

FCM

Towards Equity and Efficiency in Policing

**A Report on Policing Roles,
Responsibilities and Resources
in Canada**

Federation of Canadian Municipalities

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PRESIDENT'S MESSAGE

Keeping Canada safe: Who pays, who polices?

Municipal property taxpayers across Canada are subsidizing the federal government's policing costs to the tune of over \$500 million a year, and it has to stop.

Our report reveals a system that is badly broken and in urgent need of repair. The property tax should not be used to pay for border security, the protection of foreign dignitaries or other federal responsibilities. In addition, policing and public safety are too important to be left to the current ad hoc jurisdictional arrangements under which real threats to public safety could be missed because no police service is mandated to deal with them.

Ambiguity around policing roles raises a number of issues, chiefly: who pays, who polices, and what's being overlooked. It's time to review the existing distribution of policing functions and, pending this review, for the federal government to compensate municipal governments for the additional police services they must provide to cover federal responsibilities.



Gord Steeves
President, Federation of Canadian Municipalities

EXECUTIVE SUMMARY

Policing is essential for maintaining public order and for safe streets and neighbourhoods. It is also one of the fastest growing areas of expenditure in municipalities across the country. Yet, despite being a core responsibility of all governments in Canada, there is little clarity around the respective roles and responsibilities of governments to support operational cooperation and coordination.

The federal government is responsible for enacting criminal laws and federal policing policy. It discharges its operational policing responsibilities through the RCMP, which enforces federal statutes; protects internationally protected persons and other foreign dignitaries; and provides such resources as forensic laboratories and criminal intelligence.

Each province and territory is responsible for administering justice within its jurisdiction, including its municipalities. Provincial police enforce the *Criminal Code of Canada* and provincial statutes within areas not served by a municipal police service. In all provinces but Ontario and Quebec, the RCMP provides provincial and territorial policing under a standard provincial police services agreement.

Specifically, the RCMP provides cost-shared policing services to nearly 200 communities across the country. However, there are concerns with rising costs, reduced service and the RCMP's ability to respond to specific local needs. A common municipal concern is that while RCMP-served municipalities have citizen advisory and consultative committees, they do not have police boards or commissions.

Approximately 77 per cent of Canadians live in communities served by municipal stand-alone police departments, while 15 per cent live in communities served by RCMP-contract officers, 6.5 per cent in communities with provincial police force protection, and 0.51 per cent of Canadians are served by First Nations police.

As first responders, municipal governments are often left to enforce laws and provide services—border control, interdiction and enforcement on the Great Lakes, or combating cyber crime, for example—that fall squarely within federal jurisdiction. Federal compensation for such services is ad hoc and lacks a consistent practice governed by a set of transparent policies and procedures.

Security, including policing, already accounts for nearly 20 per cent of municipal operating budgets. But fire and police protection is also the fastest growing area of municipal spending in Canada.

Police roles, responsibilities and resources have to be aligned and clarified so that each order of government is better able to perform those duties mandated within its jurisdiction. This is particularly true with respect to organized crime, drug-related operations, national security (including surveillance of possible terrorist targets), forensic identification, cyber crime, and border and port security, all areas in which municipalities appear to be underwriting federal policing costs.

In 2006, municipalities paid 56.6 per cent of Canada's total policing expenditures, for a total municipal contribution of over \$5 billion, and were the predominant funding provider for 65.7 per cent of Canada's police officers. Municipal stand-alone policing expenditures totalled \$4.988 billion, with the remainder allocated to municipal contract policing with the RCMP, Sûreté du Québec and Ontario Provincial Police.

A growing municipal burden

Municipalities are assuming a growing burden for the cost and execution of policing duties. The federal share of the cost of provincial and municipal RCMP contract services has declined steadily over time, from 50 per cent as recently as 1976, to 10 per cent to 30 per cent by 1990, and down to zero for all municipal contracts signed after 1992.

While it has been impossible to obtain official confirmation from the RCMP, practice as well as unofficial and anecdotal evidence suggests that the federal contribution is based in large part on an estimate of how much time an RCMP officer spends engaged in federal policing responsibilities while delivering provincial or municipal police services.

While this would suggest a reduction in federal enforcement needs, without a robust national monitoring protocol based on agreed-upon definitions of roles and responsibilities, it is difficult to determine what percentage of each force's resources are being allocated to executing another jurisdiction's mandates. This counterintuitive downward trend in federal contributions could therefore result from a systemic bias in favour of conservative federal estimates of time expended enforcing federal laws.

If municipally contracted federal officers are assumed to spend a minimum of between 10 and 30 per cent of their time enforcing federal laws, it follows that municipal police officers would be expected to spend between 10 and 30 per cent of their time also enforcing federal laws.

This interpretation is supported by the evidence of growing federal mandates stemming notably from a more complex security environment. Of course, under the current arrangements, municipalities are not compensated for this, leaving municipal property taxpayers directly subsidizing a growing suite of federally mandated police services and responsibilities.

The fundamental problem with the current regime is the absence of a clear and shared understanding of the roles and responsibilities of the various orders of government in the area of policing services.



CP PHOTOS RICHARD LAM

As has historically been the case where services have been offloaded by other orders of government, municipal governments have stepped in. This results in diversion of scarce resources away from core municipal roles, such as community policing, and into areas of clear federal jurisdiction, such as maritime interdiction and enforcement, cyber crime and even counterterrorism.

Despite this, municipalities get only eight cents of every tax dollar collected in Canada, most of which comes from regressive property taxes. The collective view is that municipal taxpayers cannot continue to finance the ever-increasing costs of policing using existing mechanisms.

Where ambiguity around policing roles exists, two issues arise: who pays and who polices. Our study shows that more and more, municipal governments are doing both. In addition to the obvious financial, equity and good-governance considerations of such a proposition, its fundamental adhocery should raise concerns about the state of public safety in this country.

