller ones) and the establishment of a provincial Police Commission proved sufficiently controversial to frustrate speedy adoption. After a period of consultation with representatives of the Department of Justice and other sectors including municipalities, Chiefs of Police, the New Brunswick Police Association and union groups, a third police bill was introduced and enacted in 1977. Although this Act incorporated many of the features of its predecessors, it departed from previous versions to the extent that the institution of the board of police commissioners was made optional, rather than compulsory, for all municipalities with their own police forces.

The prolonged controversy surrounding the enactment of the provincial Police Act reveals the persisting desire of municipal authorities to assert power over local policing. However, while the Act did confirm the primary role played by municipalities in the provision of policing services, it also ensured an important part for central authorities by placing responsibility for the authorization of policing arrangements on the Minister of Justice and delegating to the New Brunswick Police Commission power in respect of the regulation and supervision of local forces.

The impulse toward centralization of policing services, implicit in the first Police Act, was further accelerated by two significant developments occurring in the 1980's: the creation of the New Brunswick Highway Patrol; the establishment of the Department of the Solicitor General.

THE NEW BRUNSWICK HIGHWAY PATROL

In 1980, the province established a provincial policing agency known as the New Brunswick Highway Patrol. While initially responsible only for commercial vehicle enforcement, its mandate was subsequently expanded to include general highway law enforcement duties imposed by both provincial legislation and the Criminal Code. The expansion of functional authority was paralleled by an increase in the territorial area of competence. The Patrol, which originally operated on only a small portion of the Trans Canada Highway, gradually assumed responsibility for highway law enforcement on all provincial highways, an enlargement of its initial role which was accomplished at the expense of the jurisdiction of the RCMP.

By 1988, the New Brunswick Highway Patrol, with a full-time officer strength of 131 members, had become a specialized provincial police force, operating out of 16 detachments and 1 sub-detachment located throughout the province. However, rapidly escalating costs associated with the maintenance of the program cast doubt upon its continued viability and in that year the government requested an independent assessment of the Highway Patrol. The terms of reference of the study were as follows:

- i) To provide the Government of New Brunswick with an independent and impartial assessment of the viability of suggested alternatives in respect of policing arrangements in the Province.

ii) The major focus of the project will be on the issue of whether the New Brunswick Highway Patrol should be retained as part of the present co-operative model of policing or with an alternative mandate or whether the Government should revert to the utilization of an expanded Royal Canadian Mounted Police service under provincial contract which would include the highway patrol function.

iii) While the assessment will be largely based on the dual criteria of the provision of an acceptable level of policing services and of cost, the consultant is expected to draw to the attention of the Government all other relevant factors necessary for an informed determination of the issue.

As a result of the analysis and findings contained in this Report, in July 1988 the Government of New Brunswick, acting on the recommendation of the Solicitor General, disbanded the New Brunswick Highway Patrol and returned highway law enforcement responsibilities to the RCMP. Subsequently in that year, a separate agreement was negotiated with the Government of Canada for resumption of these responsibilities by the RCMP effective in February, 1989. This two-year agreement ended in 1991, concurrent with the general policing agreement.

The Report on the Highway Patrol, which was prepared by Professor Alan Grant, is contained in Volume I, New Brunswick Policing Study: Operational Studies. Although completed prior to and independent of the New Brunswick Police Study, the Report, entitled Policing Arrangements in New Brunswick with Particular Reference to the Highway Patrol Function, has been appended to the operational studies since it exercised a profound influence upon the ultimate scope of the project under discussion and since its content is closely related to the subject matter of the Policing Study.

More specifically,

- i) The consultant stressed the need for both a short-term (immediate) and a long-term (5 - 10 years) strategy for policing arrangements in the province.
- ii) The consultant recognized the inordinate demands placed on provincial resources when there is more than one provincial police force with operational responsibilities in the same geographic region.
- iii) The consultant identified the need for a careful analysis of the structure of policing in the province, the functions which that structure is intended to perform, and the consultation which would be necessary with municipal governments on rational alternatives to current arrangements.

ESTABLISHMENT OF THE DEPARTMENT OF THE SOLICITOR GENERAL

The second major development in the history of modern policing in New Brunswick occurred in October 1987 with the dissolution of the former provincial Department of Justice and its reorganization into two separate ministries -- the Department of Justice, headed by an Attorney General who is also Minister of Justice, and the Department of the Solicitor General. According to the new distribution of authority, the Department of the Solicitor General assumed jurisdiction over policing services, the correctional system, the offices of the Sheriff and Coroner and ancillary related services. The establishment of a distinct ministry with responsibility for policing compelled a reconsideration of the philosophy of the Police Act.

