

CHAPTER 4

Policing



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LEARNING OBJECTIVES

By the end of this chapter, you should be able to:

- LO1** Describe the history of policing in Canada.
- LO2** Identify the organization of policing in Canada.
- LO3** Identify the legislation that governs police in Canada.
- LO4** Describe the role and function of policing.
- LO5** Explain the recruitment, selection, and training process.
- LO6** Recognize the stresses related to police work.
- LO7** Outline types of police accountability and oversight.
- LO8** Identify ways in which the performance of the police is measured.
- LO9** Describe the role of private police in Canada.

Police Suicide: A Crisis

In recent years, the number of police officers who have died by suicide has been so alarming that it has been declared a crisis. Police officers are two to three times more likely to die by suicide than to be killed in the line of duty (Kirschman, 2018). Police are more likely to engage in suicidal behaviour than the general public, and each police officer has access to a firearm. Males account for the majority of suicides in all age categories; generally the ratio of male-to-female suicide is three-to-one (Centre for Suicide Prevention, n.d.), and given that policing is a male-dominated profession, there is cause for concern. In 2018, the suicide rate in Canada was 10.3 per 100,000 population (Statistics Canada, 2019). At this time, we cannot track the suicide rate of police or first responders in Canada.

In 2018 in Ontario alone, nine deaths by suicide occurred among serving and retired police officers. This is not a new phenomenon—16 active and retired RCMP officers died by suicide between 2006 and 2014. This unfortunate trend is not limited to Canada. New York City reported a spike in police suicides in 2019 and has declared it a mental health emergency. First responders (paramedics, firefighters, and police officers) as an occupational group are at risk of death by suicide. Experts point to the traumatic events that first responders are exposed to and note that an estimated 24 percent of first responders suffer from post-traumatic stress disorder (PTSD).

RCMP officer Ken Barker responded to the 2009 Greyhound bus beheading murder of Tim McLean. After Barker's retirement, while continuing to struggle with PTSD, he died by suicide in 2014 (The Canadian Press, 2014). In July 2019, Sûreté du Québec officer Patrick Bigras died by suicide. In 2009 Bigras responded to the scene of a double homicide north of Montreal, where Guy Turcotte, a cardiologist, killed his son and daughter. The crime scene was horrific, as Turcotte's five-year-old son was stabbed 27 times and his two-year-old daughter was stabbed 19 times. Bigras was diagnosed with PTSD after the arrest, and ten years later he continued to struggle.

The Canadian Association for Mental Health (CAMH) has examined the extent of police mental health (Discussion Paper: October, 2018), noting that mental illness is prevalent among police officers. Their study of two urban police services found that 87 percent of officers reported experiencing moderate to severe depression, and 29 percent of the officers were in the clinical diagnostic range for PTSD. PTSD can be triggered by a single traumatic event or can be the result of repeated exposure to multiple traumatic events.

In response to the spike in police deaths by suicide in Ontario in 2018, the Officer of the Chief Coroner initiated an expert panel review process. The panel released their report in 2019, and it identified a number of significant lessons related to the police culture. It also identified a number of suggestions that could result in "better outcomes" for police officers in the future. The report included the following:

- a call for normalization of mental health challenges;
- a call for access to quality care with evidence-based treatment;
- a look at the impact of inadequate police resources, which may lead to burnout of police members;
- the recommendation that police suicides should be tracked and monitored by the coroner to enable learning and to provide support to colleagues and loved ones; and
- the recommendation of a collaborative approach among police services, police associations, police service boards, and relevant government departments.

(continued)

Police, like all first responders, are exposed to pain, suffering, and trauma as a part of their daily lives. We are learning that it is critical to address the well-being of first responders to support them long after the incident is over.

“No one could digest an event like that, because it’s unthinkable, but sometimes the unthinkable happens, and it stays. It lingers.”

—Psychologist Pierre Faubert



THE CANADIAN PRESS/Galit Rodan

Ontario's Chief Coroner Dirk Huyer oversaw the panel to investigate the suicide of police officers after what is believed to be an unprecedented nine officers in the province died by suicide in 2018. Several themes unique to policing emerged from the research.

LO1 History of Policing in Canada

By tracing the history of policing in Canada we can examine the way in which Canada grew and developed as a nation. Policing in early Canada was handled primarily by the military detachments stationed across Canada, until individual communities began to identify people who agreed to be watchmen. Watchmen were responsible for holding posts and alerting the community of criminal behaviour. This form of protection was unstable and soon proved to be inadequate as the population grew.

The federal government created the Dominion Police Force in 1868, initially with the mandate of protecting federal government buildings in Ottawa. Though its jurisdiction was federal, the Dominion Police Force was primarily involved in policing central and eastern Canada. The growth of policing in Canada was influenced by the country's expansion to the west; in 1870, Canada grew to include the northwest (Haydon, 1910). This growth meant that there was a need to bring law and order to the new frontier, in preparation for new settlement of the area. On May 23, 1873, an act—introduced by Canada's first Prime Minister, Sir John A. Macdonald—was passed to create a “Mounted Police Force for the Northwest Territories.” (That region includes parts of present-day Saskatchewan, Alberta, Yukon, and the Northwest Territories.)



Goetzman, Library and Archives Canada, accession number 1996-400 NPC, item 418, PA-202188.

North West Mounted Police.
Officers of the "B" Division, July 1900.

The first recruitment drive to build the North West Mounted Police (NWMP) resulted in the hiring of 150 men. As the west became settled police posts were established. The early posts were determined largely by the need to control the American whisky trade, and eventually the officers were deployed to the growing settlements along the new railway. By 1883, the NWMP grew to 500 men and detachments were created in new urban and rural areas. The NWMP was assigned to maintain the peace among the thousands of workers who were in the West building the railway. They maintained order when the railway workers became unruly due to excessive drinking and gambling, as well as when there were strikes. By 1885, the NWMP's strength grew to 1,000 men, many of whom were called upon to police the Klondike Gold Rush. Its jurisdiction grew to include the Yukon in 1895, the Arctic coast in 1903, and northern Manitoba in 1912.

The general duties of the NWMP at that time were to:

- establish law and order;
- collect customs dues;
- enforce prohibition;
- supervise the treaties between First Nations and the federal government;
- assist in the settlement process;
- ensure the welfare of immigrants; and
- fight prairie fires, disease, and destitution.

(Origins of the RCMP, n.d.)

The federal government determined that one federal police service was required to police the entire country in 1919, likely influenced by the impact of the First World War. On February 1, 1920, after absorbing the Dominion Police, the North West

Mounted Police changed their name to the Royal Canadian Mounted Police (RCMP), and the headquarters were established in Ottawa. At that time, the role of the RCMP in Canada began to grow to include the policing of several provinces.

Then vs. Now: Hiring Qualifications for the RCMP

1873:

- Males only
- Between ages of 18 and 40
- Be of sound constitution, able to ride a horse, active, able-bodied, and of good character
- Able to read and write either French or English
- Pay was 75 cents per day for sub-constables and 1 dollar per day for constables

TODAY:

- Be a Canadian citizen or a permanent resident of Canada; permanent residents must have resided in Canada for ten consecutive years.
- Be of good character
- Be proficient in French and/or English
- Possess a Canadian secondary school (high school) diploma or equivalent
- Possess a valid, unrestricted Canadian driver's licence
- Be at least 19 years of age at the time of engagement
- Meet health, psychological, vision, and hearing standards
- Be willing to spend 26 weeks at the RCMP Academy (Depot) in Regina, Saskatchewan
- Be willing to relocate anywhere in Canada
- Meet the necessary level of physical abilities
- Be prepared to carry a firearm and use it or any other necessary physical force
- Be willing to work shift work including weekends and holidays
- Be aware of requirements for tattoos, jewellery, and other personal effects
- Upon completion of the Cadet Training Program and following an offer of employment, constables receive an annual salary of \$53,144; usually, within 36 months of service, the annual salary will increase incrementally to \$86,110

Provincial policing and municipal policing were also expanding in various communities across Canada. The Ontario Provincial Police (OPP) was created in 1909. Unlike Alberta and Saskatchewan, Ontario chose to police itself rather than contract policing services from the RCMP (McKenna, 2003). By 1932, the RCMP also provided policing services to Manitoba, New Brunswick, Nova Scotia, and Prince Edward Island. Ontario and Quebec continue to be the only provinces that administer their own police services.

Modern policing in Canada has been influenced by the historical relationship to Great Britain. The London Metropolitan Police was formed in 1829 and is known for the founding principles of modern-day policing (Hurd, 2007). Sir Robert Peel commanded the officers, who were called “Bobbies” in his honour. The London Metropolitan Service stressed the belief that a police presence could deter crime and called for police patrols rather than the fixed posts of the police as in the past. This resulted in the police having an ongoing presence in the community, a critical element of modern policing. Peel’s principles continue to be relevant today as they refer to a number of basic philosophical tenets of policing. Each of the principles identifies an important element; for example, Principle 7 states:

Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.

