

RESOLUTION 2014-01
Submitted by CAPG BOARD OF DIRECTORS

MANDATORY DE-ESCALATION TRAINING

WHEREAS police officers are frequently the front-line responders in situations involving persons experiencing mental health crisis.

WHEREAS several of these situations in different parts of the country have involved weapons and ended tragically with the death of such persons at the hands of the police due to concerns about public or personal safety.

WHEREAS the goal of police response to persons experiencing mental health crisis should be to save lives to the maximum extent possible and use of de-escalation techniques by first responders is widely considered to be a key requirement for achieving this goal.

AND WHEREAS there is currently no obligation or common practice in place for police agencies to train front-line police officers in the use of de-escalation techniques, or on police governance boards to ensure that proper de-escalation training is in place¹.

THEREFORE be it resolved that the Canadian Association of Police Governance (CAPG) urge the federal and provincial governments of Canada

- to take immediate action to ensure common standards across the country related to the use of de-escalation techniques in police response to persons experiencing mental health crisis,
- to require that all Canadian police agencies provide mandatory de-escalation training to their members,
- to ensure that police agencies place maximum emphasis on effective verbal de-escalation techniques in all aspects of police training and
- to develop a common practice to investigate after every use-of-force incident involving persons experiencing mental health crisis whether proper de-escalation techniques were used with a full public report to the governing body of the police agency on the results of such investigation.

¹ The Province of Ontario has mandated de-escalation training as part of officers' use of force training. In an update to their Training Standards dated 25 November 2013 the Province has mandated four hours (out of a total of 12 hours) dedicated to judgement training, including de-escalation techniques.

RESOLUTION 2014-02

Submitted by DURHAM REGIONAL POLICE SERVICES BOARD

Medical Marihuana Licensing – Police Consultation and Notification

WHEREAS the federal Government introduced the *Marihuana for Medical Purposes Regulations* to establish a system whereby individuals would access marihuana for medical purposes from licensed producers; and

WHEREAS the Regulations require a prospective marihuana producer to notify the local police authority of its application to Health Canada to produce marihuana but do not require Health Canada to seek or receive input from local police authorities regarding the viability of the application; and

WHEREAS there is no requirement in the Regulations for Health Canada to advise local police authorities that a license to produce marihuana has been issued for a facility within its jurisdiction; and

WHEREAS the presence of a marihuana production facility in a local community raises community safety concerns and the views of local police should be a factor in considering whether a licence should be granted or extended;

THEREFORE be it resolved that the Canadian Association of Police Governance (CAPG) request that the Ministry of Health implement a formal process to consult with local police authorities prior to granting or extending a licence to produce marihuana and to advise police authorities that a licence has been issued in its jurisdiction.

RESOLUTION 2014-03

Submitted by CALGARY POLICE COMMISSION

ROADSIDE DRUG SCREENING TOOL

WHEREAS drivers under the influence of drugs pose a danger to themselves and other users of the highway, and

WHEREAS section 253 of the *Criminal Code* makes it an offense to operate a vehicle while impaired by a drug, and

WHEREAS Canada does not currently have a roadside drug screening tool to detect drugs in impaired drivers, although roadside screening tools have been used effectively in other countries, including Australia, and

WHEREAS without a roadside drug screening tool, police officers will have a more difficult time detecting drug impaired driving, and crown prosecutors will have more difficulty time prosecuting drug impaired drivers;

THEREFORE be it resolved that the Canadian Association of Police Governance (CAPG) urge the Government of Canada to improve the safety of Canada's roadways by approving a drug screening tool to enhance investigation and prosecution of drug impaired driving.

Background

Awareness of the risk of driving while under the influence of drugs is increasing. Additionally, the tests that detect drugs in blood and saliva are constantly improving and are much better than even a few years ago, allowing for accurate roadside detection of drug concentrations in saliva that can be then confirmed with blood tests, if necessary. This random drug testing of drivers exists in certain countries. Drugs that can be detected include THC (marijuana), various forms of meth/amphetamines, cocaine and heroin, all of which lead to impairments that can impair driving ability.

A simplified roadside drug screening tool for drug impaired drivers would greatly improve the ability of police officers to detect drug impaired driving. Such a capability would provide an objective and efficient means of improved drug impaired driving enforcement across Canada.²

Under the *Charter*, a roadside drug testing regime would arguably be similar to roadside breath testing for alcohol. This capability would simplify the current investigative process for drug impaired driving, including potentially reducing the time a motorist is detained and simplifying the investigative process.