The original Police Act exhibited a preference for local autonomy and choice in the adoption of policing structures in order to ensure responsiveness to local conditions. However, the creation of the office of the Solicitor General introduced a significant qualification upon this regime through the interjection of an important centralizing influence. Subsequent amendments to the provincial Police Act have further clarified the role of the Solicitor General by superimposing a measure of centralization upon an organizational structure which, in all essential features, incorporated principles of local accountability and responsibility. These amendments have qualified the former local system by affirming the mandate of both the Solicitor General and the New Brunswick Police Commission, thus acknowledging the legitimacy of intervention by the central executive.

Such amendments have not displaced the primary authority of municipalities which continue to be responsible for the provision of an adequate level of policing to the community, an obligation which can be discharged in four distinct ways. Furthermore, as a logical corollary of its statutory duty to establish a police force and its fiscal responsibility to maintain an adequate level of policing, each municipality, through the vehicle of either town council or a board of police commissioners, enjoys a number of ancillary powers with respect to the operations of its forces, including the power to appoint the Chief and individual members of the force and the power to provide 'direction and policy'.

However, as a consequence of recent amendments the Solicitor General also performs an active role in both the supervision and delivery of policing services by municipal forces and the RCMP. The new Police Act vests ultimate supervisory authority over policing in the Province in the Solicitor General through the inclusion in legislation of both a general statement of purpose and a detailed enumeration of the Ministerial powers which may be exercised to achieve the objectives set forth in the statement of purpose. The scope of the jurisdiction of the Solicitor General is, of course, subject to the more particularized responsibilities which are assigned to other agencies and bodies such as local government in more specific legislative provisions.

The functions of the Solicitor General, which include certain of those formerly performed by the New Brunswick Police Commission, are two-fold:

- (i) to promote the preservation of the peace, the prevention of crime, the efficiency of police services and the development of effective policing services;
- (ii) to co-ordinate the work and efforts of municipal and regional police forces and the RCMP, and to discharge the role assigned to the Solicitor General in relation to the RCMP by the terms of the Provincial Policing Agreement between the Government of Canada and the Government of the Province of New Brunswick.

In operational terms, this grant of power enables the exercise of important supervisory powers. According to the Police Act, the Solicitor General is the Minister responsible through the legislative and executive processes for the 'conduct of policing in the province'. As a consequence of this political responsibility, statute has extended to the Solicitor General a variety of oversight powers to ensure that both municipalities and local forces fulfil their statutory obligations in relation to policing.

The enhancement of the office of the Solicitor General is, in a real sense, inversely proportional to the diminution in jurisdiction of the New Brunswick Police Commission which is limited to

- (i) the investigation and determination of complaints by any person relating to the conduct of a member of a municipal police force;
- (ii) the investigation and determination of any matter relating to any aspect of policing in any area of the Province, either on its own motion, or at the direction of the Solicitor General; and
- (iii) the determination of the adequacy of municipal, regional and RCMP police forces within the Province.

A description of the various functions assigned to the Chief, local government, the Solicitor General and the Police Commission and an analysis of the legal status of police in the province, including issues of independence, accountability and control, may be found in Volume IV entitled New Brunswick Policing Study: Legal Status of the Police.

DECISION TO PROCEED WITH STUDY -- 1989

By 1989, with the reinstatement of the RCMP as the sole provincial policing agency, it had become apparent that a major study was required to identify the most cost-effective and efficient policing arrangements which would apply to both the incorporated and unincorporated areas of the province. The new ministerial responsibilities of the Solicitor General also formed a powerful argument in favour of the initiative. Finally, the need for a comprehensive analysis of policing requirements had been strongly urged by Professor Grant in his Report on the New Brunswick Highway Patrol in the previous year.

The necessity for such a study was grounded in the relative complexities and inefficiencies inherent in the existing structure governing service delivery by municipal forces. By 1989, the proliferation of small municipal and regional forces had resulted in 24 municipal and 2 regional forces in the province. While three of the forces (Saint John -- 198 members, Moncton -- 119 members, and Fredericton -- 89 members) were of a size sufficient to provide the full range of police services to their respective communities, certain others (ranging in size from 3 to 28 members) had encountered difficulties in responding to the challenges presented by contemporary policing.

As noted by Professor Grant in Policing Arrangements in New Brunswick: 2000 and Beyond:

"The biggest problem with the present provincial response to its policing mandate is the fact that the Police Act requires municipalities to have their own police service or to enter a contract for police services with the RCMP or municipal or regional police. Since the Canadian average ratio of police to population is currently in the region of 1:500, this is tantamount to mandating, in small municipalities, the creation of police services that possess around 5 police personnel unless the municipality contracts its policing obligation to the RCMP or some other police service. Even smaller police services are permitted to be created and several with as few as three and four members presently exist under these arrangements". (at p. 8).