RECOMMENDATIONS

Towards more equity and efficiency in policing

1. As an interim measure, pending a full review of the existing policing regime, the Government of Canada should provide an **equity and efficiency allocation** to:
 - a. compensate municipal governments for their role in enforcing federal policing mandates; and
 - b. provide funding sufficient for municipalities to meet their growing responsibilities.

FCM proposes using the existing federal formula used in apportioning costs for RCMP contract policing, either 10 per cent or 30 per cent, in making this calculation. For equity reasons and to acknowledge the existing RCMP role in municipal jurisdictions, FCM proposes using the lesser of two amounts. Therefore, the Government of Canada should reimburse an amount equivalent to no less than 10 per cent of a municipal police force's annual budget to every municipal government that pays for police service but does not already receive this contribution.

In the aggregate, municipal police forces spend approximately \$5.394 billion per year. This **equity and efficiency allocation will result in an additional federal investment of \$539.4 million in safe streets and communities.**

2. The Government of Canada should appoint a special panel to review the existing distribution of policing functions. Specifically, the panel, which should include municipal government representation, should be mandated to look at:
 - policing roles and responsibilities;
 - resource allocation and capacity; and
 - RCMP contract policing



CP PHOTOS BRENT BRAATEN

INTRODUCTION

Policing is a core responsibility of all governments in Canada. It is essential for maintaining public order and for safe streets and neighbourhoods. It is also one of the fastest growing areas of expenditure in municipalities across the country.

While one would expect that the importance of policing would translate into a high degree of clarity around the respective roles and responsibilities of governments to support operational cooperation and coordination, this is not the case.

As first responders, municipal governments are often left to enforce laws and provide services—border control, interdiction and enforcement on the Great Lakes, or combating cyber crime, for example—that fall squarely within federal jurisdiction, are of international scope or result from federal initiatives such as international summits. And while the federal government does provide compensation on an ad-hoc basis to cover municipal costs for certain responsibilities agreed to fall within the federal mandate, such as state visits, this is not a consistent practice governed by a set of transparent policies and procedures.

For municipal governments, this situation is exacerbated by a fiscal regime that provides them with only eight cents of every tax dollar collected in Canada. With these eight cents—collected primarily from the property tax—municipal governments must meet a growing list of responsibilities. The antiquated fiscal framework in which municipal governments operate, along with the ad-hoc regime that characterizes policing in Canada, means growing competition for scarce municipal resources that sees local councils trying to balance competing needs—pitting policing against maintenance and repair of core infrastructure, transit expansion or the upgrading or construction of recreation facilities.

This report looks at the structure and funding of policing in Canada and how this has created systemic inefficiencies, inequities and blurred accountabilities. Specifically, it focuses on federal policing practices and policy and how these have resulted in the downloading of a growing share of costs and responsibilities for policing and public safety onto municipal governments and property-tax payers.

Report Methodology

This study involved both primary and secondary documentary research as well as extensive field interviews. The interviews were conducted for FCM by the consulting firm Vibe Creative Group. The interview groups were broken into seven categories:

- Deputy Commissioners of the RCMP
- Municipal chiefs of police
- Municipal associations
- Provincial government representatives
- Federal government representatives
- Municipal elected officials
- Police board and commission representatives

In total, 28 of 31 designated interviewees were contacted and subsequently interviewed. A list of interviewees is attached as Annex “A” and the interview questions are attached as Annex “B”.

HOW WE POLICE: AN OVERVIEW OF THE POLICING FRAMEWORK IN CANADA

Federal policies can often impact municipal policing budgets. Dialogue between all three levels of government should occur to address such situations.

**– William Sweeney, RCMP Deputy Commissioner,
North West Region**

Policing in Canada is a responsibility shared by the three orders of government. The federal government is responsible for enacting criminal laws and federal policing policy, while each province and territory has responsibility for the administration of justice within its jurisdiction, including its municipalities.

The federal government discharges its operational policing responsibilities through the Royal Canadian Mounted Police (RCMP). The RCMP's federal duties include:

- enforcement of federal statutes in each province and territory;
- protection of internationally protected persons and other foreign dignitaries; and
- provision of services, such as forensic laboratories, identification services, the Canadian Police Information Centre (CPIC), criminal intelligence, and the Canadian Police College.

Provincial policing involves the enforcement of the *Criminal Code of Canada* and provincial statutes within areas of a province not served by a municipal police service such as rural areas and small towns. In the majority of provinces, the RCMP provides provincial/territorial policing under a standard provincial police services agreement.

Ontario and Quebec each maintain their own provincial police services, leaving the RCMP's scope of responsibility as federal policing only in those jurisdictions. In Newfoundland and Labrador, the Royal Newfoundland Constabulary, the provincial police service, is responsible for policing in three areas: St. John's, Mount Pearl and the surrounding communities of the North East Avalon, Corner Brook and Labrador West. The RCMP is contracted to provide provincial policing services in other areas of the province.

RCMP CONTRACT POLICING

While nearly 80 per cent of the Canadian population is policed by municipal stand-alone forces, the RCMP provides cost-shared policing services to nearly 200 communities across the country. Although policing services vary between provinces and territories, common concerns do arise within and among municipalities such as the lack of control over rising RCMP police costs, diminishing service levels, and the limited ability to identify and respond to local policing priorities. A common municipal concern is that while RCMP-served municipalities have citizen advisory and consultative committees, they do not have police boards or commissions.

With regards to RCMP cost-shared arrangements, the federal government has stated that "it only wants to recover the costs which its provincial and municipal partners would pay, if they were operating police forces of their own."¹ However, the cost-shared formula appears to have been developed on an ad-hoc basis, with little accountability or transparency. These issues will be the subject of a second FCM report, in advance of the 2012 renewal of all RCMP municipal contracts. FCM expects to release this report in 2009.

