MUNICIPAL POLICE GOVERNANCE IN CANADA: AN EXAMINATION OF THE RELATIONSHIP BETWEEN BOARD STRUCTURE AND POLICE INDEPENDENCE

By

Darren R. Caul
Bachelor of Arts, Simon Fraser University, 1996

MAJOR RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT
OF THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS IN CRIMINAL JUSTICE

In the
School of Criminology and Criminal Justice

© Darren R. Caul 2009
UNIVERSITY OF THE FRASER VALLEY

Winter 2009

Abstract

Municipal police boards in Canada serve an important function as they strive to mediate competing but compatible notions of police accountability and police independence; doctrines essential to a liberal democracy. There is considerable variation in the structure of Canadian police boards and this major paper examines their relationship with police independence. Through an empirical survey of Canadian municipal police chiefs that report to a police board, this pan-Canadian study is the first of its kind in more than 20 years. The findings refuted any significant relationship between police board structure and police independence, and offered a generally positive outlook on the current state of police governance in Canada. However, the results also suggested a persistence of political interference and pressure in policing revealing serious blind spots in police governance. The research findings presented in this major paper were contextualized through a comprehensive review of relevant literature and offer a timely contribution to the paucity of knowledge surrounding police governance in Canada today.

Acknowledgements

Dedication

This major research paper is dedicated to my sons, Tyson and Landon, for whom I hope this journey will both benefit and inspire. I also dedicate this paper in memory of my good friend, Aric Hayes, from whom I learned so much.

Table of Contents

List of Tables

Introduction

Under the rubric of a Westminster political system, police must be subject to ministerial responsibility. Yet, as a central principle of democracy, the police must be independent of political interference. An historical review of police/state relations and, in particular, Canadian commissions of inquiry, reveal that the seemingly dichotomous doctrines of police accountability *to* the state and autonomy *from* the state present an enduring and vexing challenge. History provides several examples of attempts to use police as a political apparatus, yet "there exists an equally unsettling history of police agencies acting as a law unto themselves" (Sossin, 2004: 30-31). How to guard against one extreme while not inviting the other is a balancing act for police boards. Fundamental to the legitimacy of police and state control in a liberal democracy, police boards in Canada serve an important function as they strive to simultaneously facilitate police accountability and police independence.

As a central figure in the network of regulatory bodies and processes which mediate a complex and delicate relationship between the state and police, municipal police boards govern most municipal police services in Canada today. Consequently, these boards are responsible for governing a significant portion of Canada's human and financial police resources. In 2007, there were more than 200 municipal police services employing nearly 59% (37,615 police officers[1]) of Canadian police officers (Canadian Centre for Justice Statistics, 2007). In 2006, total policing expenditures were estimated at $9.9 billion, which represented a cost of $303 per Canadian (Canadian Centre for Justice Statistics, 2007). The challenges facing police boards are, therefore, of critical importance democratically *and* economically. Empowered by a provincial police act, boards are typically responsible for

---

[1] Represents actual police officer strength as of May 15, 2007.

directing policy, hiring the chief constable, and managing the police budget; the largest operational expenditure of most cities.

Police governance in Canada enjoys a rich and well-documented history spanning 150 years. Boards were established to provide essential guidance to the administration of police, while removing the political favouritism and control of ward aldermen which dominated police departments at the time (Fosdick 1969; as cited in Stenning, 1992). Canadian police boards have experienced substantial changes to their membership and authority since 1858 (Biro, 2006). Although there is considerable variation in the structure of Canadian police boards today, the fundamental mandate of the board to affect the competing but compatible principles of police accountability and police independence remain intact.

Despite an historical persistence of political interference in policing, as evidenced by numerous commissions of inquiry, all boards have retained seemingly political structures. In many instances, boards appear structurally as another 'committee of council' with local council members forming the board or occupying a majority of positions including that of chair/vice-chair. In almost all cases, city council is responsible for appointing and terminating some or all citizen board members and approving the police budget. Consequently, elected officials are powerfully positioned to control a board's structure and influence its outcomes. In the extreme, the unfettered control of a police board provides an opportunity for elected officials to influence or interfere with the police service through the chief constable. Although evidence of such behaviour exists, it is mostly anecdotal and its prevalence is entirely unknown. Moreover, any relationship that may exist between these incidents and the involvement of city council in the police board is unclear and empirically untested.

Theoretical Assumptions in Police Governance

Central to the policy of municipal police governance are at least three theoretical assumptions. The first assumption is that police require governance. This assumption is premised on the belief that without governance, police will act as a law unto themselves. In a democratic society, the legitimacy of police rule relies on the permission of the public which, in turn, demands control of coercive power and authority of police. In effect, police governance serves the function of oversight to ensure police control and accountability. The second assumption is that the state is not a legitimate agent for ensuring adequate and appropriate governance of police. The underlying fear is that the awesome power and authority of police may be misappropriated by the state if it has direct and complete control over police. The ensuing assumption is that another body, or combination of mechanisms, is necessary to ensure that police power is appropriately controlled, yet safeguarded from political interference or misappropriation. The third assumption inherent in the policy of police governance is that the structure and processes of modern police boards in Canada sufficiently serve the intended purpose of ensuring that police are both accountable and independent. The latter assumption, in part, is the subject of interest here.

Hypothesis

Given the diversity of police boards, it is possible that certain board structures may be inherently more political than others. As such, there may exist an inverse relationship between how politically structured a board appears and how independent the corresponding police service is. Consequently, the hypothesis of this study was that *the more inherently political a police board structure, as defined by its size, composition, appointment processes, and particularly the ratio, role, and rights of elected officials on the board, the less independent*

the police service would be from the perspective of the chief constable. In tangible terms, it was hypothesized that a police board with a majority of municipally elected officials who occupied the executive positions with full voting rights and who were responsible for appointing all citizen board members would result in a less independent police service as reported by the police chief. This hypothesis was tested through a comprehensive survey of all municipal police chiefs reporting to a police board in Canada.

Agency and Stewardship Theory

According to Hillman and Dalziel, "boards of directors serve two important functions for organizations: monitoring management on behalf of shareholders and providing resources" (2003: 383). From a macro-theoretical perspective of corporate governance, agency theory offers the most dominant theoretical framework (Daily, Dalton, & Cannella Jr, 2003). According to Lynall, Golden, and Hillman (2003), agency theory is premised on the separation between ownership (shareholders) and control (management). "Agency theorists view executives as self-serving and opportunistic" (Daily et al., 2003: 372).

For agency theorists, the board of directors serves to monitor managers on behalf of shareholders, and board independence, defined as the degree to which board members are dependent on the current CEO or organization, is considered a key to successful board monitoring (Prevost, Rao, & Hossain, 2002). Another key to effective monitoring, according to agency theory, is a board's incentive (Hillman and Dalziel, 2003). The ability of shareholders to closely monitor managers, however, is "limited by the free rider problem, where a single shareholder bears the full costs of monitoring but receives only a pro-rated proportion of the benefits" (Prevost et al., 2002: 731).

In the case of police board members, the benefits derived from performing their duties are often not financial or tangible. Instead, most balance a full-time job with their board responsibilities, which often require 30 or more hours monthly. Although some boards provide a small honorarium to members, others rely exclusively on the goodwill of volunteers. The incentive to monitor management is often internally driven and, for those whom the path of least resistance is preferred, motivation may be minimal, especially when faced with the "us and them" mentality that defines police culture (Reiner, 1992).

Extending this theory, board dependence, defined as the degree to which insiders and outsiders with ties to the current CEO or organization dominate the board, is another important consideration (Hillman and Dalziel, 2003). Boards consisting primarily of insiders or dependent outside directors are considered less effective at monitoring because of their dependence on the organization (Lynall et al., 2003). In contrast, independent boards, or those consisting primarily of independent outside directors, are thought to be the most effective at monitoring. Accordingly, from an agency theory perspective, "board composition primarily concerns the development of independent boards or otherwise aligning the interests of directors with those of shareholders to ensure effective monitoring of management" (Lynall et al., 2003: 417). Critics of agency theory suggest that it focuses too much on board incentives to monitor or control management and too little on the board's ability, such as its expertise, experience, and ties to strategically relevant organizations (Hillman and Dalziel, 2003).

Taking another theoretical perspective, stewardship theory does not view executives as entirely self-serving and opportunistic. Instead, stewardship theorists view executives as "frequently having interests that are isomorphic with those of shareholders" (Daily et al., 2003: 375). This is not to suggest that executives are altruistic, but rather that there are many

5

situations in which serving shareholders' interests also serves their own interests (Lane, Cannella, & Lubatkin, 1998; cited in Daily et al., 2003). Similarly, resource dependent theorists assert that a board's internal resources, or capital, are more significant than a board's incentive to monitor effectively (Hillman and Dalziel, 2003). As with all theories derived from the business management private sector, one must exercise some caution in generalizing to public sector executives and public boards.

In order to study the relationship between board structure and board independence, this major paper is organized into four chapters. Chapter One provides a comprehensive and broad review of the research literature relevant to police governance, with particular attention to the factors comprising police board structures. Chapter Two outlines the methodology of this study including an overview of key choices made in the research process, as well as detailed accounts of the processes implemented. Chapter Three provides a summative and evaluative report of the research results. Chapter Four summarizes this major research project, considers policy and legislative implications, and provides recommendations to further explore, debate, and/or address the actual or perceptual challenges of police governance in Canada.

Chapter One: Literature Review

This chapter is organized to provide a comprehensive review of the research literature. An historical, theoretical, and legal examination of the relationship between the state and police in a democratic society is fundamental to this subject. Accordingly, a brief historical overview of policing demonstrates the early roots of politicization as well as the evolution of police boards in Canada. This review is followed by a theoretical perspective of crime and politics through a discussion on democratic policing, legitimacy and consent, and police authority. The chapter also includes a description of the constitutional and legal frameworks that influence the politics and governance of policing in Canada today. It examines the doctrines of, and relationship between, police independence and accountability. Expanding on the historical rationalization for both principles, an overview of Canadian commissions of inquiry into police/government interactions over the past 30 years is included. The chapter concludes with literature specific to the variables which comprise police board structures in this study.[2]

Policing: A Political History

In the earliest documented days of "informal" policing in Britain, citizens policed themselves. Later, appointed citizen volunteers apprehended wrongdoers and citizens organized themselves to patrol at night (Trojanowicz and Bucqueroux, 1990). Throughout this period, from the 14th century until the early 19th century, a form of police governance and

---

[2] Although a review of the literature revealed considerable commentary about police governance, empirical research is conspicuously absent. Instead, the literature is parochial, descriptive, and functional, dominated by opinion-based reports, academic debate, anecdotal evidence, and unreliable media accounts. While there is considerable literature about board governance generally, and about governance structures and processes specifically, it exists within the confines of business management. The transferability of this literature to a public sector board and police boards, in particular, is questionable. Although this literature is reviewed here, its limitations are explicitly noted.

oversight rested with appointed Justices of the Peace (Stenning, 1996). This model was consistent with most common law jurisdictions wherein the responsibility for public police services was regarded as a local concern to be fulfilled through locally-controlled institutions (Biro, 2006).

By the mid 1820s, the need for a full-time paid police force became evident. Sir Robert Peel, the Home Secretary, was charged with the political task of establishing the London Metropolitan Police Force in 1829. In doing so, he established his now oft-cited principles of policing which recognized, among other things, the source and importance of police legitimacy. He asserted that "the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions and behaviour, and on their ability to secure and maintain public respect" (Pue, 2000: 86).

According to Radzinowicz, the London Police was "an hierarchical, bureaucratic organization…commanded by two appointed commissioners (who were also Justices of the Peace)…accountable directly to the Home Secretary, a cabinet minister in the elected central government" (as cited in Stenning, 1996: 17). This organizational model was also adopted for Canadian municipal police forces during the 19th century. Gradually, municipal councils assumed the responsibility of the Justices of the Peace and supervised the police forces. In most instances, the municipalities delegated authority to a "police committee" of council comprised of the mayor and other elected or appointed officials.

It is apparent from all accounts of policing history that the elected governors of the day were not preoccupied with the establishment of an apolitical police force. Kelling and Moore (1988) subdivided the history of policing into three eras: *political*; *reform;* and

community problem-solving. Although the years assigned to each era are debated among academics, general agreement exists about the defining features of each.

Political Era (1840 to early 1900s)

During the political era, police departments were structurally centralized and hierarchal, but did not function in this manner. Instead, police officers operated in decentralized wards and communication with headquarters was almost nonexistent. The result was an absence of internal supervision and organizational control (Palmiotto, 2000). Local governments controlled policing and there was a very close relationship between police and politicians. More to the point, politicians directed all police activities (Trojanowicz and Bucqueroux, 1990). "It was the ward politician who controlled the police in his neighborhood; because job security was not available to ward police officers, they were obligated to the ward politicians for their positions" (Palmiotto, 2000: 25). Where detectives existed, they were used by politicians usually to obtain information for political purposes.

Reform Era (early 1900s to early 1970s)

The reform era was characterized as a movement to free police from the control of politicians by, among other things, eliminating political patronage in the hiring and firing of police personnel. Political influence came to be seen as "deviant and insidious to effective police management" (Palmiotto, 2000: 26). In 1929, Chief August Vollmer led the American police reform movement through the establishment of ten principles, which included the necessity to eliminate "the corrupting influence of politics" from policing. Vollmer's Principles advocated an independent police chief hired on the basis of merit, decent salaries

for all officers, accountability through record keeping, and increased supervision through the use of communication systems (Trojanowicz and Bucqueroux, 1990).

Organizational reform also characterized this era and the goal of administration became to "distance the police from the citizens" (Palmiotto, 2000: 27) to avoid the corruption seen previously. Accordingly, the mandate of police shifted from a social service function to a narrow enforcement-based role (Peak and Glensor, 1999). Random patrol, rapid response, and reactive investigation became the primary functions of police (Griffiths, Parent, & Whitelaw, 2001). This traditional model of policing[3] became synonymous with the reform era and, some argue, prevails today. Structurally, police organizations assumed a truly centralized, hierarchal, command and control model (Kelling and Moore, 1988). While having some success in insulating police from political influence, the distanced relationship between the police and the public became problematic.

In the 1960s and 1970s, police legitimacy was questioned, allegations of racism gave rise to riots, and the civil rights movement gained momentum (Trojanowicz and Bucqueroux, 1990). Simultaneous to these socio-political challenges, crime and fear rapidly increased despite significant increases in police budgets. Fiscal challenges at the local level ensued, and the public became dissatisfied with the ability of police to control crime (Peak and Glensor, 1999). The convergence of these issues, capped by an influential indictment of the traditional model by Herman Goldstein in 1979, contributed to the end of the reform era and the beginning of the community problem-solving era (Palmiotto, 2000).

---

[3] The traditional model of policing is also commonly referred to as the "professional" or "bureaucratic" model.

Community Problem-Solving Era (1970s to present)

The community problem-solving era, spurred in part by a "growing dissatisfaction with traditional police practices and a recognition of their shortcomings" (Rosenbaum and Lurigio, 1994b: 299), has remained the officially dominant model of policing (Greene, 2001; Griffiths et al., 2001; Kerley and Benson, 2000). Unlike the reform era, this model of policing was designed to bring the community and police together through community-police partnerships and proactive approaches (Griffiths et al., 2001). Decentralization, flattened hierarchal structure, and a more collaborative community approach characterized this new orthodoxy for police (Rosenbaum, 1994a; Sadd and Grinc, 1994).

By design, this more complex era of policing produced stronger public interest and participation, yet offered little to strengthen or clarify the relationship between police and government. Perhaps as a byproduct of a more engaged and attentive citizenry, Canadian police have been the subject of five royal commissions of inquiry during the community problem-solving era; each an indictment of inadequate police independence or accountability and evidence that the struggle to ameliorate the relationship between the state and police remains unabated.

This brief historical overview of policing reveals a nearly constant role of politics in policing. The political era, in particular, historically validates the second assumption of this major paper that the power of police may be misappropriated by the state if they are not safeguarded from political interference. This assertion is further supported through a review of recent commissions of inquiry. While public pressure to insulate police from politicization brought an end to the political era, it was also a dissatisfied and disenfranchised public that

11

brought an end to the reform era. In both instances, change occurred in response to a

perceptual failure of the system which problematized and politicized crime control.

Crime and Politics: A Theoretical Perspective

According to Bayley, "one cannot explain contemporary police systems without

becoming involved in an exploration of political development" (1970: 100). Today, it appears

widely and increasingly accepted in the literature that police and crime are inherently political

(Bayley, 1970; Estrada, 2004; Goldsmith, 1991; Haggerty, 2004). It is politically

advantageous for crime to be cast as a problem to be solved through effective political action

amidst an environment where "nobody (politicians) can afford to be viewed as being 'soft on

crime'" (Estrada, 2004: 421). Still, there is an apparent "shift toward a more visceral politics,

to the point that rationalist strategies are increasingly marginalized" (Haggerty, 2004: 221).

The net result is a displacement of criminological experts in favour of those who are more

politically-savvy. According to Garland,

> …crime policy has ceased to be a bipartisan matter that can be devolved to
> professional experts and has become a prominent issue in electoral
> competition. Policy measures are constructed in ways that appear to value
> political advantage and public opinion over the views of experts and evidence
> of research (2001: 13).

Perhaps as a natural consequence to the politicization of crime over the last 30 years,

what constitutes criminality has become apparently more diffuse. Clarifying what the problem

is, what the solutions are, and whose responsibility it is remains elusive. "The discourse of

crime control seems to combine incompatible specifications of the problem, and politicians

and professionals cycle rapidly through the different options" (Rose, 1999: 239). Further,

there has been a net widening effect of what is the responsibility of police and the criminal

justice system, yet an understanding of the capacity of these institutions to manage new forms

of crime is apparently absent. As a result, proposals stressing the need for individuals and communities to take more responsibility coexist with proposals for more policing. Osborne and Gaebler (1992, cited in Johnston and Shearing, 2003) referred to this as government retaining responsibility for 'steering' and the citizenry retaining responsibility for 'rowing'. Rose (1996) referred to this as governing at a distance.

In this model of government, individuals become "guided by new forms of expertise that exist outside of the state apparatus" (Pratt, 1999: 145). Such a revised relationship between the state and the people reflects a significant departure from the welfare state. Ironically, while the state's inability to represent public interests was deemed to be the problem 30 years ago, it is now argued that "neo-liberalism has disaggregated the state apparatus, depriving it of its capacity to represent 'public interests' adequately in a fragmented and market-dominated society" (Stenning, 2003: 34). Pratt (1999) noted, however, that the state does not relinquish all control and interest, but rather presides over these new ways of governing by regulating experts.

As a result of significant societal and economic changes, Garland suggested that the new politics of crime control were "socially and culturally conditioned and have become increasingly more expressive and instrumental" (Garland, 2001: 139). He added that contemporary justice policy was "bifurcated by an adaptive strategy characterized by community partnership and a sovereign state strategy that stresses coercive control" (2001: 139). It appears, however, that Garland's (1996) concept of sovereign crime control - a state which is there to provide security, law and order, and crime control - has been replaced by a more pluralized nexus of risk management and security agents. This, however, creates a predicament for government because, while it has withdrawn as the primary provider of

security and crime control, it may be expected to retain social control functions. From this perspective, it may be argued that police boards are merely a means for government to retain control of police and crime, but through a mode that perceptually insulates police from such control.

It is apparent from the discussion to this point that the relationship between crime and politics is historically intimate and evolving. To understand this relationship better and to contextualize more fully the relationship between police and the state, it is useful to consider the specific role of police in a democracy

Democratic Policing

Although the police are a major nexus between civil society and the state, "democracy is not possible unless the police behave democratically" (Marenin, 2000: 317). Indeed, the "defining feature of the modern sovereign state is its monopoly of legitimate force; a monopoly that is principally vested (in) police" (Loader, 2000: 325). Most democratic societies, as Lapkin (1999) points out, have developed professional policing agencies to ensure personal and state security, to deal with behaviour that infringes on individual and societal rights, and to protect citizens from state and political excesses. Goldstein summarized the situation by noting that, while police possess "an awesome power" to disrupt freedom and intrude into people's privacy, "democracy is heavily dependent upon its police…to maintain the degree of order that makes a free society possible" (1977: 1). Given the essential role and "awesome power" of police to mediate the delicate relationship between the state and civil society, the *nature* of the police relationship with each, and the *form* in which such mediation occurs, is critical to democracy.

The relationship between the state and policing is complex and delicate, leaving open to debate where one stops and the other starts, if, in fact, they are not one and the same. Likewise, the extent to which police are mere actors of the state or apolitical agents in their own right is well-contested throughout the literature. Perhaps as a consequence of such complexity, Marenin noted that "policing is generally misconceptualized… perceived as done by agents of the state, at the behest of those who control the state, with little choice or discretion" (2000: 314). Building on this perspective, Brewer, Guelke, Hume, Moxon-Browne, and Wilford stated:

> To portray public order policing as somehow insulated from political decisions about the choice and mix of state strategies to deal with disorder is not only misleading, it also obscures the chain of relations connecting the state, police, and society. By the same token, to treat the police as mere ciphers dutifully implementing whatever strategy has been arrived at by the state elite is equally prone to error and mystification (1988: 233).