In addition to problems associated with the optimal allocation of policing resources, the effectiveness of the smaller municipal forces was also inhibited by two further factors. First, while the Police Act imposes upon every municipality the obligation to provide an adequate level of policing, neither statute nor provincial policy defined the meaning of the term 'adequate'. Secondly, such operational policing standards as had been articulated had not been uniformly adopted throughout the province, producing an undesirable degree of variation.

Those municipalities which had not established separate local forces were policed by the RCMP. Under the umbrella provisions of the agreement between Canada and New Brunswick for the provision of RCMP provincial policing services, 69 incorporated municipalities, each with a population of 2500 or less, received service from the RCMP with cost recovery to the province calculated on a per capita basis. In addition, 12 municipalities, with populations ranging from 1600 to 15,600 negotiated direct agreements with Canada for RCMP service which was delivered by municipal detachments of varying strengths (from 3 - 18 members).

It is clear that deployment of the RCMP as a municipal force did not present those problems of size, capacity and standards associated with the operation of municipally established forces. Owing to its status as a national policing agency, members of the force complied with uniform, federally established criteria in respect of matters such as recruitment, training, qualifications, and promotion, thus alleviating potentially harmful discrepancies. Furthermore, while variations in size among the various municipal detachments may exist, capability is not normally compromised by such quantitative differences.

However, financial considerations assumed increasing importance. The cost of municipal and provincial policing services, in common with the experience of other Canadian jurisdictions, had increased significantly in the five year period between 1984 and 1989. During that time, for example, the cost of RCMP service had increased 40% with only 7% of that amount resulting from percentage cost increases pursuant to the terms of the agreement.

The need for a comprehensive review of policing services gained fresh urgency following an inquiry by the New Brunswick Police Commission into the operations of one local force. The inquiry recommended that the municipal force be disbanded and replaced by the RCMP. At approximately the same time, a second municipality requested RCMP services in place of the local force. A full history of these events, which illustrate the problems confronting small municipal forces, may be found in Volume II, New Brunswick Policing Study: Service Delivery, "RCMP" Component, Appendix B at page 43.

Although the necessity for a review of policing services gained impetus as a consequence of such developments, the government of New Brunswick regarded the support of municipalities, which bore the primary responsibility for the provision of policing services, as an essential pre-condition to the commencement of the study. Similar concerns had been expressed by Professor Grant who, in his 1988 Report on the Highway Patrol, had stressed the importance of consultations between central government and municipalities in any consideration of reform of existing policing arrangements.

The desired degree of municipal support was expressed first in a 1988 resolution of the Cities of New Brunswick Association which called for a thorough review of the Police Act and the development of a plan to ensure adequate funding to achieve uniform, compulsory policing standards. This recommendation was echoed in the 1989 resolution of the New Brunswick Association of Chiefs of Police that the government proceed with a province-wide review of policing. The ultimate study proposal was shared with the Provincial - Municipal Council which, while declining to make any financial contribution, indicated its support for the project. Approval for the study was ultimately obtained in the fall of 1989.

While the objectives of the study as originally defined were maintained, the scope of the project underwent several alterations as a consequence of intervening events. The most significant external influence upon the content of the study was produced by the outbreak of serious criminal activity in the Miramichi region of the province, a phenomenon which served to highlight the structural difficulties characterizing policing services in that area. In response, elected representatives from Chatham, Newcastle and three adjacent municipalities urgently requested the Solicitor General to undertake an independent study to explore the viability of the establishment of a regional police force. As a consequence, the scope of the Policing Study was expanded to include an operational study into policing in the Miramichi region.

PROCESS

The study was primarily addressed to an examination of operational concerns, as evidenced by the June 1991 Revised Project Description which stated:

"The objective is to examine present policing arrangements and policies in the Province of New Brunswick with a view to formulating a rational basis for the modification of the existing arrangements, if necessary, to address the policing requirements in the province into the next century.

The major focus of the examination is on the relationship between provincial policing services, government authorities and municipal police forces and the feasibility of consolidation of effort. Some of the options which might be considered would include the realignment of provincial policing services or the creation of regional forces."

Responsibility for the content and form of the ultimate Report and background papers was shared among three distinct components.