Municipal policing consists of enforcement of the *Criminal Code of Canada*, provincial statutes, and municipal bylaws within the boundaries of the municipality. Municipalities in Newfoundland and Labrador are served by the Royal Newfoundland Constabulary and the RCMP; those in the Yukon, the Northwest Territories and Nunavut are served by the RCMP.

In all other regions of the country, municipal governments discharge their policing responsibilities in one of three ways:

1. Form a "stand-alone" police service (at 100 per cent municipal cost);

¹ *Partners in Policing: The Royal Canadian Mounted Police Contract Policing Program*. Solicitor General Canada, p.2.

2. Contract/join an existing municipal or provincial police service (at negotiated cost); or
3. Enter into a contract/agreement with a regional or provincial police service of the RCMP (at negotiated or set cost as described below).

The federal government discharges its responsibilities for policing through a combination of dedicated police staff resources, at 100 per cent federal cost, and shared police staff resource arrangements with other orders of government in Canada. In the latter case, shared police staff resource arrangements can take the following forms

THE MUNICIPAL FISCAL DIMENSION

Current policing arrangements are not sustainable. Municipal property taxes cannot sustain the continually rising costs of policing.

– Councillor Pam McConnell, Toronto Police Services Board

Property taxes cannot handle the escalating costs of protective services.

– Councillor Randy Goulden, Yorkton SK

Controlling the cost of policing is a major concern for most of our municipalities.

– Raymond Murphy, Executive Director, Union of New Brunswick Municipalities

Unlike other orders of government, municipalities do not have access to a diversified set of fiscal instruments. The backbone of municipal finance today remains the property tax, which is no longer adequate to meet contemporary realities. As Dr. François Vaillancourt points out in a recent article on the uses of the property tax, municipal governments do not benefit from economic growth as much as federal and provincial governments, and the regressive nature of the property tax makes it more difficult for them to finance a growing range of services.²

Ultimately, the numbers tell the story: 92 per cent of every tax dollar collected in Canada goes to the federal and provincial governments. That leaves just

eight cents of every tax dollar collected for municipal governments to meet growing and varied responsibilities including policing.

The most obvious effect of this fiscal imbalance can be seen in our communities: streets, buses, bridges and water systems are neither maintained, nor working as well as they should. The infrastructure deficit is both a symptom of the fiscal imbalance and a measure of its scope. But there are other deficits, some visible, some hidden, that also threaten safety and quality of life in our communities.

The capacity of municipal governments to fund these services is one of the key issues raised by respondents to our survey.

There was exceptionally strong consensus (more than 70 per cent) among interview respondents with respect to the unsustainability of current funding arrangements for policing in Canada. Respondents believe that most municipalities are very close to or at their fiscal capacity in terms of funding their policing operations.

The collective view is that municipal taxpayers cannot continue to finance the ever-increasing costs of policing using existing mechanisms. Most respondents maintain that continuing reliance on municipal property taxes is not a sustainable approach for funding municipal police services.

² Vaillancourt, F. 2006. "The Property Tax: Its Role in Financing Canadian Municipalities," in Building from the Ground Up: Restoring Municipal Fiscal Balance. FCM, 81-87.

- In cases where the RCMP is contracted as the provincial police service, the federal government pays 30 per cent of the costs allocated to support the RCMP operations in a particular province or territory
- In cases where the RCMP is issued a policing contract to police a municipality with a population under 15,000, the federal government pays 30 per cent of the costs related to the municipal policing contract

- In cases where the RCMP is issued a policing contract to police a municipality with a population over 15,000, the federal government generally pays 10 per cent of the costs related to the municipal policing contract
- More recent RCMP policing agreements have been for regional policing services, in which the municipalities pay 100 percent of the policing costs, apportioned to the respective municipalities within the region according to an agreed-upon formula.



CP PHOTOS ROBIN KUNISKI

KEY TRENDS IN POLICING: COSTS AND OFFICER STRENGTH IN CANADA

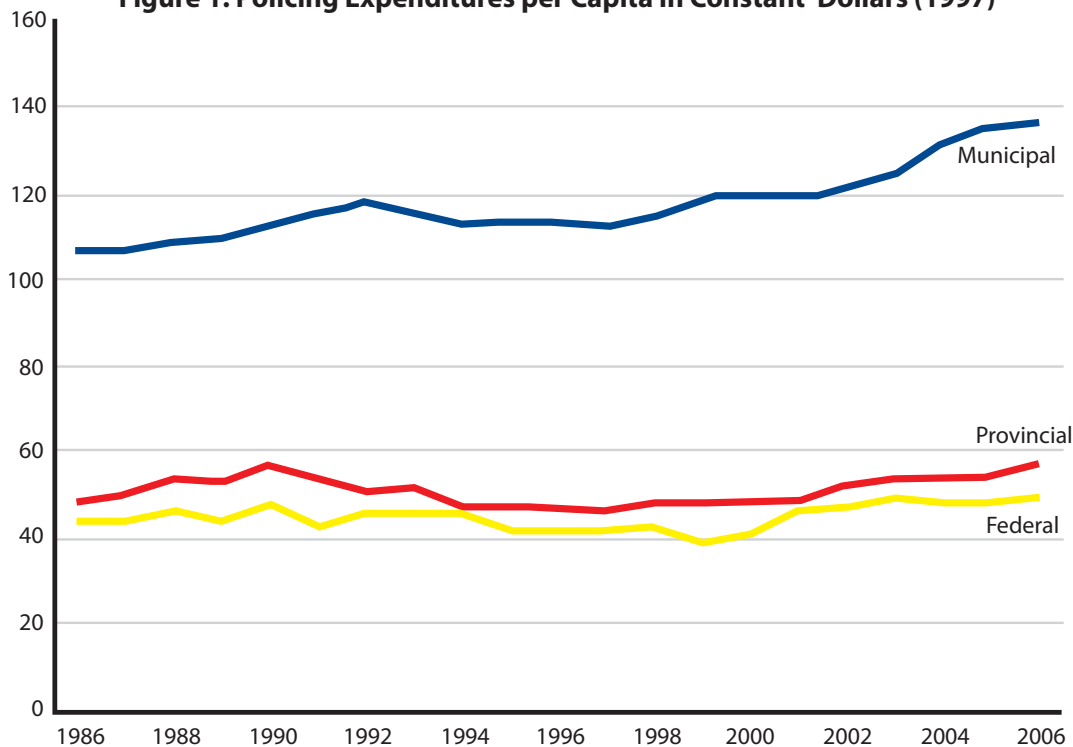
The fastest growing area of municipal spending in Canada is fire and police protection. Security, including policing, already accounts for nearly 20 per cent of municipal operating budgets.³

