Police governance in Canada:

A parallax perspective

Michael Sheard

Professional Doctorate in Policing, Security and Community Safety

2016

London Metropolitan University

Abstract

Tensions between public expectations for police governance and ethical governance mirror recent spectacular governance failures. Several recent Canadian commissions of inquiry and court cases critical of the police have suggested police governance need to be more direct and assertive. The small numbers of academic studies that focused on the unique field of policing have largely ignored the behaviour of police boards responsible for their governance. More importantly is the apparent lack of attention paid by those responsible for police governance to the criticality of the pluralistic nature of policing itself. This research focuses on police boards in particular and not the police, with particular attention given to the link between their ethical decision-making and public trust. National leads in police governance, representing regional and national boards and board associations from across the country, were interviewed for this research. Eight key aspects of police governance were analyzed, and a number of gaps between current and best practices were identified. Ultimately, a number of recommendations are made to close those gaps, including the contribution of a new universal assessment instrument for police governance: the parallax perspective tool.

Key words: police governance, assessing performance, community trust and accountability, ethics and responsibilities, policy versus operational, political relationships, selection and training, strategic planning, and parallax perspective.

Acknowledgements

In presenting this thesis, the author would like to thank Alan Sheard, Margaret Sheard, Catherine Rogers, Adam Sheard, and Laurel Rogers for their love and support during this long process. I would also like to thank the interviewees who participated in the research. Finally, I would like to thank my supervisors, Nicholas Ridley and Norman Ginsberg at the London Metropolitan University, for their support and guidance.

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Glossary of Terms

APEC   *Asia Pacific Economic Co-operation Inquiry*
      A national inquiry constituted in 1997 to investigate both allegations of wrongdoings by the police and alleged interference in police operations by the office of the Prime Minister of Canada.

CACP   *Canadian Association of Chiefs of Police*
      The Canadian national association of chiefs of police.

CAPB   *Canadian Association of Police Boards*
      A Canadian pan-national group of police board representatives established as a national body to represent their joint interests, coordinate their activities, and develop a base of knowledge of governance studies.

CAPG   *Canadian Association of Police Governance*
      In 2013, the CAPB concluded that their name was no longer truly descriptive of their mandate, and they changed it to the Canadian Association of Police Governance (CAPG, 2013a).

CACOLE *Canadian Association for Civilian Oversight of Law Enforcement*
      A national non-profit organization established as part of the growth of the push for external reviews of the police in the nineteen eighties.

CCLA   *Canadian Civil Liberties Association*
      A national nonpartisan, non-governmental organization devoted to the defence of civil liberties and constitutional rights focused on constitutional litigation, law reform, advocating on civil liberties issues before public officials and elected bodies, and public education.

CompStat *Computer and Comparative Statistics System*
      A systematic methodology for tracking the behaviour of individual officers and teams and reporting that data through a variety of dashboards and scorecards to police management.

G20   *Group of Twenty*
      A meeting of 20 heads of government held annually to discuss the global financial system and the world economy.

IPCC   *Independent Police Complaints Commission*
      A UK commission established in 2004, with the stated purpose and aim of establishing a police complaints system that will lead to greater levels of public confidence and tryst in police services, and thereby increasing the effectiveness of the police overall.

JIBC   *Justice Institute of British Columbia*
      A provincial institution responsible for policing, which undertook a wide-reaching inquiry on municipal police board governance in 2003.

KPI   ***Key Performance Indicator***
               A type of performance measurement used to evaluate the success of an organization or of a particular activity in which it engages.

NUPGE   ***National Union of Public and General Employees (NUPGE)***
               A national union that conducted a private commission on police governance in 2010.

OAPSB   ***Ontario Association of Police Service Boards***
               Created out of a joint initiative stemming from a province-wide conference involving the OAPSB and the Ministry of Community Safety and Correctional Services to clarify the core duties, roles, and responsibilities and accountabilities of police services and police services boards.

OECD   ***Organization for Economic Co-Operation and Development***
               An international economic organization of 34 countries, founded in 1961, to stimulate economic progress and world trade. A forum of countries providing a platform to compare policy experiences, seeking answers to common problems, identify good practices, and coordinating domestic and international policies of its members.

RCMP   ***Royal Canadian Mounted Police***
               Canadian National Federal Police Force

TPS   ***Toronto Police Commission***
               The largest police board in Canada. In 2003, it undertook an extensive two-year review of police governance.

VPD   ***Vancouver Police Department***

Police governance in Canada: A parallax perspective

Chapter 1:
Introduction

Background

The role of the police has changed dramatically over the past decade in response to evolving societal and political mores. Waves of change are forcing the police to undergo a metamorphosis from their traditional functions into new and unfamiliar areas. Once confined to duties as law enforcers, thief-takers, and crime solvers, police are under pressure to provide an expanding panoply of services in areas as diverse as knowledge-based community policing, handling fundamentalist radicalization and international terrorism. Waves of near-constant change have virtually engulfed many police agencies, and as new influences tear at the fabric of their traditional duties, it is imperative at this time to examine the impact of their governance. The question, in essence, is that in the midst of all of this turmoil: just who is responsible for policing the police and how?

The criticality for this research has been raised by a host of recent court cases and commissions decrying deficiencies in the status quo in police governance. In response, new legislation aimed at non-profit institutions such as police boards has been created that is fundamentally changing practices in the governance of the police. Police boards are struggling to adapt, and there already appears to be divergence between what much of the new legislation intended and how police boards interpret it, in terms of how they exercise their authority. Much of the preliminary research arising from the literature review supports the view that police boards need to evolve. One particularly poignant example was raised by the first Aboriginal member of a police board in a large cosmopolitan city, who was so frustrated by the lack of progress in a number of critical areas that she resigned and subsequently wrote a scholarly dissertation lamenting the stolid state of affairs in police governance. Her twenty-two recommendations for improvements have yet to receive any form of response or acknowledgment (MacDonald, 2005). Another report into police governance describes the urgency of the situation:

> In addition to a general desire for increased community input into the
> development of policing priorities, many participants were unhappy with the

current structures in place to facilitate that input.… Similarly, many local government participants were also dissatisfied with the same structures or processes. Some participants in communities with a police board expressed frustration with the police board appointment process. (Province of British Columbia, 2012: 13)

MacDonald's (2005) comments underlined the importance of this research at this particular time. Police governance takes place in a unique and distinct setting, fraught with political accommodations, social engineering, financial constrictions, and serious questions about efficacy (Wood, 2004a; Shearing, 2006; Canadian Association of Police Chiefs of Police, 2008). "It is now widely accepted across academic and public policy circles that governance has been transformed in a variety of ways, and this is nowhere more apparent than in the area of security" (Wood, 2004b: ii). Wood (2004a, 2004b) and Shearing (2006) are correct in their assertions that the changing nature of police governance is leading to the critical importance of research in this area. There is a consensus in the literature that police governance is profoundly different than the governance of other municipal services such as park boards and school boards. This is partly attributable to the fact that policing entails such an awesome and critical amount of power and authority. Policing also takes place in a complex and decidedly plural sociological and political environment. This notion of pluralism in policing is based on a number of recent scholarly studies. The concept revolves around an understanding of the burgeoning plurality of actors that have emerged from the private sector, which play a number of roles in the provision of security and policing, both in Canada and elsewhere (Loader, 2000; Wood, 2004a, 2004b; Shearing, 2005). The literature suggessted that the emerging understanding of the pluralisation of policing was integral to this study, in terms of providing signposts for how police governance practices need to evolve in order for police boards to retain their legitimacy. Criminology studies in the pluralism of policing have a strong Canadian connection, insomuch as much of the seminal work in the area arises from leading researchers working in Canada over the past two decades. The literature review in this area focused on recent studies by Canadian researchers: Seagrave (1997), Wood (2004a, 2004b), Shearing (2005), Rossmo (2009), Stenning (2009), and Murphy and McKenna (2012).

It was imperative to focus on the power dynamics in tensions between police boards and the police in order to assess the current state of police governance in Canada. The question around how power and authority are exercised over the police, and who exercises it, is critical to this analysis. Indeed, power, as exercised by the police, is a major concern of social scientists. Anthropologist Banton (in Caul, 2009: 18) described one of the key reasons for these concerns: "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." Police boards, in turn, wield tremendous power over the police in diverse areas, such as spending, the hiring of the chief of police, and policy setting. The importance of the legitimacy of police boards to represent their communities with unambiguous and independent authority, in the greater context, cannot be understated, as they are critical to the kinds of palpable tensions social anthropologists such as Banton pointed out.

Three of the key drivers for these tensions are the changing role of the police in the greater societal context, public pressure for greater accountability and transparency by police and their boards of governance, and sociological shifts arising from the emerging pluralism or privatization of policing.

To this end, two overall objectives were established for this research: (a) how independence and accountability, considered the key components of police governance, are exercised in practice; and (b) whether current practices align with the established best practices by police boards across the country. The research commenced with an examination of current police governance models and compared them to how they fit with broader normative tensions emerging around police ethics, governance mechanisms, and accountability structures. The research had four primary aims. The first was to provide a cross-jurisdictional summary of the different models of police governance across Canada, including various constitutional structures, training selection, and performance indicators, and to identify best practices and any innovative strategies identified. The second was to conduct a comparative analysis by comparing and contrasting board perspectives with existing research on police executives' perspectives of their governing boards. The third was to identify any gaps between current and best practices in order to assess organizational vulnerabilities in current governance models. This third area also includes the identification of critical or emerging governance issues and examines how they relate

to ethical policing issues. The fourth aim was to develop a model assessment regime to help improve the consistency and effectiveness of police governance.

Public trust in police independence and accountability depend on the police behaving ethically. These elements of ethical behaviour, independence, and accountability are interrelated, therefore, and essential elements in any examination of police governance. In order to look at how police boards influence ethical decision making by police leaders, the research looked at two tangential areas. Firstly, it mapped how police leaders are responding to the kinds of normative oversight and nodal governance structures currently in place. Secondly, it sought to identify emerging governance practices likely to impact current police governance regimes in the very near future.

The bodies that provide the governance of the police are grounded in several fundamental principles. The first is that the police are not the same as the military and do not answer to government in the same manner. The defining feature of this distinction is that the police are responsible to a number of public stakeholders, not just official government agencies, and they are subject to civilian governance. The second principle is that, while the police ultimately answer to the politicians in their jurisdiction, they are supposed to be protected and insulated from political interference. This allows for objectivity and fairness in the kinds of investigational activities in which they are required to engage. The third component, which differentiates police governance from institutions of governance in the private sector, is the essential element of public interest required by those involved. This is the raison d'être of police boards. The exercise of civilian governance over the police is for the express purpose of ensuring that the police are, in fact, acting in the public interest. The term *public*, in public interest, "connotes a shared focus on adding value in the public interest . . . the term is often synonymous with the notion of 'general welfare', or the 'common good' or actions benefiting the 'general public'" (Newcomer and Allen, 2008: 2). The alternatives to acting in the public interest can be viewed from two perspectives. Firstly, there is the presumption that when one is acting in the public interest, one is not acting on behalf of any particular group or individual. Secondly, acting in the public interest connotes that one is acting ethically and morally, not out of malfeasance, dishonesty, corruptly, or fraudulently (Ibid: 3). While it would be preferable to report that police boards always act in the public interest, the findings indicated that in many cases, they do otherwise.

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While the findings indicated the majority of police boards functioned fairly and openly *in the public interest,* in some cases they did not. Some police boards were found to be mere pawns of local municipal councils, to the point where councils openly interfered with police boards politically. In others, some members of the board demonstrated such a friendly predisposition towards the police that they were seen as impotent in holding the police to account. Some of the findings read like a cautionary tale, where the dangerous taboo or prohibition is identified (e.g., political interference of the police), followed by acts of defiance to the prohibition, and ending with unpleasant consequences. The few incidents where boards that were identified as not acting entirely in the public interest did not result in those boards failing to accomplishing their objectives. Where it might have appeared to one observer that they were seeing political interference, another saw the board's actions as providing strong and effective governance and control. Where one party might have seen the chair of the police board acting as an ineffectual friend to the police chief, another saw the board demonstrating strong support for the police where it was needed. There are often subtle nuances at play here, and in many cases, it depended on whether the employed assessment was internally or externally focused. Internally focused evaluations tended to look at the goals and objectives of the board to identify trends and see what needed improving. External evaluations tended to look more specifically at accountability and fiduciary results. The findings demonstrated that the governance of the police is a complex and intricate undertaking, and by establishing a solid foundation as to what acting in the public interest is meant to accomplish, it is hoped that the conclusions reached in this study will be seen to clarify how boards are faring in meeting that lofty objective.

This dissertation is situated academically in the field of criminological inquiry in the specialized field of comparative criminology, often also referred to as law reform research and policy analysis. This field entails an interdisciplinary approach that seeks to bridge the gap between classical and modern theories of criminology. Comparative criminology is "a multi-disciplinary understanding of the processes by which criminal behaviour is regulated and the control mechanisms put in place by public, private and community institutions" (International Centre for Comparative Criminology, 2015: para. 1). The comparative criminological approach to the aetiology of governance and policing was considered essential in order to avoid confining the research, and it allowed for considerations of concomitant studies from the fields of sociology, political science, and

ethical studies from the field of leadership and business administration to be employed in the analysis of the findings. "Criminology is an inherently interdisciplinary field.… There has been tremendous growth and change in criminology in the last twenty years, and one aspect of that change is our relationship to other fields of study" (Osgood, 1998: para. 3). This statement underlines the importance of looking specifically at those dimensions of the relationships between the police and their socio-political environment that are undergoing significant and evident changes, in order to examine the impact of the decision-making processes involved in governance. It is acknowledged that some criminologists consider this type of theoretical integration disadvantageous, in that it may ignore the specific attributes of more traditional constituent theoretical approaches (Henry, 2012: 67-68). Nonetheless, the advantages gained in the multi-disciplinary approach used here have allowed for a more holistic appreciation and comprehensive explanation of the cumulative effects of governance decisions in the highly fluid and dynamic policing environment. The comparative criminological approach was essential to provide context for the linking of contemporary criminological notions of nodal governance in an increasingly plural policing environment.