First, internal responsibility for the collection and analysis of data and the preparation of reports was assigned to a Senior Consultant and a team of researchers under the project management leadership of the Assistant Deputy Solicitor General and the Executive Director of Policing Services. As Senior Consultant to the project, Professor Alan Grant was mandated to provide the Department of the Solicitor General with an independent and impartial assessment of the viability of potential alternatives to the existing policing regime. His evaluation would form the basis of a final report to contain both a description of current policing arrangements and recommendations respecting present and projected policing needs and objectives.

In this effort, Professor Grant was assisted by a number of researchers responsible for the collection and analysis of data and the preparation of ancillary reports. Research was undertaken by personnel within the Policing Services Division and the Policy, Planning and Evaluation component of the Department as well as by private sector consultants whose services were provided on a contractual basis.

Oversight and supervision were provided by two bodies: a Working Committee and an Advisory Board. The former body was composed of the Assistant Deputy Solicitor General, the Executive Director of Policing Services, the Assistant Director of Policing Services and the Special Advisor to Policing Services. In addition, the Committee maintained contact with officials in other government departments having an interest in the delivery of policing services, in particular the Department of Municipalities, Culture and Housing. The Working Committee, which met regularly with study project managers, reviewed the accuracy and completeness of research on an ongoing basis, provided advice and assistance to consultants and ensured that all relevant material relating to policing arrangements and resources was made available to Professor Grant, the Senior Consultant to the project.

The operations of the Working Committee were supplemented by an Advisory Board, established by the Solicitor General, which facilitated access by the Senior Consultant to individuals and associations with particular knowledge of and experience in policing in the province. In addition, the Advisory Board identified possible problems and defects in the current policing structure and to propose and evaluate potential solutions.

Finally, in order to ensure that all relevant material was considered in the examination of policing needs and capabilities, the project actively solicited data respecting public opinion and perceptions of policing. Three mechanisms -- one informal and two formal -- were employed to determine public sentiments on this issue. First, a public notice was placed in all newspapers, inviting written submissions on policing issues from any interested individuals and organizations. Secondly, as part of the background research to the Report of the Senior Consultant, an independent firm was contracted to conduct a survey to obtain and assess public attitudes towards policing. Analysis of the survey is contained in Volume III, New Brunswick Policing Study: Public Attitude Survey. On a less formal basis, Professor Grant was involved in extensive consultations with all affected interest groups throughout the time leading up to the preparation of the final Report.

The final Report of the Senior Consultant was submitted in March, 1992. It was translated and published in both English and French and released for public distribution in the summer of 1992.

Funding was provided by three sources: Departmental resources, the Municipal Police Assistance Fund, and the Solicitor General of Canada.

A more complete description of the process by which the study was conducted may be found within the appendices to the Report of the Senior Consultant Policing Arrangements in New Brunswick: 2000 and Beyond.

REPORT RECOMMENDATIONS

The final Report contains fifty-one recommendations which canvass virtually all aspects of the structure and operation of policing services in the province. These recommendations, which represent the product of exhaustive research and extensive consultation, comprise two categories: those which are directed to reform of the structure of the provincial policing regime; those which address systemic and institutional problems within individual police forces.

Recommendations which refer to the future structure of policing services within the province are intended to remedy a central problem which is identified in the Report as an apparent excessive duplication which derives from both the administrative structure and the proliferation of small municipal forces. Such duplication prevents the development of an integrated and coherent policing organization and leads to an inefficient use of scarce human and financial resources. The Report endorses the establishment of a policing regime which combines RCMP and regional police forces acting on a co-operative basis as that structure which would permit the most effective and efficient method of policing throughout the province.

According to the Report, an appropriate and workable division of authority between the RCMP and regional forces could take the following form. A number of regional forces (a possible maximum of 7 are identified of which 5 are seen as the most viable) would be responsible for law enforcement in and around the main population centres and the RCMP would undertake policing in the remaining areas of the province.

Realignment of existing forces on this basis would have the additional advantage of allowing a rationalization of existing provincial and municipal contractual arrangements with the Government of Canada for the provision of RCMP services. Governance of the proposed regional forces would be assigned to regional Boards of Police Commissioners in order to alleviate the possibility of excessive politicization which is created by the current system of direct control by local government.

An essential aspect of the delivery of policing services concerns the roles which would be assigned to oversight agencies, such as the Department of the Solicitor General and the New Brunswick Police Commission, which currently exercise certain supervisory responsibilities in relation to the police. Since recent amendments to the provincial Police Act have confirmed and expanded the role of the central government through the Department of the Solicitor General in the delivery of policing services, a transformation of the institutional and operational character of current policing arrangements structure would be paralleled by changes in the role and responsibilities of the Minister and the Department. The Report proposes that the province discharge its role in this context through the aegis of an enhanced Policing Services Division within the Department. The Department would be empowered to compel compliance of individual forces to minimum capability standards through the use of an auditing power in conjunction with funding arrangements which would entitle forces approved by the Department to eligibility for partial subsidization based upon a new conditional grant formula.