The notion that police are required to maintain a positive relationship with the public is a critical one that is embedded in many of the initiatives that drive modern policing. The first principle identifies the critical relationship between the police and crime prevention. This principle stresses the importance of the proactive role that the police play in preventing crime and their role is not restricted to reactive response.

SIR ROBERT PEEL'S PRINCIPLES

1. The basic mission for which the police exist is to prevent crime and disorder.
2. The ability of the police to perform their duties is dependent upon the public approval of police actions.
3. Police must secure the willing co-operation of the public in voluntary observation of the law to be able to secure and maintain the respect of the public.
4. The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
5. Police seek and preserve public favour not by catering to public opinion, but by constantly demonstrating absolute impartial service to the law.
6. Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice, and warning is found to be insufficient.
7. Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent upon every citizen in the interests of community welfare and existence.



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Sir Robert Peel.

8. Police should always direct their action strictly towards their functions, and never appear to usurp the powers of the judiciary.
9. The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.

Police in Canada Today

The number of police officers in Canada has been steadily decreasing in recent years. According to Statistics Canada (2019), there were 68,562 active police officers in Canada in 2018, down from 69,068 in 2010. The ratio of police officers to the general population is 185 police officers for every 100,000 persons nationally (Statistics Canada, 2019). The ratio across the country varies: Ontario has a ratio of 177 officers per 100,000 population, Quebec has 189 per 100,000 population, and Prince Edward Island has 141 per 100,000 population. By contrast, the Northwest Territories has the highest ratio of 416 officers per 100,000 (with a total strength of 186 police officers). These variations are largely related to the difference between urban and rural policing across Canada. The police in the Canadian territories are required to police large, sparsely populated areas. **Table 4.1** illustrates the distribution of police personnel in Canada, 2014 to 2018.

Table 4.1 Police Personnel in Canada, 2014–2018

Statistics	2014	2015	2016	2017	2018
	Number				
Total number of all personnel	97,231	97,143	97,295	98,077	99,612
Total number of police officers	68,806	68,772	68,859	69,025	68,562
Male police officers	54,650	54,441	54,304	54,278	53,619
Female police officers	14,156	14,331	14,555	14,747	14,943
Total number of civilian and other personnel	28,425	28,371	28,436	29,052	31,050

Civilian members of police services perform non-policing functions. Civilian positions include clerical, administrative, support, and maintenance functions. There are 26,851 civilian employees in police services across Canada (Conor, Robson, and Marcellus, 2019). There has been a trend toward a steady increase in the number of civilians employed in the policing sector as the police services assign non-sworn employees with work that does not require police authority. This is referred to as “civilianization” of police services (Griffiths et al., 2014) and is considered a way for police services to become more economically efficient. Women account for 71 percent of civilian personnel working in police services, a proportion that far exceeds the 22 percent employed as sworn officers (Statistics Canada, 2019).

LO2 THE ORGANIZATION OF POLICING IN CANADA

The organization of policing in Canada today is multi-jurisdictional. There are three levels of policing in Canada, and each level has its own jurisdiction and responsibilities. In addition, there are First Nation policing agreements in place for Indigenous communities across Canada.

FEDERAL POLICING

The Royal Canadian Mounted Police (RCMP) is Canada’s federal police agency and a Canadian symbol that is recognized worldwide. The RCMP polices the three territories, all of the provinces except Ontario and Quebec, and has municipal

policing agreements with approximately 180 municipalities. With a mandate to police approximately 75 percent of Canada's geography, the RCMP is the largest police service in Canada. In addition, the RCMP provides services to the entire country, including maintaining national databases that include fingerprints, criminal records (Canadian Police Information Centre), and ballistics identification. Specialized services include forensic sciences analysis, criminal intelligence, and police training.

The RCMP is led by a Commissioner, and is organized under the authority of the *Royal Canadian Mounted Police Act*. Under the Minister of Public Safety's direction, the Commissioner controls and manages operations from the headquarters in Ottawa.

There are 15 operations divisions, alphabetically designated, for the provinces, territories, and the National Capital Region. The RCMP Training Academy is in Regina, Saskatchewan, and the Canadian Police College, Musical Ride, and RCMP Band are all located in Ottawa. The RCMP protects high-profile individuals, including the Prime Minister, dignitaries, and the Government of Canada overall. They have also taken on a leadership role in coordinating Canada's involvement in international policing and peacekeeping.

"The Mounties always get their man."

This famous phrase was used in numerous old Hollywood films depicting fictional Mounties. The RCMP traced the origin of the phrase to this quote from 1877:

"Thanks to the vigilance of Major Irvine and the energy of Captain Winder, of the N.W. Mounted Police, another attempt to smuggle whiskey has been frustrated by the arrest of three men, who were tried, found guilty and sentenced to pay a fine of five hundred dollars each or be imprisoned for the minor period of six months. They preferred the former. Horses were sacrificed for the arrest, but the M.P.s are worse than bloodhounds when they scent the track of a smuggler, and they fetch their men every time." (Fort Benton [Montana] Record, April, 1877)

PROVINCIAL/TERRITORIAL POLICING

Under the *Constitution Act, 1867*, each province and territory in Canada is responsible for the administration of justice, which includes policing. All provinces and territories, except Ontario and Quebec, have agreements with the federal government whereby the RCMP police their jurisdictions. Where the RCMP is contracted for police services, the province or territory and the federal government share the cost of policing. In Ontario, provincial policing rests with the Ontario Provincial Police, and in Quebec with the Sûreté du Québec.



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The RCMP is the largest police service in Canada.



Mario Beauregard/The Canadian Press

Sûreté du Québec is the provincial police service in Quebec.

MUNICIPAL POLICING

Municipal policing refers to policing urban centres throughout Canada. Often called city or regional police, they are assigned with policing areas with a dense population. Municipalities can choose to form their own police service, can join with a neighbouring service, or they can contract the provincial police (if in Ontario, Quebec, or Newfoundland and Labrador) or the RCMP. The largest municipal police service in Canada is the Toronto Police Service, with 4,923 sworn officers and a rate of 167 officers per 100,000 population. The second largest service is the Montreal Police Service, with 4,532 sworn officers and a rate of 223 officers per 100,000 population. Next is the Peel Regional Police Service, with 2,004 sworn officers and a rate of 143 officers per 100,000 population (Statistics Canada, 2019). Municipal police services employ 56 percent of all police officers in Canada and provide policing services to over 25 million people (Statistics Canada, 2019). Newfoundland and Labrador, Yukon, the Northwest Territories, and Nunavut do not have municipal police services. The Royal Newfoundland Constabulary, Newfoundland's provincial police service, polices St. John's, Corner Brook, Labrador City, and Churchill Falls, while the RCMP polices the remainder of the province.



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Winnipeg police on patrol.

FIRST NATIONS POLICING

In 1991, the federal government introduced the First Nations Policing Policy (FNPP) in order to provide First Nations across Canada (not including the Northwest Territories and Nunavut) with policing services. Each community engages in a cost-shared agreement between the federal government, the provincial or territorial government, and the First Nation. The policy applies to all Indigenous reserves, to some First Nations communities on Crown land, and to all Inuit communities. There are several models that have been used to implement the FNPP across the country. The agreements require that all police officers must be Indigenous, except where the First Nation agrees to the staffing of a non-Indigenous officer. The First Nations police service must meet the same standards as other police services in the jurisdiction, and the officers are sworn peace officers, with the same rights and responsibilities.

In addition, like other police services, each First Nations police service must be accountable to a police services board, police commission, or other formal form of oversight (Cummins and Steckley, 2003). In 2018 there were 36 First Nations police self-administered service agreements. Within First Nation police services, 62 percent of police officers self-identified as Indigenous. The proportion of Indigenous police officers in stand-alone municipal, provincial, and federal services range from 1 percent to 8 percent (Statistics Canada, 2019).



Francis Vachon/The Canadian Press

Six Nations Police.

First Nations police services face many challenges as they address serious social problems and high crime rates. The communities that they police have high expectations of the police services, though they do not always have the resources required to meet the needs (Clairmont, 2013).

In November 2018, the Government of Canada took a step to improve First Nations policing when the creation of a new program designed to improve the policing infrastructure within Indigenous communities was introduced. The new program, *Funding for First Nation and Inuit Policing Facilities*, will provide an investment of \$88.6 million over a seven-year period, designed to enhance policing facilities. It is anticipated that the safety and well-being of community members will be impacted as the police facilities are assessed and improved (Public Safety Canada, 2019).

CANADIAN SECURITY INTELLIGENCE SERVICE: CANADA'S INTELLIGENCE AGENCY

The Canadian Security Intelligence Service (CSIS) is responsible for investigating threats, analyzing information, and producing intelligence to protect Canada from threats—which include terrorism, espionage, foreign interference, and cyber-tampering—that could

have a major impact on the Canadian infrastructure. Combatting terrorism in order to prevent terrorist acts in Canada and protecting Canadian assets and interests abroad is at the forefront of CSIS's priorities. The intelligence gathered by CSIS complements and supports the work being done by law enforcement agencies across Canada. CSIS collects and analyzes intelligence and shares it, as appropriate, with law enforcement agencies, government departments, and the general public.