Temporally, the research considered generally focused on studies conducted in Canada over the past ten years, and any new legislation introduced over the past two decades relevant to police governance was included. The literature also includes studies looking at the development of policing in general, in order to place police governance in context with recent socio-economic trends over the same period.

This work derives its originality partly by being the first comprehensive research study to consider the impact and influence of police boards in Canada, from the exclusive perspective of police board members, in the past twenty years. The study looked at the impact of the various configurations of board structures and governance schemas at play. Perhaps more critically, this research includes a gap analysis to look at how police boards have responded to their own recommended best practices. Gaps in performance between current practices and best practices were considered, with a particular emphasis on evidence-based performance measures. The dissertation includes the introduction of the parallax perspective tool: a proposal for a new performance assessment approach developed by the author for the express purpose of evaluating the effectiveness of police governance. Finally, the research is summarized, and a number of recommendations are

made, limitations are discussed, and suggestions for future research provided. The end product provides information of both critical and immediate usefulness to both the political and social agencies responsible for maintaining and improving the Canadian social fabric and police boards themselves.

Whilst developing this thesis, a number of assumptions were made a priori. Firstly, a distinction was drawn between what is meant by the terms policing and the police. The historical background and import of these terms are described fully in chapter two but the following section is inserted here to introduce the context.

The term *police* in this thesis refers to those publicly funded and government-sponsored police departments, which are also often referred to as police services in Canada. *Policing*, on the other hand, refers to the activities performed by the police and includes work done in the area of public safety and security by various private or community-based security organizations. Secondly, all policing activities referred to are in relation to Canada solely and reflect the idiosyncrasies of the Canadian multicultural society and the unique and diverse racial, ethnic, religious, and social organization. Thirdly, it is acknowledged that policing in Canada, as with most other Western societies, takes place in a pluralistic setting and that the state-sponsored police do not wield total control or have a monopoly over all forms of policing. Police boards, by extension, are therefore the accepted and legitimate agents of police governance, at least nominally. The term police has its roots in an abstraction that is hard to relate to a modern-day police department or police service. For the purposes of this dissertation, the origin of the term police, as derived from the Greek polis or, more precisely, city, is an apt place from which to commence. Modern dictionaries in the English language are relatively uniform in the etymology of the term police as a derivation of the middle French word *policier*. The term dates from the fifteenth century and is thought to be an archaic expression derived from the Medieval Latin word *politia,* meaning policy ("Police," 2015: para. 7). Policy is defined as "A course or principle of action adopted or proposed by an organization or individual . . . Prudent or expedient conduct or action" (Ibid: para. 1-2).

Police governing bodies across Canada are known vicariously as police boards, police commissions, and police committees. Board members are concomitantly referred to as police board members, police commissioners, or committee members. The use of differing names in different regions to describe the same entity is an accepted and usual

Canadian practice. In Canada, the different titles in different provinces often mean more than just the names; rather, it reflects the often distinctly regional nature involved in the evolution of police governance as it developed across the country. The term police board is the most widely used and, as such, was adopted for use throughout this dissertation. However, the term police commission means ostensibly the same thing, and the terms are assumed to understood to be interchangeable, with no difference in terms of status, position, or authority implied.

The overarching rationale for this study of police governance at this time was that there is a perception in the public realm, reported widely in the media, that the public is dissatisfied by the status quo. Examples include a number of specific case studies and governmental commissions of inquiry, which are described in detail in the literature review chapter. These cases make it clear that there is an expectation that there needs to be an increase in the level of responsibility undertaken by police boards, many of whom hitherto saw their role as largely bureaucratic and symbolic (Law Commission of Canada, 2006; Murphy and McKenna, 2007; CBC News Canada, 2011.) The recent introduction of powerful new legislation in the largest province in Canada makes it clear that the administration of governance in the non-profit governmental sector, which includes police boards, needs to change dramatically (Province of British Columbia, 2012). The immediate and national response by police board associations across the country is one of the major subthemes of this dissertation and is explored in both the literature review and discussion chapters. The import of the legislation is in the demand that boards adopt a far more complex and ethical approach to governance. Police boards, in turn, are also being tasked with the responsibility for holding the police officers more ethically accountable. This research looks at how boards assess their own ethical behaviour, then proceeds with an examination into exactly how they can ensure that their police executives behave responsibly and ethically, thereby setting the tone for the entire organization.

In this study, a number of research questions focused on these issues. Firstly, where legislation calls upon boards to engage in ethical leadership, the interviews focused on how such recommendations are received and whether they are being implemented. Secondly, there is the question as to whether the tools for measuring the efficacy of police boards in creating ethical frameworks and implementing them have been developed and put into place. This is a broad question, and the study broke the topic areas down into individual

sub-areas for investigation in order to report out on each. Finally, there was the overarching question as to how the performance of police boards is being measured empirically.

The timing for this research is opportune. The literature review demonstrates how, over the past two decades, questions regarding the efficacy of the exercise of governance over the police have become the subject of much public and political debate. The questions most often revolve around issues regarding the relative independence of the police and appear as a result of cases where the police were seen to have committed an egregious failure in ethical decision-making. On the one hand, there is the question of the role of police boards in maintaining public trust in the police, which is most often articulated in the media as a demand by the public to know decisively just how those who police the police do their job. At the same time, the governance of police in Canada is undergoing intense scrutiny, and there is an identified need to assess whether current police governance models are meeting rapidly changing policing priorities (Latimer and Desjardins, 2007; "Recruitment Policies," 2011). The police are struggling to come to grips with a rapidly changing sociological environment, amidst unprecedented technological advances and a workforce struggling to deal with its own increasingly complex demands (Bloom and MacBride-King, 2010). Research in areas critical to Canadian policing has mostly been systematically driven in support of purely political objectives and has largely ignored the issue of independent governance (Canadian Association for Civilian Oversight of Law Enforcement, 2010). There is a bifurcation in previous studies on police governance between the considerations of the police and those involved on the governance side. This gap has led to a dearth of good information about the operations of police boards, in terms of their impact on community policing, political interference and public perceptions of policing. Unlike previous work around police governance, which focused on the perspective of police executives, this study commences with an investigation into police governance strictly from the board perspective. It, then, directly compares and contrasts its findings with previous research from other perspectives, including police executives and the governmental agencies from which police boards derive their authority.

A new typology called the parallax perspective framework is proposed in this dissertation to provide verstehen for the tensions in current police governance due to the lack of a means to assess the impact of board decision making. The typology postulates that two

unique, yet simultaneously very real, perspectives of policing are at play in the community. The term parallax is used here in more than just a philosophic or metaphoric sense. It is proposed as a typology from which to view the two essential constituent perspectives in police governance, in order to establish an evidence-based framework for assessment. The first is the perspective of the police themselves, and the second is that of the members of the community they serve. It is proposed that divergences between these two views make it difficult to assess definitively the quality of policing in communities. The parallax perspective places the police boards at the critical juncture between these two parties; between the body they govern (i.e., the police) and the party on whose behalf they govern (i.e., the public and their elected representatives). Boards are imbued with the authority to make decisions independent[1] from police leadership regarding policing in their constituencies. Further, they are forbidden to allow their decision making to be overly influenced by the political administration at whose behest they serve. As a result, police boards are uniquely situated to act as a lens, relatively unbiased by either of the two usual perspectives, through which to examine the state of policing in a community.

There are several reasons behind this difference in perspective between the police and the public on the state of policing in their community. One is that the police are professionals, with training and insider knowledge that most members of the community do not have. Another is that, in many cases, the police have evolved into isolationist organizations, largely disconnected from the communities their serve. They are often characterized as being insensitive to, or unconscious of, the community's perception of their actions. In response, many police leaders have attempted to reconcile these impressions by trying to accommodate every passing concern raised by the plethora of self-interest groups inherent in their cities. The result is often a constantly changing and somewhat contradictory policing environment, which has evolved rapidly over a short period of time. Police use the expression the *new norm* to describe this condition of working in a paradigm of near constant change.[i]

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[1] 'Independent,' for the purposes of this dissertation, means 'free from any relationship, direct or indirect, present or past, to the police department, its senior and operational management, that could, or could reasonably be seen to, lessen the independence of judgment of or by a board member, or an oversight function reporting to the Board or a committee. Circumstances that could be seen to lessen independence of judgment shall be broadly interpreted and include non-oversight considerations (in addition to financial),

Structure

The literature review in chapter two provides a retrospective of trends in police governance and discusses how the evolutionary development of police boards has led to their current configurations. It introduces articles of legislation used in the constitution of police boards in Canada that have an impact on board recruiting, staffing, training, and a number of other areas.

The power to govern the police is the sole responsibility of police boards in Canada. Police boards are independent bodies have the authority to govern the police in almost every aspect, the only limitation being that they cannot interfere in police operations, the legal reasons for which are examined in detail in the literature. In this study of police governance, it was important to examine the roots of the powers of independent police boards, and to survey exactly how they exercise their authority. To this end considerable attention was focussed on the role of police boards in balancing the power dynamics between the community and the police. The literature commences with an examination of the seminal roots of police boards as the legitimate power to govern the police and follows with a look at the evolution of contemporary police governance.

A number of recent commissions, reports, and court cases that have commented, or have a direct impact, on police governance in Canada comprise a significant portion of the literature review. While this study focused on state-sponsored police institutions, consideration was also given to the panoply of public and private institutions that are evolving to share responsibility for overall security in the contemporary Canadian culture. The literature review provides a retrospective review of the evolution of police board practices from traditional to emerging models of police governance, concentrating on the five-year period from 2005 to 2010. In addition, a number of studies are introduced that discuss the impact of an increasingly plural state of policing and the enormous changes police institutions are undergoing. Finally, it looks at how police boards are dealing with these changes by evolving beyond their traditional constructs into genuinely independent and self-empowered institutions.

The methodology in chapter three delineates the working parameters of the data collection, the subject selection, ethical consideration in how the research was conducted, and the qualifications of the author to conduct the research.

In chapter four, the findings are arrayed using these eight categories and an analysis of each area, and the various sub-areas inherent in them are provided. All of the original descriptors for best practices in each area are retained in the research, with the exception of fiduciary oversight. In the analysis of the findings in this area, the traditional references referred only to the responsibility of police boards to review and approve financial statements. For the purposes of this dissertation, it was deemed necessary to extend the traditional etymology to include additional aspects of financial analysis, such as organizational efficacies, in order to facilitate a more extensive examination into how fiduciary responsibility is functionally operationalized. The findings in chapter four also include a comparative analysis of the findings in various areas against those of other concomitant studies (MacDonald, 1995; LaLonde and Kean, 2003; Murphy and Clarke, 2005; Carver, 2006; Murphy and McKenna, 2007; Caul, 2009). Gaps revealed in board performance between current and best practices in several of the topic areas are delineated and described in detail.

The discussion in chapter five includes a detailed dialogue around key-critical topic areas. The first section provides an overview of board attitudes and behaviour in relation to the eight topic areas sufficient to determine the current relevance of those standards to their operationalization. It includes a gap analysis to identify deficiencies in board performance and includes the development of a more evidence-based approach to self-assessment for police boards. The second section is a response to the gap analysis, and it describes the background and impetuous for adopting a parallax perspective. It concludes by delineating how the deployment of the parallax perspective could be used to establish an evidence-based standard for performance assessment.

The conclusions in chapter six provide an overview of the study and summarize the results of the research in each of the areas of best practices, the sub-areas, and the gaps in performance. A number of recommendations are made to assist boards in closing the gaps identified, in order to meet their own best practices. Limitations in the research and recommendations for future research in the area of police governance are presented, along with a summary of how the research goals were accomplished. Finally, in a short discussion entitled Politeia and the Future of Police Governance, the evolution taking place in police governance in Canada and how police boards are responding is described.

Police governance in Canada: A parallax perspective

Chapter 2:
Literature Review

Overview

> Quis custodiet ipsos Custodes: *Who will Watch the Watchers*
> (Juvenal, in Ramsay, 1928).

The seminal question being posed by Juvenal as to who oversees and controls the power of the police has been an issue of critical concern even as far back as the early second century. Concerns around police power are just as relevant in contemporary post-modern society, and an examination of who controls that power is essential to this dissertation.

The answer to who controls power over the police finds its roots in evolution of police governance in Canada through the lens of a series of philosophical shifts that have had a substantial impact on the form and functions of police governance. The roots of the civilian governance of the police are found in the literature across a variety of background sources. In order to establish practical boundaries for this thesis, the works have been separated into distinct areas: academic research, governmental legislation, commissions and reports, and reviews by police board associations. Each of the source types is examined chronologically in order to provide a meaningful basis for analysis when combined with the research findings. The academic material, in particular, focuses on work from the latter part of the twentieth century to date. The literature review commences with a review of the historic background and includes definitions of governance, followed by an overview of police governance systems in Canada.

In his *Republic*, Plato (380 BC/1906) reflected on the power of an early version of civilian police, through an examination of the problems of political corruption among the so-called guardian classes. Plato's description of the ideal republican state is an ideal jumping-off point in this literature review for assessing the various schema of police governance. The so-called guardians he referred to are early equivalents for what ostensibly constitutes the modern notion of policing: the provision of public safety through a form of voluntary social control, using civilian governance. Plato recognized the structure of any state is a composition of individuals fulfilling a range of roles, from

governors and rulers to working class builders and farmers. In order to maintain order and adjudicate disputes, a system of managers responsible for that role was needed. Soldiers and the military were suitable for the defence of the country from external forces, but this did not give them any credibility to manage internal disputes. Plato proposed the guardian classes, who were to be trained from childhood to assume positions that entailed a combination of soldierly attributes and the capacity to rule people fairly; in essence, they were to assume responsibility for the management of society. More importantly, Plato, and later his pupil Aristotle, suggested that these so-called guardians must not have any other occupation; they must play one clear and distinct role in order to ensure their legitimacy. In effect, they should be trained in the craft of guardianship alone, and they went on to propose a very specific curriculum based on this premise. The key element arising from Plato, in reference to police governance, is in the proposal that these so-called guardians would retain the power to act as the sole authority for civilian governance as something distinctly different from the traditional military.