As Figure 1 below shows, between 1986 and 2006, municipal spending on policing grew by 29 per cent (adjusted for inflation and population growth), nearly three times the spending growth experienced by the federal government and nearly twice that of provincial governments.⁴ In 2006, municipalities paid nearly 57 per cent of Canada's \$9.9 billion policing costs.⁵

Policing costs are expected to continue to rise as governments place greater emphasis on enhancing domestic security in response to perceived external threats while, at the same time, striving to meet the growing public demands for safer streets.

As is common with most public services, personnel costs are one of the principal cost centres for police services. In 2006, a total of 64,134 police officers were reported by the Canadian policing community (see Table 1). Not surprisingly, the number of police officers in Canada has been rising steadily in recent years, with a 9.8 per cent increase in officer strength over the last five years. While several interview respondents cited police personnel costs as a key factor in the escalation of policing costs, they appeared resigned that municipal governments are unable to control these costs (see box below).

Figure 1: Policing Expenditures per Capita in Constant Dollars (1997)



³ National Security Group. 2006. Emergency: Municipalities missing from disaster planning. Ottawa, 5.

⁴ Statistics Canada. 2007. Police Administration Survey, Canadian Centre for Justice Statistics, Population from CANSIM.

⁵ Statistics Canada. 2007. Police Resources in Canada, 2007, Canadian Centre for Justice Statistics, 11. Note that this figure includes both municipal stand-alone and contract policing expenditures.

SALARIES BEYOND MUNICIPAL CONTROL

Wage rates for police personnel have increased in recent years as municipalities and provinces reach new collective agreements. Where municipal governments employ police officers directly, there is an opportunity to establish compensation arrangements in the context of competing municipal priorities, goals of regionally comparable salary levels and with due consideration to each municipality's unique revenue-generating circumstances. In these cases, municipal governments enjoy a greater capacity to control the escalation of police salaries to keep these in line with increases in the rest of the administration.

However, for the those municipal police services who contract services from the RCMP or a provincial force, the establishment of police salary levels is generally beyond the control of municipal governments, given their status as a contracting agency. In these cases, municipalities rely on other orders of government to establish salary scales. In the case of the RCMP, the federal Treasury Board designs compensation based on the average salary of the top three police forces within the RCMP's "comparator universe" of eight Canadian forces.⁶

As Table 1 shows, municipalities now directly employ 56.1 per cent of Canada's police officers (that is, those officers working for municipal stand-alone police departments). The RCMP, at 26.7 per cent, is the next most significant employer of police officers in Canada, some of which will work in communities, through municipal contracts, while others provide provincial police services again under contract, and others work on federal duties. Nation-wide, there has been an almost 10 per cent increase in total policing strength.

Table 2 also provides information on Canada's police officer strength but categorizes the information by primary level of policing assignment—to municipal government, provinces or the federal government—which in turn corresponds to primary source of funding. For example, an RCMP officer assigned to municipal policing by virtue of a municipal policing contract is reported under the municipal category, while an RCMP officer fully assigned to federal duties is reported under the federal category. This presentation paints a slightly different but more accurate picture of the source of and responsibility for police funding in Canada.

Table 1: Police officers by direct employer

	2006 Total # of officers	2006 % of total officers	2001 Total # officers	2001 to 2006 % change in officer count
Municipal employees	35,952	56.1%	32,884	9.3%
Provincial	11,049	17.2%	10,187	8.5%
Federal (RCMP)	17,133	26.7%	15,343	11.7%
TOTAL	64,134	100%	58,414	9.8%

Source: *Police Resources in Canada, 2007.*

⁶ In 2005, the Ontario Provincial Police, Vancouver Police Department, Toronto Police Service, Edmonton Police Service, Service de police de la Ville de Montréal, Halifax Regional Police Service, Sûreté du Québec and Winnipeg Police Service formed the comparator universe, with the first three having the highest compensation levels within that universe, though not in the country.

Table 2: Policing officers by funder

	2006 Total # of officers	2001 Total # officers	2001 to 2006 % change in officer count	2006 % of total officers
Municipal				65.8%
a. Employees	35,952	32,884	9.3%	
b. OPP contracts	1,663	1,261	32%	
c. RCMP contracts	4,554	4,033	13.0%	
	42,169	38,178		
Provincial				24.5%
a. Newfoundland & Labrador	343	307	11.8%	
b. RCMP contracts	6,333	5,603	13.0%	
c. Quebec	5,215	4,523	15.3%	
d. Ontario	3,828	4,096	-6.5%	
	15,719	14,529		
Federal (RCMP)⁷				9.7%
a. Federal duties	4,063	4,245	-4.3%	
b. Nat'l Services/ Division Admin.	531	1,021	-48%	
c. "HQ" & Academy	1,652	441	275%	
	6,246	5,707		
TOTAL	64,134	58,414	9.8%	100%

Source: *Police Resources in Canada, 2007.*

- The rate of increase in provincial (1,190 officers, or 8.2 per cent) and federal (539 officers, or 9.4 per cent) police strength has been less than the overall national average of 9.8 per cent.