While it may be clear that police are neither apolitical nor obedient agents of the state, what constructs the relationship remains elusive. Bayley (cited in Marenin, 2000) asserted that it was important to understand policing as a "set of order promoting policies, only some of which are located in the state and characterized by a monopoly of legitimate force" (1985: 316).

Regardless of one's understanding, as Wood and MacAlister suggested, recognizing the relationship simply as "a balancing act" may be what is ultimately important:

> Police governance in a democratic society, whether this is understood as the 'constitutional and institutional arrangements for framing and directing the policies of the police' or as 'governmental strategies originating from both inside and outside the state', is ultimately a balancing act, requiring the delicate handling of a number of competing and conflicting objectives (2005: 197).

This notion of "a balancing act" is perhaps best for describing the ideal of democratic policing. Brogden (1992; cited in Marenin, 2000) suggested that democratic policing balances coercion and consent, autonomy, and responsiveness. "On the one hand, police are expected to maintain general order and specific behaviour, yet, on the other hand, there is a wish for police to protect particular interests and for the state not to interfere in the private lives of its citizens" (Brogden, 1992; cited in Marenin, 2000: 312). "The capacity of the police to balance these competing values implies and demands discretion and a degree of autonomy for police; autonomy which, paradoxically, must be legitimized and consented to by citizens and the state" (Marenin, 2000: 312).

Legitimacy and Consent

Policing by consent is widely viewed as essential to democratic policing (Durston, 2000; Goldsmith, 2005). Yet, the "dilemma of legitimacy plagues no state institution more doggedly than the police" (Herbert, 2006: 481). Herbert added that, "as the most visible reminder of the state's coercive power, the police represent both the majesty and potential tyranny of state authority" (2006: 481). It follows that self-restraint by state officials and particularly the police, given their state-entrusted responsibility for the exercise of coercion, "is crucial to the nature of liberal democratic societies" (Goldsmith, 1999: 34).

There exists, however, an inherent tension between too little and too much restraint by both the state and the police, a tension which "the regulation of control and accountability" (Durston, 2000: 245) attempts to reconcile. Building on this, Loader noted that, "we have received a set of liberal (and lately neoliberal) discourses and institutional arrangements that have as their central preoccupation the precise task of limiting and seeking control of the police by means of rendering them accountable through and/or to the mechanism and

16

institutions of government" (2000: 325). He added that these means had generally assumed one (or some combination) of the following forms: (1) mechanisms of legal restraint and redress; (2) a framework of democratic institutions (i.e.: police boards) that the police can be required to consult and cooperate with or account and defer to; (3) various internal organizational devices that seek to guide the exercise of police discretion; and (4) a set of managerialistic tools (i.e.: performance targets) backed up by a regime of audit and inspection. It is also widely acknowledged that police today "are governed, or at least influenced, by an intricate web of rules and relationships operating at multiple sites including the legal, constitutional, political, social, and international" (Martin, 2004: 258). Amidst a backdrop of "liberalism's suspicion of the exercise of state power" (Goldsmith, 1999: 34), how and by whom such a set of rules and regulations is to be implemented is complicated.

According to Roach, "the democratic policing model sees ministerial responsibility for policing matters as a fundamental feature of responsible government" (2007: 60). However, Marenin asserted that:

> The minimum structural and cultural requirement for democratic policing is semi-autonomy. Some capacity for discretion…but constrained by responsiveness to law, state, and civic society demands is required. Second, the police must recognize and accept that their job requires being responsive to conflicting demands. The last requirement imposes the most difficult burden on democratizing police forces. Having been just liberated from the yoke of state and elite control they must now voluntarily submit themselves to external control of a different form and see the limits of their autonomy (2000: 325).

Goldsmith advocated that in a setting where distrust of police and the state may exist, "third-party accountability can serve as a 'circuit breaker' by establishing a channel for the provision of information, influence, and control" (2005: 260). Elsewhere, Goldsmith stated, "civilian oversight of police can be seen as a mechanism for pursuing the consent of the governed, a "defining ingredient of modern liberal democratic systems" (1999: 37-38).

Martin affirmed this solution noting that "few dispute the proposition that in a democratic society, police must be…accountable to civilian authority and the 'tool' of no political master" (2004: 258). However, Martin added that police must also be bound by the rule of law.

The legitimacy of police in a democratic society relies on the source of police authority, the expression of that authority, as well as the effectiveness and perceived legitimacy of safeguards against the misuse of such authority. Accordingly, a review of police authority, the legal status of police, as well as the challenge of balancing police independence and accountability is required to better understand the issues.

Police Authority

Social scientists define authority as *legitimate power* at the base of social control in society (Carter and Radelet, 1999). Michael Banton, a noted social anthropologist, argued that "public resentment against police is usually directed against their exercise of power, under circumstances in which the community support is questionable, ambiguous, or clearly divided" (as cited in Carter and Radelet, 1999: 10). In other words, public dissent arises and the legitimacy of police is questioned when the police are, or are perceived to be, arbitrarily imposing authority or abusing it. Banton added that authority comes "from the free agreement of individuals to observe certain mutually convenient rules" (as cited in Carter and Radelet, 1999: 11). This social contract between the state and its' citizens is central to law and social order.

The preamble to the *Canadian Charter of Rights and Freedoms* (1982) asserts that "Canada is founded upon principles that recognize the supremacy of God and the rule of law." The supremacy of the rule of law was recognized as a principle of the English Constitution

and, accordingly, adopted in Canada. In short, the rule of law is the principle that "governments must exercise their powers according to law and citizens must not be exposed to arbitrary acts" (Oppal, 1994: B-2). The police, as agents of government, "represent the legitimate use of force governments have to control citizens and so they exist, in concept and in practice, at odds with many of the most important characteristics of a democratic society" (Seagrave, 1997: 3). While the legitimacy of this claim is generally accepted in Canadian society, it is theoretically compromised because the legal status of police and governance in Canada remains unclear.

Legal Status of Police and Governance in Canada

Policing in Canada is governed in varying forms and degrees by all orders of government (Police Sector Council, 2001). Under *British North America Act* (1867), responsibility for criminal justice rests with the federal parliament and provincial legislatures. Their role in relation to policing and respective to one another, however, is ambiguous (Stenning, 1982). Section 91 of the Act authorizes Parliament to legislate criminal law and procedure, while also according it responsibility for "peace, order, and good government." While the federal government appears to have drawn its constitutional authority to form the now Royal Canadian Mounted Police (RCMP) under this latter responsibility, the majority of Canadian police are not federal and fall within the scope of provincial responsibility.

Although section 92(14) of the Act requires provinces to affect the "administration of justice", the courts did not, until recently, seriously question the presumption that policing falls within the constitutional sphere of provincial "administration of justice" (Grant, 1981). Notwithstanding the recent Supreme Court affirmation, provincial governments have historically assumed this authority. This occurred through the formation of provincial police

forces in some instances, and through the widespread enactment of provincial legislation that delegated the duties of policing and the local maintenance of law and order to municipalities (Grant, 1981). Municipalities, in turn, have typically sub-delegated the responsibility for police governance to a local police board (Police Sector Council, 2001). The cumulative effect of these varying arrangements is:

> …most police services have parallel responsibilities to multiple governing bodies, usually including some form of local oversight, a provincial authority, and in the case of the RCMP, the federal Solicitor General. There are also provincial and federal civilian oversight bodies which have some influence (Police Sector Council, 2001: 23).

Just as "parallel responsibilities" may be complicated for police executives to function within, so too can it be a source of confusion and consternation for those charged with police governance. While the constitutional authority of all orders of government respective to policing is evident, the *scope* and *form* of their responsibilities are not mutually exclusive or coherent. As an example, a provincial government's authority may be diminished by federal authority in matters involving provincially contracted RCMP, as these officers remain subject to the federal *RCMP Act* and not the provincial police act (Grant, 1981).

Given the ambiguous and often overlapping framework of governmental authority and responsibilities respective to policing in Canada, the literature on the subject often turns to the legal status of police to define the police/government relationship. To do so, however, generates little resolution. Insofar as the authority of governments over police is unclear, as is the constitutional position of police (Grant, 1981). In the Ipperwash Inquiry, the Policy Director stated:

> It appears that neither the statutory, constitutional, common law, nor policy rules in Ontario today clearly or adequately define the roles and responsibilities of the police and government respecting government intervention in, or influence over, certain kinds of police decision-making (Thomas, 2006: 4).

In 1981, the Law Reform Commission of Canada completed two studies to comprehensively examine the history of policing legislation and the legal status of police in Canada. The result was one of uncertainty and led one author to conclude:

> …he who ventures to generalize about the legal status of the police in Canada, and about its implications, does so at his peril. The police operate under a variety of statutes, which contain significantly different provisions respecting the status and accountability of the police. These statutory provisions, by themselves, leave many important questions unanswered (Stenning, 1982: 130).

Given the uncertain legal status of police in Canada, the scope and form of government-delegated authority to police boards is equally uncertain. Absent a legal orientation, police governance is oriented to the ideals of protecting police independence from state intrusion while ensuring police accountability. To understand these competing but compatible doctrines is to understand the crux of police governance.

Police Independence and Accountability

Fundamental to the legitimacy of police and state control in a democracy, principles of police independence and police accountability serve as a compass to the ever evolving relationship between both institutions. While "concerns about potential police abuses of authority reinforce democratic notions of state accountability", "abuses of this power by the state reinforce the need for police to be independent and regulated more by the abstract rule of law" (Herbert, 2006: 482). In his oft-cited report on policing in British Columbia, then Justice Oppal stated "[t]he police cannot be a law unto themselves. Any system of governance that grants independence to police in the exercise of their special powers must also ensure that the police are accountable for their conduct" (1994: B-6). Critical to this discussion, it is important to first define and disentangle the notions of "independence" and "accountability".

Police Independence Defined

Margaret Beare, in the most recent and comprehensive review of police and government relations in Canada to date, articulated the apparent disconnect between current practice and rhetoric in police independence:

> Because the police…are created to carry out government intentions regarding law enforcement and security, and are dependent on government for their existence, authority, and resources, they are said to be part of the executive arm of government. Yet, traditionally, we maintain a belief in, repeat the rhetoric of, and, in some cases, protect the practice of, the independence of policing. We may be making false assumptions about the 'naturalness' of this independence (2007: 317).

Academic commentary on the subject of police independence in Canada is extensive because of the number of commissions of inquiry tasked with uncovering political interference. Through this literature, there is general consensus on the doctrine that police are answerable to the law itself, and not their civic masters (Grant, 1992; Sossin, 2004; Stenning, 1992). In Stenning's submission to the *Asia Pacific Economic Cooperation (APEC) Inquiry* of 1998, he concluded that there was "very little clarity or consensus among politicians, senior RCMP officers, jurists… commissions of inquiry, academics, or other commentators either about exactly what 'police independence' comprises or about its practical implications" (Roach, 2004: 1).

Independence is defined in a variety of ways throughout the literature. "Independence refers to a freedom from direction, control, or undue influence by others" (Stenning, 2000: 156). Barber similarly defined independence as "not depending on authority or control" and "self-governing" (1998: 717). Elsewhere, Stenning defined it as "autonomy in decision-making" (2004: 1). In contrast, Goldsmith defined it as "accountable to an autonomous official or body" (1991: 6). In the *Commission of Inquiry into the Actions of Canadian*

Officials in Relation to Maher Arar, police independence was defined in simple, but general terms as "a common law and constitutional principle that governs the relationship between the police and the government" (O'Conner, 2004: 1). Most recently, the Law Commission of Canada defined police independence as "freedom from partisan political influence" (2006: 85). This definition was adopted for this study.

Police Accountability Defined

Central to notions of democratic policing and police legitimacy are the concepts of police control and accountability. These concepts are considered important elements to promote the view of the police as both a necessary body and a body deserving of support. "Accountability is at the root of good policing, especially in a democracy (where) it is expected that those who wield public power must be fully accountable for this" (Reiner and Spencer, 1993: 3). Lewis expanded on this assessment:

> As our democratic institutions have matured, it has become increasingly apparent that no individual or organization performing important public services can maintain widespread respect and support without public accountability. The more significant and public the function, the more insistent is community need and demand for accountability to balance the responsibility and trust granted to the individual or organization (1991: 153).

Chan (1999) categorized the definition of police accountability in the literature as falling into two competing meanings. On the one hand, accountability was seen as ultimately concerned with control over the police, while, on the other hand, it was seen as fundamentally about requirements to give accounts or explanations of conduct. Chan noted that both models have been subject to criticism.

In earlier literature on police accountability, Goldstein stated that, in its broadest sense, accountability "includes much more than responsibility for determining policies in

discretionary areas. It covers every aspect of administration of an agency, including, for example, its operating efficiency, its hiring and promotion practices, and its financial management" (1977: 131). Bayley took a narrow approach and defined police accountability as "processes whereby the behaviour of police is brought into conformity with the requirements of the encapsulating society" (1985: 160).

According to Brodeur, there are two core elements in the meaning of accountability: "rendering an objective account, which is an information process, and facing up to the consequences of not having met the required standards of behaviour and performance" (1999: 158). He added that, as a consequence, there were two main failures with regard to accountability. The first was the provision of inadequate information which Brodeur characterized as a failure of openness. The second was the apparent impunity that was granted to office holders who had violated their standards of conduct and performance, which Brodeur characterized as a failure of fairness. He noted that only the failure of fairness aroused any public debate because the failure of openness, by definition, escapes public notice.

Den Boer (2002) offered a complementary view by distinguishing between internal and external accountability, and advancing notions of political, legal, and citizen accountability. Applying this approach, police accountability does not exclusively reside with police boards, but occurs through a nexus of informal and formal structures. In its report on policing, the Law Commission of Canada noted that "like other government organizations, police are accountable to different organizations for different aspects of their work" (2006: 89). Broadly, these fall into five categories:

> (1) political accountability to governing authorities and beyond, through
> normal political processes; (2) legal accountability or accountability to the law
> through the courts and judiciary; (3) accountability to administrative agencies
> such as complaints commissions, human rights commissions and tribunals,

government departments, provincial police commissions, treasury boards, auditors general or ombudsmen; (4) direct public accountability through such mechanisms as freedom of information legislation; and (5) special *ad hoc* accountability mechanisms such as royal commissions and other public inquiries (Law Commission of Canada, 2006: 89).

Normandeau and Leighton (1990) posited a similar model of police being accountable in at least four different ways:

> *Administratively*, defined as fiscal accountability; *Politically* by virtue of adherence to a police act and to guidelines stated by local police boards and elected officials; *Legally* in respect to upholding and enforcing the law while recognizing civil rights, especially the Charter of Rights and Freedoms; and to the *community* (as cited in Seagrave, 1997: 193-194).

The authors' characterization of "political" accountability to elected officials demonstrated the indifference sometimes applied in conceptualizing police governance and, particularly, how readily police independence may be lost under the cloak of accountability. While it is clear that police are accountable to constitutionally empowered governments, to label such accountability "political" as opposed to legal, and to suggest that this extends to "elected officials" inappropriately frames the relationship between elected officials and police and may perpetuate politics in policing. Seagrave attempted to reconcile the matter by explicitly adding that, "although the police are accountable to various levels of government, they must be politically neutral" (1997: 5-6).

Brodeur suggested that for accountability, three basic questions must be answered, namely, "who should be responsible, what for, and to whom?" (1999: 125). Reiner and Spencer (1993) took an expanded approach to these questions adding that in designing an adequate structure for police accountability, one must also determine what *type* of accountability police should have to relevant bodies and what *mechanisms* should be established to deliver effectively the appropriate type of accountability to such bodies.

Over the past 40 years, numerous Canadian court cases and commissions of inquiry have tried to address these questions. In particular, courts and commissions have attempted to resolve who the police are accountable to and whether the police are "employees in a 'master and servant' relationship with their 'employer' or an 'office holder' with direct obligations to discharge irrespective of the direction which might be received from the supervising authority" (Sossin, 2004: 18). The most oft-cited response is found in the British common law 1968 case of *R. v. Metropolitan Police Commissioner, ex parte Blackburn* in which Lord Denning stated:

> …like every constable in the land, [the Commissioner of the London Police] should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act…The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone (O'Conner, 2004: 1).

Although Lord Denning's articulation was the subject of considerable debate in the years that followed, it has since been upheld by many courts, including the Supreme Court of Canada in *R. v. Campbell and Shirose* (1999). In this case, the court declared that the principle of police independence from the state in the exercise of its law enforcement functions "underpins the rule of law" which is "one of the fundamental and organizing principles of the Constitution" (*R. v. Campbell and Shirose*, 1999). Stated simply, once the police take political direction, the rule of law is subverted (Cooper, 2006). The *Campbell* case constituted this court's most comprehensive review of the doctrine of police independence (Roach, 2004). Although common law offers some clarity to the doctrines of police independence and accountability, a review of five major Canadian public inquiries into apparent political interference and abuses of police independence demonstrates the intractable nature of this issue.

Royal Commissions of Inquiry

Over the last 30 years, the *McDonald Commission*, *Donald Marshal Commission*, *APEC Inquiry*, *Ipperwash Inquiry*, and the *Mahar Arar Inquiry* have each grappled to further define and articulate the principles of police independence and accountability. While having some success in this regard, the commissions of inquiry have been most effective in corroborating the ongoing deficiencies of police/government relations and fueling the foundational assumptions of the policy of police governance; namely, that police require governance and that the state is not a legitimate agent for ensuring adequate and appropriate governance of police. Given the longevity of these problems, commissions of inquiry also disprove the third assumption inherent in the policy of police governance; that the structure and processes of modern police boards in Canada adequately serve the intended purpose of ensuring that police are both accountable and independent.

McDonald Commission

The *McDonald Commission* (1977) arose from a number of illegal activities by the RCMP Security Service, as well as the allegedly willful disregard of the Minister responsible for RCMP operations. Contrary to the narrow interpretation of independence as articulated in *Ex parte Blackburn* (1968), Justice McDonald concluded that the responsible Ministers should have extensive authority to direct, comment upon, or be advised of a wide range of police activities, including areas traditionally considered police "operations" (Roach, 2004). McDonald clarified, however, that:

> The Minister should have no right of direction with respect to the exercise by the R.C.M.P. of the powers of investigation, arrest, and prosecution. To that extent, and to that extent only, should the English doctrine expounded in *Ex parte Blackburn* be made applicable to the R.C.M.P. (O'Conner, 2004: 8).

In summary, the *McDonald Commission* expanded the discourse on the legal notion of police independence, notwithstanding the legal affirmation of Lord Denning's narrow articulation in *R. v. Campbell and Shirose* (1999), by clarifying that Ministers cannot be responsible for police operations and, equally, that police investigations and powers of arrest and prosecution must be above political reproach.

Marshal Commission

Although the *Donald Marshal Commission* (1989) is best known for its focus on his wrongful murder conviction, it also examined the conduct of two Nova Scotia cabinet members, each under investigation by the RCMP for criminal wrongdoing. In this case, the pair was not charged despite sufficient grounds to do so (O'Conner, 2004). Through the Commission of Inquiry, it was determined that the Attorney General interfered with the investigation by personally intervening in the decision-making processes. In this high-profile Commission, Hickman, Poitras, and Evans condemned political influence in the Nova Scotia justice system concluding:

> …the RCMP failed in its obligation to be independent and impartial. It was improperly influenced by factors unrelated to the investigation itself, but it attempted to explain the decision not to proceed in evidentiary and discretionary terms. The RCMP put its working relationship with the Department of Attorney General ahead of its duty to uphold the law (O'Conner, 2004: 11).

APEC Inquiry

In the *APEC Inquiry* (2000) into police and government actions surrounding the protests at the 1997 Asia Pacific Economic Cooperation (APEC) summit, Justice Hughes confirmed a number of allegations that police actions were "inconsistent with the Charter and inappropriate to the circumstances" (1999: para 29). In particular, 'the strip-searches of all

female prisoners were not justified, were far too intrusive in the circumstances, and were neither reasonable nor necessary" (Hughes, 1999: para 29). On the matter of political interference, Justice Hughes surmised that the Prime Minister's Office (PMO) may have given orders to senior RCMP personnel and that there was clear evidence that the PMO became very involved in a matter that ought to have been the exclusive reserve of the RCMP (Hughes, 1999).

Ipperwash Inquiry

The *Ipperwash Inquiry* (2004) examined the events surrounding the death of Dudley George who was shot during a protest by Aboriginal people at Ipperwash Provincial Park in September 1995. As a complement to the Inquiry, an academic conference was hosted and five papers were authored on different elements of the issue. In a memorandum to the academics, the Inquiry's Director of Policy and Research provided the following insight:

> We are obviously concerned with ensuring the professionalism of policing and preventing partisan policing or inappropriate government influence. We are also obviously concerned about police becoming "a law unto themselves," free from democratic input or control on appropriate issues. We are further concerned about the accountability of both police and government decision-making (Thomas, 2006: 4).