This very early view is helpful in understanding how a civilian-based model of police governance has evolved to become the dominant model across most of the Western world. Moving from the early models of police governance described by Juvenal (Ramsay, 1928) and Plato (380 BC/1906) to the present police governance systems has involved a host of changes in social structures, which have been reflected in a number of philosophical movements.

Montesquieu[2] (de Secondat, 1752/1998, Part 4) documented the culmination of a series of developments in the sixteenth and seventeenth centuries that resulted in his dissertation on the necessity of a separation of powers. In this case, between the monarch, parliament, and the courts of law. Prior to Montesquieu's conceptual work government, n sixteenth century France ran largely on a feudal system where vassals, or peasants, received a certain amount of protection from their comparatively wealthy overlords (Weber, 1922/1957). This protection came at the price of the relinquishment of individual land ownership and personal independence. Weber (1922/1957: 375-376) described these feudal systems as a kind of "patriarchal authority."

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[2] Charles-Louis de Secondat, Baron de La Brède et de Montesquieu, is generally referred to simply as Montesquieu.

Montesquieu's suggestion for an alternative form of government, defined by a system of a separation of powers, or tripartite system (Bok, 2014: para. 1). Montesquieu's *The Spirit of the Laws,* originally published in 1948 (Ibid: para. 3) had far-reaching influence on his contempories. In short, his work is largely credited as one of the most important and significant elements in the eventual elimination of the feudal system in France (Bergman, 1990).

Montesquieu's concept of a separation of powers doctrine was not a totally original concept. England already had a gone through a social reform process that system of separation of powers dating from the interregnum and reformation in the sixteenth century. Prior to that, Aristotle had proselytized about the importance of a separation of powers between the executive and the legislative (Bergman, 1990: 14).

Montesquieu's unique contribution was to work out a system for how three levels of law making and jurisprudence each corresponded to specific and separate governmental authority or power. At the highest level the law of nations referred to overall national security matters, such as decisions regarding war. The second level of laws was around the legislative authority to make laws. The third level referred to civil law, or the power to of the judiciary to adjudicate both civil and criminal matters (Bergman, 1990: 15) The important aspect of Montesquieu's separation of powers doctrine lay in the necessity of the separation in order to balance power and provide checks on executive power in particular.

Montesquieu's philosophy in *Spirit of the Laws* was considered critical to several of the founders the American constitution, but perhaps none so much as to Jefferson. Jefferson was reported to have started life believing in the legitimacy of governance by the sitting aristocracy, but after reading Montesquieu as part of his legal education, everything changed "when Jefferson abandoned his aristocratic predilections shortly before the Declaration of Independence, his devotion to Montesquieu required that he advocate universal suffrage as well" (Bergman, 1990: 22). He even inserted lengthy portions of Montesquieu's writing into his own (Ibid: 21).

Historically, Montesquieu's work had significant influence on the eventual development of the Canadian democratic state. Montesquieu's separation of powers was a key-critical element and one of the foundations upon which, ultimately, the contemporary notion of

the political independence of the police is based. In order to investigate these concepts further, the literature review chapter is separated into the two main aspects of governance: independence and accountability.

Part 1: Police Independence

Defining Police Independence

An overview of police independence is provided in this section, commencing with definitions of both police independence and police governance, from the seminal and historical roots of the terms to their contemporary usage, and ends with the implications for this research.

In the 1968 case of *R v. Metropolitan Police Commissioner, Ex parte Blackburn,* Lord Dennig (in Beare, 2004: 110-111) clearly described what, precisely, constitutes police independence:

> He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought; but in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone.

Policing needs to be free of political interference; however, it still needs to be governed and controlled. The term political interference refers, on the one hand, to the ability of the police to investigate and act without censure or intrusion that is not biased in any way. On the other hand, police boards, as the bodies responsible for police governance, require the power to independently govern the police without being subject to interference by politicians. The term police independence refers to this dualistic system of governance, whereby both the police and police boards function independently and without interference from the external forces described above. This so-called dualistic system sounds straightforward enough, but in truth, the governance relationship between these parties is much more complex and nuanced that it appears and requires a more in-depth

explanation. To this end, the next section looks at the seminal evolution of the current systems of governance and provides an overview of the power relationships in contemporary police governance in Canada.

In order to define the term *governance* for this thesis, it was first necessary to reflect on the wide-ranging etymology of the word. Sources for the term governance are disparate in both connotation and in the definitive first usage of the term. Socrates used the metaphor of the state as a ship and *governance* as its form of *steering* (Plato, 380 BC/1906). A more contemporary definition of governance is "the action or manner of governing a state, organization, etc." ("Governance," 2011: para. 1). Policing takes place in a complex sociological setting only partly controlled by elected bodies of government. As a result, this general definition of governance is problematic to this dissertation, as it does not discriminate between governmental and non-government forms.

Contemporary criminologists often define governance as the control of the polities by sovereign states (Johnston & Shearing, 2003, in McLaughlin and Muncie, 2013: 204). This definition is largely based on the Westphalian[3] concept of policing as a function controlled solely by, and on behalf of, the state. There is a problem with this view in that policing has never really been under the sole control and authority of the state. Rather, policing is a shared endeavour conducted by a plurality of both public and private players. Johnston and Shearing (Ibid: 204-205) referred to the various entities that share the responsibility for policing as "nodes of governance." The source material for nodal governance and plural policing flows from academic research in the area of comparative criminology (Barak-Glantz and Johnson, 1983). Comparative criminology is "a multi-disciplinary understanding of the processes by which criminal behaviour is regulated and the control mechanisms put in place by public, private and community institutions" (International Centre for Comparative Criminology, 2015: para. 1).

The literature describing the term governance, as it applies to policing, demonstrated that the whole concept as to how, and by whom, the police are governed is in a relatively constant process of re-definition. For the purpose of this dissertation, the decision was made to combine the previous characterizations and define governance as the normative

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[3] The 1648 Treaty of Westphalia defined states by their geographic borders (McLaughlin and Muncie, 2013: 204).

relationship between the governed and the governing in the contemporary societal setting of policing in Canada. The term *normative* refers to the act of conforming to, or based on, accepted norms or standards ("Normative," 2015: para. 2-3).

Murphy and McKenna (2007: 38) made clear the distinction between the terms police governance and police oversight:

> Police governance is more closely aligned with the approaches taken to the overall guidance and direction of a police service, including the formulation of organizational strategic goals and objectives. Police oversight is commonly associated with the mechanisms and methods established for the handling of complaints against a police service, including those pertaining to policy or individual officer behaviour.

The term *policing,* as used in this thesis, refers to crime control services provided by either public police officers or non-public security officers. The reason for including private, or non-public, security officers is to allow for consideration of the overall impact of governance by public police boards on the overall securitization of their communities.

The term *police board* comes from an early reference in the *Municipal Institutions Act of Upper Canada 1858* (in Morden, 2012) in what is now the Province of Ontario. Morden (2012) noted that the historical genesis of the Act seems to derive from Section 5 of the *Metropolitan Police Act*, 1929, c. 44 in England:

> The said justices [the 'governing' body] may from time to time … frame such orders and regulations as they shall deem expedient, relative to the general government of the men to be appointed members of the police force under this Act; … and such other orders and regulations, relative to the said police force, as the said justices shall from time to time deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge all of its duties. (Ibid: 77)

Stenning (1981) concurred and cited the *Institutions Act of Upper Canada* of 1858 as the original legislation used to create police boards in Canada. The 1858 Act contained rudimentary legislation outlining some of the authorities of police, and at the time it was referencing the common laws of England, as Canada was still a British crown colony. The

1858 legislation is the earliest seminal legislation for police governance in Canada, and despite the fact that the Act was interpreted in many differing forms as it was implemented across the country, it constitutes the standard by which most police boards are currently arranged.

Koenig (1994: 25) focused on the necessity for these kinds of regional diversity, citing the way different jurisdictions oversee and control their local police as an important element in contemporary police governance: "Diversity includes either the presence or absence of independent police boards, and where present whether they are composed of a majority of elected or non-elected members and whether the majority of the board is locally or provincially appointed." Unfortunately, while this practice of having diverse board structures is seen as an important element in police governance, it has hindered the establishment of a single, coherent, and consistent set of best practices for police governance in Canada (Ibid).

Types and Typologies

Police boards are responsible to provide governance for their local provincial police services, and their responsibilities include overseeing budgets, the hiring of police chiefs and setting strategic objectives (Swan, 2012). Police board members are not generally paid, but they do receive stipends for attending training sessions and have their costs covered. In the end they are, ostensibly, volunteers. In British Columbia, a handbook for police boards outlines the roles and responsibilities for new board members (British Columbia Ministry of Public Safety and Solicitor General, 2005: S.3., p. 1). They make broad statements laying out an ideal vision for police board structure and behaviour, starting with a broad statement: "Board members are chosen to reflect the demographics of the community and are persons who have demonstrated that they can act in the best interest of the community" (Ibid: S.3., p. 1). This perhaps best describes the tenuous and often unspoken impetus and motivation for people applying to these bodies. The literature and pre-interviews suggest the reason most apply is rooted in their sincere desire to participate in the policing of their community, or civic-mindedness (LaLonde and Kean, 2003; Murphy, 2007; Swan, 2012). The literature was not definitive, nor terribly helpful, in assessing whether these civic-minded individuals were more interested in providing amicable support for the police or whether they were motivated by darker concerns about ethical police behaviour that required more monitoring and control.

Boards are not self-governing; there is an independent governance body in each province that has the power to investigate and, in cases of malfeasance, to order the dismissal of an individual or an entire board. To this end, most provinces have a body responsible for the conduct of board members in that province, something similar to the Ontario Civilian Police Commission (*Police Services Act*, 1990, §31(5)).

The review of recent Canadian police governance studies in the literature indicated there were inconsistencies in codes of ethical behaviour in place. Some provinces provided specific guidelines to prevent ethical breaches by boards (for example, British Columbia Ministry of Public Safety and Solicitor General, 2005: S.7., p. 3), while others did not. Where ethical guidelines were found, they spoke to aspects of ethical behaviour in only the most general terms. In the example from British Columbia referenced above board members were simply admonished to ensure they were "fulfilling their roles and responsibilities with the highest standards of conduct" (Ibid: S.7., p. 3). This was followed by a short list of so-called "expectations of members of Boards" that included four duties:

> Duty of Integrity: To act in good faith and with honesty and due diligence. Duty of Loyalty: To act in a prudent and diligent manner, keeping informed as to the policies, business and affairs of the department. Duty of Care: To give one's loyalty to the department when acting on behalf of the board. Duty of Skill: To use one's level of knowledge and expertise effectively in dealing with the affairs of the department. (Ibid: S.7., p. 3)

There was a dearth of hard evidence found in any of the Canadian literature describing the extent to which these general standards for ethical behaviour were being adhered to.

Tribalism in relation to contemporary policing was found in several realms in the literature reviewed. Much of what was found on the subject was regarding the impact on the police of the resurgence of a so-called sociological neo-tribalism, or more simply, tribalism. Bolgiano et al. (2016), in *Virtuous Policing: Bridging America's Gulf between Police and Populace,* decried what they perceive as a rise of societal tribalism in the United States. They described the phenomenon as a breakdown of the greater society into smaller groups that resemble traditional tribes, identified by what they called

"Hyphenated Americans, who refuse to identify and assimilate in a homogenous culture, identity or community" (Ibid: 22). Bolgiano et al. warned that the potential corollary of societal tribalism is police tribalism, which they cautioned would be an "incestuous and dangerous tribe" (Ibid: 25). Canadian criminological researchers McCartney and Parent (2015) summarized the findings of several studies on police subculture and the tendency of police towards behaviour that is tribal in nature. Their section on the socialization of police described the socialization process, where "police recruits are introduced and indoctrinated in the police subculture, as police recruits are inducted into the police subculture, enabling the subculture to maintain its norms and to continue its existence" (McCartney and Parent, 2015: 8.2). Police subculture can be a positive or negative influence on police organizations. On the positive side, in many cases, a healthy police subculture it was found to often facilitate a faster transference of knowledge in a field that relies heavily on experience to develop skillsets. It also was credited with building loyalty to higher degrees, which was deemed essential in a high-risk occupation, where personal safety is highly reliant on the cooperation and loyalty of individual officers to one another. On the negative side, police subculture can lead to a sense of isolationism or what McCartney and Parent referred to as a "toxic level of socialization" that may undermine acting ethically (Ibid: 8.2).

This dissertation is concerned specifically about the relationship between the police and police boards, and as such, the McCartney and Parent (2015) research was instructive and suggested fruitful areas for this research in two areas. Firstly, as to what degree police board members insinuate themselves into, and adopt, the norms and values of the subculture of their police departments. Secondly, whether in their doing so, they exhibit aspects of either the more positive outcomes of police subculture, such as loyalty, or negative outcomes, such as unethical conduct, like cover-ups of unethical behaviour.

Following the preceding research into the ethical behaviour of police boards, the focus then moved to an analysis of the impact of the actual structures of police boards.

Police boards are of varying sizes across the country, and as a general rule, they are comprised of a chairperson, or in some cases two co-chairs, and a number of board members. Board size is defined as the number of serving members on a board at any one time. The size of police boards has traditionally been legislated by provincial statute, with some exceptions. Some provinces have legislation that allows for variations in board

sizes, which has resulted in cities of similar size and, in the same province, having different numbers of members on their boards.

No precise evidence was found in the literature of any regular audit of all of the police boards in the country, and as a result, there was no precise listing of board sizes and structures. Arguably, the most well researched study of police governance was by Canadian academic Darren Caul (2009), and it included the most recent data available on board structure and size at the time of this research. The Caul study looked at police governance solely from the perspective of police chiefs, and it included a survey of board size and structures for the year 2009. The following table, compiled from the Caul survey study, provides the 2009 summary of seventy-five respondents on the number of board members on each board, the number of municipal versus provincial appointees on each, the number of council members on each, a breakdown of roles of council memebers on boards, and finally, the number of council members with voting rights.