Consistent with the per capita cost data presented in Figure 1, these figures suggest that municipalities are assuming an increased burden for the cost and execution of policing duties.

While the overall policing strength in Canada has increased by 9.8 per cent over the last five years, Table 2 highlights a number of interesting trends.

- Municipalities directly employ 35,952 officers, representing 56.1 per cent of Canada's total officer strength (as was shown in Table 1), at 100 per cent cost to municipalities.
- Municipalities also contract an additional 6,217 officers (9.7 per cent of Canada's police strength) through arrangements with provincial police services and/or direct contracts with federal or provincial forces. In the latter case, municipalities are the predominant funding source for those officers.
- Police resources assigned to municipal policing have increased by 3,991 officers, or 10.5 per cent of all officers during this period. This growth exceeds the 9.8 per cent national average.

POLICE OFFICERS RECRUITMENT FUND

The 2008 federal budget set aside \$400 million from the year-end surplus "for a Police Officers Recruitment Fund to encourage provinces and territories to recruit 2,500 new front-line police officers." While FCM welcomes any government's recognition of the need for additional resources for public safety, the Police Officers Recruitment Fund, as currently constituted, misses the mark. The municipal sector has long called for multi-year, sustainable funding; regrettably the additional funding for policing announced in Budget 2008 fails to meet this criterion. Moreover, because this funding is set aside in a trust, and therefore outside the scope of any federal policy or direction, provinces could dedicate 100 per cent of these funds to other policing priorities. There are no guarantees the money will be used to create front-line positions. Table 3 provides a contrast between the funding provided through the Police Officers Recruitment Fund and FCM's recommendations, as well as the number of front-line officers that each formula would be able to fund.

⁷ There is some ambiguity as to how "federal duties" are defined. Depending on the agreed-upon criteria, this number may range from 3,000 to 6,000 officers. This ambiguity may account for the large increase in officers at RCMP HQ and Academy.

WHO POLICES: MUNICIPALITIES TAKING THE LEAD

Roles and responsibilities are not properly defined and not tied to specific resources

– Ian Wilms, President, Canadian Association of Police Boards

Policing is not sustainable as it presently operates. There has to be a clear understanding of who is responsible for what and who is going to pay for what.

– Jack Ewatsk, former Chief of Winnipeg Police Service

This country requires federal and provincial government leadership working with municipalities, chiefs of police and police boards on an integrated agenda. It requires leaders in all these stakeholder organizations to come together and envision a new model of policing for Canadians. As citizens we expect no less.

– Giuliano Zaccardelli, former RCMP Commissioner

Approximately 77 per cent of Canadians live in communities served by municipal stand-alone police departments, while 15 per cent live in communities served by RCMP-contract officers, 6.5 per cent in communities with provincial police force protection,⁸ and 0.51 per cent of Canadians are served by First Nations police. Clearly, municipal stand-alone police departments provide the vast majority of the direct, community level policing that Canadians need, but that is only part of the picture, since policing is highly complex, with significant overlap and integration between jurisdictions.

Almost three quarters (70 per cent) of municipal interviewees in the Vibe Creative Group study indicated that roles, responsibilities and resources have to be aligned and clarified so that each order of government would better be able to perform those duties mandated within its jurisdiction. This is particularly true with respect to organized crime, drug-related operations, national security (including surveillance of possible terrorist targets), forensic identification, cyber

crime, and border and port security, all areas in which municipalities appear to be underwriting federal policing costs. Details for certain activities follow.

- **Cyber crime:** According to a recent survey commissioned by the Canadian Association of Police Boards (CAPB), cyber crime is now the most significant challenge facing law enforcement organizations in Canada. Despite a self-evident federal role in policing cyber crime, many municipalities have set up specialty units to combat this growing area of criminal activity. These units all employ full-time officers, who require specialized training and equipment and actively assist other agencies with multi-jurisdictional investigations, both across Canada and around the world.⁹ According to Det. Mark Fenton of the Vancouver Police Department, "Even though we're mandated to investigate crimes that have occurred in whichever city we're in, these crimes typically know no boundaries, whether it's municipal, provincial or (national). We find that we end up doing a lot of joint forces operations with other agencies and other city police departments throughout the world." In many cases, these participating agencies in other countries are national, yet Canada's contributions to these joint investigations are primarily led by local police departments. According to CAPB chair Ian Wilms, technology crime units must become an integral component of any police service strategy. One of the key recommendations from the CAPB survey is the establishment of a dedicated Canadian Centre where law enforcement and various agencies can work together to combat cyber crime.¹⁰
- **Major drug investigations:** Until twenty years ago, municipal police services did not normally conduct major drug-related investigations without the RCMP, which is responsible for enforcement of federal drug legislation. In response to the diminished role played by the RCMP in local enforcement, municipal police have assigned officers to enforce federal

⁸ Statistics Canada. 2007. Police Resources in Canada. Canadian Centre for Justice Statistics, 27-42.