Inquiry into the Actions of Canadian Officials in Relation to Maher Arar

The high-profile *Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar* (2006) examined Arar's erroneous detention in the United States and subsequent deportation to Syria. The final report was not an indictment of police independence or political interference in Canada, *per se*. Instead, it may be better characterized as an indictment of the political nature of policing between countries, and, in particular, the United States. Noteworthy was the finding that the Canadian government

manipulated the media "for the purpose of…protecting their self-interest or government interest" (O'Conner, 2006a: 3).

These inquiries, as part of the history of policing in Canada, have shown, repeatedly, the inadequacies of an exclusive reliance upon police self-regulation (Bayley, 1991; Goldsmith, 1999; Goldsmith, 2005). Equally apparent in these inquiries is that political interference in policing has a longstanding history in Canada. In Sossin's presentation to the Ipperwash Commission, he adeptly summarized the findings of previous inquiries and their relevance to police governance as follows:

> We should not lose sight of the fact that attempts to use police forces as an arm of "political administration" of the government of the day has a long and unsettling history in Canada, nor should we gloss over the equally long and equally unsettling history of the police acting as a law unto themselves…This is the classic double-bind of executive-police relationships – how to guard against one extreme without inviting the other (2004: 4).

Cyclically, the competition between "independence" and "accountability" is central to an inherently tenuous relationship between police and police governance. Sossin's "classic double-bind" may be resolved, however, by perceptually shifting from the notion that police independence and accountability are diametrically opposed toward an ideal wherein the two are competing, but compatible.

Competing but Compatible Ideals

In the literature, the notions of "independence" and "accountability" are consistently framed as competing, intractable, and problematic. By all accounts, attempts to define police independence seem reliant on the *degree* that police are *free from* accountability (Stenning, 2004). Combating any idea that independence is the antithesis of accountability, the most recent literature offers new ways of thinking about these notions as competitively

interdependent and compatible. While governors must ensure accountability to the rule of law, Justice Oppal's summation of several royal commissions asserted that "the police should have a *degree* of independence" (1994: B-5). Defining this "degree" may provide the key to reconciling these competitively compatible principles.

In Stenning's submission to the Ipperwash Commission, he articulated a graphic illustration between degrees of "control" and degrees of "accountability" to demonstrate the two "parallel and interlocking mechanisms" (2004: 2):

```
                    FULL  CONTROL

                      1    |    2
NO ACCOUNTABILITY  _____|_____  FULL ACCOUNTABILITY

                      3    |    4

                     NO CONTROL
```
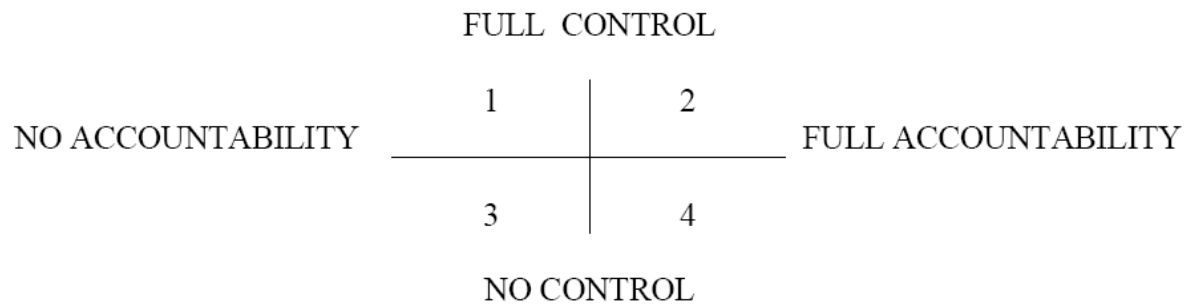
In this illustration, quadrant three represents the more common definition of police independence as freedom from control and accountability. Quadrant four, in contrast, represents independence as a compatible notion of freedom from control, but not accountability.

In contrast, Roach constructed four ideal models of police-government relations reflecting a continuum of police independence:

> **Full police independence**: police are immune from governmental intervention on a wide variety of matters.
> **Quasi-judicial police independence**: police independence is restricted to the process of criminal investigation.
> **Democratic policing**: similarly restricts police independence, but places greater emphasis on the appropriate Minister's responsibility and control over policy matters in policing.
> **Governmental policing:** both minimizes the ambit of police independence and accepts the greater role of central agencies in coordinating governmental services, including policing (2004: 39-48).

31

Although it may be inferred from Roach's typology that a direct, inverse relationship exists between independence and accountability, the functional *scope* and *form* of such accountability remains unanswered here and elsewhere in the literature; a problem which police boards are charged to mediate.

Police Governance in Canada

The idea of a "board of police" as an institution of police governance first emerged in New York City (Fosdick, 1969; as cited in Stenning, 1992). In Canada, in 1858, the *Municipal Institutions of Upper Canada Act* required that each of the five cities in the colony establish a Board of Commissioners of Police. The Act, which represented the first documented policy relating to police governance in Canada, directed that "the Constables shall obey all the lawful directions, and be subject to the government of the Board…" (Biro, 2006). Despite the evidently political composition of early boards, and some today, Fosdick noted that the hope of the legislature was to "eliminate the political favortism and ward control which prior to that time had dominated the [police] department" (1969; as cited in Stenning, 1992: 444). Fosdick's account of history was affirmed by the Law Commission of Canada:

> Police boards…were established with the specific intention of insulating the police from direct governance by elected municipal politicians, and guaranteeing a measure of political independence for police services in the performance of their duties. The idea has been to further remove the police from direct political control by ensuring that these independent bodies, rather than elected politicians, provide policy direction and approve police budgets (2006: 85).

During this 150 year history, police boards in Canada have experienced substantial change to their membership and authority (Biro, 2006) and nowhere is this more evident than in the varied composition, structure, and mandate of police boards today (Griffin, 2006;

Stenning, 1992). Despite this history and modification to police boards, a recent report on

police governance in Canada concluded:

> It is ironic that after 150 years of the creation of police boards to separate
> policing from political partisanship, interference, and control, and all the
> tinkering that has occurred since that time, today's police service boards are
> still very much perceived as political organs controlled by municipal councils
> (Griffin, 2006: 17).

This conclusion was supported by a 2001 government study of policing wherein "the issue of

politicization was one of the most consistent issues raised by nearly all interviewees" (Public

Sector Council, 2001: 25). Many respondents perceived increased scrutiny of policing

operations by municipal councils and boards as political interference. In this case, "political

interference" was generally defined as the "direct involvement of political authorities

(primarily, although not exclusively, at the municipal level) in policing operations, as opposed

to policy and funding" (Public Sector Council, 2001: 25).

Police Board Structure

In his review of police boards, Stenning (1992) noted that, while there was no

dominant model present in Canada, every model presented strengths and weaknesses,

particularly when evaluated against the ideal of political independence. In its review of police

governance, the Law Commission of Canada recently affirmed this finding by concluding that

"[o]ver the years, the precise role and influence of police boards, and indeed their very

existence, have been the subject of debate" and that "structurally, there are limitations to their

effectiveness" (2006: 87).

Lewis identified three methods by which governments can undermine an oversight

body's ability to deliver effective police accountability: (1) they can deny the accountability

institutions the powers needed to fulfill their role; (2) they can undermine an oversight body's

credibility in the eyes of the honest police and community by making inappropriate appointments to the civilian body; and (3) government can undermine an oversight body's effectiveness by ignoring it (2000: 30-31). The ideal of police governance applied in this major paper is based on a notion that *how* and *how well* a police board fulfills its responsibilities determines the extent to which the police are appropriately independent of political interference and accountable to the rule of law. However, the effect of police board structure on a board's ability to realize this ideal remains empirically untested.

Board Size and Ratio of Elected Officials

It has been argued that board size has an inverse relationship to the degree of effective monitoring provided by a board (Chin, Vos, & Casey, 2004). Known as 'board size effect' and drawn from organizational behaviour research, this argument suggests that "as work groups grow larger, total productivity exhibits diminishing returns" (Chin et al., 2004: 121). As Canadian police boards typically range in size from three to nine members, compared to boards of 15 or more in the private sector, the relative significance of board size is diminished in this context. Of greater significance is the ratio of elected officials on the board as this determines their collective voting power. An informal review of police board structures in Canada revealed that the ratio of elected officials to appointed citizens range from a minority of 1:6 in British Columbia to a majority of 3:2 in Saskatchewan. While each model is quite different, the effect of each on police independence is unknown. Specifically, it is unknown what, if any, effect arises from an elected official being on the board, being the chair or vice-chair of the board, and/or being independently empowered to inform the appointment process of all other board members. Likewise, it is unknown what effect, if any, results from a police board comprised mostly of elected officials or that which appears to be a "committee of

council". What is clear, however, is that such analysis cannot occur without also considering the role of an elected official on the board (i.e.: chair or vice-chair), any limits imposed on their voting rights as a council member on the police board, as well as the role of the elected official in the appointment process.

Roles and Rights of Elected Officials on Police Boards

Whereas elected officials on Alberta police boards do not occupy executive roles (chair or vice-chair), mayors in British Columbia are, by law, the chair of the police board. In a comprehensive review of police governance in British Columbia, Lalonde and Kean identified this issue as "perhaps the most hotly debated" in their research (2003: 94). Intuitively, for many, it is a conflict of interest at odds with the fundamental purpose of a police board to "insulate the police from direct governance by elected municipal politicians, and guarantee a measure of political independence for police services" (Public Sector Council, 2001: 25). Griffin affirmed this concern by stating that "having the senior elected official serve as chair of the board only serves to erode any remaining semblance of perceived independence between the police and political officials" (2006: 23).

In Oppal's 1994 review of police governance in British Columbia and Lalonde's subsequent review in 2003, both advocated that the Mayor be an *ex officio*, non-voting member of the police board. Oppal stated that "board members should be as apolitical as possible, and as a political representative, a mayor would be an inappropriate chair" (1994: B-66). Oppal extended this assertion by also recommending that "municipal councillors may not serve as members of police boards" (1994: B-65). Neither recommendation has been enacted in British Columbia.

Appointment Processes

In order for police boards to undertake their regulatory responsibilities effectively, the Law Commission of Canada contended that they must include two key elements. "First, they must be inclusive of the communities that they serve and, second, be selected through an open and transparent process" (2006: 133). While there is no recent empirical evidence to assess current practices against this ideal, there is considerable historical evidence to suggest that the appointment process has been perceived to be politically-driven more than merit-driven. Stenning has noted that, "most of those persons interviewed… seemed to agree that appointments to police boards tend to be "political" in the sense that those who exercise the power of appointment are free to exercise their political judgement in the choice of appointees" (1992: 453). Oppal (1994) echoed this concern and affirmed that there was a perception that appointments were made on a political basis.

Although differences exist between provinces, municipally elected officials and, in some cases, provincial politicians are responsible for appointing citizens to police boards. Where municipal officials are solely responsible for appointments, they have unfettered control in determining the composition of the board; a situation recognized more than 50 years ago as effectively enabling council to control the board. In his 1954 book titled *Canadian Municipal Government*, Crawford offered insight to the realities of council-appointed boards:

> Where a council appoints all or a majority of the personnel of a board, it can control the policy in a general way by its selection of appointees or by asking for resignations of appointees if policies are adopted which council does not approve. If, however, council appointees are in the minority the effectiveness of this control is restricted (1954: 129).

Crawford's historical observation, supported by more recent evidence and commentary by others (LaLonde and Kean, 2003; Oppal, 1994; Stenning, 1992), spoke to the importance of this issue in police governance.

The Government of British Columbia examined its board appointment processes in recognition that improving corporate governance required selecting the right people to serve on the board (Watson, 2004). By "right people", Watson referred to "directors who have the competencies and personal attributes to effectively drive corporate performance and ensure integrity and accountability" (2004: 1). She added that "by definition, boards lacking the requisite mix of competencies and behaviours will be less effective, to the detriment of the corporation and, in the case of public-sector corporations, to the public at large" (2004: 3).

Throughout the public administration literature, the rationale for appointing the "right people" to boards is well-evidenced. Vafeas asserted that "the quality of director appointments is ultimately what determines a board's monitoring effectiveness" (1999: 199). In effect, ineffective boards acquiesce to management and the board adds little or no value to the process. "Boards with a majority of trustworthy but uninformed 'watchdogs' can implement institutionally preferred policies" (Gillette, Noe, & Rebello, 2003: 1997). Conversely, ineffective boards may actively work against the organization's best interests through its collective ignorance or vis-à-vis personal and/or political agendas (Vafeas, 1999). This outcome, according to Watson (2004), can have devastating consequences to a public board.

The inference is that the "right people" are those appointed based on merit and not political patronage. A patronage appointment is defined as "one that applies to an individual who is not qualified for the job, but who is nevertheless appointed based on political

considerations rather than the knowledge, skills, and experience required" (Watson, 2004: 2).

Watson's position that the most effective boards enjoy a merit-based appointment process,

rather than political patronage, is widely shared (LaLonde and Kean, 2003; Oppal, 1994;

Sossin, 2004). As it is sometimes the case that an individual is both meritorious and

politically supported, these concepts are not mutually exclusive.

To mitigate the inherent challenges discussed, police board appointments are done by

both the municipal and provincial governments in British Columbia and Ontario. Although

this diffused approach may insulate boards from the control that accompanies a municipal

monopoly on appointment, anecdotal evidence suggests that the model presents a new set of

politically-charged issues. The key, according to Vafeas, is to utilize an independent

nominating committee. This approach, he advocated, involved "abstracting from the board

environment which may be dominated by the CEO and other insiders, into an environment

with limited or no insider participation, where nominations are more likely to be consistent

with shareholder interests" (1999: 200).

The literature on board appointment and composition, much of which is found within

the field of business management, is focussed on the different effects of "outsiders" and

"insiders" on everything from firm performance to the tenure of the CEO (Davidson, Pilger,

& Szakmary, 2004). Vafeas's rationale for a nominating committee comprised of outsiders

was that "insiders generally have a high equity investment in the firm and may therefore seek

committee membership for reasons of power" (1999: 220). In a complementary study based

on 426 annual observations of New Zealand firms across a five-year period, Chin, Vos, and

Casey (2004) concluded that board composition had no effect on firm performance. Similarly,

Daily, Dalton, and Cannella Jr. noted that "extant studies have failed to reveal a systematic

significant relationship between board independence and firm financial performance" (2003: 375). Despite these select findings, Lynall, Golden, and Hillman surmised that the "empirical findings of a board's impact on firm performance have been inconclusive" (2003: 416).

While these results may be inconclusive, stronger evidence supported a relationship between the ability of a board to effectively monitor management and board independence, where the degree of independence was related to its composition (John and Senbet, 1988; cited in Prevost et al., 2002). Based on a five-year study of New Zealand-based firms, researchers found that "board composition becomes significant as the primary responsibility in keeping the board independent depends on outside disinterested members of the board that are not directly beholden to management" (Prevost et al., 2002: 732). On the relationship between board composition and CEO tenure, Mikkelson and Partch (1997) concluded that there was little evidence of a relationship. Notwithstanding these results, the absence of research specific to the public sector, particularly to the unique setting of police boards, makes the transferability and generalizability of these results difficult.

Negating the role of outsiders and insiders is a model of police board appointment that is entirely open and transparent to the public, as suggested by Oppal (1994). Specifically, Oppal recommended that "all police board positions be advertised and applications solicited" and that "short-listed applicants be interviewed in public by council about their qualifications and their views about policing" (1994: B-61). Over the past 12 years, numerous similar policy recommendations have been made relating to police governance in Canada, generally, and to appointment processes specifically. Although Sossin (2004), Lalonde (2003), and Oppal (1994) have comprehensively, albeit not empirically, examined these issues and provided the

most oft-cited recommendations, it is worth noting that none of these recommendations have been implemented.

Legislated Mandate

According to the Canadian Association of Police Boards (2006), although there are variances in the mandate of police boards in Canada, most are responsible for: (1) determining adequate personnel levels; (2) budgeting for needs of police service; (3) monitoring the budget; (4) reviewing the performance of the service; (5) hiring the chief of police; (6) labour relations; (7) discipline; and (8) policy development. Some boards are also responsible for negotiating collective agreements, setting police priorities, and overseeing the complaints process. The first challenge imposed by this mandate is its broad and general nature. Second, the scope and form of the police board's authority to affect the mandate is unclear.

This issue is aggravated by an historical reliance on a paradigm of "operations" and "policy" to guide the scope of board governance and authority. Police boards are "limited to planning, not operations" (LaLonde and Kean, 2003: 29). The ability of a board to realize its mandate is constrained by this paradigm and leaves police boards and chiefs in the constantly perilous position of negotiating competing interests. "The relationship between the chief and the police board is inextricably tied to what each believes or perceives to be their respective responsibilities and roles" (Hayes, 2001: 150). In Stenning's (1981) early review of municipal police governance in Canada, he concluded that there was virtually no consensus among police chiefs or police board members as to either the appropriate roles and responsibilities of chiefs and police boards, or what general principles should govern their relationship.

As an example, police boards are mandated and authorized to review the performance of the service. This is a very general statement, open to conflicting interpretation by the board

and the chief. Buoyed by legislation and an over-riding obligation to ensure police accountability, boards may feel compelled and authorized to examine operations as part of this performance review. Under the current construct, however, the chief is well-positioned to resist such efforts citing the board's responsibility to policy and planning, not operations. As well, the chief might reasonably assert the over-riding tenet of police independence.

To address this problem, Shearing proposed the notion of "operational responsibility" to replace "operational independence" that has "for decades bedevilled attempts to hold the police democratically accountable in a variety of countries" (2000: 390). Shearing's notion of operational responsibility challenged the idea that police oversight was not to extend to operational matters insisting that "it is precisely this operational domain that requires scrutiny if policing, wherever it is located, is to be held democratically accountable" (2000: 390). Although Canadian police executives and boards recognize the problems inherent to the current "operations" and "policy" paradigm, there is no evidence to suggest that Shearing's notion of operational responsibility is taking hold. Until this matter is clarified legislatively, boards and chiefs will continue to rely on, and risk, their relationship in the pursuit of resolution.

Police Board/Chief Relationship

In its most recent review of best practices in police board governance, the Canadian Association of Police Boards concluded that, "the most important principle of board governance is that the board has one '*employee*'….the Chief of Police. Establishing a mutual understanding of the division of authority between the board and the Chief of Police is crucial" (2005: 19). Although this view appears widely accepted in the literature (Graham,

2005; Griffin, 2006; Hayes, 2001; Shen, 2003), the legislative frameworks governing the function and form of the relationship are conspicuously vague and inconsistent across Canada.

As a consequence of such ambiguity in the board/chief relationship, anecdotal evidence and media accounts suggest that a spectrum of relationships, from functional to dysfunctional, exists. Hayes pointed out that "the relationship between boards and chiefs of police appear to be frequently poorly enunciated, full of uncertainty and the subject of considerable, and potentially important, disagreements" (2001: 154). Particularly as a consequence of the underdeveloped distinction between policy and operations, conflicts between police chiefs and their board inevitably arise (Martin, 2004).

Knoll, a former police board member and noted expert on police governance, described the police board member relationship with the chief as falling into one of two categories: "Cops are S.O.B.s" and "Cops are Tops" (2005: 3). In the first category, relationships dominated by conflict may perpetuate the often secretive "thin blue line" of police marked by isolation, solidarity, and suspicion (Reiner, 1992). Such contention also puts chiefs under added pressure resulting in increased stress (Crank, Regoli, Hewitt, & Culbertson, 1995), health issues, and/or chief turnover, as evidenced by studies in Canada (Biro, Campbell, McKenna, & Murray, 2000) and the United States (Rainguet and Dodge, 2001). These outcomes hold significant implications for the recruitment of future police executives.

Qualitative data from a recent survey of 719 Canadian non-executive police officers revealed a "widespread belief that executives are overworked, and bogged down in politics and bureaucracy" (Murphy, 2006: 241). Although the sample size was small and not

representative, many respondents cited this issue as significant enough to dissuade them from applying for executive police positions.

In a similar study of Canadian police executives in 1998, this perception was affirmed by the researchers' summation that police executives undergo severe pressures, such as public criticism and/or a lack of confidence from their police board (Biro et al., 2000). Contradicting this conclusion, nearly all (92.0 per cent) of 162 Canadian police executives surveyed in a follow-up study stated that they found the board to be "supportive of the executive's decisions" (Murray and Alvaro, 2001: 44). Likewise, most respondents found the governing authority to be effective and knowledgeable, although slightly less than one-third (30.0 per cent) of respondents reported referring major decisions to the board (Murray and Alvaro, 2001). By keeping the board "in the dark", members are at a distinct disadvantage and this may give credence to Knoll's "cops are SOBs" approach to board governance.