Table 1. *Structure of Canadian Police Boards in 2009*

# 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
	3 – 20.7%	0 – 19.2%	3 – 26.7%	Reg. Member 1.3%	9.3%
		3 – 15.1%		Ex-officio 6.7%	

Compiled from: Caul (2009: 57)

The apparent predominance of boards across the country that were composed of five members, as indicated in Table 1, Caul (2009: 56) indicated "was likely an artefact of the proportionately high number of Ontario chiefs in the sample." The response rate in the Caul study included a disproportionate number of responses from police chiefs in the province of Ontario, which comprised sixty-four percent of the respondents in the study. This is because Ontario legislation at the time required boards to consist of five members (*Police Services Act*, 1990), whereas most other other provinces were found to not legislate the number of members required for such boards. According to the national association of police boards, the fact is that on a national basis there are a range of differing board sizes, with many boards comprised of anywhere from three to seven or

more members across the country (Canadian Association of Police Governance, 2013a). Notwithstanding the varying sizes of boards, the Caul study is instructive in indicating the preponderance of both provincial and municipal political appointees on police boards occupying significant percentages of those board memberships across a wide range of jurisdictions.

Police boards are the primary guardians of police governance in Canadian society, but they do not act in isolation; they represent a triumvirate of stakeholders. The three main stakeholders they serve are (a) the local municipality or city that directly pays for and funds them, (b) the provincial government under whose authority they act, and (c) the public they serve. The provincial level of political stakeholders is administered by the various ministries that represent the executive authority for policing in each jurisdiction across the country. These ministries have some involvement in police board activities, such as board member selection and training; beyond that, there is little consistency in how these activities are conducted, either provincially or nationally. This level includes provincial governmental institutions, such as police complaints commissions, that investigate individual cases of police malfeasance. It is important to note that while these provincial commissions investigate cases and hold police to account, their activities are limited to the conduct of individual police officers.

The local municipal politicians who boards report to often play a dual role, sitting as members of the police board and also sitting as members of city council, in judgment of the job they did as board members. In Canada, some of the larger municipal councils engage in systems of party politics, and as a result, it was surmised that this would have some contextual relationships to how power is exercised over the police. With the exception of one speculative press article on the subject (Cowan, 2006) there was nothing found in the extant literature or media around this particular issue. Political parties at the municipal level in Canada are generally a reference to the various city councillors' and mayors' affiliations with provincial parties; however, this was found to not always be the case. There are few jurisdictions in the country where party politics are conducted openly at the municipal level. In Montreal and Vancouver, two of the largest centres in the country, party politics have been a reality for decades, while in Toronto, the largest city in Canada, party politics is forbidden by provincial legislation (Siemiatycki, 2010). Despite these restrictions, de facto party politics has been a reality in practice across the country

in various forms. The literature around the impact of party politics on municipal governments in general is scant, but a small number of media articles were found that spoke to the issue. The only significant concern noted was that since party politics was involved in some municipal governments, even though it might only be to a limited extent, there were calls for changes that would allow municipal political parties to run openly across the country in places where they existed at all. Constitutionally, it is up to each province as to whether or not this would be allowed. This does not appear to be seen as an imperative, judging by the relative lack of interest in the matter nationally, and if it did become a more mainstream issue, it is unclear whether the resultant party structures would be local parties only or whether they would mirror the larger provincial or federal political parties (Cowan, 2006).

The third stakeholder is the public, who have their own perspectives on the quality of service they ultimately receive. For the purposes of this thesis, the term *public* is defined as the sum total of all groups and individuals in the community, other than those who are directly involved in any of the two governmental stakeholder groups previously described. This particular definition of the term public is an artificial construct, created to allow the author to examine the impact of police governance from a particular perspective. It includes both the general populace, whose interest in policing might be sporadic and inconsistent, and special interest groups, whose interest in policing might have a specific or focused agenda. There are always direct relationships between members of the public and the city council, the provincial government and the police department, however there was a need to clarify the specific placement of police boards to their stakeholders. In the literature, in looking at comparative police governance systems in the UK and Canada, a similar model was found that demonstrated a conceptual model for how the relational structure of independent police boards might work (Northumbria Police Authority, 2010). explanatory chart from the Northumbria model was adapted here to demonstrate the tripartite structural relationships between police boards and their stakeholders [Figure 1]. The chart reflected in Figure 1 is a graphic representation of the relational position of police boards to the municipal and provincial governments they answer to, and the arrows between them indicate the reporting relationships between the parties.
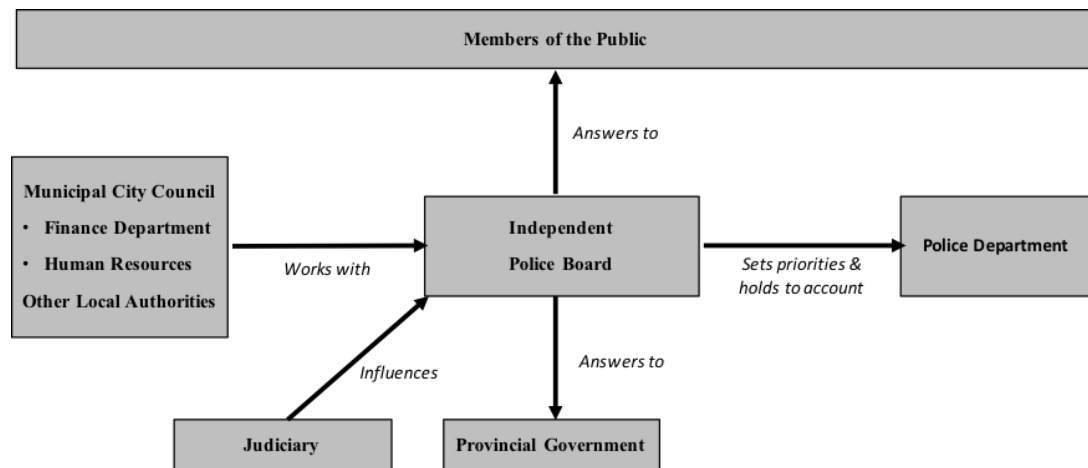
Figure 1. **Structural relationships between police boards and their stakeholders.**

Figure 1 depicts the typical power relationships between boards and their stakeholders. The model demonstrates how boards are situated in a political position to exercise independent governance of the police. In other words, in terms of power and who exercises it, police boards have the sole legitimate authority for governance over the ethical behaviour of the police. The legitimacy of their authority, it is argued, is reflected by their political position, and is the basis for their relationship with the police. The concern is in the way many boards relinquish this power to the police themselves, acting more as a supporting actor instead of a governing one. As a result, what should be the seat of power, in many cases, is often seen as a mere veneer; a symbolic entity that represents power without really exercising it.

Police Board Associations

Three particular Canadian police board associations have been particularly influential over police governance in Canada. The first is the Canadian Association of Police Boards, which later renamed itself the Canadian Association of Police Governance. The second is the Canadian Association for Civilian Oversight of Law Enforcement, and the third is the Canadian Association of Chiefs of Police.

In 1989, the Canadian Association of Police Boards (CAPB) was formed (Municipal Information Network, 2012: para. 1). This group of police boards was established as a national body to represent their joint interests, coordinate their activities, and develop a base of knowledge of governance studies. They were constituted ostensibly as a group that represents civilian governance of the police across Canada. CAPB grew "to represent

more than 75 municipal police boards and commissions across Canada that together employ in excess of 35,000 police personnel—approximately three-quarters of the municipal police personnel in Canada" (Ibid: para. 1).

In 1994, CAPB published a preliminary report on police governance in Canada called *Putting the Tools in Place – List of Recommendations* (CAPB, 1994: 39-42). The 1994 document listed eleven general recommendations or suggestions for police boards around how to internally with their members and externally with their constituents and the governments they serve. As the title implied the largest association of its type in the country saw the need to focus on the establishment of improving governance practices.

In 2002, the executive board of the CAPB engaged Canadian academic Norm Taylor (2003) to research international police governance best practices. The project was reported in 2003 at the CAPB Annual Conference (CAPB, 2003). The approach taken was to form a study group consisting of three teams, each of which researched a number of specific topics related to police governance. The topics included reviews of current practices in the areas of accountability systems, diversity practices and emerging trends, and an international review of police governance structures.

In 2004, the Organization for Economic Co-Operation and Development (OECD) established one of the most prestigious and validated set of principles for best practices in corporate governance. It was founded on the principle that "the corporate governance framework should ensure the strategic guidance of the company, the effective monitoring of management by the board, and the board's accountability to the company and the shareholders" (OECD, 2004: 17). Corporate governance does not function exactly the same as governance in public sector non-profit realm of Canadian police boards, nonetheless the ethical standards invoked in this set of practices have been highly influential on them.

In 2005, the CAPB concluded they were continually dealing with the same recurring issues "board membership, training, remuneration, and competency … are the exact same points addressed in the 1994 report from the CAPB and remain relevant today" (CAPB, 2005b: 7).

In 2005, the CAPB research was amalgamated by Taylor into a set of themes that were eventually adopted by the CAPB in 2005 as *Best Practices: A Framework for*

Professionalism and Success in Police Board Governance (CAPB, 2005a). The CAPB report listed sixteen recommendations they then described as best practices (Appendix A).

In 2006, the CAPB engaged a Canadian academic to assess the uptake on the adoption of best practices by police boards and to assist them with their implementation where necessary. Graham (2006) commenced documenting the implementation process at four test sites across the country. In his *Report on the Field Testing of the Best Practices of the Canadian Association of Police Boards,* Graham examined how individual boards were responding while implementing and adopting the new governance regime. Graham (2006: 12-14) found a number of shortcomings in the implementation process and made a number of specific recommendations deemed essential for boards to move forward, which provided referential data valuable to this thesis. The recommendations coming out of this report, aimed at standardizing governance regimes across the country, captured a number of evolving best practices, including the "establishment of [a] web-based resource centre on governance best practice" (Ibid: 12). Graham specifically recommended that more attention needed to be focused on the problematic areas of recruiting and succession planning. Graham also suggested that boards coordinate their efforts in order to identify gaps in current practices, such as the lack of a definitive code of conduct and ethics for board members, which was absent at the time (Ibid: 14). The rest of the recommendations essentially centred on the development of assessment instruments and tools specific to boards of governance, particularly in the area of risk management. Graham clearly demonstrated that police board practices in 2006 were far from congruent with the kinds of best practices envisioned in CAPB's preliminary 2005 proposal.

In 2010, the CAPB rebranded itself into the Canadian Association of Police Governance (2010b: 19), and the recommendations in the 2005 CAPB best practices were republished as part of the *Canadian Association of Police Governance Strategic Plan 2010-2015* (CAPB, 2005a).

In order to establish a methodology for analysis, it was first essential to review the literature in the area for the best approach to establish how to benchmark these eight themes or typologies. Two approaches to benchmarking stood out in the literature as directly relevant to this research. The first was the analytical approach designed specifically for policing by Whitelaw and Parent (2010). The second was an internationally foundational work by the British Quality Foundation (2013).

Whitelaw and Parent (2010) developed a similar analytical approach to assessing the efficacy of community policing, which is helpful in this regard. They referred to best practices in policing, generally, as:

> Activities—implementing a philosophy, policy, strategy, program, process, and/or practice—that an organization does better than other organizations and that serve as models for other organizations that want to enhance their performance. The process of searching for best-practice organizations is called benchmarking. (Ibid: 176)

The British Quality Foundation (2013) described a strategic benchmarking tool used in business administration to analyse and improve performance. The process consists of four basic steps the commence with a detailed understanding of the business involved, compares them against standard and accepted best practices in the same or similar business, a comparison between the two, followed by recommendations to close any gaps identified.

The Whitelaw and Parent (2010) approach was helpful in setting the context, but was too general to be applied directly. The British Quality Foundation (2013) four-step methodology approach was more directly applicable to both the subject matter and suggested a reasonable starting point for the anticipated methodologies for analysis (see methodology).

Operations versus Policy

The next area examined in the literature focused on the bifurcation between board governance power and authority versus potential interference in police operations. This was one of the most critical practice areas identified by the CAPB in their study of best practices (Taylor, 2003). The definition of what exactly constitutes police operations was not formally identified in Canadian legislation; nevertheless, the concept was described in the best practices by the CAPB: "Police commissions set policy and direction for the police service. Boards have the authority to establish the strategic direction and create policies that direct how the police service will function. […] *They do not operate or direct individual investigations or even staff allocations* [emphasis added]" (Graham, n.d: Slide 8).

In 2013, after several years of discussion, CAPB concluded that their name was no longer truly descriptive of their mandate they changed their general by-laws to reflect that and henceforth became the Canadian Association of Police Governance (2013a). The change of name was a direct response to the 2012 Morden report that contained a landmark series of recommendations aimed at police boards taking responsibility for, and becoming more directly involved in, police operations. Perhaps no other report or commission has had the effect of raising this level of concern amongst police board associations. This was a critical moment in the history of police boards, obviously, and as the timing was proximal to the research for this thesis, it was, therefore, imperative that this area be reviewed in depth during the data collection for this study. Questions asked during the interviews about this subject, as to the background and reasoning for the name change, and the responses, describing the impetuous for doing so, are discussed in the findings chapter.

In 1997, the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) was established as part of the growth of the push for external reviews of the police in the nineteen eighties (Goldsmith, 1994). CACOLE (2014: para. 1) was ostensibly established as "a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada." This ambitious mission statement led to the formation of a conference entitled the International Association for the Civilian Oversight of Law Enforcement, and the two organizations hosted a series of joint conferences between 1997 and 2001. The papers presented at these conferences were reviewed as part of the research for this dissertation, and there were virtually no references found to the very critical topic of how board assessments should be approached or undertaken. Regardless of this shortcoming, by all accounts, the CACOLE conferences in Canada were well attended up to 2013 (Wright, 2013), and as such, this organization is included in this literature review.

