

## APPENDIX 7A: **OVERSIGHT OF THE SECURITY PROCESS**

Major events such as the Olympic and Paralympic Winter Games require a significant security effort, led by the police. In Calgary, as with most municipalities, the police are overseen by a civilian governance board – the Calgary Police Commission. The general purpose of these boards is to ensure policing activity is consistent with community standards.

However, in Canada, the RCMP is normally tasked with leading these major event security efforts and they do not operate with any civilian oversight. For Vancouver 2010, the Integrated Security Unit worked in isolation and did not consult with any form of non-police governance in the formulation of their security planning.

Two issues arise from this lack of oversight. In an overarching sense, it is inconsistent with general principles in a democratic society to have the police involved in such a significant operation without “civilian” oversight (non-political). And, with a substantial portion of Games activity happening in Calgary, there will be inevitable blending between Games security and the policing responsibilities of the Calgary Police Service. However, as described in the book *Terrorism and the Olympics*: “mega sporting events internationalize the local community and, in doing so, create a security environment aimed at responding to exceptional needs.” The authors further note that in studies of past Olympics “...this may stimulate the decline of public control over the local environment.”<sup>1</sup> It would appear on the face of it that a solution to these issues would be to create some form of an oversight body specific to the 2026 Games security that would provide guidance to the security team and be a conduit to the Calgary Police Commission, with the overall responsibility to ensure security plans were consistent with community values and the philosophy of the Games Organizing Committee.

In June 2012 the Honourable John W. Morden released his report titled “Independent Civilian Review Into Matters Relating to the G20 Summit”, which dealt with civilian oversight of policing, specifically the relationship between the Toronto Police Services Board and the Toronto Police Service. The focus of the review was the responsibilities of civilian oversight leading up to and during the G20 Summit and similar major events.

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<sup>1</sup>Terrorism and the Olympics: Major Event Security and Lessons Learned for the Future, 2011 Rutledge – Anthony Richards, Pete Fussey, Andrew Silke

Morden reviews the historical context and legislative framework for police oversight. A central principle of his review is “to ensure that the policing services provided meet community standards.” (p-53)

The report identifies the generally accepted view of police oversight, which is that policies are for the oversight body and operations are for the police and the two must be kept separate. However, Morden indicates this is impossible to apply in practice and is not representative of what the applicable statutes and common law intend. He essentially states effective police governance in a democratic society is a process where members of the public who are not police officers provide general direction to the police and ensure decisions made and actions taken by the police reflect the community’s values. Yet, for oversight to be truly effective, it requires the police to share intended operational information so policy decisions are accurately informed. Morden expounded on this philosophy throughout his report:

“*In the policing context, civilian oversight comprises two essential components that work in tandem:*

■ *The Governance Component: this represents the authority and responsibility for the development of policies that become the framework within which decisions will be made and actions will be taken by the police service. This is intended to ensure that the police service fulfills its legislated function with due respect to community norms.*

■ *The Accountability Component: the process by which actions and activities already carried out by the police service are evaluated to ensure they are consistent with existing policies. This is intended to ensure that decisions which have been taken can be evaluated and addressed in a transparent manner and that lessons learned can be applied to future decisions.* ” (p-83)

While Morden’s report makes continued reference to police oversight in the municipal policing environment, he does bring the RCMP into the discussion even though the RCMP does not have any true civilian oversight.

“Approximately three decades ago, the Royal Commission into Certain Activities of the Royal Canadian Mounted Police (“McDonald Commission”) assessed the role Canada’s national police force played in alleged illegal activities. With respect to distinguishing policy from operations in the policing context, the McDonald Commission warned that in policing, operational matters often raise serious issues of policy that cannot necessarily be kept separate from one another (Canada, Commission of Inquiry Concerning Certain Activities of the Royal Canadian Mounted Police, *Freedom and Security under the Law, Second Report*, vol. 2 (Ottawa: Supply and Services Canada, 1981) at 868). In other words, there is not always a bright line or clean break between policy and operations in the policing context.” (p-84)

“The late Professor John Edwards, in his work for the McDonald Commission, supported the information exchange that I am proposing. In his study, Professor Edwards criticized Prime Minister Trudeau (who made a statement at a press conference about police independence and the Royal Canadian Mounted Police) for compartmentalizing police operations and police policy, arguing that it is wrong to view “knowledge and information as to police methods, police practices, even police targets, as necessarily synonymous with improper interference with the day to day operations of the police.” (p-86)

Morden indicates there needs to be a threshold for when the police need to engage in a fulsome, two-way conversation with the police oversight body (which he refers to as a “critical point”). He defines that threshold as a policing operation, event, or organizationally-significant issue for which advance planning and/or approval at the highest command level is required.

Morden suggests the oversight body should define the general objectives and priorities for these events. Then the police can create the operational plans required to conduct the policing mission and achieve the objectives. He further indicates the oversight body must remain engaged through the life of this process and review the police operational plans, not in respect of their technical elements, but to ensure they are consistent with the stated mission or objectives and they have the benefit of an adequate policy framework behind them.

The report also address a basic principle that some believe conflicts with his assessment of the oversight role - a political or civilian body cannot direct the police with respect to operational decisions or the day-to-day management of the police service. Morden is clear in his position that there is no inconsistency between this principle and his view on the fully engaged role of civilian oversight.