The Report also recommends the preservation of the New Brunswick Police Commission and the modification of its existing institutional structure through the appointment of a full-time Chair and Executive Director. The jurisdiction of the Commission would encompass the receipt and disposition of public complaints, appeals from internal disciplinary proceedings, mediation of provincial-municipal disputes arising from the application of the proposed conditional grant funding arrangements.

Policing philosophy would emphasize community-based law enforcement. Consistent with the values inherent in a theory of community-based policing, forces would be sensitive to the particular linguistic, cultural and ethnic components of the various regions and, in terms of personnel composition, would reflect the makeup of the community, including the representation of both genders.

While recommendations in support of the creation of regional forces to work in conjunction with the RCMP are addressed to the long-term policing needs of New Brunswick, they are integrally related to the second category of recommendations which concern systemic and institutional problems within individual forces. In the view of the Grant Report, integration and regionalization of forces would not only foster a more effective administration and a more responsible allocation of limited financial and human resources, but would also encourage the development of forces which adhere to minimum standards of enforcement capability.

At present, no mandatory standards applicable to such diverse matters as police education, in-service training, use of equipment and buildings, information systems, classification, recruitment and promotion and the exercise of police powers have been articulated. The absence of such standards runs counter to a central thesis of the Grant Report that the concept of effective policing denotes a certain level of professionalism. Therefore, in order to ensure that officers conform to certain professional standards which will guarantee that all citizens enjoy a uniform and effective measure of service delivery, the Report proposes that each force implement certain specific minimum capability factors:

- (i) a police-presence criterion, based in part upon personnel policies, which will encourage members of the force to live and work in the region for which they are responsible;
- (ii) a preventive patrol function, which includes a method to prioritize and assess calls for service, a mechanism for organizing community resources in order to implement preventive solutions to problems of local concern to both police and residents;

(iii) a detective function, including an evaluation mechanism to analyze crime reports and to define force objectives which will channel preventive and investigative resources in a productive manner;

(iv) a pro-active function, which encompasses the capability to respond to significant criminal activity, including white collar and organized crime;

(v) a team-management philosophy which rejects traditional hierarchical structures in favour of internal co-operation and which will work effectively with professional police-associations;

An important and related aspect of police professionalism and capability refers to the labour relations and unionization in police forces. The Report recommends that the current structure of the employer-employee relationship be reassessed. While it is recommended that proposed regional professional police associations be prohibited from affiliation with a trade union, such associations are acknowledged to be an integral element of the management team. In addition in this context, the Report proposes that changes be made to relevant legislation to clearly identify those matters which may be included/excluded from collective bargaining.

Although those observations concerning regionalization and the development of uniform professional standards represent the most significant aspects of the Report, the fifty-one recommendations are not limited to these topics but encompass a wide variety of ancillary, related matters. Such matters include the potential scope of uniform regulations, the structure of the new regional boards, reform of police disciplinary codes, First Nations policing, training and education, implementation of new communications networks and computerized reporting systems, and standardization of accommodations, uniforms and vehicles.

CONCLUSION

The Grant Report and the related background papers represent a significant contribution to the ongoing discourse concerning the shape of policing in the future. It will serve as a valuable catalyst for public debate on policing philosophy and institutional structure and will also provide assistance to reform efforts which may be undertaken in other jurisdictions.

The implications of the Report are far-reaching. Professor Grant has canvassed virtually all issues associated with policing and the fifty-one recommendations refer both to general reforms intended to achieve the most effective and efficient method of service delivery and to more specific changes affecting police training, Crown-police relationships, unionization and the role of oversight agencies such as the New Brunswick Police Commission.

There can be no doubt that the police occupy a pivotal position in the administration of justice and that the articulation of policing philosophy is of vital concern to the citizenry. In its comprehensiveness, the Report compels a reconsideration of fundamental issues: what is the role of the police?; what is the optimal accommodation of opposing forces of local and central control?; how can public accountability be maintained and enhanced?; what is the relationship of the police to the public?

However, as Professor Grant himself has emphasized, the decision to implement any or all of the recommendations must be preceded by an intensive consultation process which will afford all interested groups -- the police themselves, central and local governmental officials, community groups, the public, the legal profession -- adequate opportunity to evaluate the merits of each proposal and to express countervailing views.