⁹ Katherine Fletcher, Vancouver Police Department – Internet Investigative Unit, <http://www.fims.uwo.ca/NewMedia2007/page55821745.aspx>

¹⁰ Canadian Association of Police Boards. Cyber Crime Becoming #1 Crime in North America, May 21, 2008

drug laws, essentially diverting municipal policing resources away from other community safety priorities. This shift has taken place gradually and informally, without compensation for this federally mandated work. For example:

- The Halifax Regional Police Service reports on its integrated drug activities, but does not quantify the resources spent on its participation in integrated units. Internal estimates are that approximately 20 per cent of its \$58 million annual budget is expended on federal enforcement, 25 per cent on provincial, and the remainder on municipal enforcement.
- The Winnipeg Police Service's 2005 annual report shows that arrests under the *Controlled Drug and Substances Act* comprise almost 30 per cent of total arrests, but does not quantify the expenditure associated with this activity.¹¹



CP PHOTOS BORIS SPREMO

- **Border security:** The RCMP itself, in testimony before the Senate Committee on National Security and Defence, attributes its ability to respond on border issues to the availability of municipal “partners,” whose resources can be leveraged when required. Federal border agents are instructed to allow “an individual who is identified as being the subject of an armed and dangerous lookout” to proceed through the border and to immediately notify local police.¹² However, such calls must compete with other policing priorities of adjacent forces, causing an increased risk to border communities especially and an increased municipal police burden.

- **National security and anti-terrorism:** National security is clearly a federal responsibility. However, funding to ensure municipal preparedness is not systematically available from the federal government to enable municipalities to fulfill the role the federal government relies upon in the event of threats to national security. For example, the Vancouver Police Department has established its own counterterrorism unit, despite the federal government’s exclusive legislative mandate for national security. Many police forces, especially in larger municipalities, continue to provide such specialty policing units at significant costs. Following the September 11 terrorist attacks in the U.S., the Government of Canada committed an additional \$15 billion to domestic security.¹³ However, according to FCM’s study, *Emergency:*

¹¹ Winnipeg Police Service, 2005 Annual Report, 7.

¹² *Borderline Insecure: Canada’s Land Border Crossings are Key to Canada’s Security and Prosperity: Why the Lack of Urgency to Fix Them? What Will Happen if We Don’t?* An Interim Report by the Senate Committee on National Security and Defence, June 2005, 29.

¹³ \$24B spent on security in Canada since 9/11, March 24, 2008, www.cbc.ca

Municipalities Missing From Disaster Planning, not enough of this funding has gone to municipalities, where it can do the most good.¹⁴

Non-returnable warrants: Jurisdictions often impose a geographical limitation on an arrest warrant, which has the effect of encouraging the offender to flee the jurisdiction in which the warrant is valid. These outstanding warrants are often not enforced by police officers in jurisdictions beyond the radius of the warrant. Many criminals appear to be fully aware of their warrant restrictions, which they use to their benefit by moving outside of the warrant limits each time they re-offend, avoiding accountability for their actions. FCM has long called for a national policy for establishing warrant radii across jurisdictions, as well as federal funding to ensure the consistent application of criminal warrant returns. In yet another example of a municipality underwriting federal police costs, the City of Vancouver has recently announced that it will pay to send those wanted on non-returnable warrants back to those jurisdictions where they are wanted.¹⁵

The blurring of roles and responsibilities is not a new phenomenon. The need for better delineation of responsibilities for policing duties was recognized at least as early as April 2000 when the Auditor General of Canada wrote:

“The arrangement between the federal government and the provinces set in 1966 for these (policing) services needs to be rethought. It is time for a clear agreement among all the players in the law enforcement community—in the federal, provincial, and municipal governments—on level of service, funding arrangements, user input, management and accountability. A new agreement will require the collaboration of all parties.”



CP PHOTOS CARL CLUTCHEY

¹⁴ The National Security Group. 2005. *Emergency: Municipalities missing from disaster planning*. Ottawa, 5

¹⁵ Vancouver police want rest of Canada to take their criminals back, January 17, 2008, www.cbc.ca

WHO PAYS FOR POLICING: COST ALLOCATION FOR POLICING SERVICES IN CANADA

All levels of government have the responsibility to work together to set out who is responsible for what, who pays for what, how police are governed and where accountability resides.

– Mayor Peter Kelly, Halifax Regional Municipality

There have been repeated expressions of concern by Canadian police leaders that current funding arrangements are not sustainable and cannot meet current and future national security and community safety needs for an organized justice response.

– Jack Beaton, former Chief of Calgary Police Service

The appropriate distribution of financial responsibility for policing services in Canada is a critical policy question facing all orders of government. Municipalities currently pay 56.6 per cent of Canada's (2006) total policing expenditures, for a total municipal contribution of over \$5 billion, and are the predominant funding provider for 65.7 per cent of Canada's police officers (2006). Of particular note to this paper, municipal stand-alone policing expenditures totaled \$4.988 billion in 2006, with the remainder allocated to municipal contract policing with the RCMP, Sûreté du Québec and Ontario Provincial Police.

In order to understand the evolution of municipal policing expenditures, it is useful to note how the federal share of the cost of provincial and municipal RCMP contract services has declined over time:

- from 60 per cent from 1928-1966
- to 50 per cent by 1976
- to 44 per cent by 1980
- to 10 per cent to 30 per cent by 1990.
- Down to zero for any contract signed after 1992

This evolution is particularly important because, while the assumptions underlying the federal contribution are not precisely set out in policy, according to Statistics Canada, “[t]he costing formula takes into consideration the costs of providing federal and other RCMP policing duties while also performing municipal

policing duties.”¹⁶ While it has been impossible to obtain official confirmation from the RCMP, practice and unofficial and anecdotal evidence suggests that the federal contribution is based in large part on an estimate of how much time an RCMP officer spends engaged in federal policing responsibilities (predominantly 30 per cent for provincial policing agreements and either 30 per cent or 10 per cent for municipal policing agreements depending on population) while delivering provincial or municipal police services. This methodology, while conceptually sound, raises two key issues.