In Knoll's second category, wherein board members adopted a "cops are tops" relationship, there is an inherent risk of members abdicating their responsibilities to hold management accountable. After interviewing Canadian police association leaders, Griffin cited "consensus…that chiefs of police are generally leading their boards by their noses, and board members often appear reluctant to challenge the status quo" (2006: 21). In reality, there is a significant gap in expertise between the board and its chief and, as a consequence, boards are inherently reliant on the chief. This point was reflected in the Ontario Police Commission inquiry into the Waterloo Regional Police Service:

> Boards of Commissioners of Police, by the very nature of their composition, must rely heavily upon their Chief of Police for the expertise required to operate the police force. They must spell out general policy, through regulations and direction, but in the administration of the Force, they must rely on the Chief of Police, otherwise the board is assuming the prerogative of the Chief, and is, in effect, becoming the Office of the Chief, for which the board

has neither the time nor the expertise (cited in Hayes, 2001: 154; LaLonde and Kean, 2003: 28).

This problem was also observed by Stenning (1981) who determined that the part-time and short-term tenure of police board members resulted in a practical dependence on the chief for the resources and expertise necessary for policy development and oversight. Similarly, Demb and Neubauer (as cited in LaLonde and Kean, 2003) suggested that a lack of requisite time and expertise, a structural problem found in most under-performing boards, may be to blame. Whereas the board may possess the legal responsibility for the performance of the organization, it is the organization's management that possesses the infrastructure, knowledge, time, and the willingness to bear this responsibility. Noteworthy, Demb and Neubauer's second structural problem related to the desire of board members to (over) identify with the organization and what it stands for; a description befitting the "cops are tops" approach to police board governance.

As a former police board member, this writer observed the effectiveness of a more balanced, almost paternalistic, approach to police board relations with the chief. Board members maintained objectivity, independence, and a vigilant will to authoritatively hold the chief accountable in some instances, yet appropriately shift to support the police service and its chief where the situation dictated. Shen asserted that such a shift needed to occur over the tenure of the CEO. He stated that "the relationship of the board with the CEO needs to shift away from CEO leadership development toward the control of managerial opportunism as the CEO's tenure increases" (2003: 467). Regardless of the approach one subscribes to, experience and observation suggest that the board and chief alike are better served by understanding the complex and often competing dynamics which govern the relationship.

Summary

Despite a scarcity of empirical research into police governance in Canada, the available literature provided considerable commentary and consensus on the subject, some of which is summarized here. Police are a fundamental feature of a democratic society (Goldstein, 1977; Lapkin, 1999; Loader, 2000; Marenin, 2000). An historical overview of policing revealed the nearly constant role of politics yielding general acceptance that police and crime were inherently political (Bayley, 1970; Estrada, 2004; Goldsmith, 1991; Haggerty, 2004). The importance of police being both independent and accountable was a central theme throughout the literature, yet these ideals were often framed as competing, intractable, and problematic. As an ancillary outcome of several commissions of inquiry, these ideals have been comprehensively considered and, by most accounts, attempts to define police independence seemed reliant on the *degree* to which police were *free from* accountability (Oppal, 1994; Stenning, 2004). Consequently, the quandary of police governance is to mediate the two principles through a constant balancing act (Brogden 1992; cited in Marenin, 2000; Wood and MacAlister, 2005).

Police boards were established to insulate the police from political interference (Griffin, 2006; Law Commission of Canada, 2006; Fosdick, 1969: as cited in Stenning, 1992). After 150 years and considerable modification to the composition, structure, and mandate of police boards (Biro, 2006; Griffin, 2006; Stenning, 1992), they are still "very much perceived as political organs controlled by municipal councils" (Griffin, 2006: 17). This *perception* is well documented in the literature and bolstered by the experience of this writer as a former police board member. A dearth of evidence and relevant empirical research, however, leaves open the question of the veracity of such claims.

To assess the accuracy of this perception, an evidence-based approach was taken. Integral to this process was an exploration of those factors which contribute to the perception that police boards are political. The appointment process to police boards, as an example, is widely regarded as politically-driven (Oppal, 1994; Stenning, 1992) and was, therefore, an important factor to consider. Likewise, board structure, size, and mandate as well as the ratio, rights, and role of elected officials vis-à-vis the board were considered in this research.

Chapter Two: Research Methodology

Hypothesis

The hypothesis of this study is that *the more inherently political a police board structure, as defined by its size, composition, appointment processes, and particularly the ratio, role, and rights of elected officials on the board, the less independent the police service is as reported by the chief constable*.

Survey Instrument

Because of the pan-Canadian scope of this research, as well as the resource limitations (human and financial) of this study, a written survey was selected for its cost effectiveness and its inherent strength to canvass a breadth of issues in relatively short order. Moreover, chiefs are typically very busy and the flexibility of a written survey to be completed on their schedule was appealing. This study used a confidential survey (Appendix A) comprised of 51 questions.

The major disadvantage to this methodology, aggravated in this case by the length of the instrument, is a low return rate. To mitigate this challenge, the researcher spent several months securing support from the most relevant national organizations. To this end, the Canadian Association of Chiefs of Police (CACP) and the Police Sector Council formally endorsed the research in-principle and each provided a supporting letter (Appendix B).[4] Formal endorsement and support from these organizations added credibility to the research which was seen as critical to encouraging the participation of chiefs.

---

[4] The Canadian Association of Police Boards was formally invited to participate in this research but chose to decline.

Administratively, the Centre for Criminal Justice Research at the University of the Fraser Valley provided in-kind support through the provision of coordination and printing services. Likewise, the RCMP provided in-kind support through the provision of translation services. This support enabled the researcher to shift from a relatively low-cost sampling approach focused on English only police services to the more robust, pan-Canadian survey of all municipal police chiefs reporting to a police board.

Procedurally, a letter on University of the Fraser Valley (UFV) letterhead was sent to all chiefs one week prior to the survey to introduce the research and encourage completion (Appendix C). A paper copy of the survey, attached with a copy of the CACP and Police Sector Council letters of support, was mailed to all police chiefs along with a self-addressed, postage-paid envelope. A follow-up letter (Appendix C), also on UFV letterhead, was sent to participants one week after the survey to encourage completion, if not already done so. Noteworthy, police chiefs in Québec and New Brunswick received all documentation in English and French. In a final effort to increase the return rate, an email was sent to 110 of the original 170 police chiefs three days before the deadline to thank those that had completed the survey and serve as a reminder of the impending deadline. The 110 were the result of an exhaustive on-line search for the direct email address of every chief in the population.

During the three-week process of administering the survey, the researcher provided a weekly progress report to the CACP and the Police Sector Council. The intention was to generate a heightened awareness among these organizations that the data collection phase was underway with the expectation that this would generate informal encouragement from the organizations to the surveyed population.

The decision to administer the process through a series of three formal letters to the chiefs, followed by an email to the majority, was seen as essential to ensure that the population of busy executives received due notice and reminders. Although the research yielded a higher than expected return rate, the effect of this strategy cannot be distinguished from any effect that, for example, the endorsement from the national organizations may have had. It is equally plausible that the subject matter was one that resonated for the population of chiefs and this was the source for the strong participation rate. Notwithstanding, it appears that the cumulative effect of these strategies was worthwhile and effective.

Survey Population

The research subjects were current chief constables from all Canadian municipal police services identified as reporting to a police board or commission. Chiefs were presumed for this purpose to be "experiential experts" as they are the only police officer in a police service subject to formal "orders" from a police board. The ensuing assumption was that police chiefs would provide the best portal for testing the concept of police independence. Moreover, the characteristics of the sample group were known and the population has previously demonstrated itself as "remarkably homogenous" (Murray and Alvaro, 2001: 9).

Administratively, identifying the population was complicated by the absence of any single list or database that captured all current municipal police chiefs. Accordingly, the population was extrapolated from a more comprehensive list of Canadian police executives by removing all those that could be readily identified as outside the population of interest. In many instances, on-line research was conducted to determine if a particular police service met the parameters set for the survey population. This process yielded an original sample of 170 police chiefs.

To determine if a statistically significant relationship existed between police board structure - defined as the size of the board, as well as the ratio, roles, and rights of elected officials on the board - and police independence, a survey of all Canadian municipal police chiefs provided a requisite range of the variables tested. Specifically, boards typically ranged in size from three to nine members. Some comprised a majority of elected officials, while others only had one elected official on a board of seven. In some cities, citizens were appointed by municipal councils alone, while the provincial government appointed some members to other boards. The provincially-legislated mandate of boards also differed and although this was not a key variable, it was considered.

Conceptualizations

Given the subjectivity of this research, particularly as it relates to police independence vis-à-vis chiefs' experience with politicians and police boards, a number of conceptualizations were essential. The following conceptualizations were explicitly highlighted in the survey instrument to promote the overall validity and reliability of the data. While most were defined by the researcher, the operational definitions selected for the particularly subjective concepts of *police independence*, *political interference*, and *patronage appointment* were adopted from research already conducted in this area, as cited here:

- **Legislation** refers to the provincial police act governing the service and police board.
- **Service** refers to the police department of which you are the chief constable.
- **Police board** refers exclusively to the police board/commission that you report to.
- **Board members** refer to individuals, elected and appointed, on the board.
- **Council** refers to the municipally elected body that the police board relates to.
- **Police independence** refers to "freedom from partisan political influence" (Law Commission of Canada, 2006: 85).
- **Political interference** refers to "direct involvement of political authorities (primarily, although not exclusively, at the municipal level) in policing operations, as opposed to policy and funding" (Police Sector Council, 2001: 25).

- **Patronage appointment** is "one that applies to an individual who is not qualified for the job but who is nevertheless appointed based on political considerations rather than the knowledge, skills, and experience required" (Watson, 2004: 2).
- **Merit appointment** is one that applies to an individual who is qualified for the job based on the knowledge, skills, and experience required.

Dependent Variables and Operationalization

The dependent variable in this research was police independence. Because of the subjective nature of the phenomena being tested, data on a range of measures were taken, including:

- The degree to which the chief perceived the board appointment process as merit driven;
- The degree to which the chief perceived the board appointment process to be political patronage;
- The degree to which the chief perceived the board members as independent to vote without fear of political reprisal, including being dismissed without cause or not reappointed;
- The degree to which the board viewed itself as mandated to "buffer" police from political interference;
- The degree to which the chief assessed the board to be effective as a "buffer" from political interference;
- The average tenure of chief over the last ten years and the reasons for departure of the last chief;
- The number of private contacts a chief received from individuals and the chief's corresponding assessment of perceived independence in these contacts; and
- The degree to which the chief experienced political interference in an investigation, an activity that is indisputably central to police independence.

Independent Variables

The independent variables in this research were comprised of the varying elements defining police board structures. The size of a board, length of board member terms, board mandate, the ratio, roles, and voting rights of elected officials on the board, as well as the ratio of municipally and/or provincially-appointed members, served as independent variables.

Ethical Considerations

Confidentiality was the most important consideration in this research, given the sensitivity inherent to questions of political interference, as well as the power imbalance between respondents (chiefs constables) and those that they were being surveyed about (police boards/council members). Confidentiality was assured by collecting information that could not personally identify any survey respondents. To minimize the risk of respondents accidentally disclosing identifying information, the preamble to the survey explicitly instructed respondents to refrain from placing any identifying information on the survey. Where a respondent included any identifier (i.e.: name of a person, place, or description of a narrow circumstance), the identifier was removed from the dataset. Likewise, no efforts were made to extrapolate from completed surveys the city, region, province, or police service of the respondent.

To further facilitate confidentiality, the paper surveys were administered entirely through Canada Post, as opposed to a courier or electronic mail where one's identity could have become known upon receipt of the reply. Every package mailed to a respondent included a pre-paid, self-addressed return envelope to eliminate respondents' use of an in-house postage meter which might have identified their particular police service. In the event that these measures failed and identifying information was accidentally disclosed by the respondent (i.e.: a business card was attached to the returned survey), such information was immediately removed and disregarded. All participants were over the age of 18 and knew that they were subjects in a research study on police independence. The researcher possessed no power over any of the participants and, likewise, had no real or perceived conflict of interest

with the research or any of the participants. No coercion or deception was exerted to acquire informed consent from the participants.

Limitations

There were two notable limitations to this research. Since the RCMP, Aboriginal police agencies, and provincial police agencies, including the Ontario Provincial Police, Sûreté du Québec, and the Royal Newfoundland Constabulary, have different governance structures, the survey was limited to chief constables from municipal police services with a police board alone. Second, completed surveys from municipal police chiefs reporting to a committee-of-council were excluded from the population as the survey instrument was not designed for this population. Notwithstanding the specificity of the results to the defined population surveyed, police independence and governance is relevant to all police agencies and chiefs. The findings of this study should, therefore, be of use and interest to all those involved in policing, police governance, and politics.

Chapter Three: Research Results and Discussion

Overview of Population

An initial population of 170 Chief Constables received the survey. Because the RCMP and provincial police agencies are more prominent in some provinces, the geographical distribution of municipal police agencies varies. This was reflected in the surveyed population as follows: 11 from British Columbia; seven from Alberta; 12 from Saskatchewan; 12 from Manitoba; 60 from Ontario; 42 from Québec; nine from New Brunswick; 12 from Nova Scotia; four from Prince Edward Island; and one from Newfoundland.

Identifying municipal chief constables who reported to a police board was difficult given the accessible databases. Consequently, through the administration of the survey, it was determined that several of the 170 surveys mailed were to chiefs who did not meet the sampling frame. Specifically, four chiefs responded through email that they did not report to a police board and would not be participating. Because non-participation was confirmed, these were removed for purposes of determining the return rate. Six additional surveys were mailed to police services later identified as Aboriginal or parks police and, therefore, outside the sampling frame. Because non-participation by these six agencies could not be confirmed, each remained within the sampled population yielding a net of 166 administered. With 94 surveys returned, a strong return rate of 56.6% was realized.

Among those returned, four agencies indicated that they do not meet the sampling frame. In an additional 15 cases, the returned survey presented information indicative of a 'committee of council' and not a conventional police board. Specifically, these 15 surveys indicated that police governance was the sole responsibility of municipal employees or elected officials. The survey instrument was not designed with this model in mind and

inclusion of the results, in some instances, would likely have affected the validity and reliability of the results. Consequently, these cases were removed from the analysis.

Of the 75 respondent police chiefs that reported to a police board, the mean tenure was 70 months, or five years ten months (SD = 65.5) with a range of two to 288 months, or 26 years. In a slight majority of cases (54.7 per cent), the respondent was the second chief constable in the last ten years, whereas 19 respondents (25.3 per cent) were the third, fourth, or fifth chief in last ten years.

A cursory look at the chiefs' predecessors was conducted as part of the survey. To the extent that the respondent chief internalized the experience of their predecessor as contextual to the current operating environment, understanding the predecessor chief was important. A chief operating in an environment where the average tenure of the last three chiefs was two years, for example, was likely to have a different orientation than another respondent whose predecessor was chief for 20 years. In the surveyed population, the range of tenure held by the predecessor of respondent chiefs was between eight months and 24 years, with a mean tenure of 98 months, or eight years two months (SD = 62).

Chiefs were asked to characterize the circumstance(s) of their predecessor's departure. In the majority (52.0 per cent) of cases, the predecessor retired voluntarily or successfully completed the contract (28.0 per cent). The balance of cases yielded a range of circumstances including: predecessor chief was pressured to resign by council or the board (10.7 per cent); applied for contract renewal unsuccessfully (8.0 per cent); died (5.3 percent); resigned as a result of disciplinary issues or formal charges (5.3 per cent); resigned for health reasons (2.7 per cent); and resigned due to conflict with membership or non-confidence vote (2.7 per cent).

To summarize the profile of respondent chiefs, their average tenure as chief was five years ten months and the majority were the second chief in ten years. The average tenure of the respondents' predecessor was eight years two months and their predecessor was most likely to have retired voluntarily and/or successfully completed their contract. Analysis of these variables in conjunction with the variables associated with board structure and police independence revealed no statistically significant relationships. That is to say that there was no significant relationship between the number of chiefs in the last ten years, tenure of predecessors, or circumstance(s) of the predecessor's departure and the size, composition, or mandate of the board. Likewise, no significant or important relationships were found between the number, tenure, and circumstances of predecessors and the variables associated with political interference and the chiefs' perception of independence.

Board Structure

Canadian police boards operate under a range of structures and this was reflected in the population surveyed. As demonstrated in Table 1, most respondents reported to a board with five people, comprised of one municipal appointee, two provincial appointees, and two council members, the latter of which often occupied the chair and/or vice-chair position. The predominance of this structure was likely an artefact of the proportionately high number of Ontario chiefs in the sample (n = 60). In accordance with the *Police Services Act of Ontario* (1990), police boards in larger municipalities must consist of five members with the above-described composition. It would, therefore, be a mistake to interpret this particular structure as typical.

Table 1: Current police board structure of respondents

# of Board Members (n = 75)	# of Municipal Appointees (n = 75)	# of Provincial Appointees (n = 73)	# of Council Members (n = 75)	Council Members Role (n = 75)		Council Members Rights (n = 75)	
5 – 65.0%	1 – 52.0%	2 – 41.1%	2 – 54.7%	Chair	49.3%	Voting	90.7%
7 – 25.3%	2 – 22.7%	1 – 19.2%	1 – 14.7%	Vice-Chair	42.7%	Non-voting	9.3%
	3 – 20.7%	0 – 19.2%	3 – 26.7%	Reg. Member	1.3%		
		3 – 15.1%		*Ex-officio*	6.7%		

Board Size

Among the population, the number of members on the board ranged from three to nine people, with the majority reporting to a board of either five people (64.0 per cent) or seven people (25.3 per cent). As discussed, the proportionately high number of five-member boards was likely a function of the concentration of municipal police chiefs in Ontario where police boards in larger municipalities, by law, consist of five members.[5]

A comparison of board sizes revealed no significant relationships when analyzed against the variables relating to chief perceptions of independence or reports of political pressure and interference. Likewise, an analysis of boards with five members (n = 48) and seven members (n = 19) did not yield any important or significant relationships in these areas. The responses of chiefs reporting to boards of five and seven members were consistent when asked about the extent to which the board understood its legislated mandate and operated within it. Responses were also consistent among the two groups when asked about the extent to which the board saw itself as a buffer between the police service and city council, and its effectiveness in doing so. There was similar consistency in responses surrounding the

---

[5] S. 27(5) Police Services Act of Ontario (1990).

appointment processes where board size, as well as the number of provincial and municipal appointees, yielded no statistically significant relationship with the chiefs' perceptions. Likewise, there was no significant relationship between board size and the extent to which chiefs felt independent when making operational and policy decisions. In summary, no significant differences resulting from board size were observed in the responses, and the notion of 'board size effect' (Chin et al., 2004) appeared to be irrelevant in this context.

Board Term

The length of a single term for municipally-appointed board members ranged from one to six years with four years being the most common (37.7 per cent), followed by three years (29.0 per cent). Likewise, the range of terms for provincial appointees was one to six years, although the most common was three years (54.4 per cent). While these variables did not significantly relate to any indicators of police independence analysed, a significant relationship emerged between the single term length of municipal appointees and the perception of these members as independent. In this context, the term 'independent' was defined for chiefs as, "free of political influence and fear of reprisal by council, including termination or not being reappointed."

The results revealed a significant relationship between the single term length of municipally appointed citizen board members and the chiefs' perception of these board members as independent [x^2 (4) =13.33, p=.01]. Analyses of responses (n = 68) revealed that while more than three-quarters (78.0 per cent) of chiefs agreed that board members with terms of three to six years (n = 50) were independent, only half (50.0 per cent) agreed that board members with terms of one or two years were independent. An anomaly was noted in the data in relation to those with a term of four years. Considerably lower agreement (61.5 per cent)

was noted for those with four year terms than those with three (94.7 per cent) and six year terms (100%). This is likely the result of respondents mistakenly including council members with four-year terms in their calculation of *citizen* board member terms. Remarks found on at least two surveys were indicative of this error. Although the respondents' error likely reduced the differences observed and produced lower significance, caution was exercised in the analysis of these findings.

A second significant relationship emerged between the length of a single term and the perception of the appointment process as 'merit-driven' [x^2 (2) =5.95, p=.051]. A substantial majority (60.0 per cent) of respondents whose municipal board members single term length was three to six years perceived the appointment process as merit-driven (n = 50). In contrast, slightly more than one quarter (27.8 per cent) whose board members single term length was one or two years perceived the appointment process as merit driven (n = 18). Although short-term appointees are typically eligible for reappointment to a maximum tenure of six years, short-term appointments are problematic and represent a structural limitation to board effectiveness (Law Commission of Canada, 2006).[6]

Board Mandate

There were minor variances in the legislative responsibilities of police boards. Most were responsible for: (1) reviewing the performance of chief (89.3 per cent); (2) policy setting for the service (88.0 per cent); (3) hiring the chief of police (88.0 per cent); (4) budgeting for needs of service (84.0 per cent); (5) monitoring the budget (84.0 per cent); (6) collective

---

[6] As a former police board member, this writer observed the difficulties inherent to one-year terms including an inability to provide requisite long-term leadership to complex issues, a weakened committee structure reliant on individuals whose tenure was tenuous, as well as the inability to affect succession management on the board. As a postscript, the local city council subsequently validated these observations by revising the term of board members to two years.

bargaining (75.7 per cent); (7) determining adequate personnel levels (74.3 per cent); and (8)

priority setting for the service (68.0 per cent). In contrast, slightly less than half of police

boards (47.3 per cent) were legislatively responsible for civilian complaint oversight.