CSIS employs 3,200 individuals (Public Report, 2018) in positions including intelligence officers, analysts, surveillants, technologists, engineers, translators, and support staff. Men and women are equally represented among the staff; 68 percent of the employees are bilingual, and 27 percent speak a third language, representing over 110 foreign languages. CSIS National Headquarters is located in Ottawa, Ontario.



Jake Wright/The Canadian Press

CSIS National Headquarters, Ottawa, Ontario.

LO3 LEGISLATION THAT GOVERNS THE POLICE

The police are governed by a number of pieces of legislation, many of which identify the rules and regulations that guide their duties. Each police service in Canada is governed by a Police Act, a legislative framework within their jurisdiction that identifies rules, regulations, procedures and processes. Each Act also clarifies the role and function of the police. The *Criminal Code* classifies police officers as peace officers (section 2) and their powers emanate from various sources including both statute and common law. Statute law, which directs police activity, is federal, provincial, and municipal.

Federal statutory legislation that governs police activity across Canada includes the following:

- *The Constitution Act, 1982* (including the *Charter of Rights and Freedoms*)
- *Criminal Code*
- *Canada Evidence Act*
- *Controlled Drugs and Substances Act*
- *Crimes Against Humanity and War Crimes Act*
- *Youth Criminal Justice Act*
- *DNA Identification Act*
- *Firearms Act*

Police officers must be aware of the scope and limitations of their powers as they carry out their duties. Provincial and municipal police officers are sworn to enforce the laws within the province that employs them, and their powers are limited to that province. A federal officer's powers extend across the country. **Table 4.2** identifies the jurisdiction reach of each level of policing.

Table 4.2 Policing Levels

Police Service	Geographic Jurisdiction	Enforcement Authority
Federal (RCMP)	Throughout Canada	Federal, provincial, municipal
Provincial (Ontario and Quebec)	The province	Federal, provincial, municipal
Municipal and regional	The province, with a focus on their own jurisdiction	Federal, provincial, municipal

THE CHARTER OF RIGHTS AND FREEDOMS AND POLICE POWERS

The *Canadian Charter of Rights and Freedoms* (the *Charter*) is a part of the *Constitution Act, 1982*, and it identifies rights that are guaranteed to Canadians. These basic rights are critical to the quality of life in Canada and include rights and freedoms related to the enforcement of the law. As such, the *Charter* has a significant impact on the way in which police perform their duties. The *Charter* influences police powers by providing a safety net for Canadians to ensure that police exercise their powers as prescribed by law. It is important to note that all police powers, whether they are statute law or common law, are subject to the constitutional protection of the *Charter*. The *Charter* is the supreme law of Canada, meaning that all other laws in Canada must be consistent with it.

Since the *Charter's* inception in 1982, we have seen a number of cases that have challenged the constitutionality of police powers. One such case is *R. v. Buhay* (*R. v. Buhay*, [2003] 1 S.C.R. 631, 2003 S.C.C. 30). The facts of the case are that Mr. Buhay rented a storage locker located in the Winnipeg bus station. When security guards detected a strong odour of marijuana emanating from the locker, they alerted a Greyhound agent, who opened the locker. They found a duffel bag of marijuana inside the locker and immediately notified the police, who seized the duffel bag, without a search warrant. On the following day, an individual arrived at the bus station and was arrested when he tried to retrieve the bag from the locker. At the trial, the judge noted that the police were in violation of section 8 of the *Charter*, which guarantees that:

Everyone has the right to be secure against unreasonable search or seizure.

The trial judge then granted the defence motion to exclude the evidence under section 24 (2), which states:

24. (2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

With the exclusion of the evidence, the accused was acquitted. The case was then appealed to the province's Court of Appeal, where the trial judge's decision was overturned and a conviction was entered. The accused then appealed to the Supreme Court of Canada, claiming that the police violated his section 8 rights and that the evidence (the marijuana) was obtained illegally and should therefore be excluded. The Supreme Court of Canada allowed the appeal, and the acquittal that was entered at trial was restored. In its decision, the Supreme Court said:

The accused had a reasonable expectation of privacy in the contents of the locker he rented. The accused had control and possession of the locker's contents through possession of the key. Moreover, the signs on the lockers made no mention of the possibility that they might be opened and searched.

A reasonable person would expect that his or her private belongings, when secured in a locker that he or she has paid money to rent, will be left alone, unless the contents appear to pose a threat to the security of the bus depot. The existence of a master key does not in itself destroy the expectation of privacy. While it was not as high as the privacy afforded to one's own body, home or office, a reasonable expectation of privacy existed in the locker sufficient to engage the accused's section 8 Charter rights. . . . This Court should not interfere with the trial judge's decision to exclude the evidence under section 24(2) of the Charter.

This case illustrates the manner in which the *Charter* is applied to challenges related to police powers. Section 1 of the *Charter* recognizes that:

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

This section is critical to interpreting constitutional law because it recognizes that in a free and democratic society there are limits to our individual freedoms. This was illustrated in *R. v. Ladouceur* [1990] 1 S.C.R. 1257, when the Supreme Court of Canada determined that random traffic stops are constitutional. The appellant launched an appeal claiming that random police stops of a motor vehicle and its driver are an infringement on one's rights guaranteed by sections 7, 8, and 9 of the *Charter*, which are:

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
8. Everyone has the right to be secure against unreasonable search or seizure.
9. Everyone has the right not to be arbitrarily detained or imprisoned.

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The Supreme Court decision hinged on the interpretation of section 1. It was determined by the Supreme Court that random traffic stops are justified based on the deterrent aspect of the random routine check, thereby protecting society. In the decision, the Justices noted, "the random routine check does not so severely trench upon the section 9 right so as to outweigh the legislative objective" (*R. v. Ladouceur* [1990] 1 S.C.R. 1257). Today, random checks (e.g., Reduce Impaired Driving Everywhere, or RIDE) are recognized as being a reasonable infringement on our personal freedom because of this decision.

Charter challenges as they relate to police powers will continue to provide the police with direction and reinforce our understanding of the scope of those powers in a free and democratic society.

POLICE DISCRETION

Discretion

police officers' ability to make decisions on various matters based on their opinion within general legal guidelines

Police officers have the **discretion** to make decisions as they carry out their duties. Though it is true that the police are bound by many laws, rules, and regulations that prescribe their actions, seldom is there a requirement for police to lay a charge when sufficient grounds exist (Carrington and Schulenberg, 2008). As such, the police regularly use their own judgment to decide how they will intervene in a given situation.

For example, an officer may use their discretion when making an arrest, issuing a ticket, or charging an individual with a particular offence. In a situation involving a minor violation, an officer may choose to warn a citizen rather than proceed with an arrest or a traffic ticket. Using discretion is highlighted in the application of the *Youth Criminal Justice Act*, where police are directed to consider the use of extrajudicial measures (as opposed to judicial measures—laying a charge) when they are faced with a youthful offender. This legislation does something that is rarely seen: it provides statutory authority for the police use of discretion, and it structures that use of discretion (Carrington and Schulenberg, 2008). Again, because it is discretionary, there are variations across the country in the way in which it is applied, subject to the interpretation of each police service (and each police officer), as well as the availability of young offender resources in each jurisdiction. Carrington and Schulenberg (2008) examined the rate at which the police charge young persons, as opposed to engaging them in extrajudicial measures across Canada. They found that by 2005 there was only an 11 percent difference across the country between the province with the highest charge ratio (Ontario at 49 percent) and the lowest (Atlantic region at 38 percent). This indicates that the discretion of the police, as it applies to extrajudicial measures, is applied somewhat consistently across the country.

There are situations in which a police officer has little or no discretion to act. Directives to act may be based in legislation, department policy, or by priority. Police are directed to use a pro-charge approach when responding to domestic violence calls. Another example of limited discretion is when police are in **pursuit** of a suspect. Generally, a police supervisor makes the decision about whether a pursuit will continue. Decisions on limiting police discretion are made to ensure that an individual officer's decisions are consistent with the goals and priorities of society overall.

Pursuit
a chase

Consider the following case. Sergeant Beaudry stopped a car that was moving at high speed and had a flat tire. The driver of the car was an off-duty police officer who worked for the same police service as Sergeant Beaudry. The driver had the smell of alcohol on his breath and was staggering and acting irrationally. Sergeant Beaudry did not demand a breathalyzer and did not charge his fellow officer. Instead, he gave him an opportunity to “calm down” in the station. Sergeant Beaudry was subsequently charged with obstruction of justice. In his defence, he said that he was using his discretion in deciding not to pursue a criminal charge. A Quebec trial judge and the Quebec Court of Appeal both dismissed the defence, indicating their contention that Sergeant Beaudry was favouring the driver because he was a fellow police officer. Sergeant Beaudry appealed to the Supreme Court of Canada where the lower court's decision was upheld. The justices made an important statement about the limits of police discretion. They stated that:

First, discretion must have been exercised honestly and transparently, and on the basis of valid and reasonable grounds. Thus, a decision based on favouritism, or on cultural, social or racial stereotypes, cannot constitute a proper exercise of police discretion. Second, the exercise of discretion must be justified on the basis of objective factors, namely the consideration of material circumstances and legal factors.