In 2013, the Ontario Future of Policing Advisory Committee was created out of a joint initiative stemming from a province-wide conference involving the Ontario Association of Police Services Boards (OAPSB) and the Ministry of Community Safety and Correctional Services (OAPSB, 2013). The joint discussions identified the need for all parties involved in the governance of police in Ontario to "clarify the core duties, roles and responsibilities and accountabilities of police services and police services boards" (Ibid: 3). The Committee established working groups to address perceived deficiencies in

police governance and oversight and suggested that they apply "the following 'lenses' in the review of core police services: efficiency, transformation, innovation/technology, integration, including a coordinated government approach involving affected ministries and other public safety providers; and service delivery" (Ibid: 5).

The next area around policy versus operations examines the relationship between police chiefs and police boards. Police boards have the sole authority to hire, direct, and oversee police chiefs. In a sense, the chief of police is the sole employee that the police board has the power and authority to control directly (CAPB, 2003). The issue is centred on how police boards exercise their power, without interfering politically with the chief of police who is responsible for the management and operations of the police. The 2003 CAPB conference minutes described the selection and appointment process for the chief of police as "likely the most important job the board will do" (Ibid: 36). Considering the key-critical importance of this issue, the literature review examined the relationship between police chiefs and boards in greater detail, beginning with police chiefs.

The Canadian Association of Police Chiefs of Police (CACP) is an association of the chiefs of police whom boards oversee. CACP is comprised solely of police leaders, and as such, it does not include members of the police boards who govern them.

On occasion, the CACP has invited members of police boards to attend their conferences in order to discuss and focus on issues around governance and oversight. One such meeting that is particularly relevant to this dissertation was the annual CACP conference in 2011, where members of police boards from the Province of New Brunswick presented an overview of the state of police governance across Canada. The comments of chiefs of police arising from this conference included a range of critical opinions of the performance of their boards of governance (MacGillivray and Easton, 2011). Academics observing the relationship between police chiefs and their boards reiterated the impact of these tensions in the exercise of power by boards.

"What becomes clear is that the relationship between police boards and chief of police is ambiguous and this lack of clarification is an issue that can result in tensions between parties leading to irreconcilable differences" (Hayes, 1992: 151).

MacGillivray and Easton (2011: 3) presented police chiefs from across the country with a singular definition of police governance:

The act of governing. It relates to decisions that define expectations, grant power, or verify performance. It consists of either a separate process or part of management or leadership processes. The exercise of political authority and the use of institutional resources to manage society's problems and affairs. The use of institutions, structures of authority and collaboration to allocate resources and coordinate or control activity in society or the economy.

MacGillivray and Easton's (2011) paper was unique in the depth of analysis employed. This quotation presents a view of governance that is all encompassing and it was helpful in explaining precisely why police governance is considered such a complex undertaking. This work identified several key issues facing contemporary police governance, including; "increasing risks and vulnerabilities, high public expectations, low tolerance for failure, and the pressure to maintain or improve service with the same or fewer resources" (Ibid: 2). MacGillivray and Easton's findings around the police are being asked to meet increasing demands with fewer resources was important to this dissertation, as it supports the conjecture that it is necessary for boards to adopt a more evidence-based approach to their work.

The research by Hayes (1992) and MacGillivray and Easton (2011) also described a number of critical issues around the activities of police boards that affect the motivations of those who seek and engage in public life by accepting appointments to sit on them.

In terms of why people join police boards and what they get for their efforts, the literature suggested that the leading motivation is in the unique platform police board members have from which to pursue a range of personal and quasi-political initiatives. Many of the activities described in monthly police board meeting minutes show exactly how they are actively engaged in the direct support of their own individual special interests. The activities include passing numerous resolutions in support of a range of socio-political interests, which are then directed at various levels of government from municipal, provincial, to federal in hopes of swaying decision making at the highest levels. Many of these resolutions are strongly worded political statements in favour of things like harsher penalties for criminals, increases in police power and authority, and railings against various proposed pieces of legislation that will make policing more difficult (CAPB,

2003)[4]. Others use their positional power on the board to pursue social engineering endeavours, including various community interest groups. For example, MacDonald (2005: 2) recommended the board lobby government for "the review of new civilian over-sight mechanisms such as, the Federated Saskatchewan Indian Nation instituted the Independent Special Investigations Unit to review complaints (by Aboriginal peoples)."

In terms of what they get for their efforts, one CAPB report described succinctly the fundamental impetus and motivation for their efforts:

> There is no question that a unified position from the policing community on issues of national importance such as the Drug Strategy or Extra-Jurisdictional Policing Authority can have a powerful influence on our law makers, much more so than if we work alone. (CAPB, 2003: 3)

The CAPB (2003) described the power members of boards can exercise, such as in fostering and supporting the relationship between their association and bodies like the Canadian Association of Chiefs of Police. Simply put, police board members receive opportunities to expand their personal circle of influence through their participation with like-minded individuals engaged in police governance. This is real, and palpable, personal power they get to exercise.

The literature described the dynamics of the volunteer and professional relationships in terms of the individual governance models in which the two differing parties function. The literature considered a range of governance research, focusing on four models of governance evaluation in particular: (a) governing for what matters (Gottlieb, 2008), network governance (Renz, 2004, 2013), (b) system-wide governance (Freiwirth, 2011), and (c) the policy governance model (Carver and Carver, 2001; Carver, 2011).

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[4] Example: In 2003, the CACP engaged in putting forward resolutions to government on topics that included support for a national drug strategy; a bill to address the problem of marijuana home grows-ops; a legislative framework that would allow police officers to carry out their work in jurisdictions other than their own or extra-jurisdictional police authority; support for a national sex offender registry; a resolution urged the federal government to show leadership in responding to the Protection of Children from Sexual Exploitation; and voted unanimously in favour of more comprehensive and wide-scale use of DNA testing and collection; demands for more equitable and adequate funding for municipal policing; resolutions calling on the federal government to amend its policies so that first degree murderers are not kept in minimum security prisons.

Gottlieb (2008: 1) focused on the motivations for board members to join boards, stating, "We can be pretty confident what the answer will be: They care about the cause. They want to make a difference." Gottlieb rightly suggested boards primarily focus on their core functions, which she described as leadership of the legal and operational mechanics, or what might be described as the *means* of governance. In doing so, Gottlieb suggested they might reach high levels of perceived excellence, operationally, without ever accomplishing the real desired *ends* (i.e., results that meet community needs). This aim, Gottlieb suggested, is the reason board members signed up for in the first place, which she calls "inspired passion for the cause" (Ibid: 1) Gottlieb's model reaches the conclusion that current governance models are overly complicated by process focused on means, and she suggested a more simplistic approach. Governing for what matters consists of two simple steps: "define what matters, and put what matters into action" (Ibid: 1). Gottlieb's analysis was very macroscopic, and while the broad generalizations made are persuasive, it is insufficient, when taken alone, to fully describe how to reconcile the motivations of board members volunteering for non-profit organizations like police boards with formal board functions. The research by Gottlieb was instructive in describing the dynamics of the volunteer and professional relationships in governance systems. Its direct applicability to the assessment of efficacy and effectiveness in the administration of police governance, specifically, was limited. The works by Carver and Carver (2001), Renz (2004), and Freiwirth (2011) built on the work by Gottlieb and provided a cumulative applicability to the assessment of police governance.

Canadian researchers Carver and Carver (2001) have arguably developed one of the more comprehensive systems of reviewing Canadian systems of police governance. The *policy governance model* espouses a system of evaluation and assessment to assist boards maintain a strong and strategic focus: "In contrast to the approaches typically used by boards, Policy Governance separates issues of organizational purpose (ENDS) from all other organizational issues (MEANS), placing primary importance on those Ends" (Ibid: 1). The Carver model has an underlying premise that, as suggested by Gottlieb (2008), it is important to keep things simple, and in order to do so, boards should rely more on expert intervention in order to assess board efficacy. Carver suggested this allows boards to focus more on the work at hand without being encumbered by overly complicated assessment systems. The Carver model has been adapted into a commercial product, and the Carver Group has applied the model in the delivery of professional assessment

services to several police boards across Canada (Carver, 2006; CAPB, 2010; Canadian Association of Police Governance, 2013a).

The Carver assessment system uses is a basic checklist, which is based largely on standard governance metrics. It is an adaption of commonly available, commercial governance assessment instruments (Carver and Carver, 2001) The Carver model is effective, in that it focusses on perceptions of both the *means* and *ends* sought from the perspectives of individual board members. As suggested by Gottlieb (2008), this is desireable to board memebrs who joined for just this purpose: to see that their efforts are making a difference in the communites they serve, ultimately. The Carver model, therefore, is useful in conducting internal self-assessments in particular. The value of the Carver model ends there, as it does not take into account the fully three-dimensional realm of public, private, and governmental stakeholders involved in the police board function. Notwithstanding its limitations, the Carver police governance model has received considerable support and endorsement from the Canadian Association of Police Governance (2013a).

The Renz (2004) model of *networked governance* differs from Carver in how it provides directions for Boards in how to identify and resolve challenges to their influence within the greater network of stakeholders in which they function. One of the main aspects of the Renz model is in how it enables boards to analyse their governance initiatives by placing them on a matrix consisting the quantifiable primary and secondary dimensions of what are termed strategic focus and stakeholder engagement. Renz' matrix allows boards to weigh the potential impact of their governance initiatives on stakeholder influence and engagement by placing them on a continuum that "focuses on the nature and scope of the involvement of key stakeholders in the decision-making processes of the organization" (Ibid: 41).

Renz's (2004) work is instructive in his description of the traditional board type and the problems it typically has in terms of the role of supportive analysis required to perform complex functions such as governing fiduciary responsibilities. The Renz model suggests a methodology for analysis in fields where tightly networked environments involving multiple stakeholders, like police boards, form associations in order to centralize power.

In 2013, a decade following his preliminary work in networked governance, Renz became frustrated in how to better reconcile how to assess board efficacy relation to non-profit organizations specifically. Renz struggled with how governance functioned at the meta-organizational level:

> For these areas of community action, it is no longer about the "networked organization"; it is about the "network as organization." These systems of organized (but not hierarchical) influence and engagement link multiple constituent entities to work on matters of overarching importance and concern. In this environment, the boards of individual organizations are guided by and often become accountable to the larger governance system. The frame of reference is larger than the constituent organization. (Ibid: 1)

Notwithstanding Renz's (2013) inability to operationalize fully the importance of stakeholder influence and engagement, outlined in the networked governance model, his model was helpful in understanding how to quantify complex tripartite relationships, such as the one between police boards, the community, city government, and the police.

Freiwirth (2011) outlined a progressive model of review for emerging models of governance in the non-profit field that responds to changes in the relationships between the various stakeholders involved. Freiwirth analysed why more traditional governance models have been found inadequate to effectively respond to the challenges faced by emerging models of nonprofit governance in more diverse contemporary community settings. Kanter and Fine (2010, in Freiwirth, 2011: para. 3) described the "normative state of many traditional nonprofits as 'fortressed organizations' that 'sit behind high walls and drawn shades, holding the outside world at bay to keep secrets in and invaders out.'" Freiwirth's *community-engagement governance* model outlines an outwardly facing model that empowers boards through a system of engagement with communities. Freiwirth's criticisms are particularly applicable to traditional police governance approaches, with their "top-down command and control paradigms" (Ibid: para. 2). Freiwirth's community-engagement model informs the imperative for police boards to evolve in order to develop an "increased ability to respond to community needs and changes in environment; … increased accountability to the community" (Ibid: Key Findings, para. 2). Where the Carver (2001) and Renz (2004) models end with internally focused assessments, Freiwirth's work comes into play, extending the possibility of

evaluation tools that include the all-important community-based assessment component. More importantly, Freiwirth explained the critical necessity for boards to evolve their community engagement facility in order to practically assess the impact of their governance interventions. Taken together, aspects of these three models offer a prescription for a more comprehensive and sustainable model of assessment that marries together both the volunteer and professional aspects of contemporary Canadian police boards.

External Influences on Police Governance

The next area in the review of police independence focuses on the literature pertaining to some of the external influences on police boards to evolve and change. The section commences with a review of relevant and influential Canadian legislation, commissions, and reports around police governance. It is followed by a review of the influence corporate governance, and includes a brief look at the impact of numerous recent scandals in the practice of governance, generally.

Legislation

Over the past decade, a number of critical pieces of legislation have been introduced across the country that are having a significant impact on police boards. The provinces of Ontario, Manitoba, and New Brunswick, in particular, have all introduced legislation that are changing the landscape of police governance.

At the time this research commenced, every province in Canada had legislation that outlined various statutory governance regimes, with the exception of the Province of Manitoba. During the time this research was being conducted, Manitoba introduced new legislation outlining a set of police governance legislation, which had specific references to police governance that were deemed important to include in this review. The standing police service acts that constitute the enabling legislation for police boards and commissions in each province are widely available for review, and while they were all considered, with the exception of those outlined in the following section, they were not delineated in this literature review. From among the extant literature, five specific pieces of legislation related to police governance were selected for inclusion because of their direct relevance to certain aspects of this thesis. They are presented in chronological order:

- 1997 Bill 105 the Legislative Assembly of the Province of Ontario

- 1990 the Ontario *Police Services Act* (2009 Act updated)

- 2009 *Canada Not-for-Profit Corporations Act*

- 2011 New Brunswick governance and oversight policy guidelines

- 2013 *Bill 16: The Police Services Act*, Province of Manitoba

In 1997, the Legislative Assembly of the Province of Ontario introduced a new Act: "Bill 105, An Act to renew the partnership between the province, municipalities and the police and to enhance community safety" (Legislative Assembly of Ontario, 1997: para. 1). The Bill 105 represents a landmark in the Canadian legislative landscape in terms of both how police boards and civilian governance are composed and how they are to function.