Additionally, some chiefs noted strategic/business planning as another responsibility of the

board. These results were consistent with the varied board responsibilities identified by the

Canadian Association of Police Boards (2006).

Given the substantive consensus among responses, very little was distilled about the

relationship between specific responsibilities and the variables associated with police

independence. The exception was a significant relationship between boards that were

legislatively responsible for civilian complaint oversight (n = 35) and chiefs feeling

independent when making policy decisions [x^2 (1) = 5.553, p=.018]. Although the factors

underlying this relationship could not be extracted from the results, it was likely a function of

increased board involvement in policy development which arises naturally from its citizen

complaint oversight role. Through the process of overseeing citizen complaints, the problems

of a police service are more readily exposed to the board, and while most problems fall within

the domain of operations or personnel management, policy is the primary tool of redress for

police boards.

The principle of operational independence relates directly to this discussion. Given the

increased operational exposure to, and scrutiny by, a board mandated to provide citizen

complaint oversight, one might expect a statistical relationship between the complaint

oversight role and chiefs feeling operationally independent. The results, however, revealed no

significant relationship between these two variables. This was likely a byproduct of the large

number of chiefs that agreed elsewhere that the board understood its legislated mandate (84.0

per cent) and operated within the purview of that mandate (88.0 per cent). These results reflected well for police governance in Canada and undoubtedly spoke to the calibre of professionals working on, and in support of, most police boards, as well as the calibre of training and education offered nationally and through provincial police governance bodies, where they exist.

In addition to those responsibilities which are legislatively articulated, police boards serve to "buffer" the police service from political interference. According to the Law Commission of Canada "police boards…were established with the specific intention of insulating the police from direct governance by elected municipal politicians, and guaranteeing a measure of political independence for police services" (2006: 85). From the perspective of chiefs, boards have indeed internalized this view as evidenced by the large majority (84.0 per cent) whom agreed that the board saw itself as a "buffer" between the police service and council to ensure police independence. This was important because of the significant relationship observed between the board seeing itself as a buffer and responses about whether the board effectively buffered [x^2 (1) = 38.19, p=.000]. Of those respondents who agreed that the board saw itself as a buffer (n = 62), an overwhelming majority (90.3 per cent) also agreed that the board effectively buffered. The reverse was also true with almost all cases (91.7 per cent) of those who disagreed that the board saw itself as a buffer (n = 12) also disagreed that it effectively buffered. These results strongly suggested that as a precondition to a board effectively safeguarding a police service from political interference, it must see itself as a buffer.

This finding is important for those who work with police boards and is a result which challenged the hypothesis given the high ratio of boards in which a council member was the

chair (49.3 per cent) or a vice-chair (42.7 per cent). Moreover, where a council member was the board chair (n = 37), chiefs agreed overwhelmingly (89.2 per cent) that this person understood police independence and that the member respected police independence (80.6%).

The size of a police board, the term of its members, as well as its legislated mandate are important elements of a board's structure and these variables were, therefore, essential for testing the hypothesis. They were not prominent factors identified through the literature review and they proved to be generally insignificant here. The exception, however, were the significant results arising from a board's unlegislated and historical mandate as a "political buffer" between elected officials and the police. This area was also unexplored in the literature, yet evidently warrants closer attention. Instead, the focus for much of the literature surrounding police independence, accountability, and governance related to the appointment processes to police boards, as well as the role of elected officials vis-à-vis police boards.

Appointment Processes

The process for appointing police board members has been historically contentious, driven primarily by evidence suggesting that appointments were perceived to be political instead of merit-based (LaLonde and Kean, 2003; Oppal, 1994; Sossin, 2004; Stenning, 1992). Stenning noted that "most of those persons interviewed… seemed to agree that appointments to police boards tend to be "political" in the sense that those who exercise the power of appointment are free to exercise their political judgement in the choice of appointees" (1992: 453). This observation, however, was faintly supported by the results in which only a slight majority (55.4 per cent) of respondents agreed or strongly agreed that the board appointment process was (political) patronage. For this purpose, the term "political appointment" was defined in the survey as "one that applies to an individual who is not

qualified for the job who is nevertheless appointed on political considerations rather than knowledge, skills and experience required" (Watson, 2004: 2). Conversely, chiefs were asked if the board appointment process was merit driven. Responses yielded no consensus with chiefs agreeing and disagreeing equally (50.0 per cent). For this purpose, 'merit appointment' was defined in the survey as "one that applies to an individual who is qualified for the job based on the knowledge, skills, and experience required."

While beyond the scope and sample size here to determine causality, deeper analysis of these results identified interesting and potentially important findings. Foremost, a significant relationship was observed between the role of the mayor on the board and how the appointment process was perceived by the chief constable. The source of this relationship, however, was difficult to discern given the significant relationship existed for both assertions: that the process was merit-driven [x^2 (4) = 10.12, p=.038] and that the process involved political patronage [x^2 (4) = 11.29, p=.023]. Accordingly, the varied roles of mayor on the board (chair, vice-chair, regular members, and *ex-officio*) were examined and the results raised important questions.

When the mayor was the board chair (n = 21), three-quarters of chiefs perceived the appointment process to be merit-driven (76.2 per cent) and only one-third agreed with the assertion that it was political-patronage (33.3 per cent). In sharp contrast, when the mayor was a regular member (n = 33), chiefs perceived the process as merit-driven in substantially fewer cases (42.4 per cent) and, conversely, perceived it to be political-patronage in the large majority (75.8 per cent) of cases. While only a small number of cases presented the mayor as vice-chair (n = 2) and *ex-officio* (n = 3), similar results emerged. One explanation for these findings may be that mayors occupying the chair or vice-chair position experienced closer

63

scrutiny respective to their role in the appointment process and, therefore, they were more inclined toward being, and being seen as, merit-driven. Although these results leave to question the nature of the relationships observed, they signal a potential problem with recommendations made by Oppal (1994) and, subsequently, by Lalonde and Kean (2003) that mayors play a more diffuse role on police boards.

Through further analyses of chiefs' perceptions of the appointment processes, one statistically significant relationship and another notable, although not significant, relationship emerged. The first related to respondents perception of the process as merit-driven with the assertion that the board "effectively 'buffers' the service to ensure police independence". Among those that agreed that the process was merit-driven (n = 73), an overwhelming majority (86.1 per cent) also agreed that the board effectively buffered. Conversely, of those that disagreed that the board effectively buffered (n =17), slightly more than two-thirds (70.6 per cent) perceived the appointment process as something other than merit-driven [x^2 (1) = 3.51, p=.061].

A second significant relationship was observed between merit-driven appointment processes and the perception of municipally appointed members as independent, which was defined as "free of political influence and fear of reprisal by council, including termination or not being reappointed". Among respondents who disagreed that municipally-appointed board members were independent (n = 24), the majority (70.8 per cent) also disagreed that the appointment process was merit-driven [x^2 (1) = 6.17, p=.013]. When provincially appointed members were analyzed in the same context, the results were nearly the same (71.4 per cent), although not statistically significant. A comparison of results from those who perceived the appointment process as political patronage did not, interestingly, provide any significant

relationships or any insight to the above findings. Although these results indicate some relationship, the exact nature of that relationship remained unknown and is worthy of further research.

Comparing and contrasting results involving municipally appointed board members with those of provincially appointed board members was expected to reveal widespread differences although this was not generally the case. One notable difference was observed when comparing the perceived independence of municipal and provincial appointees. While a substantial majority (87.9 per cent) indicated that provincial appointees were independent, only two-thirds (67.6 per cent) perceived municipal appointees as independent. Disparity in the strength of responses was noted as more chiefs strongly disagreed that municipally appointed members were independent and, in contrast, more chiefs strongly agreed that provincial appointees were independent.

The differences observed were likely a consequence of the localized nature of policing and police boards. Given that council members typically participate actively in the day-to-day functioning of a police board, municipally-appointed members may be more consistently observed and scrutinized by those responsible for their reappointment. Likewise, the legitimate interest of a municipal government in board operations and decision-making is different and stronger than a provincial government given the localized impact. As a result, citizens appointed municipally are more likely to experience conflict or pressure, implicit or explicit, as they independently debate important issues with the very council members that influence or solely direct the reappointment processes and decisions.

Through additional analyses, it was determined that the perception of chiefs about the independence of municipal appointees was significantly related to some variables associated

65

with police independence. Most relevant, this perception strongly related to the perceived effectiveness of the board to "buffer" the service to ensure police independence [x^2 (1) = 4.04, p=.044]. Although nearly two-thirds (62.5 per cent) agreed that the board effectively buffered when municipal appointees were not perceived as independent, a large majority (83.7 per cent) agreed when the appointees were perceived as independent.

In summary, the chiefs' perception of the appointment process, as well as the independence of municipally appointed board members, significantly related to a number of intertwined variables ancillary to police independence. To understand these connections better, and to explore more precisely the implications for police, police boards, policy-makers, and legislators, a more focused follow-up study is both required and recommended. One area that relates directly to this discussion is the role, ratio, and rights of council members in relation to the function of police boards.

Role, Ratio, and Rights of Council Members

In virtually all cases (97.3 per cent), a range of one to six council members sat on the police board (n = 75) with one council member on the majority (52.0 per cent) of boards. In about one-fifth of cases (22.7 per cent), two council members sat on the board, followed by three council members in a minority (10.7 per cent) of cases. Based on the population surveyed, police boards were not numerically dominated by council members. Likewise, council members rarely (16.4 per cent) occupied half or more of the board seats. In almost all instances (90.7 per cent), council members possessed full voting rights as board members.

Analyses of the number, ratio, and voting rights of council members with all variables associated with political interference and police independence did not reveal any statistically significant or noteworthy relationships. Contrary to the hypothesis, chiefs felt independent

from municipal political interference in ten of the twelve cases where the council members occupied half or more of the board seats. In summary, the numbers and ratio of council members was inconsequential to police independence, an important finding for those interested in adjusting the number of council members on police boards.

Another essential test of the hypothesis, the role of elected officials on a board, with particular attention to those occupying the role of chair/vice-chair, was analyzed with respect to the indicators of police independence. As shown in Table 2, chiefs reported that a council member was the chair of the board in nearly half (49.3 per cent) of cases and occupied the position of vice-chair almost as frequently (42.7 per cent). The mayor was specifically identified as the chair in more than half (56.8 per cent) of these 37 cases, yet was identified as the vice-chair in only two cases.

Table 2: Role of elected officials on the board

	Role on the Board			
	Board Chair	**Board Vice-Chair**	**Regular Member**	*Ex-Officio*
Council Members	49.3% (37)	42.7% (32)	81.3%% (61)	6.7% (5)
Mayor	28.0% (21)	2.7% (2)	44.0% (33)	5.3% (4)

Noteworthy, of the 21 cases wherein the mayor was the chair, the majority (81.0 per cent) were identified as the "*de facto* chair", meaning that the mayor's role as the board chair was established through policy or legislation. In all other cases of a council member, including the mayor, in the role of board chair, it was determined through a vote by board members.

To test any effect between the role of elected officials and police independence, the survey explored the frequency of private contacts (by telephone, in-person, or through mail or

e-mail) about a policing-related matter that a chief received from four groups of people: (1) citizen board members; (2) council members on the board, excluding the chair; (3) council members in the chair position; and (4) council members *not* on the board. The size of each group varied and this was not quantified as part of the research. Therefore, while the frequency of the phenomena within the groups may be reported and compared, this cannot be distilled and translated as individual rates.

As illustrated in Table 3, chiefs commonly reported being privately contacted by board members to discuss policing-related matters. Among the four comparison groups, chiefs were most frequently (92.9 per cent) contacted by a council member in the position of board chair (n = 42). This finding was expected and is likely an artefact of the legitimate responsibility of the chair to be a board's primary liaison with the chief constable. In contrast, less than two-thirds (62.7 per cent) of citizen members privately contacted the chief making this group least likely to do so.

Table 3: Privately contacted chief: comparison by group

Group	# of times within last six months			
	0	**1-5**	**6 - 9**	**10+**
Citizen board member (n =75)	37.3% (26)	44.0% (35)	6.7% (5)	12.0% (9)
Council member on board, excluding chair (n = 70)	25.7% (15)	52.9% (37)	11.4% (8)	10.0% (10)
Council member as board chair (n = 42)	7.1% (3)	57.1% (24)	11.9% (5)	23.8% (10)
Council member not on board (n = 44)	24.1% (14)	50.0% (29)	10.3% (6)	15.5% (9)

The most surprising and concerning result was the frequency of private contacts reported from council members *not* on the board. More than three-quarters (75.9 per cent) of respondents (n = 44) reported being privately contacted by this group, a figure marginally greater than that of council members on the board (73.3 per cent). Although the raw number of 'council members not on the board' may have been greater than the three comparison groups, evidence that these elected officials frequently contacted the chief directly, instead of working through the police board, is disconcerting. Such unfettered access to a police chief, particularly by elected officials who may be lacking a requisite awareness or appreciation for the principle of police independence, is potentially problematic. Accordingly, the perception of chiefs about the private contacts from these four groups was tangentially investigated.

When asked how independent chiefs felt during private contacts from the four comparison groups, some noteworthy, although not statistically significant, differences emerged. As Table 4 demonstrates, chiefs almost always (93.1 per cent), on average, felt independent when privately contacted by the three 'board member' groups (n = 148).

Table 4: Felt independent during private contacts: comparison by group

Group	Disagree	Agree	Strongly Agree
Citizen board member (n = 54)	3.7% (2)	53.7% (29)	42.6% (23)
Council member on board, excluding chair (n = 57)	7.1% (4)	59.6% (34)	33.3% (19)
Council member as board chair (n = 37)	8.1% (3)	45.9% (17)	45.9% (17)
Council member not on board (n = 54)	11.2% (6)	48.1% (26)	40.7% (22)

In contrast, only 88.8% felt independent during private contacts with council members not on the board (n = 54). Proportionately, this was nearly two-fold the number of chiefs that did not feel independent in private contacts with the three comparison groups. However, the low number of cases (n = 15) split between the four comparison groups made it impossible to infer anything from the findings. Although a focussed follow-up study would provide a more robust assessment and understanding about the reported pervasiveness of these council members contact with police chiefs, the perception of chiefs in relation to political interference from this group revealed another troublesome result.

Chiefs were asked to indicate how many times in the last six months they experienced political interference from the three applicable comparison groups: (1) council members on the board; (2) council member as the chair; and (3) council members not on the board. Political interference was explicitly defined in the survey as "direct involvement of political authorities (primarily, although not exclusively, at the municipal level) in policing operations, as opposed to policy and funding" (Police Sector Council, 2001: 25). As presented in Table 5, nearly one-quarter (24.7 per cent) of chiefs, on average, reported political interference on at least one occasion from individuals in each of the three groups in the last six months.

Table 5: Political interference experienced by chief: comparison by group

	Number of times in the last six months				
	0	**1-2**	**3-5**	**6-9**	**10+**
Group					
Council member on board, excluding chair (n = 73)	74.0% (54)	17.8% (13)	5.5% (4)	0	2.7% (2)
Council member as board chair (n = 41)	80.5% (33)	12.2% (5)	4.9% (2)	0	2.4% (1)
Council member not on board (n = 72)	73.6% (53)	16.7% (12)	5.6% (4)	1.4% (1)	2.8% (2)

Having regard for the frequency of private contacts that a chief had (Table 3), it appeared that the frequency of political interference was relatively low. Among those reported (n = 46), interference was most commonly (65.2 per cent) perceived on only one or two occasions for each group. Reports of prolific political interference, defined as more than 10 incidences in the last six months, were observed in each of the three comparative groups although these were very rare (2.7 per cent).

Noteworthy, however, council members *not* on the board (n = 72) were cited as frequently (73.6 per cent) as those on the board in a position other than chair (74.0 per cent). In combination with the previous finding that chiefs were frequently contacted by members of this group about policing-related matters, these results raised questions about the extent to which police boards safeguard police from political interference from insiders and outsiders. At the same time, the results challenged the assertion that by being on a police board, political interference by a council member is more likely.

Because cases of political interference offer a portal to assess the affect of board structure, the 46 aggregate cases of political interference among the three comparison groups (Table 5) were examined in detail. Foremost, this analysis revealed no significant relationships with any of the factors that comprised board structure. Refuting the hypothesis, board structure did not relate to incidents of perceived political interference. Notwithstanding the absence of any significant relationship and the relatively low frequency of incidents, the prevalence of reported political interference was, on its own, an important and troublesome finding. Accordingly, these cases were analysed in greater detail.

Among the 46 cases, 16 chiefs reported political interference from more than one of the three groups yielding a net of 30 distinct chiefs (40.5 per cent) who reported political

interference at least once within the previous six months. Although analysis of the 30 chiefs with the variables of board structure did not generally reveal any relationship, there was one significant relationship observed between those chiefs who reported political interference by any council member and the role of the mayor on the board [x^2 (4) = 10.27, p=.036]. While the mayor was in an executive role (chair/vice-chair) on less than one-third (29.7 per cent) of boards (n = 74), the mayor occupied this role in two-fifths (40.0 per cent) of the cases of reported political interference. Given the historical consternation about mayors occupying executive roles on police boards, this finding was examined further.

As discussed in Chapter One, a mayor in the role of the police board chair is "hotly debated" (LaLonde and Kean, 2003: 94). For Oppal, concerns of conflict of interest led to the conclusion that, "a mayor would be an inappropriate chair" (1994: B44). According to one respondent chief, "Having your chair and vice-chair as political figures and dominant in the hiring process for the chief creates obvious pressures for the chief to 'go along'." Relevant to this result, chiefs were asked how many times in the past 12 months they experienced political interference from a council member or the mayor regarding an investigation.[7] Because police investigations are widely accepted as outside the purview of police governance and a clear example of what should be free from political interference, these questions provided two of the strongest tests of the hypothesis.

As demonstrated in Table 6, chiefs rarely (9.6 per cent) perceived political interference from a council member or the mayor regarding an investigation (n = 73). Of the aggregate 14 cases in which chiefs reported political interference from a council member and/or the mayor, the mayor was in an executive role in only two cases. Likewise, a council

---

[7] Due to a discrepancy in the survey question, it was unclear whether the frequency reported by respondents was within the last six months or 12 months. Consequently, the 12-month period was adopted to ensure that any error which may result is reflected as an understatement of the actual prevalence.

member was in an executive role in only two other cases. In summary, there was no significant relationship resulting from the role of council members, including the mayor, with respect to cases of perceived political interference into a police investigation.

Table 6: Perceived political interference by council and mayor: frequency

	Number of times in the last 12 months				
	0	1-2	3-5	6-9	10+
Scenario					
Political interference from a council member (not including the mayor) regarding an investigation. (n = 73)	91.8% (67)	6.8% (5)	1.4% (1)	0	0
Political interference from the mayor regarding an investigation. (n = 73)	89.0% (65)	8.2% (6)	0	2.7% (2)	0

As was done with earlier cases of broad political interference, analysis of the 14 cases of reported political interference regarding an investigation provided another critical test of the hypothesis. Among these 14 cases, two chiefs perceived interference from both council members and the mayor netting 12 distinct cases within the previous 12 months. Analyses of these cases with the variables used to comprise board structure and the appointment processes revealed no significant relationships. In contrast to the above finding that there existed some relationship between broad political interference and the role of the mayor on the board, there was no such relationship identified in this more specific context. In effect, these results provided another finding at odds with the hypothesis.

It is important to point out that of the aggregate 14 cases of perceived political interference from a council member or the mayor regarding an investigation, four did not identify political interference elsewhere, as captured in Table 5. Therefore, the number of *distinct* cases of political interference reported totaled 34 and represented slightly less than

half (45.3 per cent) of the 75 respondents. This finding was the most troublesome within this study.

As part of a more robust examination of various indicators of political interference and police independence, particularly as they related to board structure, chiefs were asked to indicate the number of times they experienced "pressure" related to three scenarios: 1) pressure from any council member about where or when to deploy police; 2) pressure from any board or council member to hire/contract a particular person as a sworn employee; and 3) pressure from any board or council member to hire/contract a particular person as a non-sworn employee. As shown in Table 7, nearly half (47.3 per cent) experienced pressure from a council member about where or when to deploy police (n = 74). In contrast, very few chiefs (6.8 per cent) reported pressure from any board or council to hire/contract a particular person, sworn or non-sworn, as an employee (n = 74).