JUST or BUST?

Does the use of police discretion mean that we have a system where not all people receive the same treatment by the police? Is this fair?

THE ROLE AND FUNCTION OF THE POLICE

Effective policing is critical to the operation of a safe society. The role of the police in a democratic society is to maintain public peace and security. As our society and our communities become more complex, so too does the role of policing.

The police are the most visible of the various players within the criminal justice system. Few of us have the opportunity to sit in a criminal court to watch a judge or a Crown attorney at work. Even fewer of us will ever be incarcerated, but all of us are affected by the police at work as we go about living our daily lives. The police and their activities are integrated within our communities. We see the police directing traffic, walking, or riding bikes, securing a crime scene, or investigating a traffic accident while we go about the daily business of living our lives.

Police services are organized in a “top down” bureaucratic structure with a clear path of reporting and supervision. The rank structure is hierarchical in nature, whereby the Chief or Commissioner holds the highest rank and is the commanding officer. The organization is divided into various units, each with a different function and area of responsibility.

The paramilitary nature of police organizations is evident in their hierarchical structure. Though all police services do not identify ranks in the same manner, they all have a hierarchy that makes reporting and responsibilities clear. Police policies and procedures are written and are disseminated throughout the organization.



MYTH VS FACT

Real Police Don't Solve Crimes in a Prime-Time Hour!

The popularity of prime-time entertainment-based police television shows affects the way in which the general public perceives the role, function, and success of police. There are significant differences between the way police are portrayed on television and the reality of the occupation. Police shows portray police officers in constant “crime-fighting” mode, when in reality police officers spend between 10 and 20 percent of their time fighting crime and the rest of their time on other tasks (Soulliere, 2004). Police on television are far more successful than police in real life. One study indicated that on television the police have a 90 percent **clearance rate** (Soulliere, 2004), compared to real life where clearance rates are significantly lower at an average of 39 percent (Statistics Canada, 2011). An area in which there is consistency between police on television and their real-life counterparts is gender and racial composition. In both, policing is a male-dominated occupation where most of the officers are Caucasian.

The recent onslaught of crime scene investigation (CSI) shows has created a belief in viewers that not only are crimes solved in a prime-time hour, but they have blurred the roles played by homicide investigators, medical examiners, and forensic scientists. In reality, these are separate occupations. On television, DNA results and other complicated tests are processed instantly; in reality there is a significant delay. Police officers refer to this phenomenon as the “CSI effect,” and it can lead to unrealistic expectations, which could then result in the public’s decreased confidence in the real police, who do not always live up to their prime-time counterparts.

Clearance rate

the number of cases that police solve, or otherwise discharge, in a given period



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Crime scene analysis is a meticulous process.

Policing any jurisdiction is complex and requires that police engage in different roles and functions within the organization to be responsive to the needs of the community. Though a community's size and demographics may alter the way police perform their duties, basic police functions are consistent. Police engage in crime prevention, enforce the laws, and maintain order within our society. In doing so, they provide assistance to citizens and victims of crime. Policing is both proactive and reactive. It is proactive when police engage in crime prevention activities intended to reduce or eliminate crime. It is reactive when the police respond to a crime or an emergency situation. Both proactive and reactive responses are required in order to respond to the community's needs. **Table 4.3** presents an overview of policing functions.

Table 4.3 Police Functions

Police Function	Description
Assist and Inform	The police provide assistance to victims when they respond to crime. Police are usually the first to respond to a victim, and they provide emergency assistance as well as referrals to appropriate resources, as required. Police also provide information to citizens, formally and informally. Many police services offer community engagement activities such as a Citizens Academy, where they offer classes so that the citizens may learn about police and the criminal justice system overall.
Criminal Investigation	Criminal investigation includes a broad range of activities required to investigate a violation of the law. An investigation involves identifying, gathering, and preserving evidence. An investigator must be skilled at interviewing witnesses and suspects. The investigation involves preparing the case for trial, requiring a thorough understanding of criminal law and the court process. The investigator also prepares witnesses for their involvement in the trial process. Depending on an investigator's specialty, the responsibilities and requirements of a criminal investigator can range greatly. Some investigators specialize in certain types of crime such as fraud, domestic violence, sexual assaults, or robbery.
Crime Prevention	Crime prevention refers to both formal and informal actions intended to reduce the incidence of criminal activity. The police are involved in crime prevention programs and perform daily activities that deter crime. Organized crime prevention programs target specific types of crime (e.g., car break-ins in shopping mall parking lots) and can target specific groups.
Law Enforcement	Police are empowered to enforce the laws by pursuing those who do not comply with them. Law enforcement is both proactive and reactive in nature and occurs on a daily basis in a random or targeted fashion. A RIDE stop is a targeted policing initiative.
Maintenance of Public Order	Maintaining public order is a general requirement to ensure the safety and stability of society. This function can include a number of activities such as supervising a large crowd or responding to a noise complaint.
Emergency Response	Police respond to all types of emergencies including crimes in progress, medical emergencies, natural disasters, and accidents. These are high-priority calls that are reactive in nature.

POLICE PATROL

Patrol is the element of policing that is most visible to the public. Most police officers in Canada engage in police patrol on a daily basis, and there is a societal expectation that police will be visible and available to us as such. Patrol was identified by Sir Robert Peel as an essential element of policing in 1829 and it remains so today. Police patrol ensures that police are mobile and available to the public, as required. Patrol meets a number of important objectives that support the goals of crime prevention and maintaining the peace. Police patrol occurs in cars (marked or unmarked), on foot, on bike, on horseback, by helicopter, and by boat. Each type of patrol offers police a different perspective and level of engagement with the community. The relationship between police patrol and calls for service is that it is the patrol officers who respond to the calls. The time it takes to respond to a call is often used as an evaluation tool to measure police performance. In 2017/2018 police services across Canada received 12.8 million calls for service, and it is estimated that 50 to 80 percent of the calls were non-criminal in nature. The police workload is impacted by these non-emergency issues, none of which are reflected in annual crime statistics, though they consume a considerable amount of police resources (Statistics Canada, 2019). Municipal police services received 67 percent of the calls for service, the RCMP received 21 percent and provincial police received 11 percent. First Nations police services received 1 percent of overall calls (Statistics Canada, 2019). Police services work to manage their calls to maximize the deployment of their resources effectively.



Mauro Toccaceli / Alamy Stock Photo

In the far north, the RCMP used sled dogs on patrol until 1969.



Marmaduke St. John/Alamy Stock photo

Technology has had an impact on the versatility of the police on patrol.

There are a number of issues that are related to police patrol. The one-officer vs. two-officer patrol car has been the subject of debate over the years. The policy varies across North America, usually as negotiated in the labour agreement between police associations and the respective police service. Some police services deploy only one-officer vehicles, dispatching two or more vehicles to serious calls. Some departments will deploy both one- and two-officer vehicles, using one-officer cars up to a specific time of the night, when two-officer cars are then deployed. A study on officers killed while on vehicle patrol between 1961 and 2009 indicated that 54 percent were assigned to two-officer vehicles patrols, while 46 percent were assigned to one-officer vehicles (Dunn, 2009). Those who support two-officer cars cite concerns regarding officer safety and say that having a two-officer unit increases the efficiency of patrol (Frontier Centre, 2001), while at the same time having a positive impact on officer morale.

Policing Units

Police officers are initially trained to carry out the general functions and duties of a police officer. Once trained, they may be assigned to special units or divisions with the service. Many police officers have a diverse police career because of the many facets required to operate a police service. Specialized units or areas vary across police services:

- Criminal Investigation
- Organized Crime
- Intelligence
- Mobile Support
- Sexual Assault and Threat Assessment
- Homicide
- Hold-Up
- Fraud
- Guns and Gangs
- Emergency Response
- Public Order
- Bike Unit
- Drug Squad
- Cyber-Crime
- Bomb Squad
- Mounted Unit
- Canine Unit
- Community Mobilization
- Neighbourhood Policing Unit
- Forensic Identification
- Marine Unit
- Traffic Enforcement
- Morality
- Education and Training
- Professional Standards
- Employment and Recruitment

(continued)



Getty Images/ Moodboard RF

Historically, dogs have supported police in various functions.