Ontario is Canada's largest province, with a population of approximately thirteen million, or thirty-eight percent of the national population (Statistics Canada, 2009a). During the preliminary hearings, prior to enacting this Bill, a number of groups asked for and were granted standing before the Standing Committee of the Legislative Assembly of Ontario, (Legislative Assembly of Ontario, 1997). These groups included representatives from various levels of political government, the Police Association of Ontario (a police collective bargaining association similar to a union), Aboriginal groups, representatives from other ethnic groups, legal societies, and assorted academics. The Standing Committee hearings on Bill 105 covered a range of issues, all focused on the various groups' concerns about the issue of the governance of the police. Several of the speakers referenced previous public complaints commissions and an apparent lack of sufficient involvement by police boards under the standing *Police Services Act* (1990), which governed the police at the time. Terry Mundell, speaking on behalf of the Association of Municipalities of Ontario, presented a view of a changing socio-economic environment that, in the view of a large number of municipal governments at the time, required dramatic police governance reform:

> Municipalities have been advocating for improvements to the governance
> of policing in Ontario for decades. The move by the province to abandon
> the outdated model of governance whereby municipalities had to pay the
> bills but had no control over the costs will substantially improve

accountability for police services in Ontario. (Mundell, in Legislative Assembly of Ontario, 1997: para. 10)

The Ontario Public Interest Research Group at York University (Scott, in Legislative Assembly of Ontario, 1997) expressed concerns around the appointment process for police boards of governance. The feeling was that police governance was not fully taking into account the needs of communities to the point where meaningful participation could occur: "Meaningful participation is necessary in order to hold the police accountable" (Scott, in Legislative Assembly of Ontario, 1997, §1600, para. 22).

In 2009, the Ontario *Police Services Act* (1990) was updated and, as it stands, provides one of the clearest and most direct pieces of legislation regarding the restrictions against political interference by a police board:

> Restriction
>
> 31.(3) The board may give orders and directions to the chief of police, but not to other members of the police force, and no individual member of the board shall give orders or directions to any member of the police force. (4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force. (*Police Services Act*, 1990)

This updated statute in the province of Ontario was critically important, in the sense that it lays out a set of processes designed to prevent any direct board interference in the operational policing functions. This is a very specific aspect of police governance, and it is explored in depth in the findings and discussion to follow.

Murphy and McKenna (2007) undertook a study on police culture, management, governance, and the changing police role, called *Rethinking Police Governance, Culture and Management*. Their study entailed a summary review of the subsisting literature around police governance, and they identified some of the critical culture and governance issues emerging at that time. Their work focused on the traditional and para-military nature of police governance featured in communities policed by the RCMP.

In 2007, criminologist Murphy researched police governance through a detailed and instructive review of policing in the Atlantic region of Canada (Murphy, 2007). Murphy looked at policing across the collection of small provinces that ranged from a series of

major disruptive issues, including road blockades related to Aboriginal protests, labour disputes related to diminishing fish stocks and unemployment, and an all-out pandemic that required the police assist with the enforcement of seventy percent of the population to be either quarantined and/or immunized. After extensive research into these police actions and their impact, Murphy (2007) concluded that, while the police managed to handle all these events, the way they went about it raised concerns about their governance. Those concerns became the foundation for a number of changes to police governance in the Region that ultimately led to local boards being pushed to adopt the recommended national best practices for police governance, as outlined by the CAPB (2005a).

In 2009, the Federal Government of Canada created the *Canada Not-for-Profit Corporations Act,* which came into full force in 2011. It is important to note, from the outset, that this Act only applies to federal corporations that act as non-profit organizations and does not apply directly to police boards. However, according to several of the participants, it did have a great deal of influence on them.

The *Canada Not-for-Profit Corporations Act* (2009) created a number of offenses punishable by fines and/or terms of imprisonment concerning malfeasance by officers and directors of boards. This Act constitutes some of the most explicit laws with regards to governance ever introduced:

> 262.(1) Every person who contravenes a provision of this Act, other than paragraph 148 (2)(*b*), or the regulations is guilty of an offence and is liable on summary conviction to a fine of not more than $5,000 or to imprisonment for a term of not more than six months or to both . . . 262. (4) If a body corporate commits an offence under this section, any director or officer of the body corporate who authorized, permitted or acquiesced in the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to a fine of not more than $5,000 or to imprisonment for a term of not more than six months or to both, whether or not the body corporate has been prosecuted or convicted. (*Canada Not-for-Profit Corporations Act,* 2009: §262(1) & (4))

The legislation had far-reaching implications for boards in a number of areas, but the key section is where it relates to the responsibilities of boards and their individual officers in

the offense section §262(4) of the *Canada Not-for-Profit Corporations Act* (2009). The fact that this Act specifically referred to individual directors and officers of boards has had a chilling effect on members of all not-for-profit boards across the country, including police boards.

This new legislation has had tremendous impact on police associations across the country and they have reacted strongly, with calls for immediate reviews of current policies in anticipation of what many expect will be broad wholesale change and new standards for police governance (Law Commission of Canada, 2006; Linden, 2007; Morden, 2012; Oppal, 2013). In the case of the CAPB, the national representative body for police boards, the issue was so serious that at their 2013 annual conference, the membership voted to change its name to the Canadian Association of Police Governance (2013b). This was both a direct response to the *Canada Not-for-Profit Corporations Act* (2009) and an attempt to reflect the shift in scope and focus of their endeavours to the pressing importance of optimizing their activities to focus more precisely on the issues related to a more action-oriented and proactive style of governance. The name change initiative demonstrates the commitment of the Canadian Association of Police Governance (CAPG) to a new set of ethical practices for police governance.

In 2011, New Brunswick Department of Public Safety, Governance and Oversight Committee introduced a set of policy guidelines pursuant to their provincial Police Act. Until that point, the New Brunswick Police Act allowed for four different governance regimes within the province. The governance of a municipal police force can lie with its city council or an independent board of police commissioners. In the case of regional police forces, joint boards of police commissioners are mandatory, and where the region is policed by a regional RCMP force, a regional policing authority must be established. (New Brunswick Department of Public Safety, Governance and Oversight Committee, 2011: 7)

The amendments to provincial legislation arising from the governance and oversight committee had profound effects on the governance of police, defining how police governance needed to ensure the regime consisted of bodies that were politically independent of political interference. This legislation was also important for a number of other reasons relevant to this study. Firstly, it introduced a number of key changes for board operations, including: "An annual evaluation … completed by the Board regarding

its degree of success in providing governance of the Police Force. This self-assessment, conducted collectively by board members, will review the successes and shortcomings of the Board" (New Brunswick Department of Public Safety, Governance and Oversight Committee, 2011: 32). Secondly, it outlined how boards should view the provincial ministerial body that oversees them as a key strategic relationship, versus their local political government, which they suggested should be viewed more as a tactical relationship. This aspect of the legislation represents a breakthrough in organizational behaviour for boards to move from considering themselves as small, independent entities to the recognition that they are part of an interconnected whole that extends through a series of political connections from both within and without their own communities.

The literature arising from the review of New Brunswick legislation (New Brunswick Department of Public Safety, Governance and Oversight Committee, 2011) drew attention to its ultimate form and function. While reviewing the literature, it became apparent that the amendments to the legislation had the effect of pushing provincial boards to adopt, what in organizational behaviour studies is referred to as, a systems-thinking approach. Systems thinking entails the provision for evidence-based systems of accountability and processes for continual improvement. The employment of a systems-thinking approach to police governance represented a paradigm shift from traditional linear or analytical thinking to more holistic approaches to understanding the impact of the actions of police boards. This, in turn, suggested a search of the literature in the area of systems thinking was required to provide for insight into police governance. Gharajedaghi (2011: 8) described systems thinking as a form of analytical thinking that is based on a biological model comprised of "the art and science of handling interdependent sets of variables."

Schein (2004), writing on organizational culture and leadership, examined the underlying functions of organizational behaviour through the lens of cultures in which they are embedded. Schein's work focused on approaches to analysis and evaluation by corporate management that referenced the need to look not only at the organization, but also at the sociological environment in which it operates. "The bottom line for leaders is that if they do not become conscious of the cultures in which they are embedded, those cultures will manage them. Cultural understanding is desirable for all of us, but it is essential to leaders if they are to lead" (Ibid: 23).

Building on Schein's (2004) work, Senge (2006) described the relationship of organizations to their inherent internal and external cultures as systems thinking, or a set of principles used to distil and understand the relationships constituted by complex sets of interconnected entities. Senge described this systems thinking as a kind of analytical framework that focuses more on a series of patterns than on individual entities. Perhaps most importantly, in terms of the recommendations for police boards to change, Senge concluded that "structure influences behavior" (Ibid: 42).

The last piece of legislation in this pan-national environmental scan on police governance focussed on brand new legislations arising in Manitoba, in the central prairies region, literally during the gathering of research for this study. In the Province of Manitoba, a new Police Services Act was introduced in draft form in 2011. This new Act represented an important development of police governance in Canada. Swan (2012) immediately began to research the potential impact of this new Act. According to Swan, until 2011, the Province of Manitoba was an exception to the rest of the country, in that it had no functional police governance regime in place, until this new legislation was introduced. As part of the development of this new Police Act, the province apparently did extensive research across the country to ensure its legislation reflected the kinds of practices that were accepted and time tested in other jurisdictions across the country.

Traditionally, prior to 2011 in the Province of Manitoba, police governance was handled in an ex officio, ad hoc manner. In outlying areas, policing was delivered by the RCMP, which ostensibly conducted itself independently from local input, with virtually no system of civilian governance. In Winnipeg, the largest city in the province, governance of the city police was administered directly by the local municipal government, with policies for policing overseen by a city council committee, just like any other city service department. The city of Winnipeg had established a Police Advisory Board, but it lacked the powers typically associated with other independent governing boards across the country (Swan, 2012).

In 2013, the province officially adopted their new police act (Province of Manitoba, 2013). *Bill 16: The Police Services Act* included provisions for the development of a police commission to advise the Minister of Law Enforcement and Policing Issues, and the legislated the requirement for police boards in every community, declaring, "Civilian governance and oversight of police services will improve transparency and accountability

in the delivery of policing services" (Ibid: para. 3). This new legislation has had the effect of bringing the one province in the country that did not have a formal police governance scheme into line with the rest of the country. It is of particular importance to this thesis, as it represents an effort to collect and adopt a set of practices that are relatively universal, despite the wide range of regionally different police governance models that still exist in other regions across the country.

The legislation in both Manitoba and New Brunswick suggest the need to adopt a consistent set of best practices that are more evidence-based and that could be used to frame the ideal and measurable basis for performance assessment. The disparity between different police governance models arising from the literature review and the systemic lack of any one system of assessment among them are the subject of the literature review of recent commissions and reports on police governance in the next section.

Commissions and Reports

In Canada, a number of commissions of inquiry and commissioned reports were reviewed in order to examine more closely to determine their impact and influence on the directions being taken in contemporary police governance. Many of the commissions and reports were either of an advisory nature, meaning they were constituted to address a broad range of related issues, or investigative, where the specific mandate was to investigate a single case.

A number of these kinds of advisory reports were reviewed, and while they were not all delineated in full in this study, some played a minor role in certain specific areas. For example, a number of recent succession planning initiatives for boards were introduced by provincial governmental ministries in a number of provinces across the country. They include reports by British Columbia (British Columbia Ministry of Public Safety and Solicitor General, 2005), Alberta (Alberta Ministry of Justice and Solicitor General, 2013), Saskatchewan (Saskatchewan Police Commission, 2013), and nationally by the CAPG (2010a). Recommendations arising from these reports are also reflected in the literature for smaller entities and showed up in the study of individual boards.[5]

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[5] In 2013, the Municipality of Delta, British Columbia, described core competencies in ads to recruit new members: "Operational or technical expertise relevant to the operation of the organization including: strategic management and organizational change, operations, internal control and accounting, technology,

Several reports were of a more general and comprehensive nature and were central to a number of areas in the research. The following ten reports are included because of their direct relevance to a number of critical aspects of this thesis, and they are presented in chronological order:

- 1994 Commission of Inquiry in Policing in British Columbia (Oppal, 1994)

- 1997 Ontario Civilian Commission on Police Services

- 2002 APEC Inquiry (Hughes, 2001)

- 2003 Justice Institute of British Columbia report (LaLonde and Kean, 2003)

- 2003 Toronto Police Commission Report (Ferguson, 2003)

- 2006 Law Commission of Canada report

- 2007 The Ipperwash Inquiry of Ontario (Linden, 2007)

- 2010 National Union of Public and General Employees and Canadian Civil Liberties Association report

- 2012 Morden report

- 2013 Oppal Commission

In 1994, the eminent Canadian jurist, the Honourable Mr. Justice Wallace T. Oppal, was named to head a commission of inquiry. The report, *Closing the Gap: Policing and the Community*, found a range of critical defects in police governance, not just in British Columbia, but systemic problems with police governance across the country. The problems ranged from political interference in appointments to concerns about board effectiveness. Oppal (2004: 6) outlined a number of shortcomings across Canada, including:

> Many boards lack purpose and direction.… These problems are common
> to boards across Canada. Many board members simply do not appreciate
> the nature and importance of their duties. Although citizens who make up

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communications, public sector administration, human resources, labour relations, and risk management; financial expertise; legal expertise; knowledge of government and the public sector environment."

our boards are well-intentioned, they do not receive the necessary direction and training.

The findings of this commission in regards to selection, training, and management of boards were considered instructive and important at the time and were largely adopted wholesale and included in the original set of best practices by what was then the CAPB (2005a). As such, the Oppal Commission was critical to the first section of the research and subsequent findings in the areas of selection and training outlined in chapter four.

In 1997, the Ontario Civilian Commission on Police Services commissioned an inquiry into the administration of internal investigations by the metropolitan Toronto police force. With regards to the authority of the board of governance, they reached the following conclusions:

> The Police Services Board is responsible for providing civilian monitoring of the force and setting policies for its operation. Because of this obligation to monitor and because police investigate allegations against their own members, expectations for scrutiny by the Police Services Board, as representatives of the community, are high. It is imperative that Police Services Boards understand their role and are held accountable to the public. Their function is a crucial one; Boards exist to ensure that the policing services provided meet community standards. (Ontario Civilian Commission on Police Services, 1997: para. 7)

The 1997 report by the Ontario Civilian Commission on Police Services in Toronto was of such critical importance that it was the basis for the constitution of Bill 105 discussed in the previous section (Legislative Assembly of Ontario, 1997: 1). This specific issue focused on the accountability of boards, which this thesis focuses on in detail. The findings revealed a gap in having a standard methodology that would allow them to meet the recommendations in the 1997 Ontario commission. This issue was considered of such criticality that the author has proposed a new tool for analysis in the discussion in chapter five, the parallax perspective, to facilitate board assessment of their performance in the manner this commission suggested.