Canadian Statistics

The national *Canadian Addiction Survey* reports, 39.8% of those aged 15-24 reported driving within two hours of using cannabis during the past 12 months, compared to 20.9% who reported driving under the influence of alcohol.

A recent study comparing alcohol and drug use among fatally-injured drivers in Canada indicated that one-third of such drivers had been using drugs. Of the drivers who were tested for both alcohol and drugs, 14.2% were positive for both. This is particularly troubling because the combined effects of drugs and alcohol on driving performance may be multiplicative.³

Roadside toxicological screening ... is the best way to increase the perceived and actual rates of apprehension, and thereby deter drug-impaired driving in Canada. (*Drug-Impaired Driving in Canada: Review*

and Recommendations, October 2012, MADD Canada, Chamberlain & Solomon, Faculty of Law, Western University, p 25)

¹ Asbridge, Poulin & Donato, *supra* note 7 at 1031. See the similar comments of American researchers: PM O'Malley & LD Johnson, "Unsafe Driving by High School Seniors: National Trends from 1976 to 2001 in Tickets and Accidents after Use of Alcohol, Marijuana and Other Illegal Drugs" (2003) 64 J Stud Alcohol 305 at 311.

² (*Drug-Impaired Driving in Canada: Review and Recommendations*, October 2012, MADD Canada, Chamberlain & Solomon, Faculty of Law, Western University, p 14)

³ *A Comparison of Drug- and Alcohol-involved Motor Vehicle Driver Fatalities*, Ottawa: Canadian Centre on Substance Abuse, 2011 EE Beasley, DJ Beirness & AJ Porath-Waller

**RESOLUTION 2014-04 (EMERGENCY RESOLUTION)
Submitted by TORONTO POLICE SERVICES BOARD**

SHARING OF MENTAL HEALTH INFORMATION ON CPIC AND USE MADE
OF SUCH INFORMATION BY U.S BORDER OFFICIALS

WHEREAS the issue of the inappropriate use of mental health information on CPIC by U.S. border officials has generated considerable public concern; and

WHEREAS the sharing of information regarding legitimate suicide attempts can serve a valid public safety purpose when used appropriately; and

WHEREAS it is recognized that the issue to address is not the recording and sharing of such information for legitimate public safety purposes by Canadian police authorities but the possibility of limiting the access to and use of such information by U.S. border officials; and

WHEREAS such advocacy should take place at the national level;

THEREFORE be it resolved that the Canadian Association of Police Governance (CAPG) urge the Minister of Public Safety and Emergency Preparedness to review the issue of the sharing of mental health information placed on the Canadian Police Information Centre (CPIC) by Canadian policing authorities and the use being made of such information by U.S. border officials, to ensure such information is not being used for an improper purpose.

Background

The Office of the Information and Privacy Commissioner of Ontario (IPC) recently conducted a special investigation into the disclosure of attempted suicide-related information to U.S. Border official via the Canadian Police Information Centre

(CPIC) and issued a report with a number of recommendations aimed at police services.

The investigation focused on the personal information collected by police as a consequence of interactions with individuals who had threatened or attempted suicide. This information is recorded by police services and, based on criteria established by each police service, uploaded into the CPIC database. CPIC, which is maintained by the Royal Canadian Mounted Police (RCMP), contains a vast array of law enforcement and public safety information and is available to Canadian policing agencies and to U.S. border officials through an information-sharing agreement with the U.S. Federal Bureau of Investigation (FBI).

The issue, it is argued, is not the recording and sharing of this information by Canadian policing authorities to be used for legitimate public safety purposes, but rather, the subsequent use that is being made of this information by U.S. border officials. This is not something that individual police services can address; rather, it should be dealt with at the national level, as this is an issue affecting Canadian police services generally. Thus, the resolution asks CAPG to urge the Minister of Public Safety and Emergency Preparedness to review this issue, to ensure that this sensitive but important information can be continued to be shared by Canadian policing authorities through CPIC for legitimate public safety purposes, while, at the same time, ensuring that this information is not being used for an improper purpose by U.S. border officials. This will involve a review of the information-sharing agreement between the RCMP and the U.S. FBI.