Foot patrol, one of the earliest forms of police patrol, has emerged as an important element of policing today. Foot patrols are now connected to community policing, enabling officers to meet community members and enhance community partnerships. Foot patrols can be engaged to support a proactive, problem-solving strategy where community relations are improved in an effort to prevent crime. Technology enables officers to engage in foot patrol with the flexibility of radio access. A successful foot patrol program is “more than just walking around. Specific planned programming and community engagement strategies must be incorporated into the process” (Craven, 2009). In addition, foot patrol is lauded as a sound environmental choice.

COMMUNITY POLICING

Community policing is an approach that recognizes the partnership and shared responsibility for crime prevention that exists between the police and the community, and it involves skills and abilities to engage communities in proactive problem-solving. The police have traditionally assumed a leadership role in this area, making its success largely dependent upon their ability to provide leadership. Community policing balances reactive response with proactive problem-solving that is intended to focus on the causes of crime. The Vancouver Police Department defines community policing as follows:

Community policing is a police philosophy that involves problem solving with the assistance of the community. It has many forms: Block Watch, Citizens' Crime Watch and Community Policing Centres (CPCs) are all part of that philosophy.

Community policing projects strive to reduce crime in specific areas, with the cooperation of the community and the police. Generally, the goal of the projects is to empower communities to build the capacity to resist and prevent crime and disorder.

This model sees the police and the community work together to support community-based projects that will prevent crime. Projects may be specific to certain groups within the community, such as students, newcomers, or children. The projects may target specific crimes, such as family violence, child abuse, or graffiti. The key message within the community policing perspective is the involvement of the community in problem-solving that leads to crime prevention.

FOCUS ON Crime Stoppers: An International Success

Crime Stoppers is an international organization that facilitates a partnership between the public, the police, and the media. This proactive program encourages the general public to assist the police anonymously to solve crimes. As of December 2019, the international program had paid out rewards in the sum of \$15,411,520 and had seized drugs and property that exceeded \$4 billion worldwide (Canadian Crime Stoppers Association, 2020).

In 2020, Crime Stoppers Toronto announced that they would no longer be providing cash rewards to individuals that provide tips that lead to an arrest. Instead, they will invest that money into local programs and communities affected by crime. Crime Stoppers describes the growth of this successful collaboration:

Crime Stoppers was the brainchild of Canadian-born Greg MacAleese, a Detective with the Albuquerque Police Department in New Mexico. In 1976, Greg had run out of leads in a homicide investigation and out of frustration had appealed to the public for assistance. He went so far as to produce the first crime re-enactment, which was aired on local television, and also made available for radio and the press. Anyone providing information regarding this murder was to be eligible for a cash reward. Within hours of the broadcast, an individual called in valuable information that resulted in the arrest and conviction of two suspects who were sentenced to life in prison with no chance of parole. The growth has been dramatic, with Crime Stoppers programs implemented in more than 1,300 communities worldwide. In November 1982, Calgary became the first Canadian city to start the program, followed by Edmonton in 1983. Hamilton was the first city in Ontario to implement the program, and there are currently over 90 programs across Canada with over 10 programs in Ontario.

1-800-222-TIPS

LO5 POLICE RECRUITMENT, SELECTION, AND TRAINING

Police services devote a great deal of time and energy into recruiting, selecting, and training new officers. Recruitment is an ongoing process, and in recent years police services have targeted areas where they could reach individuals who are not adequately represented in the current police strength. Women, Indigenous persons, racialized persons, and people who speak more than one language are required

to ensure that police services are able to represent the communities that they police. Once they meet basic employment qualifications, candidates are required to undergo a series of tests and assessments during the selection process, which assess their abilities based on identified police competencies required to be an effective police officer. Basic qualifications include age, fitness, moral character, driving ability, education, and eligibility to work in Canada. Though the minimum age for hire is 18, the reality is that very few new recruits are 18 years of age; in fact, the average hiring age for police constables is much higher. In 2016, the average age of a police constable in the Toronto Police Service recruit class was 33 (*Toronto Star*, 2016). The same holds true for education. Though the minimum educational requirement is a secondary school diploma, the reality is that most police recruits have post-secondary education. The competition is robust, and police services can and do have high standards for selection that exceed the minimum requirements. Each police service is responsible for making its own hiring decisions; however, there is consistency in selection within provinces. Though the selection process may vary across the country, police services generally include testing and assessment in the following areas:

- aptitude testing,
- physical abilities testing,
- personal interview,
- psychological assessment,
- written communication abilities, and
- background assessment.

Recruit training

standardized, basic training for new officers

Field training

training that occurs while on the job

In-service training

training during the course of one's career

Training police officers begins at the recruit level but continues throughout their entire career. **Recruit training** is standardized training designed to ensure that all recruits meet a basic minimum requirement. Most recruit training occurs in a centralized location where new recruits have an opportunity to meet recruits from other jurisdictions. For example, the RCMP training occurs in Regina, at the Training Depot. New recruits are then given an opportunity to engage in basic training with their home police service. This training may occur in class, in the field, or in both. A recruit who is engaged in **field training** does so under the supervision of a training officer. The training officer's role is to mentor new officers while they are involved in daily police activities with a view to providing guidance and information. Throughout their careers, police officers will engage in regular **in-service training**. In-service training refers to periodic training that officers receive in order to enhance and develop their skills. This training may prepare officers for assignment to a new unit or it may train them on new legislation or a new technology that will have an impact on their duties. A newly promoted officer may be required to develop supervisory or leadership skills. The role that training plays within a police organization is paramount because police rely on their training to deal with critical situations that can have a life-or-death outcome.

JUST or BUST?

Should the basic education requirement for police officers be increased to a post-secondary diploma or degree given the complex role that police play in our society? Should there be a minimum requirement for a certain amount of life experience for police recruits?

Police services continue to work to ensure that their officers and staff reflect the diverse communities that they service. They have had to adapt their recruitment strategies to meet their recruitment goals. A diverse police service is critical as it offers leadership that can help overcome challenges related to communication, problem solving, and building community capacity in all areas. According to the 2016 census, 22 percent of Canada's population identified as belonging to a visible minority population. By comparison, 8 percent of all police officers in Canada self-identified as belonging to a visible minority population. The highest percentages of visible minority officers were reported by the Toronto Police Service (25 percent of officers, compared to a 51 percent total visible minority population in Toronto), Vancouver Police Department (25 percent of officers, compared to a 48 percent total visible minority population in Vancouver), and Peel Regional Police Service (20 percent of officers, compared to a 62 percent total visible minority population in Peel Region) (Conor, Robson, and Marcellus, 2019).

There has been an increase in the number of female officers across Canada. In 2018, there were 14,943 female officers; approximately 22 percent of sworn officers, a number that has been increasing since 1986, when women represented only 4 percent of all sworn officers (Statistics Canada, 2019). Women represent 15 percent of commissioned officers across Canada, a number that has been increasing steadily. Quebec has the highest proportion of female officers among the provinces and territories.

There have also been efforts made to attract Indigenous people to policing. According to the 2016 census, Indigenous people represent 5 percent of the Canadian population 15 years of age and older, and they represent 4 percent of police officers (Statistics Canada, 2019). Initiatives to attract more Indigenous persons to policing include the RCMP's Aboriginal Pre-Cadet Training Program for Indigenous persons from ages 19 to 29, which is designed to give participants a taste of police work. It is a summer program that includes a three-week training program at the RCMP Training Academy. Once the basic training is completed, participants are posted to an RCMP detachment close to home, where they work with police on crime prevention and community policing initiatives.

LO6 STRESS OF POLICE WORK

Police work has long been identified as a stressful occupation. Researchers have identified the sources of stress that affect police officers, and police services have made great strides in responding with ways to mitigate the stresses that police deal with on a regular basis. Police stress is often divided into two categories: **operational stresses** and **organizational stresses**. Operational stresses are stresses that flow from officers' daily operations. In policing, the span of daily operations can vary from extreme boredom to a critical incident in a relatively short period of time.

Operational stresses can include:

- dealing with difficult citizens;
- the threat of injury to self or others;
- witnessing tragic events (shootings, murder, suicide, accidents, death or injury to children, etc.);
- decisions regarding use of discretion;
- the threat of officer misconduct;
- dealing with the justice system and its imperfections;
- criticism by the public, the media, and politicians; and
- working undercover or in a specialty squad that requires personal sacrifice.

