

# The Criminal Law Quarterly

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## Editorial

### Responding to Unsustainable Policing Costs

In 2011, Canada spent \$12.9 billion on public policing. Expenditures on policing have increased at a higher rate than other governmental expenditures over most of the last 15 years and the public spends over \$100,000 a year on average on each police officer.

The police in Canada have yet to feel the same budget cuts as many of their American and British counterparts but such cuts are bound to come. Such cuts, however, provide an opportunity to rethink the very nature of policing.

The Council of Canadian Academies published a report in late 2014 called *Policing Canada in the 21st Century: New Policing for New Challenges* that summarizes the available research on the challenges facing policing. As a member of the 12 expert panel, it is not for me to judge the merits of the report. Nevertheless, it is important to assess some of the challenges that are presented for policing in light of their broader implications for the criminal justice system and the public.

The police are having to respond to the consequences of more than a generation of downloading of various social services. This means that many calls for police services involve issues of addictions, mental health and other social problems.

One innovative response to these challenges pioneered in Prince Albert is to bring together multiple governmental agencies including health, justice, corrections, social services, education and housing as well as other emergency responders to deal with problematic situations. An evaluation of the hub found that while the police bring 51% of cases to the attention of the hub, they are only the lead agency on 12% of cases out of the hub with social services, educational and mental health agencies playing greater roles. Chad Nilson, *Risk Driven Collaborative Intervention* (2014), at pp. 52-53, at <<http://www.usask.ca/cfbsjs/documents/FINAL%20Hub%20PIA%20May%202014.pdf>> Such a

hub approach has the potential to upload back some of the social problems that have been downloaded to the police.

The Academies Report situates police forces within a broader safety and security web that includes not only multiple government departments but community groups, private security, corporations, insurance companies and others whose actions both contribute to security and demands on limited policing resources.

Representatives of Aboriginal communities have an important role to play and may be able to craft more effective responses to both the rising over-representation of Aboriginal people among prisoners and crime victims.

Insurance companies and urban planners can influence demand on police services and they should be included in discussions of policing costs. Cars that are less easily stolen; cars that are less easily driven by drunk drivers; homes that are less easily broken in are part of the solution to rising police costs.

The start up costs of making better use of the entire web of organizations and stakeholders will be significant, but such approaches have the potential to employ more effective and less punitive strategies than the limited options available to the police. Savings on policing may also result in savings in corrections and related costs.

The Academies Report also highlights governance of the security web as an important and difficult issue. The public police are subject to an increasing array of instruments to regulate the propriety of their actions, but efficacy or value for money evaluation lags well behind.

As Justice Morden's important report on the Toronto Police Service Board's role in G20 reveals, inflated claims of police independence over all operational matters have hindered governance of the public police. As the Ipperwash Inquiry suggested, there would be advantages to codifying protections of core police independence over investigations and charges, but there is a need to promote transparent democratic direction over policy operations. Budget constraints will make it even more important to promote democratic deliberation and accountability over policing including how policing services are cut, consolidated or out-sourced.

The challenges of regulating the growing number of quasi public and private security providers looms very large. One idea proposed by the Law Commission in 2006 was to have public security boards that could regulate and provide direction to a broad range of security providers.

Increasing concerns about policing and prison costs can make us rethink prosecutions as a scarce resource that must be used in the most effective and evidence-based manner as possible. We have long thought about health care in this way and it is time that we employ similar approaches to justice matters.

Indeed the high level of cases that prosecutors decide not to prosecute and

the diversion strategies already used by the police suggest that we are already triaging cases to fit limited prosecutorial and correctional resources. There is a need for more evaluation of such processes.

The Charter has likely increased the time and costs of investigations, but so too does the complexity of Canadian criminal law and procedure. For example, police must deal with an increasing number of warrant provisions and British style legislative regulation of police practices might make it easier for the police to know and learn about changing legal requirements.

Another challenge facing police forces is the need for increased specialization. Terrorism and cyber crime are two of the most well known forms of specialization. The evidence suggests that greater use of civilians to do tasks performed by police officers may result in significant savings. Greater use of civilians including out-sourcing to private security firms can also allow the police to benefit from as needed expertise. Traffic safety continues to consume many police resources, but it is far from clear that such matters cannot be handled both more efficiently and expertly by others.

Greater specialization within the police provide challenges to traditional paramilitary models of leadership. Although police acknowledge that they are well paid and have enviable job security, there is evidence of significant job dissatisfaction. More flexible and flatter organizational models may respond to some of these issues, though they will require support from police associations.

Canada is facing a crisis with respect to policing costs. If it is not handled creatively, labour strife — unintentionally assisted by the Supreme Court's decision on unionization of the RCMP — and decreased levels of services may result. On the other hand, a creative approach to these issues could lead to significant and potentially positive re-invention of the public police and better partnerships with other security and safety providers.

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