1. Without a robust national monitoring protocol based on agreed-upon definitions of roles and responsibilities, it is difficult to determine what percentage of each force's resources are being allocated to executing another jurisdiction's mandates. This counterintuitive downward trend in federal contributions referenced earlier could therefore result from a systemic bias in favour of conservative federal estimates of time expended enforcing federal laws.
2. Perhaps most important, if municipally contracted federal officers are assumed to spend a minimum of between 10 and 30 per cent of their time enforcing federal laws, it follows that municipal police officers would be expected to spend between 10 and 30 per cent of their time also enforcing federal laws. Of course, under the current arrangements, municipalities are not compensated for this, leaving municipal property taxpayers directly subsidizing a growing suite of federally mandated police services and responsibilities.

The fundamental problem with the current regime is the absence of a clear and shared understanding of the roles and responsibilities of the various orders of government in the area of policing services. This is not an insignificant detail. When it comes to law enforcement, governments cannot take a wait-and-see attitude or accept that some matters may be overlooked.

¹⁶ Statistics Canada. 2007. Police Resources in Canada, 2007, Canadian Centre for Justice Statistics, 25. Statistics Canada uses this interpretation, which it has received from the RCMP, as an interpretative note to its analysis.

As has historically been the case where services have been offloaded, municipal governments have stepped in. This results in diversion of scarce resources away from core municipal roles, such as community policing, and into areas of clear federal jurisdiction, such as maritime interdiction and enforcement, cyber crime and even counterterrorism.



CP PHOTOS GRAHAM HUGHES

THE IMPORTANCE OF COMMUNITY POLICING- COMMUNITY SAFETY STARTS HERE

People identify with the place they call home. They experience crime, disorder and victimization at the local level. Fear of crime, perceptions of personal safety, confidence in the police and quality of life assessments are based on local occurrences as experienced directly and indirectly. At a time when national governments are preoccupied with trans-national crime, national security issues and the global threat of terrorism, local concerns remain the highest priorities for community residents. The FCM-Strategic Counsel public opinion poll released in April 2008 shows this trend clearly: policing is among the key municipal services in most need of additional attention.

Residents invariably identify their safety and security priorities as street-level crime including substance abuse and the sex trade, traffic, public disorder and property crimes. These are best addressed by a robust and visible police presence that extends beyond law enforcement through to community resource roles valued and expected by the community. These include work with youth and in schools; a focus on those most at risk of offending or re-offending; cultivation of trusting relationships with the public and especially marginalized groups; protection of the most vulnerable such as women, children and the elderly; timely attention to community concerns; and active citizen participation.

Local relationships of trust, ongoing dialogue and community engagement contribute to the overall police ability to obtain information that becomes criminal intelligence. This leads to effective prevention and investigation of offences. Municipal police expenditures on areas of federal responsibility, if perceived to compromise responsiveness to community concerns, may erode citizen confidence in the authority of their closest order of government.

CONCLUSION

Where ambiguity around policing roles exists, two issues arise: who pays and who polices. Our study shows that more and more, municipal governments are doing both.

In addition to the obvious financial, equity and good-governance considerations of such a proposition, its fundamental adhocery should raise concerns about the state of public safety in this country.

And while financing a growing and exotic suite of policing missions through the property tax is neither efficient nor equitable, for policy makers the issue goes beyond strict financial considerations.

FCM proposes the following to begin addressing the problems apparent with the current regime:

RECOMMENDATIONS

Towards more equity and efficiency in policing

1. As an interim measure, pending a full review of the existing policing regime, the Government of Canada should provide an **equity and efficiency allocation** to:
 - a. compensate municipal governments for their role in enforcing federal policing mandates; and
 - b. provide funding sufficient for municipalities to meet their growing responsibilities.

FCM proposes using the existing federal formula used in apportioning costs for RCMP contract policing, either 10 per cent or 30 per cent, in making this calculation. For equity reasons and to acknowledge the existing RCMP role in municipal jurisdictions, FCM proposes using the lesser of two amounts. Therefore, the Government of Canada should reimburse an amount equivalent to no less than 10 per cent of a municipal police force's annual budget to every municipal government that pays for police service but does not already receive this contribution.

In the aggregate, municipal police forces spend approximately \$5.394 billion per year.¹⁷ This **equity and efficiency allocation will result in an additional federal investment of \$539.4 million** in safe streets and communities. Tables 3 and 4 demonstrate what this investment means on the ground, at the provincial and municipal level, and also compares this approach to the Police Officers Recruitment Fund.

2. The Government of Canada should appoint a special panel to review the existing distribution of policing functions. Specifically, the panel, which should include municipal government representation, should be mandated to look at:
 - policing roles and responsibilities;
 - resource allocation and capacity ; and
 - RCMP contract policing

¹⁷ This figure includes municipally contracted police costs with the Ontario Provincial Police and Quebec's provincial police force, the SQ, because these forces perform federally mandated police duties without federal compensation, in the same way as do municipal stand-alone police forces. Without OPP and SQ policing costs, this figure amounts to \$4.99 billion. See Annex C for a summary of all of these figures.