Operational stresses

refers to stress that flows from officers' daily operations

Organizational stresses

refers to stress that comes from the police service itself, specifically the policies and practices of the organization

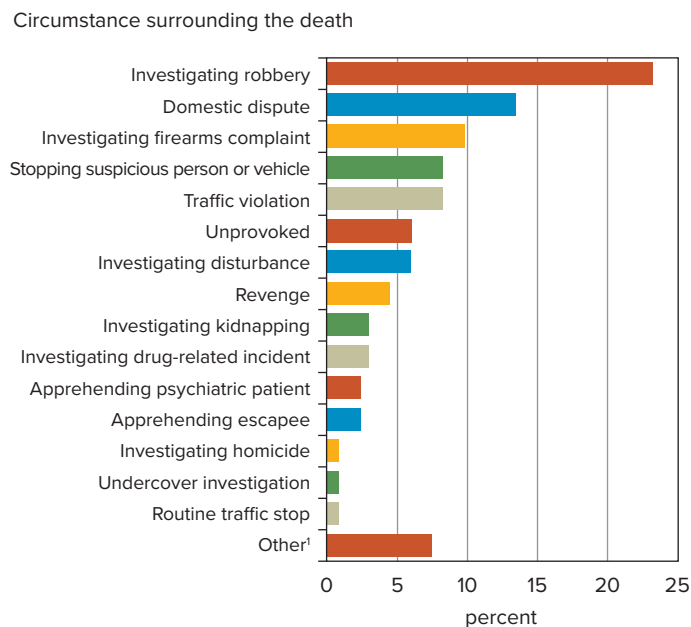


MYTH VS FACT

Is Police Work Dangerous?

Policing is a high-risk occupation, but how dangerous is it? According to Statistics Canada, the only occupation that is at higher risk of on-the-job homicide is being a taxi driver; they are twice as likely to be killed on the job as police officers (Dunn, 2009). Between 1975 and 2018, a total of 284 police officers have died on the job. Of these, 101 were homicide victims, while 88 were killed in vehicle accidents, often while responding to police calls and often while rushing to respond to a call on poor road conditions (CBC, 2018). According to Statistics Canada, between 1961 and 2009, 133 police officers were murdered in the line of duty in Canada (Dunn, 2009). **Figure 4.1** indicates that the most dangerous situation for an officer to be in is investigating a robbery, followed by responding to a domestic dispute. Firearms were used in 92 percent of all officer homicides. Approximately one-third of officers drew or fired their weapons before being killed; the others did not have an opportunity to do so. It is important to note that 80 percent of the slain officers were not wearing protective body armour; however, protective vests were not standard issue in the 1960s and 1970s. The slain officers were all relatively new to their police services, with an average of five years of experience, and an average age of 34. All but four of the officers were male. The clearance rate of police homicides, at 96 percent, is slightly higher than that of the general population, which is 84 percent (Dunn, 2009).

Figure 4.1 Homicide Against Police Officers, by Type of Circumstance, Canada, 1961 to 2009



¹. Includes all other situations not otherwise stated. For example, riot control, suicide situations, and investigations of criminal incidents not listed above.

Organizational stresses are stresses that come from the police service itself, specifically the policies and practices of the organization. Police services are organizations that are under a great deal of stress from society overall to perform at a high level and to meet the expectations placed upon them. We expect our police

services to be professional, leading-edge, efficient organizations. This pressure is passed on to every police officer who reports to work each day. Organizational stresses include living up to the expectations of one's supervisor and responding to the needs of the organization on a daily basis. In their study on police work and stress, Kohan and Mazmanian (2003) found that, overall, police officers experience more stress from organizational issues than operational ones. Patrol or front-line officers reported more operational stresses than organizational ones, while police supervisors and administrators reported feeling more stress from organizational stresses (Kohan and Mazmanian, 2003).

Shift work is an expectation for most police officers in law enforcement, corrections, and protective services, where approximately 50 percent of workers have unconventional schedules (Swenson, Waseleski, and Hartl, 2008). Shift work has a negative impact on the officer, as it often results in a sleep deficit, which has an adverse affect on the officer's health, emotions, and cognition. Cumulative fatigue can affect police to the point where it impairs their ability to engage in quality problem-solving and decision-making, critical skills for police officers (Swenson, Waseleski, and Hartl, 2008). Some research has suggested that a lifetime of shift work may contribute to the onset of health problems such as high blood pressure, diabetes, anxiety, depression, and sleep disorders (Swenson, Waseleski, and Hartl, 2008). Shift work poses a challenge not only for the officer, but also for the officer's family. Shift work means that officers are often out of sync with their families' daily schedules. It means that birthdays, holidays, and special occasions are often missed or celebrated differently. It also means that police families are required to be flexible to accommodate a shift-working life. A police officer's family must adapt to the policing lifestyle in order to support the officer and to find a formula that works for them.

Police services have introduced a number of strategies to deal with police stress and to mitigate the potential impairment caused by shift work. Police services in Canada have access to employee assistance programs (EAP), which are intended to provide employees with resources to mitigate the stress of police work on both the employees and their families. The EAP includes professional guidance from psychologists and counsellors, and can also include peer counselling, where police officers are trained to support others. The recent spike in police suicides has caused police services to re-assess the supports available to police and to examine all factors that have an impact on their health and wellness.

LO7 POLICE ACCOUNTABILITY AND OVERSIGHT

The oversight of police services begins with their own reporting structure. All municipal and regional police services are required to report to a **Police Services Board**. The board membership consists of both politicians and civilians. The board's size depends on the size of the municipality and can vary from three to seven members. Police boards are responsible for hiring the police chief, they create budgets, engage in collective bargaining, and they establish rules and regulations for the police service. Though they do not report to a police board, the RCMP, the Sûreté du Québec, and the OPP do report to a Cabinet Minister of the government in their jurisdiction. This Cabinet Minister is an elected official who represents the public.

Police accountability refers to the requirement of the police to provide an accounting of their ability to adhere to the laws and rules by which they are bound. Police are given extraordinary powers, unlike any other occupational group in our society. There is an expectation that these powers will be exercised in a responsible, judicious, and ethical manner. The responsibility for police oversight overlaps the community, the courts, and the police themselves. There are numerous processes and mechanisms in place that are designed to fulfill this role across Canada.

Police Services Board

consists of both politicians and civilians and is responsible for hiring the police chief, creating budgets, engaging in collective bargaining, and establishing rules and regulations for the police service

POLICE INVESTIGATING THE POLICE

The first level of police accountability rests with the police service itself. Each police service has an internal process for dealing with civilian complaints as well as internal disciplinary matters. Civilian complaints are investigated internally by each police organization, and there are processes in place for civilians to launch complaints using processes external to the police.

Professional Standards

a unit that engages in internal investigations and reports its findings to the Chief of Police

Police services investigate police officer misconduct. The **Professional Standards** unit engages in internal investigations and reports its findings to the Chief of Police. The Chief of Police determines the appropriate disposition of a case, including using discipline if appropriate. There are situations where police will investigate another police service, as arranged in an agreement between the two services. This is usually in response to a specific incident. There is general criticism of the police investigating “their own,” due to the perceived lack of transparency in the process. For that reason, most jurisdictions also have a civilian model of oversight.

CIVILIAN OVERSIGHT

Civilian oversight monitors police activities with a view to ensuring that police behaviour reflects the laws, and the rights and freedoms. The ability to address citizen complaints is a critical component of a democratic criminal justice system, and it is important that it be done in an impartial, transparent manner. In his 2005 report on the Police Complaints System in Ontario, the Honourable Patrick J. LeSage, Q.C., identified the critical nature of civilian oversight of the police. He based his report on the following principles:

- the police are ultimately accountable to civilian authority;
- the public complaints system must be and seen to be fair, effective, and transparent;
- any model of resolving public complaints about police should have the confidence of the public and the respect of the police; and
- the province’s responsibility for ensuring police accountability in matters of public safety and public trust must be preserved (Lesage, 2005).

There are differences in the civilian oversight processes in each jurisdiction. However, the goal of each is ultimately to improve the relationship between the public and the police, by increasing public confidence. **Civilian review processes** offer complainants an opportunity to share their story with an independent investigator, confident that their complaint will be reviewed in an impartial manner. There are disadvantages to civilian oversight as well, including the need to train civilians on police procedures, the cost of using external experts, and the exclusion of the police, which has the potential to create a situation that undermines the police (McKenna and Murphy, 2010).

Civilian review processes

offers complainants an opportunity to share their story with an independent investigator, confident that their complaint will be reviewed in an impartial manner

SPECIAL INVESTIGATION UNIT IN ONTARIO

Ontario is the only province with a **Special Investigation Unit (SIU)**. The SIU, which was established in 1990, is a civilian unit that is independent of the police. The SIU investigates circumstances involving police and civilians that have resulted in serious injury, including sexual assault or death. The authority for the SIU is granted in Part VII of the *Ontario Police Services Act*. The SIU has the authority to investigate occurrences in Ontario involving municipal, regional, and provincial police officers. It has the power to investigate and to charge police officers with a criminal offence. In 2017, the SIU investigated 380 occurrences, most of which involved injuries to persons while in police custody (SIU, 2019). The SIU website (www.siu.on.ca) provides details of the type and number of cases that are investigated.