Table 7: Perceived pressure and political interference: frequency

	Number of times in the last 12 months				
	0	1-2	3-5	6-9	10+
Scenario					
Pressure from any council member about where or when to deploy police. (n = 74)	52.7% (39)	23% (17)	17.6% (13)	4.1% (3)	2.7% (2)
Pressure from any board or council member to hire/contract a particular person as a sworn employee. (n = 74)	91.9% (68)	6.8% (5)	1.4% (1)	0	0
Pressure from any board or council member to hire/contract a particular person as a non-sworn employee. (n = 74)	94.6% (70)	4.1 (3)	1.4% (1)	0	0

Whether pressure from a council member about the deployment of police was reminiscent of the political era and constituted political interference or a threat to police

independence is debatable. In this context, the deployment of personnel was deemed to be an operational matter and, by definition, any involvement of political authorities in policing operations was political interference. However, the term "pressure" was not operationalized in the survey leaving it to personal interpretation by respondent chiefs. The nature and context of perceived "pressure" would be essential to empirically test the concept with any validity and reliability. Pressure from a council member about where and when to deploy police yielded more significant relationships than any other variable tested. Although these relationships were interesting, the absence of an operational definition for the term "pressure" required some caution in their interpretation. Notwithstanding, the findings offered another perspective in this review and exposed new research opportunities.

Among the 35 cases of perceived pressure by council regarding the deployment of police, nearly half (48.6 per cent) occurred once or twice in the last year. This perceived pressure by council most significantly related to whether the board saw itself as a buffer between the service and council [x^2 (1) = 11.31, p=.001] and whether the board effectively buffered [x^2 (1) = 10.51, p=.001]. Of the 12 chiefs who disagreed that the board saw itself as a buffer, all but one (91.7 per cent) perceived pressure to deploy. Likewise, four-fifths (82.4 per cent) of respondents who disagreed that the board effectively buffered (n = 17) reported this pressure. Similar results emerged in an analysis of this variable with the perception that the board understood its legislated mandate [x^2 (1) = 4.41, p=.036] and operated within it [x^2 (1) = 7.11, p=.008]. While three-quarters (75.0 per cent) of those that disagreed that the board understood its mandate (n = 12) reported pressure, almost all (88.9 per cent) of the few chiefs who disagreed that the board operated within its legislated mandate (n = 9) also perceived pressure.

The question did not solicit clarification about the relationship of council members to the board, nor did the survey enable a comparison of results with non-council members. These shortcomings made it impossible to discern the nexus of these relationships, although it may be theorized that they were a byproduct of disagreement between police chiefs and boards about whether the deployment of personnel was, or should have been, within the purview of the police board.

Unlike the deployment of personnel, "pressure" from any board or council member to hire/contract a particular person as an employee, regardless of whether this person was sworn or non-sworn, was widely regarded as unacceptable. This assertion was supported by the overwhelming proportion (93.2 per cent) of respondents who reported not experiencing either scenario in the last year. Analysis of the 10 aggregate cases determined that two chiefs experienced pressure in relation to hiring a sworn and non-sworn employee. The net result was that slightly more than one in ten (10.8 per cent) chiefs reported such an experience in the last year. It was interesting to note that of these eight chiefs, six were common to the 30 distinct cases of political interference by council discussed previously. This finding suggested that the isolated results of pressure and political interference revealed in this survey were concentrated within the sample and not widely dispersed.

The most important result arising from the analysis of these three variables of pressure was that none were significantly related to the variables used to comprise board structure. This finding was consistent with two previous results which failed to identify any significant relationships between variables of political interference and board structure.

Summary

The results of this research suggested a generally optimistic report on police independence in Canada and were personified by the overwhelming majority (94.7 per cent) of chiefs who agreed with the statement, "*Usually*, I feel independent from municipal political interference" (n = 74). As additional evidence refuting the hypothesis, this response was found to be significantly related to many of the indicators of police independence (Table 8).

Table 8: Variables of police independence significantly related to question 46

Variable	Relationship
Board operates within legislated mandate (n = 75)	$[x^2 (1) = 15.88, p=.000]$
Board effectively buffers the service to ensure police independence (n = 74)	$[x^2 (1) = 6.47, p=.011]$
Council member (chair) understands the notion of police independence (n = 37)	$[x^2 (1) = 10.56, p=.001]$
Council member (chair) actively respects police independence (n = 36)	$[x^2 (1) = 4.66, p=.031]$

The responses of chiefs demonstrated remarkable consistency and consensus here and throughout the survey. Nowhere else, however, was the consensus as strong as seen by the virtual unanimity (98.6 per cent) of chiefs that agreed with the statement, "*Usually*, I feel independent from provincial political interference (n = 74). This response was not, however, significantly or strongly related to any of the variables highlighted in Table 8. As discussed previously, this is likely an indication that chiefs typically responded to questions from a municipal orientation. The noted consistency in these and other responses may be reflective of a previously observed homogeneity among the population. In a survey of 162 Canadian police

executives by the Canadian Association of Chiefs of Police, a comprehensive profile of police executives in Canada led the researchers to conclude:

> The survey respondents demonstrated a remarkably homogenous character (with) the uniformity of their characteristics including their general and demographic profiles, career paths, responsibilities, strategic visions, attitudes to change, values and beliefs, professionalism, ability to balance work and life, and strengths and weaknesses (Murray and Alvaro, 2001: 9).

Ideal Board Structure

In closing the survey, chiefs were asked questions to understand their perceived value of police boards and to solicit their ideas about new models of police governance. The results revealed a highly positive view of police boards generally and a surprising level of apparent satisfaction with current police board models. Specifically, an overwhelming majority (92.0 per cent) of chiefs indicated that the police board "added value to their police service and/or community'. Moreover, 89.3% of respondents took the extraordinary step of explaining their response, the results of which are detailed in Appendix D. As a summary, the remarks were very positive with most referring to the board as supportive, knowledgeable, serving as a link to community, a buffer for independence, and providing governance and oversight. Notably, only a minority of comments were critical or offered suggestions for change.

Chiefs were also asked to outline the ideal board structure using the current model of Canadian police boards. As demonstrated in Table 9, the majority (56.5 per cent) identified a board comprised of five members as ideal, although there was lower consensus regarding the exact composition including the number of municipal and provincial appointees, as well as the role of council members on the board.

Table 9: "Ideal" board structure: most common responses[8]

# of Board Members (n = 67)	# of Municipal Appointees (n = 68)	# of Provincial Appointees (n = 63)	# of Council Members (n = 68)	Council Member Role (n = 69)		Council Member Rights (n = 68)
5 - 56.5%	2 - 33.8%	2 – 33.0%	2 - 52.9%	Chair	20.3%	Voting 92.6%
7 - 27.5%	1 - 29.4%	1 – 27.0%	1 – 25.0%	Vice-chair	4.3%	Non-voting 7.4%
6 - 10.1%	3 - 22.1%	3 - 23.8%	3 - 19.1%	Reg. member	68.1%	
		0 - 7.9%		*Ex-officio*	7.2%	

By comparing the "ideal" structure with the current structure of police boards (Table 1), no significant differences emerged. Conversely, analysis of each area revealed a highly significant relationship between the number of board members that chiefs currently reported to and the number of members on the ideal board [x^2 (30) = 241.97, p=.000]. Similarly significant results emerged from an examination of most other relevant variables, including number of municipal appointees [x^2 (30) = 113.58, p=.000], provincial appointees [x^2 (25) = 107.66, p=.000], and council members on the board [x^2 (9) = 65.65, p=.000]. With the notable exception of changes in the role of council members on the ideal board, such a significant relationship among most responses signaled confidence among chiefs about their current board structure. Alternatively, the responses reflected a lack of contemplation or awareness among chiefs about the merits of different board models.

Notwithstanding the significant relationships observed, a number of nuanced differences are worth highlighting as they may infer how chiefs perceived particular board members or board member roles. With respect to the number of board members, nearly two-thirds (64.0 per cent) reported to a board of five, although this size was ideal for a smaller

---

[8] Percentages may not equal 100% as the results shown represent common responses and may not be exhaustive.

majority (56.5 per cent). Accounting for differences in response rates, it appeared that almost one in five (19.0 per cent) chiefs with a five-member board (n = 43) did not identify this as the ideal size. Interestingly, an increase was noted between the number of chiefs who had a board of six people (n = 2) and those who identified this as the ideal size (n = 7). In summary, many chiefs advocated that the ideal board size is something other than what they reported to.

More substantive differences were observed in relation to the number of municipally and provincially appointed citizens on the board. While a slight majority (52.0 per cent) of chiefs reported one municipally appointed citizen on their board, less than one-third (29.4 per cent) identified this as ideal. Instead, chiefs more commonly (33.8 per cent), albeit only marginally, suggested that the ideal board included two municipally appointed citizens. Another notable difference was observed between the number of boards with no provincial appointees (19.2 per cent) and the number of chiefs who considered zero provincial appointees to be ideal (7.9 per cent). Instead, respondent chiefs (n = 63) most commonly (33.0 per cent) advocated for two provincial appointees on an ideal board or, in slightly fewer (27.0 per cent) cases, one provincial appointee.

An unexpected finding emerged from the nearly unanimous (97.0 per cent) support for at least one council member on the ideal board (n = 68), a position contrary to Oppal's recommendation that "municipal councillors not serve as members of police boards" (1994: B-65). Almost equally (92.6 per cent) supported was the position that council members on the ideal board possess full voting rights, a notable reflection of the overwhelming majority (90.7 per cent) of boards whose council members had voting rights.

Consensus was less apparent, however, when determining how many council members should be on an ideal board. Here, a slim majority of chiefs (52.9 per cent) suggested two, a

result mirrored by the majority (52.7 per cent) of respondents whose current boards had two council members. However, there were noticeable differences between the responses of chiefs whose current board had one or three council members. Whereas 11 chiefs indicated that their current board had one council member, 17 chiefs indicated that this was ideal. Conversely, whereas 20 chiefs reported three council members on their board, only 13 suggested this as the ideal. Form the perspective of chiefs it is, therefore, apparent that an ideal board include only one or two council members.

While chiefs strongly favoured council members on the board in-principle, there was a substantial difference in the role of board members on the ideal board when compared to the current board. Whereas council members sat as the chair in almost half of cases (49.3 per cent) and the vice-chair in nearly as many (42.7 per cent), only one-fifth of chiefs (20.3 per cent) envisioned the ideal board structure to include a council member as the chair and almost never (4.3 per cent) in the role of vice-chair. Instead, approximately two-thirds (68.1 per cent) favoured council members in the more limited role of regular board member. Unlike all previous comparisons on this issue, where there was a strong relationship between chiefs' current board structure and their ideal model, chiefs fundamentally departed from the status quo when referring to the role of council members. This departure may be inferred as evidence supporting the contention of Lalonde (2003) and others (Griffin, 2006; Oppal, 1994; Police Sector Council, 2001) that the issue of the mayor being the chair of the police board is widely contested.

Imagining a New Model

Chiefs were asked to think beyond the current model of Canadian police board structures and imagine a different model that would protect police independence, while not

compromising police accountability and public confidence. In contrast to previous open-ended questions, only a minority (14.1 per cent) of chiefs responded. Once again, this may be interpreted as an indicator of general satisfaction among chiefs about the current state of police board structures. Alternatively, this result may indicate that chiefs had not contemplated the affect of police board structure, were unaware of any strengths and weaknesses inherent to varying structures, or simply viewed board structure as unrelated to any problems they perceived. Of the responses received, most chiefs provided ideas that reflected only a tinkering with the existing models, rather than sweeping reform. These responses advocated change relating to board composition, appointment processes, and accountability structure, as well as how and how much training board members receive. The complete list of responses is presented in Appendix E.

Chapter Four: Conclusion and Recommendations

The independence of police from political interference is fundamental to democracy and there exists an historical persistence for the use of police as a political apparatus of the state. Yet, there is also an "equally unsettling history of police agencies acting as a law unto themselves" (Sossin, 2004: 30-31). An examination of the relationship between the police and the state exposes the enduring challenge presented by the seemingly dichotomous doctrines of police accountability to the state and autonomy from the state. How to guard against one extreme while not inviting the other is of utmost importance in a liberal democracy.

As a central figure in the network of regulatory bodies and processes which mediate a complex and delicate relationship between the state and police, municipal police boards facilitate police accountability and independence simultaneously. The first police boards emerged to "insulate the police from direct governance by elected municipal politicians and guarantee a measure of political independence for police services" (Public Sector Council, 2001: 25). Despite a rich history, including substantial change to their membership and authority (Biro, 2006), boards have maintained apparently political structures while their precise role and very existence continues to be a matter for debate (Law Commission of Canada, 2006).

The research literature details the important role of police boards amidst a complex backdrop of historical, constitutional, legal, and practical challenges. Foremost, police and crime are inherently political (Bayley, 1970; Estrada, 2004; Goldsmith, 1991; Haggerty, 2004). Governments are almost always elected with a specific 'law and order' agenda and campaign pledges often have a direct impact on police (Sossin, 2004). Crime is strategically

cast as a problem to be solved through political action amidst an environment where "nobody (politicians) can afford to be viewed as being 'soft on crime'" (Estrada, 2004: 421).

These academic assertions were observed over the two-year course of this research during which a new conservative federal government established crime and safety as an urgent national priority, and the first-ever civilian commissioner was politically and controversially appointed to manage the RCMP amidst a report that the organization had "governance and cultural problems" (Browne, 2007: 39). Elsewhere, the mayoral-election of Saskatoon, Saskatchewan was fought, in part, on a pledge to remove elected officials from the local police board, while the need to establish a police board was publicly and extensively debated in Winnipeg, Manitoba.

These fundamental shifts and policy debates highlighted the need and importance for research on police governance. Empirical research, however, is conspicuously absent. The literature is comprised mostly of commentary among academics, practitioners, and pundits about the state of policing and police governance in Canada. Accordingly, the breadth of literature reviewed in this major paper was atypically comprehensive and is a contribution to the dearth of current information on police governance.

An historical review of policing paradigms, often referred to as "eras", demonstrated a persistently political relationship between the police and the state. Despite the introduction of police boards 150 years ago with the intent to "remove the police from direct political control" (Law Commission of Canada, 2006: 85), Canadian commissions of inquiry over the past 30 years have consistently demonstrated the elusiveness of this objective. To contextualize the relationship between the police and state, considerable attention was paid to disentangling the notions of police "independence" and "accountability". Though much of the

discourse on police governance presented these doctrines as dichotomous, the more recent literature suggested a tempered perspective. Combating the idea that independence was the antithesis of accountability, the relationship appeared to be competitive, yet compatible.

A further contribution of this study was the empirical testing of an important hypothesis. The hypothesis was that the more inherently political a police board structure, as defined by its size, composition, appointment processes, and particularly the ratio, role, and rights of elected officials on the board, the less independent the police service would be, as reported by the chief constable. At the root of the hypothesis was an untested question about whether police boards were structurally more or less susceptible to control by elected officials, and whether such susceptibility manifested itself as political interference intruding on police independence. This research assessed the extent to which the manifest function of a police board as a "buffer" between police and state was related to its structure. The findings of the study revealed a number of noteworthy "blind spots" in police governance, yet, most significantly, the results refuted the main hypothesis.

This study reaffirmed previous research concluding that there was no dominant model of police boards in Canada (Stenning, 1992). Contrary to the hypothesis, board size, legislated mandate, the number, ratio, and single-term length of municipal and provincial appointees, as well as the number, ratio, and voting rights of council members on the board did not significantly relate with any of the indicators of political interference and police independence. For policy makers and legislators interested in protecting police independence or improving police governance in Canada, these results should narrow the scope of structural reforms from those previously advocated. A number of insightful relationships were observed,

however, and each shed light on an issue that requires additional monitoring, deeper empirical exploration, and/or immediate policy and legislative reform.

This study also reaffirmed a previous observation that there was considerable consistency in the legislated mandate of police boards (Canadian Association of Police Boards, 2006), with the exception that slightly less than half were responsible for civilian complaint oversight. A significant relationship was noted between police boards with this responsibility and chiefs not feeling independent when making policy decisions. This relationship was likely a byproduct of the operations/policy framework that guides the purview of police boards. This type of framework is generally problematic because operations and policy, like police independence and accountability, are neither mutually exclusive nor dichotomous. Instead, the relationship between these notions is more dynamic and this is particularly true where the police board is responsible for civilian complaint oversight. New ways of thinking about these concepts are emerging in the literature (see Roach, 2004; Sossin, 2004) and should be carefully considered by police executives and governors alike. In the interim, the lack of independence felt by police chiefs reporting to a board that is responsible for civilian complaint oversight may signal either a healthy tension in these circumstances or another problem inherent to the oft-debated structure and mechanics of civilian complaint oversight in Canada today.

In the quest to understand the structure of police boards and its relationship with indicators of police independence, a number of results suggested that how and how well a police board interpreted and internalized its mandate was significant. Although the role of "political buffer" is the *raison d'être* of police boards, it is not acknowledged or supported in policy or legislation. Given the historical persistence of politics in policing, which was again

affirmed in this research, it is evident that it should be. By formally acknowledging the role of "political buffer" and, by extension, the reality that political interference in policing is pervasive, additional policy and legislation could be created to structure processes for resolving allegations of interference in policing, including better protection for individual police board members from political dismissal without cause. To this end, Oppal recommended that "board members should be removable during terms only for cause" and that, "board members whose terms are not renewed be provided with written reasons within 30 days of request" (1994: B-70). These recommendations are supported here.

Notwithstanding the absence of such protections today, police boards and board members must assume greater responsibility in the pursuit of police independence given that nearly half (45.3%) of the police chiefs surveyed revealed political interference from a council member/mayor in the last year. An additional 12 chiefs reported pressure from a council member about where or when to deploy police, producing an aggregate 46 of 75 respondents (61.3 per cent) that perceived political pressure or interference at least once within the last year. This finding was the most troublesome of the study and was a sharp signal from chiefs that politics continued to permeate policing despite the presence of police boards, a finding that was widely and historically supported by the literature (Griffin, 2006; LaLonde and Kean, 2003; Oppal, 1994; Police Sector Council, 2001; Sossin, 2004; Stenning, 2004).

Typical of early efforts to empirically explore any subject, the findings invited several new avenues for study and research. Further empirical exploration should augment this study, provoke debate, and advance conversations that shape police governance operations and policy. Foremost, a focussed follow-up study of municipal police chiefs is required to more

thoroughly understand and test the troublesome findings here. Specifically, in-person interviews or focus groups with chiefs would provide an essential context to the findings of this research of frequent municipal political interference and political pressure to deploy resources. Of particular importance is the need to discern whether these reports were evidence of the historical ebb and flow of serious political interference in policing or, alternatively, whether they were an artefact of heightened political sensitivity among today's police chiefs and/or an artefact of a nuanced shift in the threshold of what they interpret as political interference. Methodologically, a replication of this study with municipal police chiefs who report to a committee-of-council would provide an important comparison group that, augmented by a survey of police board members, would provide valuable perspectives to test the veracity of these results.

There were numerous factors which significantly related to the chiefs disclosure of political pressure and interference. Often at issue in discussions of political interference in policing are the number, ratio, and role of elected officials with respect to the police board, including the appointment process to the board. Unexpectedly, the number, ratio, and role of council members on the police board did not significantly relate to any of the indicators of political interference used in this study. Police chiefs almost unanimously supported having at least one council member on the board, which spoke highly of their perceived contributions. However, a high ratio of chiefs also proposed a more limited role for elected officials on police boards and this suggested an undercurrent of dissatisfaction.

Chiefs agreed overwhelmingly that council members in an executive role on the board understood and respected police independence. Moreover, there was no relationship found between the role of council members on a police board and the indicators of political

interference. Notwithstanding, the assertion of many chiefs that elected officials should occupy a more diffuse role on police boards was troublesome. The underlying source of this consternation, however, was unclear. It may be a principled position that boards should be independent, non-partisan, and a "political buffer", or may signal some other phenomena among elected officials in executive police board positions which were not detected through this study.

From a pragmatic perspective, council members regularly experience role conflict as police board members when voting on matters relating to budget, for example. How these situations are managed by the council members and the effect on board policy/operations and police independence is conspicuously absent in the discourse of police governance. While the findings of this study should quell the periodic calls to remove council members entirely from police boards, it is apparent that a more focussed review of their role on police boards is necessary.

Most contentious in relation to the role of elected officials on police boards is the specific role of a mayor (LaLonde and Kean, 2003; Oppal, 1994). On this subject, two findings emerged in this study which brought focus to the otherwise broad assertion that mayors and police boards are a poor mix. Foremost, the role of a mayor on a police board did not directly and significantly relate to the indicators of police independence. Unexpectedly, the appointment process to police boards was more likely to be seen as merit-driven when the mayor was the board chair. Conversely, the process was more often seen as political patronage when the mayor was a regular member. This was not to suggest a causal relationship and these results challenged any argument that boards were more politically predisposed when the mayor was the chair.