Table 3: Equity and Efficiency allocation, by province¹⁸

Province	Municipal stand-alone Police Expenditures (2006)	Police Officers Recruitment Fund (annual average, 2008-12)	Equity and Efficiency Allocation (10% of annual municipal policing budgets)	Officers Hired* (Police Officers Recruitment Fund)	Officers Hired* (Equity and Efficiency Allocation)
PEI	\$9,344,159	\$320,000	\$934,416	3	7
Nova Scotia	\$97,992,433	\$2,240,000	\$9,799,243	17	75
New Brunswick	\$48,351,202	\$1,760,000	\$4,835,120	14	37
Quebec	\$1,362,837,100	\$18,460,000	\$136,283,710	142	1048
Ontario	\$2,756,869,000	\$31,200,000	\$275,686,900	240	2121
Manitoba	\$170,830,987	\$2,880,000	\$17,083,099	22	131
Saskatchewan	\$113,536,685	\$2,340,000	\$11,353,669	18	87
Alberta	\$491,815,520	\$8,480,000	\$49,181,552	65	378
British Columbia	\$341,910,904	\$10,600,000	\$34,191,090	82	263
Total*	\$5,393,487,990	\$78,280,000	\$539,348,799	603	4149

* Numbers based on the Police Sector Council's estimate that the cost of a fully equipped officer is approximately \$130,000 per year.

Table 4: Equity and Efficiency allocation, by selected municipality

Municipal Police Departments	Municipal Population*	Total Operating Expenditures (2006)	Equity and Efficiency allocation (10% of annual municipal policing budget)
Toronto, ON	2,631,725	\$843,101,048	\$84,310,105
Montreal, QC	1,873,974	\$487,711,585	\$48,771,159
Calgary, AB	1,011,309	\$246,866,265	\$24,686,627
Edmonton, AB	742,155	\$202,449,000	\$20,244,900
Vancouver, BC	589,352	\$189,671,603	\$18,967,160
Ottawa, ON	840,095	\$182,574,697	\$18,257,470
Winnipeg, MB	648,929	\$158,967,838	\$15,896,784
Quebec, QC	533,010	\$102,818,147	\$10,281,815
Halifax, NS	214,006	\$62,097,800	\$6,209,780
Regina, SK	181,203	\$43,901,704	\$4,390,170
Gatineau, QC	249,375	\$42,409,322	\$4,240,932
Sherbrooke, QC	148,102	\$23,810,382	\$2,381,038
Saanich, BC	110,737	\$21,249,806	\$2,124,981
Fredericton, NB	51,401	\$10,011,694	\$1,001,169
Stratford, ON	31,206	\$7,444,338	\$744,434
Edmundston, NB	17,090	\$3,901,876	\$390,188
New Glasgow, NS	9,409	\$2,645,300	\$264,530
Summerside, PEI	15,020	\$2,594,027	\$259,403
Taber, AB	8,375	\$1,830,125	\$183,013

*Populations are based on July 1st preliminary postcensal populations for 2006 (based on 2006 Census boundaries), Demography Division, Statistics Canada. Populations are adjusted to follow policing boundaries.

¹⁸ Yukon, Northwest Territories, Nunavut, and Newfoundland and Labrador are excluded from this table because municipalities in these jurisdictions do not directly pay for police costs. Each territory will receive a total of \$800,000 from the Police Officers Recruitment Fund, while Newfoundland and Labrador will receive \$5,900,000.

List of Interview Subjects

Deputy Commissioners of the RCMP
Responsible for provinces:

North West: William Sweeney

Atlantic: Harper Boucher

Selected provincial Assistant Deputy Ministers
responsible for policing:

British Columbia: Kevin Begg
*Assistant Deputy Minister and Director
Policing and Public Safety Branch
Public Safety and Solicitor General*

Alberta: Brian Skeet
*Assistant Deputy Minister
Public Security Division
Solicitor General & Ministry of Public Security*

Nova Scotia: Ed Kirby, C.A.,
*Director Contracts
Finance and Administration Division
Department of Justice*

President of Canadian Association of Chiefs of Police:

Chief Jack Ewatski

President of Canadian Association of Police Boards:

Ian Wilms

Executive Director of Police Sector Council:

Geoff Gruson

Selected representatives of provincial
Associations / federations of municipalities:

Alberta Urban Municipalities Association

Bruce E.Thom, Q.C.,
Executive Officer, Policy and Legal

ANNEX A

Union of Municipalities of New Brunswick:

Raymond Murphy,
Executive Director

Selected chiefs of police (or representatives):

Halifax: Chief Frank Beazley

Charlottetown: Chief Paul Smith

Montreal: Directeur Yvan Delorme

Gatineau: Chief John Janusz

Ottawa: D/Chief Sue O'Sullivan

Windsor: Chief Glenn Stannard

Toronto: Chief William Blair

Regina: Chief Cal Johnston

Calgary: Chief Jack Beaton

Port Moody: Chief Constable Paul Shrive

Selected Mayors, chairs or members of police
services boards, with focus on urban municipalities:

Halifax: Mayor Peter Kelly

Moncton: Mayor Lorne Mitton

Windsor: Mayor Eddie Francis

Toronto: Pam McConnell (Police Services Board)

Winnipeg: Councillor Gord Steeves

Regina: Mayor Pat Fiacco

(Board of Police Commissioners)

Yorkton: Councillor Randy Goulden

Calgary: Ian Wilms, as President of CAPB

Saanich: Mayor Frank Leonard

ANNEX B

See www.fcm.ca

POLICING EXPENDITURES, 2006

1. Total national expenditures:	\$9,877,071,000*
2. Total RCMP expenditures:	\$3,307,186,417
a. Federal duties (including First Nations Policing):	\$1,997,893,000
b. Provincial contracts:	\$883,683,000
c. Municipal contracts:	\$425,610,417
3. Total provincial police expenditures:	\$1,559,815,307
a. Provincial/unincorporated policing:	\$1,154,439,935
b. Municipal contracts:	\$405,375,372
4. Total municipal police expenditures:	\$5,819,098,407
a. RCMP contracts:	\$425,610,417
b. Municipal stand-alone policing:	\$4,988,112,618
c. Provincial contracts:	\$405,375,372
Total non-RCMP municipal policing expenditures:	\$5,393,487,990

*Figures do not add up precisely to this number due to rounding and data methodological issues.

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