In 1997 the RCMP were involved in policing for the Asia Pacific Economic Co-operation (APEC) meeting, held in Vancouver, Canada. The meeting included leaders of numerous

nations, several of which various groups were vehemently opposed to, and a series of protests ensured (Hughes, 2001). During the course of events, the situation became violent, and a series of arrests resulted. Allegations arose around political interference at the very highest level, which included suggestions that the Prime Minister's Office may have directed the police to take certain actions. A series of lawsuits commenced that focussed on the behaviour of the harsh strategies used by the police to quell the protests. After the event, the British Columbia Civil Liberties Association filed a complaint with the Royal Canadian Mounted Police Public Complaints Commission about police wrongdoing and alleged governmental political interference. The complaint became known as the APEC Inquiry. The APEC inquiry experienced initial problems with the people assigned to it being accused of further political interference (Ibid). In 1998 Canadian jurist Hughes was ultimately appointed to take over the commission. In all, the inquiry took three years and cost ten million dollars to complete (CBC News, 2001). Hughes filed his final report in 2001, which was re-released by the Public Complaints Commission in 2002.

The APEC inquiry did find evidence of political interference in police operations, but it found that it was the work of a lower level functionary working in the office of the Prime Minister of Canada (Hughes, 2001). The Prime Minister was credited with exemplary behaviour in the incident. The actions of the police, although criticised in the report, were also tempered with a tone of understanding, with the commentary in the APEC report sympathising that they did their best after having been put in an impossible situation.

In the end, the APEC inquiry was a watershed moment in analysis of police independence in Canada. It was wide reaching, and it focused specifically on the notion of the need to restrain politicians from interfering in police operations.

The British Columbia Civil Liberties Association was frustrated by the Hughes report and they made several harsh comments at the hearings around the actions of the police and their perceptions of what they held to be political interference:

> The difference between "bureaucrats with guns" and law enforcement officers is simple: police are supposed to be prohibited equally from pursuit of their own desires and from acting on the whim of politicians.

Unlike civil servants, they are not supposed to respond to "political masters." Their job, simply, is to enforce the law. (Pue, 2000: 167)

The comments by British Columbia Civil Liberties Association are indicative of a naïve notion of policing. They subscribe to a simplistic and, arguably commonly held, view of the role of the police as a mindless body enforcing the law. The reality is much more complex. This kind of deterministic or mechanistic view of societal control was prominent in France around the time of the Renaissance, and it has been argued that this was one of the drivers that led to the industrial revolution (Gharajedaghi, 2011). The view that the role of the police is simply to enforce laws, without consideration of the effect of their actions, is a results-focused philosophy, instead of one that is process focused. This is a limitation in some classical approaches, which are so preoccupied with the meta-analysis of independent variables that they cannot process the complex interdependencies of a highly complex activity like policing effectively. The problem is in the limitations to what parties, like the British Columbia Civil Liberties Association, believe the police ought to do, as opposed to how those actions are to be assessed and provisions made for their effective governance. This is a pivotal notion, and it is one of the reasons that a qualitative methodology was used to gather evidence for this research, as opposed to a more quantitative analytical approach. The methodology in chapter three addresses this in greater detail.

In 2003, the Justice Institute of British Columbia undertook a wide-reaching inquiry on municipal police board governance (LaLonde and Kean, 2003). The report included over forty interviews with mayors, appointed board members, and chief constables. Although the results were substantial in scope and depth, they included a confusing mash-up of opinions from both police governance officials and police executives, who were the very people being governed. Since the report was commissioned, a number of changes have occurred, both sociologically and politically, in the police governance realm. In specific sections of the Justice Institute of British Columbia report, LaLonde and Kean (2003) documented the progress, or lack of progress, by police boards in reaching the original set of best practices identified by the CAPB (2005a). For this reason, the Justice Institute of British Columbia report was instructive and helpful in identifying the areas of deficiencies or gaps that have still not been adequately addressed. These gaps are referred to in the discussion chapter of this dissertation.

In 2003, the Toronto Police Commission undertook an extensive two-year review of police governance by well-known jurist George Ferguson. The Toronto inquiry was conducted to examine alleged police misconduct and police governance, both locally and across Canada. The report included over three hundred and fifty published documents and sixty written submissions. The final report (Ferguson, 2003) provided a comprehensive analysis of global research on policing in Canada, the United States, England, New Zealand, and Australia, but there was no consensus on the extent of interference that could be determined, even in a study of this scope. In the end, examples of political interference of the police are relatively easy to find, despite the extensive length this legislation went to limit it. What was difficult to find were any actual measurements or studies outlining the extent or impact of political interference of the police in Canada.

In 2006, an international conference on policing hosted by the Law Commission of Canada was held in Ottawa, called In Search of Security: The Future of Policing in Canada. The conference produced a lengthy report that outlined the present and anticipated future role of police boards across the country (Law Commission of Canada, 2006). The summary defined a vision for the ideal regulatory frameworks for police governance. The author attended this conference and reached the conclusion that several of the changes in policing raised were so profound as to require a paradigm shift in the national methodology and instruments of governance. One vivid example focused on the issues around the dichotomy between public and private police, which conference attendees largely agreed could not be addressed under the current legislative structures, as they only accounted for the regulation and governance of the public police. The author has included the observations reached at this conference in the analysis of the findings that look more closely at this notion of the plural nature of policing and the potential impact of a blended public and private system, which is largely unrecognized by contemporary governance models.

In 2006, the Government of Ontario established the Ipperwash Inquiry; its "mandate was to inquire and report on events surrounding the death of Dudley George, who was shot in 1995 during a protest by First Nations representatives at Ipperwash Provincial Park and later died" (Ipperwash Inquiry, 2007: para. 1). There were allegations in the media at the time suggesting political interference at the highest levels of the provincial government had resulted in the police taking actions they would not otherwise have taken. This was

borne out in the findings in the Commission report, where it was determined that the Provincial Premier and other Ministers had met at the now infamous "Dining Room Meeting" (Linden, 2007: 308) and directed the police to proceed in a speedy and aggressive manner that the police thought was ill-conceived. Obviously, the issues in this case went far beyond an inquiry into the death of one man, and questions around political interference in the exercise of police governance made this case a matter of national importance and critical to this dissertation.

The Commission employed two leading academics in the field of police governance, Beare and Murray (2005), to undertake a meta-analysis of previous police governance reports. They reviewed six Canadian studies related to police governance, independence and accountability and submitted them to the Commission. They were unable to reach consensus in a number of areas: "There is still concern over the degree of independence the police exercise, and debate over where the line between legitimate government direction of the police and illegitimate political interference should be drawn" (Ibid: 1). At the end of the day, Beare and Murray were unable to reconcile one standard or model of independence, concluding: "Perhaps there is no ideal relationship between governments and the police, and perhaps leaving the situation fluid is the only solution in the circumstances" (Ibid: 1). Notwithstanding the forgoing, another researcher for the Ipperwash Inquiry undertook a different approach in an attempt to establish at least some consistent methodology to categorize various models of police independence. In his *Four Models of Police-Government Relationships*, Roach (2007: 1) identified four models of police governance and how each responds to the concept of police independence:

> Full police independence in which the police are immune from governmental intervention on a wide variety of matters including the policing of demonstrations. The second model is core or quasi-judicial police independence in which police independence is restricted to the process of criminal investigation. The third model of democratic policing similarly restricts police independence but places greater emphasis on the responsible Minister's responsibility and control over policy matters in policing. The fourth model of governmental policing both minimizes the ambit of police independence and accepts the greater role of central agencies in coordinating governmental services including policing.

The research by Roach (2007) was consistent with findings arising from this dissertation. Roach reported how institutions of police governance in Canada presented as bipolar institutions, with bodies being either overly pro-police or anti-police and with few boards conducting governance in a manner that was consistent with any given standard. Roach's conclusions were instructive and utilized in the analysis of the findings. The evidence obtained in this dissertation indicated that boards in Canada are currently configured in a manner that takes elements from both the third and fourth models Roach outlined. The recommendations considered the limitations suggested by Beare and Murray (2005), and by reconstructing elements from the third and fourth of Roach's four models, recommendations were made that apply those elements to individual areas regarding political interference and independence. These recommendations are outlined in the findings in chapter four and conclusions in chapter five. The Ipperwash Inquiry (Linden, 2007) demonstrated how these kinds of commissions into policing, if based on single-case study, can be both highly charged and have a short lifespan. Nonetheless, the value of correlating the information has proven useful to this dissertation.

In 2010, the National Union of Public and General Employees (NUPGE) and the Canadian Civil Liberties Association (CCLA) conducted a private commission on police governance. The hearings were entitled *G20: Breach of the peace. Public Hearings November 10 to 20, 2010* (NUPGE and CCLA, 2010). They held public hearings into police operations during the highly charged G20 Summit in Toronto. The actions of the police while handling the protests around the G20 summit led to a high number of allegations around violations of human rights and civil liberties. During the protests, police made mass arrests of over a thousand people, and there were a number of constitutional rights violations, including arbitrary searches and detention and denials of access to legal counsel. The report was highly anticipated and received a great deal of media attention at the time. The conclusions made vague calls for further inquiries to develop "a detailed legislative framework with appropriate civilian oversight … to govern public order policing operations, including the establishment of security perimeters and the deployment of officers and equipment" (Ibid: 51). This report was part of a series of highly publicized and critical reviews of the police actions around that G20 event, and although at the time it was largely ignored, it remained in the public consciousness. Persistent references in the media to the NUPGE and CCLA report eventually led to the constitution of the 2012 Morden inquiry.

The 2012 Morden report was one of the most far-reaching reviews of police behaviour undertaken in Canadian history, and was conducted by the respected Canadian jurist, the Hon. John W. Morden. After reviewing the statutory authorities and training of police boards in general, and in Ontario in particular, Morden made a number of recommendations for police boards. Many revolved around the role of boards overseeing police actions in large demonstrations to ensure citizens are treated in a manner that is consistent with community mores and values. In summarizing his report, Morden was highly critical of the police board:

> I can appreciate the good sense underlying the policy of section 29 of O. Reg. 3/99 to require a board to make policies with respect to those police services that fall within the minimum requirements of what is "adequate and effective." I must observe, however, that based on the policies quoted above and others that I have read, this legislative initiative does not appear to be functionally effective. Some of the Board's policies are, in effect, non-policies. They give no context or framework guidelines for the police services processes or procedures. . . . Accordingly, having made a policy the Board does not see its consequences. The result is clearly inconsistent with the monitoring and oversight responsibilities of the Board. (Ibid: 75)

In all, the 2012 Morden report laid out fourteen separate recommendations covering a wide scope of activities and responsibilities, which included what was termed the critical point, where the police need board approval prior to proceeding: "Defining definition of a 'critical point': a policing operation, event, or organizationally-significant issue for which advance planning and approval [is required]" (Ibid: 5)

The 2012 Morden report focused on the Toronto Police board in particular, but it was evident to all that the report was, in reality, laying out a robust and comprehensive approach to police board of governance across the Province of Ontario. Morden observed that police boards have a responsibility to provide a standard of care far beyond what they had exercised in the past. The Morden report was highly anticipated by the Ontario Association of Police Services Boards (OAPSB), and in 2012, they passed a motion to adopt its recommendations. The President of the OAPSB wrote to the Minister of Community Safety and Correctional Services in the provincial ministry seeking clarification noting,

> This is not a simple exercise and there is no 'roadmap' for defining the appropriate level of direction and scrutiny a local board may exercise over police operations. For many boards, the Morden recommendations are a departure from long-standing practices. (OAPSB, 2012: 1)

This comment by the OAPSB (2012) succinctly reflects the long-held traditions of police boards reacting in frustration to criticism about their longstanding practices, yet seeming to do relatively little to correct them. This inertia is more than mere resistance to change, it is argued. The kinds of changes contemplated by relative outsiders, looking at how police governance is exercised, do not take into account the very traditional nature of the institutional morés that still constitute contemporary police boards. One of the main research questions being approached in this thesis is to attempt to identify some of the precise reasons why making the kinds of changes envisioned by the various commissions looking at police governance have been so difficult to accomplish. A concomitant goal is to examine the types of measures that might assist boards in closing these performance gaps.

In 2013, the Honourable Mr. Justice Wally Oppal was asked to undertake one of the most topical and incisive commentaries on police governance in the past decade, the *2013 Missing Women Commission of Inquiry in British Columbia* (Oppal, 2013). This commission pursued an in-depth examination of police investigations over a number of years into the gradual disappearance and murder of a number of women in British Columbia. The Commission pointed at a lack of governance by the Vancouver Police Board, in particular, as an instrumental element in this travesty of justice:

> These practical limitations were reinforced by a Board culture of deferring to the VPD (Vancouver Police Department), which still further limited the ability of the Board to act as an effective accountability mechanism with respect to the missing women investigations. I conclude that the cumulative inadequacies of the accountability framework amount to a critical police failure. The missing and murdered women situation clearly constituted a public safety risk warranting effective oversight, but this effective oversight was wholly lacking due to systemic weaknesses. (Ibid: 92)

These allegations appear to fly in the face of the traditional notions of the role of the police boards as non-interfering in police operations. Oppal clearly saw the present system of governance as inadequate and critical to the point, where in the quote above, he deemed it "a critical police failure" (Oppal, 2013: 92). This important point was a gap identified in the findings for this dissertation and represents a missed opportunity for boards to be more proactive in recognizing and correcting the myopic vision of the police. The summary of the report includes suggestions that one key reason for this gap was "a parochial and silo-based approach to policing" (Ibid: 98). To that end, recommendations have been included in the conclusions in this dissertation for boards to learn to be more demonstrative in their governance role, learning to demand information that would allow them to judge whether the actions by the police are sufficient under the circumstances or whether they should be doing more. The key issue comes back to police independence, while it may be debatable as to whether boards currently have the skills and experience to participate in decision making at this level. The fact remains that police boards remain the recognized and sole lawful body for police governance, and as such, they are ultimately responsible for the actions of the police services they govern. Concerns around political interference are legitimate and important but, as the foregoing commission has indicated, several approaches can ensure that higher levels of governance do not automatically result in interference.

