

ILEC 2006

Two-Tier Policing Canada



Dale Kinnear
Director of Labour Services
Suite 100 – 141- Catherine Street
Ottawa, Ontario
Canada K2P 1C3

613-231-4168

dkinnear@cpa-acp.ca

www.cpa-acp.ca

Two-tier policing in Canada, although often talked about, presented no visible threat until very recently. Our jurisdiction is no different than your own in that police managers, governance bodies and politicians whine and grumble about the cost of human resources. In Canada, 80% of police service cost is related to compensation and benefits. In 2003 the total cost of a full-equipped officer was \$107K. In 1993 it was \$67K. I estimate the 2006 cost at approximately \$120K. Little wonder employers are reducing the numbers where they can. Civilianisation was the first wave in this purge. In Canada, since 1966 the percentage of sworn police officers to total employment dropped from 82% to 72%. Civilianisation will always be part of the employer strategy; two-tier policing is the new action item in several of our provincial jurisdictions.

SPECIAL CONSTABLES

All of our provincial jurisdictions and the federal jurisdiction provide for a special constable designation in their respective police statutes or regulations. They are sworn uniformed police officers. Status and authority are limited by specific designation and only applies when they are on duty. This limited status and authority, their training standards and other capacity issues kept them to campus security, by-law enforcement, court security, prisoner lock-up, security on government buildings and other duties not requiring full police officer status and authority. They can be full-time or part-time employees of the service and members of the police bargaining unit. Until just recently, they were not considered a threat to police jobs.

Politicians, employers and managers in several provinces are now considering special constables as an alternative to the higher priced, full status police officer. In the last year, the province of Alberta scrubbed their special constable legislation and introduced the *Alberta Peace Officers Act*. Although seemingly innocuous, this new designation replaces the special constable position and creates the Alberta peace officer designation. There are Level I and Level II designations. Level I peace officers are full status provincial enforcement officers, game wardens and the like. The Level II peace officers, dubbed Alberta Sheriffs, are causing concern for the Canadian Police Association (CPA). The *Alberta Police Act* does not cover them, the Ministerial liability provisions in the *Act*, its

public complaint process or any of the provincial regulations governing police officers. These sheriffs are included in the *Police Officers Collective Bargaining Act* or provincial labour law. Even though they are defined as peace officers, they don't have the same powers of arrest as a police officer and their limited status and authority applies only when they are on duty. They have citizen's powers of arrest; they can arrest anyone found committing an indictable offence. They will police provincial and municipal roadways, primarily for traffic enforcement. The legislation does provide authority to arrest on a warrant. However, they cannot process the individual and are required to turn them over to a police officer. They will carry side arms and pepper spray. They will have only four weeks of training.

The program is very new and we are monitoring it closely. Both levels of government in the province are shirking their responsibilities and obligations on accountability and liability in search of cheap labour. How can they justify surrendering accountability over this new designation? For the last 35 years, our three orders of government have preached police accountability and civilian oversight. These Alberta peace officers will make arrests, issue traffic tickets, search and seize vehicles and persons; interactions that will result in public complaints. They will be involved in vehicle pursuits and apprehensions. Accountability and liability questions remain unanswered. How can a different level of accountability and oversight be acceptable for this position? This is the argument the CPA and our provincial counterparts will take to oversight commissions and politicians.

AUXILIARIES

Although six of our ten provincial jurisdictions provide for auxiliary police in their statute, they do not all have active programs. In four of these provinces, the RCMP are contracted as the provincial police and also to municipalities. In these jurisdictions the RCMP auxiliaries have police officer status when accompanied or directly supervised by a sworn member of the RCMP. In one jurisdiction, until just a few years ago, they could carry side arms and all the use of force equipment. They often patrolled alone or with another auxiliary. They wear uniforms almost indistinguishable from the RCMP uniform.

They are not paid, but are covered by the provincial worker's compensation scheme. Two or three were killed on duty. Municipal police services in British Columbia have auxiliary programs but call them reserves; the American term. Many years ago, some services paid them for traffic duty and other tasks, but this has stopped. They were disarmed at the same time as the RCMP auxiliary in the province and both programs have dwindled in numbers.

In the province of Ontario, our largest police population, several of the municipal services have auxiliary units and the Ontario Provincial Police (O.P.P.) have a large auxiliary unit. In Ontario they do not have police or peace officer status and they must be accompanied or under the direct supervision of a police officer. They can be sworn and assigned by the Chief of Police or O.P.P. Commissioner in emergencies, if police numbers are insufficient to handle the emergency. This has never happened in the history of the program. Senior and middle managers have tried to assign them to inappropriate responsibilities from time to time, but unions have intervened and put an end to the attempts. They are uniformed volunteers. They can assist with traffic patrol and other community events. Although they receive some firearms training, they are not armed. They are allowed to carry a baton and handcuffs.

RESERVES

The *RCMP Act* has provision for a reserve force. Although talked about from time to time, it seems to be a holdover from the early 1900's and the two World Wars, when they did see some action. Infrequent rumours over the last 30 years of resurgence have never materialized. The most recent rumour proposed a reserve made up of recently retired officers to supplement staffing numbers and ease the recruitment, retention, knowledge drain problem brought on by the retiring baby-boomers.

RETIRED POLICE

Retired officers are being considered as another short-term fix for the retirement exodus.

We have several variations in play. Services have brought people back on fix term, usually six-month contracts. Other services have hired retired officers from another service as full-time employees. Pension double dipping is often an issue and may help keep this in check. In British Columbia, police unions were able to interfere by obtaining a ruling from the provincial labour board that if the individual was engaged in police duties, they are considered bargaining unit members and subject to the collective agreement. They are now only assigned to applicant interviews, victim follow up, administrative duties and the like.

PART-TIME POLICE

We have several variations on this as well. Job sharing creates some of it, while other jurisdictions have always permitted it in some form or other. They are usually paid very near the rate of a full-time officer and due to similar cost, have not been widespread to the point of affecting full-time compliment.

VOLUNTEERS

In spite of the attention this received when it first emerged, it is not widespread. We are not aware of any major problems. In the era of community policing, unions were hard pressed to shut eager volunteers out of the service. The initial enthusiasm has waned and we don't anticipate volunteers causing any grief in the foreseeable future.

TECHNOLOGY

It seems for every step technology is supposed to take us forward, it puts us back two in terms of coping with the requirements and expectations. Records management systems and all forms of information technology seem to get more onerous. Police budget allocations do not keep us abreast of the latest developments and we are continually playing catch-up on all aspects of technology, from the acquisition of new equipment to the ever-changing training requirements.

PRIVATE SECURITY

For the last ten years, the CPA has dealt with this issue on one front or another. Those in search of policing on the cheap are always posing some form of public private partnership or integration as a means to save the strain on the public purse. Those who advocate for this as a solution often ignore or misrepresent fundamental aspects of the law in their attempts to declare private security and the public police are doing the same work. The Law Commission of Canada (LCC) fired the most recent shot and we are dealing with that now. We have circulated a long awaited LCC report entitled: *The Future of Policing in Canada*. We are trying to convince our federal Justice Minister to bury the report. We have enjoyed considerable success in the last five years in convincing several of our provincial governments to tighten up the legislation and regulation for the industry. Private security encroaching on public policing territory will always be a problem. The fact that many of our retired members prostitute themselves to the industry, no doubt promising to help secure a share of public police expenditure for the private security industry, makes especially unpalatable.

On September 27, 2006 our federal government announced the elimination of all funding to the Law Commission of Canada. We take this as judgement of the LCC's final project report *The Future of Policing in Canada*.