Special Investigation Unit (SIU)

a civilian unit in Ontario, independent of the police, that investigates circumstances involving police and civilians that have resulted in serious injury

CIVIL LAWSUITS

Occasionally, a citizen will demand accountability of the police by launching a civil lawsuit. We have seen cases where citizens believe that the police, or other members of the criminal justice system, were negligent in the performance of their duties. In 1998, a woman only identified as “Jane Doe” launched a civil lawsuit against the Toronto Police Service. In 1986, Jane Doe was the fifth victim of a serial rapist known as the “balcony rapist” in Toronto’s downtown area. Her lawsuit was based on three grounds: negligence, a violation of her equality rights, and an infringement on her *Charter* right to security of the person. The facts of the case were that the police, who were aware of the rapes happening in the area where Jane Doe lived, did not warn women in the neighbourhood. The judge said that the police owed the women in the area a duty of care and that the investigation into the balcony rapist was “irresponsible and grossly negligent” (*Jane Doe v. Metropolitan Toronto (Municipality) Commissioners of Police*, 1998). Jane Doe’s lawsuit was successful; she received an award of \$220,000. As a result of this case, a number of changes were made to the standards regarding the investigation of sexual assault cases.

THE MEDIA AND POLICE ACCOUNTABILITY

The media play a significant role in exposing situations that question police accountability. We have seen a number of examples where the media have raised questions about police conduct and raised awareness and a call for further examination. Media exposure, including pictures and video, of police action during the G20 summit in Toronto in June 2010 resulted in calls for sanctions against some police officers that were pictured in the media footage. The G20 weekend resulted in the largest number of arrests in Canadian history. There were 1,105 people arrested, 800 of whom were released without charge. The crowds consisted of peaceful demonstrators, as well as those who were engaged in vandalism that resulted in over \$750,000 worth of property damage. In the aftermath of the weekend, there were complaints of police brutality, and pictures and videos surfaced that portrayed a number of officers engaging in aggressive behaviour. A number of reports were written, including one authored by the Ontario Ombudsman.

Numerous public commissions and reviews have been created in recent history to analyze policing overall, as well as specific elements of police activity, usually related to a problematic event or case. Such commissions are intended to examine police action with a view to making recommendations that lead to improvement. Examples of such commissions include:

- Report on the Police Complaints System in Ontario (Patrick LeSage, Q.C., 2005)
- The Missing Women Commission of Inquiry (regarding the Robert William Pickton case), 2012
- Bernardo Investigation Review (Mr. Justice Archie Campbell, 1996)
- Royal Commission of Inquiry into Certain Deaths at the Hospital for Sick Children and Related Matters (Mr. Justice Samuel Grange, 1984)
- The Night the City Became a Stadium: Independent Review of 2011 Vancouver Stanley Cups Playoffs Riot
- Independent Police Oversight Review, 2017
- Independent Street Checks Review, 2018
- National Inquiry into Missing and Murdered Indigenous Women and Girls, 2019



Victor Biro / Alamy Stock Photo

Julian Fantino, former Commissioner of the OPP.

FOCUS ON Black Lives Matter

On February 26, 2012, Trayvon Martin, a 17-year-old African-American teen was walking from a convenience store to his Florida home. A neighbourhood watch volunteer patrolling the community shot and killed Martin, claiming that he shot the unarmed teen in self-defence. George Zimmerman, the neighbourhood watch volunteer, was charged with second-degree murder but was eventually acquitted of the charge. The acquittal sparked outrage, national debate, demonstrations, and protests across the United States. In the aftermath, a social movement—*#BlackLivesMatter*—was born as demonstrations over Martin's death followed.

In 2014, Michael Brown, an 18-year-old African-American teen from Ferguson, Missouri, was fatally shot by a white police officer. A grand jury conducted a legal proceeding and determined that charges would not be brought against the officer, Darrell Wilson. Following the grand jury decision, protests broke out in 170 cities across the United States. In the aftermath, Darrell Wilson resigned from his position, and President Barack Obama announced that there would be funds available to police departments to purchase body cameras as one measure to prevent such incidents from occurring.

#BlackLivesMatter grew to include chapters in both the United States and Canada and continued to address anti-Black racism in all forms. The focus on police action continued to grow and gained global profile when on May 25, 2020, George Floyd Jr., a 46-year-old African-American man, was killed during an arrest in Minneapolis, Minnesota, for allegedly using counterfeit money to purchase cigarettes. A white police officer, Derek Chauvin, knelt on Floyd's neck for eight minutes and 46 seconds, a scene that was caught on amateur video. The autopsy confirmed that Floyd died by homicide. Chauvin was fired and charged with second-degree murder, while the three officers who were also on the scene were charged with aiding and abetting second-degree murder. The protests against police violence toward Black people lasted for weeks in the United States and around the world. In Canada, anti-Black racism protests took place across the country with George Floyd's final words—"I can't breathe"—appearing on placards and T-shirts.

Canada has experienced incidents where Black individuals have died during altercations with police. A CBC report entitled "Deadly Force: Fatal Encounters with Police in Canada 2000–2017" looked at the number of people who have died during police incidents and found that Black and Indigenous individuals are overrepresented in the data. In Toronto, Black people account for 8.3 percent of the population, yet they account for 37 percent of those who died in altercations with police between 2000 and 2017. In Winnipeg, Indigenous people account for 10.6 percent of the

population, yet they account for over 60 percent of the those who died in altercations with the police during that same time period (Marcoux and Nicholson, 2018). A study conducted by the Ontario Human Rights Commission noted that between 2013 and 2017, a Black person in Toronto was almost 20 times more likely than a white person to be involved in a fatal shooting by the Toronto Police Service (Ontario Human Rights Commission, 2018). Systemic racism is being discussed and addressed in institutions across the country and is especially important in those that are entrusted to enforce the law. According to the Ontario Anti-Racism Directorate, systemic racism consists of

Organizational culture, policies, directives, practices or procedures that exclude, displace or marginalize some racialized groups or create unfair barriers for them to access valuable benefits and opportunities. This is often the result of institutional biases in organizational culture, policies, directives, practices, and procedures that may appear neutral but have the effect of privileging some groups and disadvantaging others.

Jacqueline Edwards is the first female president of the Association of Black Law Enforcers (A.B.L.E.)—a non-profit organization formed in 1992 to address the needs and concerns of Black and other racialized persons in law enforcement and the community. She says:

As a veteran law enforcement professional, I believe that the fact that Black Lives Matter exists as a movement is an indication of a failure on the part of law enforcement. The failure is evident in that we need to convince people that black lives matter. As future law enforcement professionals, it is critical to recognize that we can all make a difference in our personal and professional lives by making a commitment to not contribute to the perpetuation of racism. As law enforcement professionals, we sometimes find ourselves in situations where we must have the courage to challenge norms and rely on our sense of humanity as we make decisions (J. Edwards, 2020).

The membership of A.B.L.E. includes police officers, correctional officers, probation and parole officers, immigration officers, customs officers, court services officers, by-law enforcement officers, sheriff's officers, special constables, and members from the community. Jacqueline is a graduate of the Law and Security Administration Program at Humber College, and in 1993 she was the first recipient of the A.B.L.E. Scholarship Award. She began her career as a correctional officer with the Correctional Service of Canada and is currently an operational manager committed to public safety, leading by example and contributing to a culturally respectful public service.



Jacqueline Edwards is the President of Association of Black Law Enforcers (A.B.L.E.).

(continued)



THE CANADIAN PRESS IMAGES/Mark Spowart

Protesters take over Bay Street from College to Queen for the “Not Another Black Life” sit-in protest in Toronto on June 19, 2020.

LO8 COST AND MEASURE OF POLICE PERFORMANCE

The cost of providing policing to communities in Canada is a financial challenge. In 2017/2018, the cost of policing in Canada was approximately \$15.1 billion, an amount that has been increasing steadily (Statistics Canada, 2019). The majority (82 percent) of operating expenses support salaries, wages, and benefits. The average salary for a police officer in Canada in 2017/2018 was \$99,298. Police services spent \$380 million on information technology operations and \$284.2 million on police equipment in 2017/2018.

Historically, the police have measured their performance and productivity through reporting on traditional metrics, which include:

- crime rate,
- crime severity index,
- calls for service,
- clearance rates,
- police strength, and
- call response times.

Though these metrics offer an opportunity for comparison across jurisdictions, it has been determined that these metrics do not reflect the complexity of police work that officers engage in daily. It was determined that a more comprehensive, standardized approach was required to support police services as they evaluate their performance and determine how best to allocate resources. In 2017 the Canadian Association of Chiefs of Police endorsed a new police performance metrics framework developed by Statistics Canada and several partners. The Canadian Police Performance Metrics Framework (Mazowita and Rotenberg, 2019) offers police services across Canada a standardized framework that addresses the breadth of police work. The framework offers police services an opportunity to assess their performance based on four pillars:

1. *Crime and victimization*: Measures traditional metrics such as crime rate, victimization rates, and recidivism rate.
2. *Police activities and deployment*: Measures of police functions and activities that contribute to public safety, including non-crime-related policing responsibilities.

3. *Police resources*: Measures of police personnel and expenditures, police strength, civilianization, diversity of personnel, professional development, and innovation.
4. *Trust and confidence in police*: Measures of the trust and confidence in police, perceptions of the police, public engagement, legitimacy, and community responsiveness.