The perception among police that the appointment process to police boards is political patronage rather than merit-based is well-documented (LaLonde and Kean, 2003; Oppal, 1994; Sossin, 2004; Stenning, 1992). As the first empirical study of this question, chiefs presented a much more divided view, however, which suggests that the existing literature overstated their perception. Chiefs were split equally when asked if appointments were merit-driven, while only a slight majority perceived the process as (political) patronage. The dissonance may be a function of assumption or general scepticism about appointments by political bodies or a byproduct of high profile instances of political patronage which tend to shape opinions.

Although chiefs appeared to have a more balanced view of the appointment process than reflected in the literature, it was equally clear from the results that a problem remained. Particularly acute for municipal governments, only two-thirds of their police board appointees were perceived by chiefs as politically independent compared to nearly all provincial appointees. Noteworthy, this perception was directly related to the length of a municipal appointee's single term and related strongly to the chiefs' perception of the board as an effective buffer. Of particular interest to policy-makers and legislators, board members with terms of three or more years were more likely to be perceived as politically independent and effective as a political buffer.

To enhance the credibility of the municipal appointment process, Oppal recommended that short-listed applicants to a police board be interviewed "in public by council about their qualifications and their views about policing" and that unsuccessful candidates be provided with "written reasons upon request why they were not recommended for appointment" (1994: B-61). In principle, these recommendations are supported here. However, a municipal

government would be better served by establishing an independent nominating committee, comprised of citizens and city employees, to screen police board applicants in a manner consistent with the processes used for appointments to judiciaries and Canada's National Parole Board. Augmented by legislation that sets police board member terms at three years, these measures will enhance procedural fairness in the process and produce a level of transparency, accountability, and credibility that does not currently exist.

The results of this study revealed another "blind spot" in police governance which related to the experience of police chiefs with council members not on the police board. Foremost, the survey found that council members not on the board frequently contacted the chief privately about policing matters, rather than communicating through the police board. More concerning was that chiefs were slightly less likely to feel independent during these private contacts and marginally more likely to report political interference from council members *not* on the board than those on the board. Unfettered access by elected officials to the chief, particularly by people who may be lacking a requisite awareness or appreciation for the principle of police independence, is troublesome. To address this, it is recommended that police boards contemplate the legitimate police-related needs of elected officials and establish appropriate mechanisms to meet these. Moreover, it is recommended that all newly elected municipal council members receive training in the areas of police independence and governance.

This research offers a timely contribution to the paucity of knowledge surrounding police governance in Canada. The results exposed serious blind spots in police governance which, unabated, present a real threat to police independence. In particular, the pervasiveness of reported political interference and pressure on police chiefs raised several significant issues

which must be explored jointly by academics and practitioners and subsequently addressed by policy-makers and legislators.

Although some of the results reported here were both alarming and pressing, they should not obscure what was otherwise a very positive current state of police independence and police governance in Canada. The first pan-Canadian study of its kind in more than 20 years, this study stands as a testament to the willingness of the Canadian Association of Chiefs of Police, Police Sector Council, and Royal Canadian Mounted Police to support empirical research which, though politically sensitive, contributes to better police governance in Canada. Most importantly, chiefs reported feeling independent when making operational decisions, a hallmark of appropriate police/state relations in a liberal democracy. Equally assuring was the virtual unanimity among chiefs who agreed that they "usually" felt independent from municipal and provincial political interference. Overall, chiefs of municipal police services across Canada signalled a general satisfaction with, and confidence in, the structure and operation of police boards today. These outcomes will surely be welcomed by the many paid and unpaid professionals dedicated to policing and police governance excellence in Canada.

References

Barber, K. (Ed.). (1998). *The Canadian Oxford Dictionary*. Don Mills, Ontario: Oxford University Press.

Bayley, D. H. (1970, September). *The Police and Political Change in Comparative Perspective.* Paper presented at the American Political Science Association.

Bayley, D. H. (1991). Preface. In A. J. Goldsmith (Ed.), *Complaints Against the Police: The Trend to External Review* (pp. i - xi). Oxford: Clarendon Press.

Beare, M. E. (Ed.). (2007). *Steeped in Politics: The Ongoing History of Politics in Policing*. Toronto: University of Toronto Press.

Biro, F. (2006). History of Police Boards. Retrieved November 12, 2006, from www.peelpoliceboard.ca/pages/history.

Biro, F., Campbell, P., McKenna, P., & Murray, T. (2000). *Police Executives Under Pressure: A Study and Discussion of the Issues*. Ottawa, Ontario: Canadian Association of Chiefs of Police.

Browne, D. A. (2007). *A Matter of Trust: Report of the Independent Investigator into Matters Relating to RCMP Pension and Insurance Plans*. Retrieved July 22, 2008, from www.publicsafety.gc.ca.

Canadian Association of Police Boards. (2006). Board Composition and Duties. Retrieved November 22, 2006, from www.capb.ca.

Canadian Centre for Justice Statistics. (2007). *Police Resources in Canada, 2007*. Retrieved September 15, 2008, from www.statcan.ca.

Carter, D. L., & Radelet, L. A. (1999). *The Police and The Community* (Sixth ed.). Upper Saddle River, New Jersey: Prentice Hall.

Chan, J. B. L. (1999). Governing Police Practice: Limits of the New Accountability. *British Journal of Sociology, 50*(2), 251-270.

Chin, T., Vos, E., & Casey, Q. (2004). Levels of Ownership Structure, Board Composition and Board Size Seem Unimportant in New Zealand. *Corporate Ownership & Control, 2*(1), 119-128.

Cooper, B. (2006). *Bureaucrats in Uniform: The Politicization and Decline of the Royal Canadian Mounted Police*. Vancouver, British Columbia: The Fraser Institute.

Crank, J. P., Regoli, R., Hewitt, J. D., & Culbertson, R. G. (1995). Institutional and Organizational Antecedents of Role Stress, Work Alienation, and Anomie Among Police Executives *Criminal Justice and Behaviour, 22*(2), 152-171.

Crawford, K. G. (1954). *Canadian Municipal Government*. Toronto: University of Toronto Press.

Daily, C. M., Dalton, D. R., & Cannella Jr, A. A. (2003). Corporate Governance: Decades of Dialogue and Data. *Academy of Management Review, 28*(3), 371-382.

Davidson, W. N. I., Pilger, T., & Szakmary, A. (2004). The Importance of Board Composition and Committee Structure: The Case of Poison Pills. *Corporate Ownership & Control, 1*(3), 81-95.

Den Boer, M. (2002). Towards and Accountability Regime from an Emerging European Policing Governance *Policing and Society, 12*(4), 275 - 289.

Durston, G. J. (2000). The Challenges of Policing Democracy: The British Experience In D. K. Das & O. Marenin (Eds.), *Challenges of Policing Democracies: A World Perspective* (pp. 243-284). Amsterdam: Gordon and Breach Publishers.

Estrada, F. (2004). The Transformation of the Politics of Crime in High Crime Societies. *European Journal of Criminology, 1*(4), 419-443.

Garland, D. (1996). The Limits of the Sovereign State: Strategies of Crime Control in Contemporary Society. *The British Journal of Criminology, 36*(4), 445 - 471.

Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Chicago: The University of Chicago Press.

Gillette, A. B., Noe, T. H., & Rebello, M. J. (2003). Corporate Board Composition, Protocols, and Voting Behavior: Experimental Evidence. *Journal of Finance, 58*(5), 1997-2032.

Goldsmith, A. (1999). Better Policing, More Human Rights: Lessons from Civilian Oversight In E. P. Mendes, J. Zuckerberg, S. Lecorre, A. Gabriel & J. Clark, A. (Eds.), *Democratic Policing and Accountability: Global Perspectives*. Brookfield, USA: Ashgate.

Goldsmith, A. (2005). Police Reform and the Problem of Trust. *Theoretical Criminology, 9*(4), 443-470.

Goldsmith, A. J. (1991). Introduction. In A. J. Goldsmith (Ed.), *Complaints Against the Police: The Trend to External Review* (pp. 1-11). Oxford: Clarendon Press.

Goldstein, H. (1977). *Policing a Free Society*. Cambridge, MA: Ballinger.

Graham, A. (2005). *Best Practices - A Framework for Professionalism and Success in Police Board Governance*. Ottawa, Ontario: Canadian Association of Police Boards.

Grant, A. (1981). *The Police: A Policy Paper*. Ottawa: Law Reform Commission of Canada.

Grant, A. (1992). *Policing Arrangements in New Brunswick: 2000 and Beyond*: Province of New Brunswick.

Greene, J. (2001). Community Policing in America: Changing the Nature, Structure, and Function of the Police. In *Criminal Justice 2000* (Vol. 3, pp. 299-370). unknown: unknown.

Griffin, D. (2006, March 7). *Police Board Governance: A Police Association Perspective.* Paper presented at the Police Employment in 2006 Conference, Toronto, Ontario.

Griffiths, C. T., Parent, R. B., & Whitelaw, B. (2001). *Community Policing In Canada*. Scarborough, Ontario: Nelson Thomson Learning.

Haggerty, K. D. (2004). Displaced Expertise: Three Constraints on the Policy Relevance of Criminological Thought. *Theoretical Criminology, 8*(2), 211-231.

Hayes, C. (2001). The Relationship Between Police Boards and Chiefs of Police in Canada. *The Police Journal, 74*, 149-154.

Herbert, S. (2006). Tangled Up in Blue: Conflicting Paths to Police Legitimacy. *Theoretical Criminology, 10*(4), 481-504.

Hillman, A. J., & Dalziel, T. (2003). Boards of Directors and Firm Performance: Integrating Agency and Resource Dependence Perspectives. *Academy of Management Review, 28*(3), 383-396.

Hughes, T. (1999). *APEC Report*. Vancouver, BC: Commission for Public Complaints Against the RCMP.

Johnston, L., & Shearing, C. (2003). *Governing Security: Explorations in Policing and Justice*. New York, NY: Routledge.

Kelling, G. L., & Moore, M. H. (1988). The Evolving Strategy of Policing. *Perspectives on Policing*(4), 1-15.

Kerley, K. R., & Benson, M. L. (2000). Does Community-Oriented Policing Help Build Stronger Communities? *Police Quarterly, 3*(1), 46-69.

Knoll, P. (2005). *True Confessions of a Former Police Board Member.* Paper presented at the CAPB Annual Symposium, Ottawa, Ontario.

LaLonde, M. W., & Kean, D. W. (2003). *Municipal Police Board Governance in British Columbia*. Retrieved November 2, 2006, from www.pssg.gov.bc.ca/police_services.

Lapkin, G. S. (1999). Democratic Limits on Law Enforcement: Squaring the Circle In E. P. Mendes, J. Zuckerberg, S. Lecorre, A. Gabriel & J. Clark, A. (Eds.), *Democratic Policing and Accountability: Global Perspectives* (pp. 89-111). Brookfield: Ashgate Publishing Co.

Law Commission of Canada. (2006). *In Search of Security: The Future of Policing in Canada*. Retrieved January 23, 2007, from www.lcc.gc.ca

Lewis, C. (2000). The Politics of Civilian Oversight: Serious Commitment or Lip Service? In A. Goldsmith & C. Lewis (Eds.), *Civilian Oversight of Policing: Governance, Democracy and Human Rights* (pp. 19-40). Portland, Oregon: Hart Publishing.

Loader, I. (2000). Plural Policing and Democratic Governance. *Social and Legal Studies, 9*(3), 323-345.

Lynall, M. D., Golden, B. R., & Hillman, A. J. (2003). Board Composition from Adolescence to Maturity: A Mulitheoretic View. *Academy of Management Review, 28*(3), 416-431.

Marenin, O. (2000). Democracy, Democratization, Democratic Policing In D. K. Das & O. Marenin (Eds.), *Challenges of Policing Democracies: A World Perspective* (pp. 311-331). Amsterdam: Gordon and Breach Publishers.

Martin, D. L. (2004, June 29). *Legal Sites of Executive-Police Relations: Core Principles in a Canadian Context.* Paper presented at the Ipperwash Inquiry/Osgoode Hall Law School: Symposium on Police/Government Relations, Toronto, Ontario.

Murphy, S. (2006). Executive Motivation from the Front-Lines to the Boardroom. *International Journal of Police Science & Management, 8*(3), 232-235.

Murray, T., & Alvaro, S. (2001). *A Profile of the Canadian Police Executive Community*. Ottawa, Ontario: Canadian Association of Chiefs of Police.

O'Conner, D. R. (2004). *Police Independence from Governmental/Executive Direction*. Retrieved November 22, 2006, from www.ararcommission.ca.

O'Conner, D. R. (2006a). *Arar Commission releases its findings on the handling of the Maher Arar case*. Retrieved November 22, 2006, from www.ararcommission.ca.

Oppal, W. T. (1994). *Closing The Gap: Policing and the Community*. Victoria, BC: Attorney General - Commission of Enquiry Policing in British Columbia.

Palmiotto, M. J. (2000). *Community Policing: A Policing Strategy for the 21st Century* (First ed.). Gaithersburg, Maryland: Aspen Publishers.

Peak, K. J., & Glensor, R. W. (1999). *Community Policing & Problem Solving: Strategies and Practices* (Second ed.). Upper Saddle River, New Jersey: Prentice Hall.

Police Sector Council. (2001). *Strategic Human Resources Analysis of Public Policing in Canada*. Retrieved November 08, 2006, from www.policecouncil.ca.

Pratt, J. (1999). Governmentality, Neo-Liberalism and Dangerousness. In R. Smandych (Ed.), *Governable Places: Readings on governmentality and crime control* (pp. 133-161). Brookfield, USA: Ashgate Publishing Limited.

Prevost, A. K., Rao, R. P., & Hossain, M. (2002). Board Composition in New Zealand: An Agency Perspective. *Journal of Business Finance & Accounting, 29*(5/6), 731.

Pue, W. W. (Ed.). (2000). *Pepper in our Eyes: The APEC Affair*. Vancouver, British Columbia: UBC Press.

R. v. Campbell and Shirose, S.C.R. 565 (1999).

Rainguet, F. W., & Dodge, M. (2001). The Problems of Police Chiefs: An Examination of the Issues in Tenure and Turnover. *Police Quarterly, 4*(3), 268-288.

Reiner, R. (1992). *The Politics of Police* (Second ed.). Toronto, Ontario: University of Toronto Press.

Reiner, R., & Spencer, S. (1993). *Accountable Policing: Effectiveness, Empowerment and Equity*. London: Institute for Public Policy Research.

Roach, K. (2004, June 29). *Four Models of Police-Government Relationships.* Paper presented at the Ipperwash Inquiry/Osgoode Hall Law School: Symposium on Police/Government Relations, Toronto, Ontario.

Rose, N. (1996). Governing "advanced" liberal democracies. In A. Barry, T. Osborne & N. Rose (Eds.), *Foucault and political reason: Liberalism, neo-liberalism and rationalities of government*. London, England: UCL Press.

Rose, N. (1999). *Powers of Freedom: Reframing Political Thought*. Cambridge, UK: Cambridge University Press.

Rosenbaum, D. P. (Ed.). (1994a). *The Challenge of Community Policing: Testing the Promises*. Thousand Oaks, London: Sage Publications.

Rosenbaum, D. P., & Lurigio, A. J. (1994b). An Inside Look at Community Policing Reform: Definitions, Organizational Changes, and Evaluation Findings. *Crime Delinquency, 40*(3), 299-314.

Sadd, S., & Grinc, R. M. (1994). *Issues in Community Policing: Problems in the Implementation of Eight Neighborhood-Oriented Community Policing Projects* Washington, DC: National Institute of Justice.

Seagrave, J. (1997). *Introduction To Policing In Canada* (First ed.). Scarborough, Ontario: Prentice-Hall Canada.

Shearing, C. (2000). 'A New Beginning' for Policing. *Journal of Law & Society, 27*(3), 386.

Shen, W. (2003). The Dynamics of the CEO-Board Relationship: An Evolutionary Perspective. *Academy of Management Review, 28*(3), 466-476.

Sossin, L. (2004, June 29). *The Oversight of Executive Police Relations in Canada: The Constitution, the Courts, Administrative Processes and Democratic Governance.* Paper presented at the Ipperwash Inquiry/Osgoode Hall Law School: Symposium on Police/Government Relations, Toronto, Ontario.

Stenning, P. (1981). *Police Commissions and Boards in Canada*. Toronto, ON: University of Toronto, Centre of Criminology.

Stenning, P. (2003). Dimensions of Governance. In L. Johnston & C. Shearing (Eds.), *Governing Security: Explorations in Policing and Justice* (pp. 21-37). New York, NY: Routledge.

Stenning, P. C. (1982). *Legal Status of the Police*. Ottawa: Law Reform Commission of Canada.

Stenning, P. C. (1992). The Role of Police Boards and Commissions as Institutions of Municipal Police Governance. In K. R. E. McCormick & L. A. Visano (Eds.), *Understanding Policing* (pp. 433-488). Toronto: Canadian Scholars' Press.

Stenning, P. C. (1996). *Police Governance in First Nations in Ontario*. Toronto: Center of Criminology.

Stenning, P. C. (2004, June 29). *The Idea of the Political "Independence" of the Police: International Interpretations and Experiences.* Paper presented at the Ipperwash Inquiry/Osgoode Hall Law School: Symposium on Police/Government Relations, Toronto, Ontario.

Stenning, P. C. (Ed.). (2000). *Evaluating Police Complaints Legislation: A Suggested Framework*. Portland, Oregon: Hart Publishing.

Thomas, N. (2006). Discussion Paper on Police/Government Relations. In I. Inquiry & P. w. P. T. Standing (Eds.). Toronto, Ontario.

Trojanowicz, R., & Bucqueroux, B. (1990). *Community Policing: A Contemporary Perspective*. Cincinnati, OH: Anderson Publishing Co.

Vafeas, N. (1999). The Nature of Board Nominating Committees and Their Role in Corporate Governance. *Journal of Business Finance & Accounting, 26*(1/2), 199-225.

Watson, E. (2004). Public-Sector Corporate Governance: British Columbia's Best-Practices Reforms. *Ivey Business Journal, 68*(4), 1-8.

Wood, D., & MacAlister, D. (2005). Accountable, Responsive and Independent: On the Need for Balance in Police Governance. *International Journal of Police Science & Management, 7*(3), 197-207.

Appendix A: Survey Instrument

The purpose of this survey is to examine the relationship between Canada's varied police board structures and the experience of Chief Constables. This research, the first of its kind in Canada in more than 20 years, will provide critical information about police governance to Canadian police chiefs, boards, and policy-makers.

The study is being conducted by Darren Caul, a former police board member, in partial fulfillment of the requirements for the degree of Master of Arts in Criminology and Criminal Justice from the University College of the Fraser Valley (UCFV). This research is being conducted in partnership with the UCFV Centre for Criminal Justice Research and is endorsed by the Canadian Association of Chiefs of Police (CACP) and the Police Sector Council.

This survey is being administered to more than 150 municipal police chiefs across Canada. Your participation is entirely voluntary. <u>Confidentiality is assured</u> at every step in the research process, including the final published report, to provide you with the greatest opportunity to answer candidly. Accordingly, ***please do not provide any personal information / identifiers on this document***.

Questions may be directed to Darren Caul at (780) 437-9975 or via email at <u>drcaul@shaw.ca</u>. Please contact Yvon Dandurand, Associate Vice President of Research and Graduate Studies at UCFV, at (604) 864-4654 if you have any concerns with this research.

The survey will take approximately 15 minutes to complete and may be returned via regular mail using the self-addressed, postage-paid, envelope provided.

Receipt on or before **<u>May 16, 2008</u>** is appreciated.

A copy of the final report, expected to be published in fall 2008, will be available on the CACP and Police Sector Council websites. Should you wish to receive an electronic copy, please send an email to <u>drcaul@shaw.ca</u>.

- Thank you, in advance, for your time to complete this survey! -

TERMS USED

- **Service** refers to the police organization of which you are the Chief Constable.

- **Board** refers exclusively to the police board / commission that you report to.

- **Board Members** refer to individuals, elected and appointed, on the Board.

- **Council** refers to the municipally elected body that the Board relates to.

- **Legislation** refers to the provincial police Act governing the Service and Board.

- **Police independence** refers to "freedom from partisan political influence(Law Commission of Canada, 2006: 85)."

- **Political interference** refers to "direct involvement of political authorities (primarily, although not exclusively, at the municipal level) in policing operations, as opposed to policy and funding."

- **Patronage appointment** is "one that applies to an individual who is not qualified for the job but who is nevertheless appointed based on political considerations rather than the knowledge, skills and experience required."