These measurements offer the public a more balanced view of how police services are performing and provide a more accurate view of policing responsibilities.

One of the ongoing methods of assessing police performance is collected through the General Social Survey, where the community's level of trust and confidence in the police is measured. According to the General Social Survey on Victimization (2014), 73 percent of Canadians believe that the police are approachable and easy to talk to, 70 percent said that the police were doing a good job of ensuring the safety of others, 68 percent said that the police treat people fairly, and 65 percent said that they are doing a good job of enforcing the law. In the survey, it was noted that individuals who had contact with the police in the year prior to the survey rated the police lower than those who had no contact with the police. Perceptions of police varied across the country, being the highest in Quebec and lowest in the western provinces (General Social Survey, 2014).

LO9 THE ROLE OF PRIVATE SECURITY IN CANADA

Private security officers in Canada are individuals who are hired to provide security services for privately funded businesses and organizations. Unlike public police, the private officers are hired to protect private property, much of which is used by the public. Private security officers secure areas such as sports venues, shopping malls, and businesses. Private security officers and investigators have existed in Canada for many years, meeting various needs that could not be met by their public counterparts. According to Statistics Canada, the number of public police across the country is decreasing, while the private security industry continues to grow in size and influence (Statistics Canada, 2019). The appeal of private security is the fact that by using private security an organization can meet its specific needs. For example, a company can employ private security officers to focus on internal crime. Such incidents may then be reported to the public police for formal charges and movement through the criminal justice system.

Historically, the private security industry has been inconsistent with regards to standards and training. More recently, there have been steps taken to move toward consistency and professionalism within the industry. Mandatory training in private security is a recent development, which aims to increase the professionalization of the field. Several provinces require that security officers and private investigators be trained, examined, and licensed in order to work.

Statistics Canada makes some of the differences between the public police and private security personnel very clear. Personnel in private security services represent greater diversity. There are more visible minorities, more women, and a greater age span among the people who work within private security. The salary and benefits within the private security industry are not standardized, but compensation is generally significantly less than that of the public police. Public police earn about one-and-a-half times the amount of private investigators and more than twice the amount of security guards. Police officers generally have higher levels of education than private security personnel. Training requirements and regulations that govern the hiring of security personnel vary across the country. Most provinces and territories require the acquisition of a licence, mandatory training, and a criminal record check.



PROFILE

Patrick Shand Inquest

In 1999, Patrick Shand, 31, died while being apprehended by two store employees and a security guard at a Loblaws store in Toronto's Agincourt Mall. Shand, suspected of shoplifting, was held on the ground, face down. An inquest into the death followed in 2004, and recommendations were made that addressed the lack of training for the security guard in this situation and the entire security industry. The recommendations made by this jury were the impetus that led to licensing and mandatory training of security personnel in Ontario. Several other provinces already required security guards to have mandatory training.

POWERS OF PRIVATE SECURITY OFFICERS

Private security officers must perform their duties with no more authority than an ordinary citizen. Private security officers may make a citizen's arrest when they witness a criminal on or relative to the property that they are authorized to protect. It is also possible for them to make a citizen's arrest if they see someone running from a person who has authority to make an arrest, such as a police officer. The powers of arrest that all citizens have are identified in the *Criminal Code*:

494 (1) Any one may arrest without warrant

- (a) a person whom he finds committing an indictable offence; or
 - (b) a person who, on reasonable grounds, he believes
 - (i) has committed a criminal offence, and
 - (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.
- (2) The owner or a person in lawful possession of property, or a person authorized by the owner or by a person in lawful possession of property, may arrest a person without a warrant if they find them committing a criminal offence or in relation to that property and
- (a) they make the arrest at that time; or
 - (b) they make the arrest within a reasonable time after the offence is committed and they believe on reasonable grounds that it is not feasible in the circumstances for a peace officer to make the arrest.
- (3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver the person to a peace officer.

This section of the *Criminal Code* makes it clear that the citizen's power of arrest is limited to specific situations. It also clearly states that once a citizen's arrest is made, a peace officer must intervene to conclude the process. Private security guards have no authority to search someone without their permission unless they have conducted a citizen's arrest. In conducting a citizen's arrest, the search must be limited to a "pat-down" search for weapons or for evidence that directly relates to the reason the person was arrested. There are a number of situations where we give our consent to be searched by private security guards. This is referred to as **informed consent** and is often required to enter entertainment or sporting events where a condition of entry is that all patrons consent to being searched.

Informed consent

you understand what is being asked of you, and you are aware of your right to refuse

IN THE NEWS

Citizen's Arrest in Chinatown

Perhaps one of the most well-known citizen's arrests occurred in Toronto in May 2009, when grocer David Chen chased down shoplifter Anthony Bennett. Chen was charged and subsequently acquitted of forcible confinement for his actions. Bennett, who served 42 days in jail before trial, received a three-year suspended sentence, and he was banned from Toronto's Chinatown neighbourhood for three years (Kari, 2010).



Performance Image / Alamy Stock Photo

A Critical Thought

In 2014, former Supreme Court of Canada Justice Frank Iacobucci completed a review of the Toronto Police Service's guidelines and practices (Iacobucci, 2014). The review took place after the death of Sammy Yatim, an 18-year-old who was shot and killed by police after an altercation on a Toronto streetcar. Toronto police officer James Forcillo was subsequently convicted of attempted murder and sentenced to six years in jail.

Iacobucci's review included 84 recommendations, including a recommendation that the police service use body-worn cameras (BWCs) for front-line police officers. The BWCs are intended to improve public concerns about police accountability. BWCs are being used to varying degrees across the country. Early research indicates that the use of these cameras positively affects public perceptions of police more broadly and that there is public support for their continued use.

What impact will the BWCs have on police operations? What impact might they have on police-community relationships? Should all police be required to wear a BWC? What value do they bring to the public and to the police?

Chapter Summary

This chapter provided an introduction to policing in Canada. The key concepts included:

- Canadian policing evolved from our ties with Great Britain and the principles of Sir Robert Peel.
- Policing in Canada is multi-jurisdictional—there are federal, provincial, and municipal police agencies.
- The *Charter of Rights and Freedoms*, the *Criminal Code*, and other pieces of federal, provincial, and municipal legislation govern the police.
- The police engage in various functions, all of which can vary depending on the needs of the community. General police functions include criminal investigation, crime prevention, law enforcement, maintaining public order, emergency response, and providing assistance and information to victims and citizens.
- Police stress, police suicide, and the level of danger inherent in police work were highlighted in this chapter.
- There are several forms of police accountability and oversight.
- Police performance is measured through the use of traditional metrics such as crime rate, the crime severity index, calls for service, clearance rates, and police strength. Police services can also assess their performance by examining victimization rates, police activities related to public safety, resources, and the extent to which the public has trust and confidence in the police.
- The role of private security officers in Canada is increasing, far exceeding the number of public police. The powers of private security officers and the context within which they can be applied were identified.

Relevant Legislation

Canadian Charter of Rights and Freedoms. Constitution Act, 1982, Part I.

Criminal Code, R.S.C. 1985, c. C-46

Canada Evidence Act, R.S.C. 1985, c. C-5

Controlled Drugs and Substances Act, S.C. 1996, c. 19

Crimes Against Humanity and War Crimes Act, S.C. 2000, c. 24

Youth Criminal Justice Act, S.C. 2002, c. 1

DNA Identification Act, S.C. 1998, c. 37

Firearms Act, S.C. 1995, c. 39

Key Terms

Civilian review processes

Clearance rate

Discretion

Field training

In-service training

Informed consent

Operational stresses

Organizational stresses

Police Services Board

Professional Standards

Pursuit

Recruit training

Special Investigation Unit (SIU)

For Review

1. Which of Sir Robert Peel's principles are relevant to modern-day policing?
2. Why would a province or a territory choose to purchase policing services from the RCMP?
3. What powers of arrest does a security guard have?
4. What are some of the factors that contribute to the stress of policing?
5. What are the challenges that the police face with regards to recruitment and training?
6. What is the relationship between CSIS and the police services in Canada?
7. What is the significance of section 1 of the *Charter* as it relates to the application of police powers?

Thinking Critically

1. Why is it important that our police services reflect the diversity of the communities that they serve?
2. Training police is critical—what are the implications of inadequate training?
3. What role could police services play in addressing the spike in police suicides in Canada?
4. Do you believe that there are sufficient safeguards in place to balance the powers of the police?
5. What role and responsibility do you believe individual communities should assume in regards to crime prevention?
6. If you were required to cut the police budget, where would you begin?
7. To what do you attribute the growth of private security in Canada? Do you think it will continue to grow in future?
8. What are the challenges that are faced by First Nations police services? How do First Nations police services differ from non-First Nations police services?
9. How do you, as a citizen, know if your police service is performing well and meeting its goals?
10. How could police services attract more diverse people to the occupation?
11. How has the #BlackLivesMatter movement impacted law enforcement?