- **Merit appointment** is "one that applies to an individual who is qualified for the job based the knowledge, skills and experience required." (Watson, 2004: 2)

PART I – STRUCTURE

1.   How many Members are on your Board? |____|

2.   How many citizen Board Members are appointed by Municipal Council? |____|

3.   How long is a single term of municipally appointed Board Members? |____| yrs

4.   How many Board Members are appointed by the provincial government? |____|

5.   How long, if applicable, is a single term of provincially appointed members? |____| yrs

6.   How many Council Members are on the Board? |_____|

7.   How is the position of Board Chair determined?

      1.   **Board vote**   ☐
      2.   **Mayor is *de facto* Chair**   ☐
      3.   **Other** _____

Roles and Voting Rights of Council Members <u>on</u> the Board:

8.   What is / are the role(s) of Council Members **on** the Board? *(check all that apply)*

      1.   **Chair**   ☐
      2.   **Vice-Chair**   ☐
      3.   **Regular Member**   ☐
      4.   ***Ex-Officio***   ☐

9.   What are the voting rights of Council Members **on** the Board? *(check all that apply)*

      1.   **Voting Member(s)**   ☐
      2.   **Non-voting Member(s)**   ☐

10.   What is the role of the Mayor on the Board? *(Please check one)*

      1.   **Chair**   ☐
      2.   **Vice-Chair**   ☐
      3.   **Regular Member**   ☐
      4.   ***Ex-Officio***   ☐
      5.   **N/A**   ☐

11.   What are the voting rights of the Mayor on the Board? *(Please check one)*

      1.   **Voting Member**   ☐
      2.   **Non-voting Member**   ☐
      3.   **N/A**   ☐

PART II – MANDATE

12. Please check all responsibilities that the Board is *legislatively* responsible for.

1. **Determine adequate personnel levels** ☐
2. **Budget for needs** ☐
3. **Monitor budget** ☐
4. **Hire Chief of Police** ☐
5. **Review performance of Chief** ☐
6. **Collective bargaining** ☐
7. **Civilian complaint oversight** ☐
8. **Policy setting for Service** ☐
9. **Priority setting for Service** ☐
10. **Other** _____

> *All remaining questions relate to your personal experience as a Canadian Chief Constable.*

		Strongly Disagree	Disagree	Agree	Strongly Agree
13.	The Board understands its *legislated* mandate.	1	2	3	4
14.	The Board operates within the purview of its *legislated* mandate.	1	2	3	4
15.	The Board sees itself as a "buffer" between the Service and Council to ensure *police independence*.	1	2	3	4
16.	The Board effectively "buffers" the Service to ensure *police independence*.	1	2	3	4

PART III – APPOINTMENT PROCESSES

		Strongly Disagree	Disagree	Agree	Strongly Agree
17.	The Board appointment process is *merit* driven.	1	2	3	4
18.	The Board appointment process is (political) *patronage*.	1	2	3	4
19.	Municipally appointed members are independent; free of political influence and fear of reprisal by Council, including termination or not being reappointed.	1	2	3	4

		Strongly Disagree	Disagree	Agree	Strongly Agree	N/A
20.	Provincially appointed Members are independent; free of political influence and fear of reprisal by the provincial government, including termination or not being reappointed.	1	2	3	4	5

PART IV – YOUR EXPERIENCE

21.   How long have you been the Chief of this Service? |___|___|___| months

22.   How long was your predecessor the Chief? |___|___|___| months

23.   How would you characterize the nature of your predecessor's departure?

(Please check all that apply)

1. **Successfully completed contract** ☐
2. **Applied for contract renewal unsuccessfully** ☐
3. **Voluntary Retirement** ☐
4. **Involuntary "Retirement"** ☐
5. **Contract was terminated before expiration** ☐
6. **Pressured to resign by Council before contract expiry** ☐
7. **Pressured to resign by the Board before contract expiry** ☐
8. **Other** *(please explain)***:**

_____

_____

24.   Since April 1998, how many Chiefs have there been, including you? |___|___|

25.   Apart from operational decision-making, what degree of *independence* from the Board do you have for making decisions about the direction, policing orientation, human resources, and other management matters of your service?

(check one)

1.   I make virtually all of the major organizational decisions and   ☐
     report infrequently to my Board.
2.   I refer all major organizational decisions to my Board   ☐
     for approval.
3.   I refer all major organizational decisions to my Board   ☐
     for its information.

Other *(please explain)***:**

_____

_____

		Strongly Disagree	Disagree	Agree	Strongly Agree
26.	I feel *independent* when making operational decisions.	1	2	3	4
27.	I feel *independent* when making policy decisions.	1	2	3	4

28. In the last SIX months, have you ever felt that you were being given an "Order" from an individual Board Member, other than the Chair or his / her designate?

    1.   **NO**   ☐   ⟶   **Go to question 30**

    2.   **YES**   ☐

    29. If yes, please indicate the position of the person and the number of times this has occurred in the last six months.

		# of times in the last SIX months			
1.	Citizen (non-Council) Board Member	1-2	3-5	6-9	10+
2.	Council Member on the Board	1-2	3-5	6-9	10+
3.	Council Member **not** on the Board	1-2	3-5	6-9	10+

Citizen (non-Council Member) Board Members:

30. In the last six months, how many times were you privately contacted (by telephone, in-person visit, or personal mail/e-mail) about a policing-related matter by a citizen Board Member, other than the Chair?

    0 ☐   1-2 ☐   3-5 ☐   5-9 ☐   10+ ☐

		Strongly Disagree	Disagree	Agree	Strongly Agree
31.	I felt *independent* during these private contacts.	1	2	3	4

Council Members on the Board, excluding the Chair:

32.   In the last six months, how many times were you privately contacted (by telephone, in-person visit, or personal mail / e-mail) about a policing-related matter by a Council Member on the Board?

   0 ☐   **1-2** ☐   **3-5** ☐   **6-9** ☐   **10+** ☐

		Strongly Disagree	Disagree	Agree	Strongly Agree
33.	I felt *independent* during these private contacts?	1	2	3	4

34.   In the last six months, how many times did you experience *political interference* from a Council Member on the Board?

   0 ☐   **1-2** ☐   **3-5** ☐   **6-9** ☐   **10+** ☐

> ***The next section applies only to those for whom the Board Chair is an elected official (including Mayor). If this does not apply, please skip to question 43.***

Council Member (including Mayor) as the Board Chair:

35.   In the last six months, how many times were you privately contacted (by telephone, in-person visit, or personal mail / e-mail) about a policing-related matter by this Council Member?

   0 ☐   **1-2** ☐   **3-5** ☐   **6-9** ☐   **10+** ☐

		Strongly Disagree	Disagree	Agree	Strongly Agree
36.	I felt *independent* during these private contacts.	1	2	3	4

37.   In the last six months, how many times did you experience *political interference* from this Council Member (Chair)?

   0 ☐   **1-2** ☐   **3-5** ☐   **6-9** ☐   **10+** ☐

		Strongly Disagree	Disagree	Agree	Strongly Agree
38.	This Council Member (Chair) understands the notion of *police independence*.	1	2	3	4
39.	This Council Member (Chair) actively respects *police independence*.	1	2	3	4
40.	This Council Member uses the position as Board Chair to advance Council's political agendas.	1	2	3	4
41.	This Council Member uses the position as Board Chair to advance personal political agendas.	1	2	3	4

Council Members <u>not</u> on the Board:

42. How many times in the last six months were you privately contacted (by telephone, in-person visit, or personal mail / e-mail) about a policing-related matter by a Council Member **not** on the Board?

0 ☐   1-2 ☐   3-5 ☐   6-9 ☐   10+ ☐

		Strongly Disagree	Disagree	Agree	Strongly Agree
43.	I felt *independent* during these private contacts.	1	2	3	4

44. In the last six months, how many times did you experience *political interference* from a Council Member **not** on the Board?

0 ☐   1-2 ☐   3-5 ☐   6-9 ☐   10+ ☐

PART V: OTHER

45. In the last six months, how many times have you experienced each of the following?

		# of times in the last 12 months				
1.	Pressure from any Council Member about where or when to deploy police.	0	1-2	3-5	6-9	10+
2.	Pressure from any Board or Council Member to hire / contract a particular person as a **sworn** employee.	0	1-2	3-5	6-9	10+

3.	Pressure from any Board or Council Member to hire / contract a particular person as a **non**-**sworn** employee.	**0**	**1-2**	**3-5**	**6-9**	**10+**
4.	*Political interference* from a Council Member (not including the Mayor) regarding an investigation?	**0**	**1-2**	**3-5**	**6-9**	**10+**
5.	*Political interference* from the Mayor regarding an investigation?	**0**	**1-2**	**3-5**	**6-9**	**10+**

PART VI – SUMMARY

		Strongly Disagree	Disagree	Agree	Strongly Agree
46.	Usually, I feel independent from <u>municipal</u> *political interference.*	**1**	**2**	**3**	**4**
47.	Usually, I feel independent from <u>provincial</u> *political interference.*	**1**	**2**	**3**	**4**

PART VII – YOUR RECOMMENDATIONS

48. Are there other threats to *police independence* not addressed in this survey?

    1.   **NO**   ☐ ⟶ **Go to question 49**

    2.   **YES**   ☐ (please explain)

_____

_____

_____

_____

49. Does the Board add value to your police service and / or the community?

    1.   **NO**   ☐ (please explain)

    2.   **YES**   ☐ (please explain)

_____

_____

_____

_____

50. Using the current model of Canadian Police Board structures, what would the ideal structure look like to equally ensure *police independence* and accountability?

# of Board Members	# of Municipal Appointees	# of Provincial Appointees	# of Council Members	Council Member Role *(select one)*	Council Member Rights *(select one)*
				1. Chair ☐ 2. Vice-Chair ☐ 3. Regular Member ☐ 4. *Ex-officio* ☐	A. Voting ☐ B. Non-Voting☐

51. Thinking beyond the current model of Canadian Police Board structures, can you imagine a different model that would better protect police independence, while not compromising police accountability or public confidence?

        1.   **NO**   ☐
        2.   **YES**   ☐   (please describe)

_____

_____

_____

_____

_____

Thank you for completing this confidential survey!

Please use the self-addressed, stamped envelope provided to return the survey!

Appendix B: Letters of Endorsement/Support

Letter from Police Sector Council – on letterhead

April 28, 2008

Dear Chief:

Re: Support for research: *Municipal Police Governance in Canada: An Examination of the Relationship between Board Structure and Police Independence*

On behalf of the Police Sector Council, I am pleased to provide this letter of support to Darren Caul who, in partial fulfillment of a Master of Arts in Criminology and Criminal Justice, is surveying Chiefs from all municipal police services in Canada.

This research serves to explore your perception and experience as it relates to relationships between police board structure and police independence – an important and timely issue. Research of this nature is rarely conducted, and will advance our understanding of current policing issues as well as our collective effort to strengthen police governance in Canada.

The impact of this research is entirely dependent on response rates. Your contribution is critical and I ask for your support by taking the time to candidly complete and remit the confidential survey prior to the deadline.

Thank you, in advance

Sincerely,

Geoff Gruson
Executive Director

Letter from Canadian Association of Chiefs of Police - on Letterhead

February 20, 2008

Subject: Canadian Association of Chiefs of Police (CACP) – Support of Thesis

Mr. Caul:

In reference to your correspondence dated January 4, 2008 concerning your thesis, 'Municipal Police Governance in Canada: An Examination of the Relationship between Board Structure and Police Independence', be advised that your correspondence was tabled with the CACP Executives on January 13, 2008.

It was moved by the Executives that the CACP support in principal your research topic and survey of Police Executives.

The CACP wishes you success with your thesis and we look forwarded to a copy of the final paper.

Sincerely,

Peter Cuthbert
Executive Director

Appendix C: Pre/Post Survey Letters Sent to Participants

Pre-Survey Letter Sent to All Participants on UFV Letterhead

April 21, 2008

Re: *Survey of Canadian Municipal Police Chiefs on April 28, 2008*

Dear Chief:

The relationship between police agencies, police boards/commissions, and local Council is both important and delicate, yet police governance in Canada has rarely been studied. My name is Darren Caul and I am a former police board member currently completing a Master of Arts in Criminology and Criminal Justice at the University College of the Fraser Valley. I am researching the *relationship between Canada's varied police board structures and the experience of Chiefs.*

Next week, you will receive a confidential survey mailed to your personal attention. This research is the first of its kind in Canada in more than 20 years, and is being administered nationally to more than 150 municipal police chiefs. Conducted in partnership with the UCFV Centre for Criminal Justice Research, the survey is formally endorsed by the Canadian Association of Chiefs of Police (CACP) and the Police Sector Council.

The survey passed UCFV ethical review and is completely <u>confidential</u>. All data collected will be aggregated and results will not identify an individual, police service, community, or province. All data collected will be destroyed upon completion of the research. Finally, the survey has been carefully crafted knowing that your time is valuable and will take 15 minutes to complete.

I hope that you will take the time to contribute to this important and timely study of police governance in Canada. The final report, expected in fall 2008, will be made available for dissemination to the CACP and the Police Sector Council. If you would like to receive an electronic copy, this too may be arranged.

Should you have any questions about this research, I may be contacted directly at (780) 437-9975 or via email at <u>drcaul@shaw.ca</u>. Any concerns may be directed to Mr. Yvon Dandurand, Associate Vice President of Research & Graduate Studies, at (604) 864-4654.

In advance, your time to complete the survey <u>on or before May 16, 2008</u> is appreciated!

Sincerely,

D. R. Caul

Darren Caul, M.A. candidate
Post-Survey Letter Sent to All Participants on UFV Letterhead

May 05, 2008

Re: *Survey of Canadian Municipal Police Chiefs Deadline on May 16, 2008*

Dear Chief:

Last week, a copy of the *Canadian Municipal Police Chief* survey was mailed to your personal attention. If you did not receive this survey, please email me directly at drcaul@shaw.ca to receive an electronic version immediately.

This survey is the first of its kind in Canada in more than 20 years and is being administered nationally to more than 150 municipal police chiefs. Conducted in partnership with the University College of the Fraser Valley (UCFV) Centre for Criminal Justice Research, the survey is in partial fulfillment of a Master of Arts in Criminology and Criminal Justice. This research is formally endorsed by the Canadian Association of Chiefs of Police (CACP) and the Police Sector Council.

The survey passed UCFV ethical review and is completely <u>confidential</u>. Only aggregate data will be used in the final report and the results will not reveal the identity of an individual, police service, community, or province. All data collected will be destroyed upon completion of the research. The final report, expected in fall 2008, will be made available for dissemination to the CACP and the Police Sector Council. If you would like to receive an electronic copy, this may be arranged.

The ability of this research to produce results which are meaningful and influential for you is entirely dependent on return rates. The survey has been carefully crafted knowing that your time is valuable and will take 15 minutes to complete. If you have already done so, thank you! If not, your time to complete the survey and return it in the postage-paid envelope is greatly appreciated <u>on or before May 16, 2008</u>.

Should you have any questions about this research, I may be contacted directly at (780) 437-9975 or via email at drcaul@shaw.ca. Any concerns may be directed to Mr. Yvon Dandurand, Associate Vice President of Research & Graduate Studies, at (604) 864-4654.

Sincerely,

D. R. Caul

Darren Caul, M.A. candidate

Appendix D: Does the Board Add Value?

Governance:
- Governance and oversight; board is very involved in three-year business planning.
- Board has been directly involved with service's strategic planning process
- Board has more time and experience to focus on police/policy issues.
- Provides civilian oversight and credibility regarding police leadership/integrity.
- Strategic and business planning also done together.
- Keeps police focused on strategic priorities which are aligned to budget and policy which board is responsible for.

Accountability / Civilian Oversight:
- Gives reality to perception that police have an oversight body.
- Accountability of police is imperative.
- Our board adds a very good balance of oversight and governance.
- Civilian governance is required in a democracy.
- The board can have significant value supportive/non-supportive, merit and integrity, accountability to both the service and the community.
- Perception of civilian oversight.
- Civilian oversight is the basis for accountable policing in this country.
- Provides the civilian governance/oversight outlined in the police act.
- Mainly in the area of optics of civilian oversight.

Independence / "Buffer":
- The board provides a buffer between city council and the service.
- The board provides the critical independence from the political sphere, without which the potential for corruption would rise ten fold.
- They reflect the community and can be a buffer from political decisions.
- Without the board and police act, council would interfere constantly with policing.
- They fight for independence, but to date have been unable to obtain same.
- The dominance of elected officials inevitably leads to a loss of independence and a constant battle of wills.
- Keeps the police service independent and informed on tax payers views.
- The board deflects negative public response to necessary police silence during an investigation.
- Acts as an excellent facilitator/mediator between police independence and council's interests/interactions with policing services.
- Assists in maintaining police independence.
- Keeps the independence of police separate from council while still making the chief and the organization accountable.
- They ensure there is no political interference, provide civilian oversight, and represent the community.
- Not political in decision making.
- The board also is responsible for the budget so the community is more accepting of increases when they are proposed by them.

Community Representatives / Communication Link:
- Act as Liaison, report services to citizen group and community.
- Gives the community, through both elected and appointed board members, a say in determining how they are policed.
- The board does provide the community with some representation, which in turn allows them the access that they don't think they have otherwise.
- A resource for citizens and council to discuss policing issues. Support for police agency and achieving community desired policing level.
- Very active in "Community Policing Initiative" ideas.
- Board has been a rubber stamp for community.
- The chief and board hold a good working relationship, have similar values and expectations of service to be provided, and both encourage community feed back.
- Provides for community input.
- By serving as a liaison between the public/citizen and the police department.
- Board is seen as representative of the general population.
- At best, the board is a great resource and a venue for community input.
- Community representation.
- The board does add value to an agency. Our board members play a very important role in our community and are the external ears and eyes of our agency. They help contribute valuable information to our service. We all work together to offer the best product that we can to meet our community needs.
- Members represent community well.

Supportive:
- Our Board is generally supportive. They communicate the positives about policing.
- Well informed and backs up our police service.
- Very supportive and experienced.
- Very supportive.
- An excellent cross section of the community who show interest in improving the community.
- Our board seems to want to enhance policing in our community.
- Provides an important link to our community.
- Respected members on the board assist with public and council support of the police service.
- Very supportive of the department.
- Strong support for increasing sworn and civilian complement to heavy workload.
- They assist and work with us to support our needs.

Advocacy:
- Avoids reporting to council on matters relating to budget and reporting; Also, there is a buy-in budget process (mayor/deputy mayor sit on board).
- Connected.
- Well plugged in and went to work for betterment of public safety.
- Ambassadors for police service.
- Also add as strong advocates before council for budget approvals.
- Crucial to resource needs and operational funding.

Knowledgeable / Perspective:
- They are our sounding board. They are arms-length from council and serve taxpayers interests.
- Provide historical continuity and advise based on knowledge of people and previous incidents.
- Very committed board members. They are knowledgeable and provide a good sounding board for the chief.
- Individuals outside policing have fresh perspectives.
- They offer different points of view and also pass on complaints from the public.
- Different perspective - civilian oversight.
- Provides varying viewpoints.

Other / Miscellaneous:
- The Board is very happy with the service provided.
- Much better compared to being governed by a committee of council.
- A well-functioning and well-intentioned board.
- Very respectful towards the police force and its members.
- The board and I enjoy mutual respect for each other and work closely together to address social issues.
- The board does respect their role and wants to provide a good service. Through my years of experience, the board has respected my advise on policy issues.
- Legitimate democratic.

Areas of Concern / Complaint:
- Don't work as team/attempted to replace police service. Has no working relationship with police association.
- Policing should have a stand-alone board not reporting directly to elected officials.
- Political turnover.
- Very few decisions are required of board; most community doesn't know it exists.
- Police mandate development is questionable.
- Practically speaking they are often encouraging and supportive verbally but don't do enough in educating themselves and council on the realities in policing.
- The board does not have to have decision making. It is at a political level.
- However, the majority of the board does not understand their roles and responsibilities. We meet once a month and they vote on matters that they truly do not understand from a policing perspective. They relate back to their own experience or jobs.

Appendix E: Imagining a Different Board Structure: Responses

Composition:

- I don't think the mayor should be a member of the board nor do I think retired police officers should be members. A member of council by all means.
- Increase the citizen appointees at the expense of provincial appointees, the latter tend to be patronage position.
- If the board is comprised of only local residents they will have a tendency to just look at policing issues from a narrow perspective. Policing issues are much broader in nature and as such requires board members to be much more open-minded about the pressures of policing in their communities. Without understanding their roles they will bring their own perceptions into question and this brings conflict, which is not good for anyone!

Appointment Processes:

- Direct election of local community residents would be one alternative or an interview process to appoint all community members with no political appointments.
- Board members should not all belong to one political party.
- I prefer a model that includes a council/citizen composition for police governance.

Board Member Training:

- (The board's) success and failures will be directly proportional to its understanding of its powers and roles and its ability to work collaboratively with its partners in the community.
- Boards should be required to take mandatory governance training prior to assuming the role.

Accountability Structure:

- It may be more effective to have police departments report to a provincial oversight body, like the director or commissioner of police services division, and still retain autonomy, with anecdotal reporting to city council, who will invariably influence but not direct police operations
- I do not agree with police chiefs reporting to a city manager.

Other:

- A model where an arbitration process is established to resolve disagreements between boards and elected officials.
- Present system we are using does work effectively however at times our members at large do feel frustrated or left out. Council members on the board quite often have made a decision prior to the police commission meeting.