Commissions and reports on police activities borne out of highly charged incidents and issues are important events in the ongoing evolution in police governance, in that they create a periodic summary, or snapshot in time, of the state of affairs at that moment. They are usually a one-time affair, with the Commissioner having no responsibility beyond the delivery of the report, and the bodies that received them were not instrumental in the commission itself and, therefore, did not necessarily have any direct accountability for instituting the recommendations made. They were often based on decisions arising from the courts pertaining to the cases that ignited the impetuous for the commission. The next area examines some of those original cases that were specifically instrumental in the development of emerging paradigm shifts in police governance in Canada.

Court Decisions

The judiciary is one additional entity that bears consideration. While the courts have no direct legal authority over police governance directly, the decisions they make often have

a great deal of influence over police boards and their associations. In reviewing the literature, three particular court cases were located that presented issues considered critical to this study.

The first case is important from a historical perspective, as it provides the definitive definition of police independence and, as such, provides context for the whole notion of political interdependence of the police and their boards of governance. The second two cases were key-critical to this study of police governance from the start. They were both highly publicised and resulted in recent decisions that have had a great influence on police boards, and they are fundamental to how police boards are undergoing a dramatic shift in how they govern the police. These two cases demonstrated the need for police boards to evolve and grow into organizations that are more demonstrative.

The first was the 1968 British case of *R v. Metropolitan Police Commissioner, Ex parte Blackburn* (in Fletcher and Stenson, 2009).[ii] It was precedent setting, as the famous jurist hearing the case, Lord Denning, took the opportunity to define both the importance and definition of the political independence of the police. This British case is important because it constitutes contemporary notions of *stare decisis*[6] for current Canadian police governance and defines political independence.

The next case considered was the 1999 Canadian case of *R v. Campbell.* It was a Supreme Court of Canada decision that highlighted deficiencies in police governance by one of the largest police boards in Canada. The case was about a narcotics sting operation, and in the jurisprudence, issues arose around police accountability and governance. The judge in the case confirmed that the principle of police independence from political interference is a long-standing and valued principle of common law, citing Lord Denning's decision in Blackburn. The rationale for the Campbell decision was that "Police are independent of the control of the executive government. Their powers and duties are derived from the law, not from the city or town under which they hold their appointment" (*R v. Campbell*, 1999: para. 29). Both the Blackburn and Campbell cases were instructive in ascertaining the impact in the courts of police independence.

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[6] The doctrine of *stare decisis* refers to the citing of established and accepted historical precedents as reasons to justify continuing to uphold that reasoning or logic.

The 1997 case of *Odhavji Estate v. Woodhouse,* finalized in 2003, was about one Manish Odhavji who was killed by members of the Metropolitan Toronto Police Service, while running from them, following his involvement in a bank robbery. The Special Investigations Unit of the Ministry of the Solicitor General, a civilian agency that conducts independent investigations of police in such cases, was assigned to investigate. Some of the police officers involved refused to cooperate with that investigation despite the section of the Ontario *Police Services Act* (1990) that statutorily obligates them to do so. The case was important because it clearly defined the role of the police board in the governance of the police and how the police board involved was ultimately found to have failed to meet their responsibilities in that role.

In order to understand the court decision, it was necessary to review the 1990 *Police Services Act*, which outlines the responsibilities of police boards in Ontario:

> 31.(1) A board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall, [since amended]   …
> (b) generally determine, after consultation with the chief of police, objectives and priorities with respect to police services in the municipality;
> (c) establish policies for the effective management of the police force; …
> (e) direct the chief of police and monitor his or her performance; …
> (4) The board shall not direct the chief of police with respect to specific operational decisions or with respect to the day-to-day operation of the police force. (*Police Services Act*, 1990)

In the Odhavji case, the lower court heard the case for damages against a number of parties, including the police board specifically, and ultimately, they found the board liable (Ontario Court, General Division, 1998, in *Odhavji Estate v. Woodhouse*, 2003). The decision centred on the fact that, by not interceding to order their police officers to cooperate with that investigation, the police board did not fulfil its obligations under the Act. This was deemed to have constituted an act of malfeasance in the execution of their office.

At the higher Ontario Court of Appeal, in a decision by a slim a majority of two to one, the Justices disagreed with the lower court and allowed an appeal against the lower

court's decision (Ontario Court, General Division, 1998, in *Odhavji Estate v. Woodhouse*, 2003).

The Supreme Court of Canada eventually heard the case in 2003. It commenced with an extensive review of the origins of torts of misfeasance for officials in public office, both nationally and internationally (*Odhavji Estate v. Woodhouse*, 2003). In the final summary, the Supreme Court supported the doctrine of independence of police boards. They were also reluctant to see the judiciary interfere in that independence, stating, "Courts should be loath to interfere with the Board's broad discretion to determine what objectives and priorities to pursue, or what policies to enact in pursuit of those objectives" (Ibid: Article C, §66). Despite these reservations, the Court, in this case, found that the police board had a statutory obligation to provide adequate and effective police governance and that, in this case, they were negligent in doing so. The result was that the Appeal Court's ruling to strike down the lower court's decision was dismissed (Ibid).

This particular court case has arguably had the most far-reaching impact on contemporary police boards across the country in decades. It raises the spectre of the potential for lawsuits of malfeasance against, not just police boards, but also against individual board members as well.

Trends in Corporate Governance

Flannery (2011) reviewed a series of scandals that focused attention on governance in many different spheres over the past two decades; they include Bre-X in Canada, Enron, Worldcom, Fannie Mae, and Arthur Andersen in the United States (US), and multinational corporations, such as Nortel, Locheed, and AOL Time Warner. Flannery attributed these scandals to catastrophic failures of governance governance that extended beyond financial mismanagment to boards acting outright criminally.

Several studies reviewed have suggested that prior to these incidents, there was little attention given to the form of regulatory governance in most Western democracies (Hansell, 2003; Coglianese, 2005; Chwastiak, 2007; Board Source, 2010; Scallan, 2012). This was especially evident in the US, where governance was largely concerned only with functions of fiduciary controls and financial governance (Leggett, 1999). One specific example that best exemplifies this is the case of governance failure involving the Ford Pinto car. From 1971 through 1980, Ford sold a car that had a known mechanical fault:

the inherently dangerous placement of its gas tank. They did so to save a small sum of money per manufactured unit in order to make room for two sets of golf clubs in the back, which was a design feature that they were reluctant to forgo. The company knew that the design flaw existed and was going to result in a number of people being burned to death when the tank was impinged. Later lawsuits showed that Ford did a cost-benefit analysis, valuing a human life at $200,000 and injury costs at $60,000. For the price of an $11.00 repair cost, they opted to pay the money and ignore the business ethics inherent in the decision (Leggett, 1999).

The Ford example, which constituted one of the most egregious failures of governance known, and the literature provided two direct correlations to police governance research. Firstly, the Ford example demonstrated the importance of governance in holding executive leaders to account in order to ensure they are abiding by high standards of ethical decision making, raised in the *Canada Not-for-Profit Corporations Act* (2009) reviewed above in legislation and reports. Secondly, the case correlates directly to those same concerns raised in several of the recent court cases and commissions referred to above, including the G20 Summit Conference in Toronto (Morden, 2012) and the 1997 police shooting of Manish Odhavji (*Odhavji Estate v. Woodhouse*, 2003). In those cases, the police saw their actions as justifiable, and the board considered their own actions responsible under the circumstances.

The development of police governance, it is argued, is inevitably influenced by developments in corporate governance elsewhere, in both the private and public sectors. There is a widespread sense that boards of governance, internationally, have been failing the institutions that they serve, either through malfeasance or through sheer inertia (Greenberg, 2010). Greenberg (2010) looked at the behaviour of corporate governance entities and pointed out numerous correlates of shortcomings between them and police boards of governance. Greenberg concluded that many police boards exhibited unacceptable levels of torpor and lethargic responses towards the needs of their constituents in ways that are remarkable similar to corporate boards of governance. Greenberg's conclusions mirror the findings of the commission, reports, and court cases reviewed in the previous sections. The extant literature is consistent, and it supports the supposition that the status quo in police governance is unacceptable and that there is a pressing need for police boards to evolve.

Legitimacy of Police Board Independence

The last area of research into police independence looked at exactly what constitutes independence, in terms of the legitimate power involved in policing and who controls it. The review started from the perspective that the public have expectations that their police boards truly hold the reins of power over the police. This seemed particularly important in relation to any potential conflicts of interest that may arise from having politicians, such as mayors and city councillors sitting on both the police board and the municipal council. The research by Raz (1986) and Hoogenboom (2010) provided explanations that verified the legitimacy of these kinds of public expectations.

Raz (1986) described how, in the public governmental sector, the doctrine of legitimate expectations is a fundamental tenet in the precepts of law and governance, whereby authorities are prevented from using their discretionary power to ignore the expectations of the very citizens who granted them their authority in the first place. This explains how individuals in democracies are justified in following their agents of governance, as long as those authorities of governance are bound to adhere to the rules that have been created with a certain amount of predictability and certainty (Ibid: 53).

Hoogenboom (2010: 8) outlined how the combination of a true separation of powers, along with transparency and accountability, are the elements that constitute the substantive legitimacy for police boards. Together with an independent judiciary, these elements are integral to a more complete, or ideal, governance framework. This notion of legitimacy was integral to the considerations used in developing the recommendations in relation to restrictions of politicians from membership on police boards.

The literature review thus far has focused on aspects of police independence. The review moved from typologies of police governance structures to relevant legislation, commissions and reports, and concluded with a look at studies focused on the doctrine of legitimate expectations and how current models of police governance fit, or fail to fit, with post-modern notions of legitimacy. The literature thus far suggested that a more specific review was required in the areas of police acountability, including how it is legitimized, and how it is assessed.

Part 2: Police Accountability

Defining Police Accountability

The term *police accountability* arises frequently in this dissertation. For the purposes of this dissertation, the author began with a strictly legalistic definition: "Police accountability means holding the police responsible for obeying the laws and policies promulgated by governments through legislation and through statutory police governing authorities" (Law Commission of Canada, 2006: 95). While this definition is ostensibly correct, according to Williamson (2008: 38), this constitutional definition represents an accountability management approach that raises concerns among some who advocate a more community policing approach.

Legitimacy through Accountability

Legitimacy is a critical concept in analysing both the form and functions of contemporary governance. Coglianese (2005) described the linkages between the power and legitimacy as concepts most rightly connected intractably with government, and that power and legitimacy should not be in the hands of private corporations. Coglianese described governmental as an enormous, yet legitimate, purveyor of power, including "powers of violence, powers of compulsion, and powers of conscription" (Ibid: 1). Coglianese admitted the risks of the potential for abuse any monopoly brings and suggested government can assure legitimacy in two specific ways: procedural legitimacy and substantive legitimacy.

> Procedural legitimacy is defined in terms of democratic accountability, with elections being the principal defining characteristic, and also in terms of institutional arrangements like separation of powers, transparency, and rule of law principles intended to combat abuses of power. Substantive legitimacy, in contrast, is usually defined in terms of rights, typically rights enshrined within a constitution that makes certain actions off limits even to an otherwise procedurally legitimate legislature. (Ibid: 3-4)

The analysis by Coglianese (2005) of the manifestations of legitimacy in corporate governance was instructive in terms of developing an understanding of the differences between forms of legitimacy in the aforementioned governmental power structure and

private sector governance. In the Coglianese view, corporate governance constitutes the same elements as procedural legitimacy, in terms of separation of powers between management executives, shareholders, and boards of governance, and corporate regulation fulfils the same functions as substantive legitimacy. He also likened the requisite transparency and ethical behaviours required and expected of government as a necessary element in maintaining procedural legitimacy to the new legislation requiring the same type of transparency in behaviour by financial institutions, brought about through Sarbanes Oxley (Ibid: 7).

Coglianese (2005) was less instructive when he turned his mind to police governance. He suggested that any form of non-public, or free-market, ownership or manifestations of policing would not be in the general interest, suggesting the government monopoly of police power is the only true answer to the complications suggested by a Hobbesian world. In its purest sense, the Coglianese view assumes that monopolistic power by governments is somehow exempt from the kinds of self-serving interference a corporate entity may or may not attempt. It also fails to acknowledge that policing and securitization are already under the control of private enterprise in many areas. The work by Coglianese, in relation to legitimacy through accountability, was critical to this study into police boards and police governance, in terms of the necessity to link these concepts. Focus was put on the literature around these links between police boards and their attempts to establish their legitimacy.

The notion that independent police boards are the legitimate governors of ethical behaviour by the police is their only source of power and, as such, is a cornerstone in most of the literature around police governance. Hechinger and Bobowick (2005: 4) described the situation succinctly: "There's more to good governance than compliance." In Canada, a group called Board Source (2010: 324) developed *The Handbook of Nonprofit Governance* in order to assist non-profit boards in Canada develop "a culture of independent-mindedness." The goal was to help boards evolve from relatively ineffectual bodies, going from being merely responsible and accountable to exceptional. This notion of exceptional meant boards needed to become less passive and more activist in nature, suggesting: "Boards that foster a culture of inquiry are not afraid to question complex, controversial, or ambiguous matters or look at issues from all sides" (Ibid: 320). The initiative by the Board Source group was referenced by CAPG (2013a) as influential in

their efforts to push for police boards to extend their traditional roles and engage in fully functional constructive partnerships with their chief of police executives. This concept of an activist board has gained traction in other sectors across the country, but more critical to this study were (a) how serious groups like the CAPG are taking the matter and (b) to what extent these cases are shaking up traditional police boards across the country. One of the most critical necessities for boards is to move towards acting in a more activist manner by developing a more evidence-based approach to decision making (Watson, 2004). The next area looks specifically at the necessity to assess performance in order to establish the basis for this kind of evidence-based approach.

Accountabiliity through Assessment

The literature in relation to measuring and assessing board performance was influential in examining how boards might evolve, in the sense suggested in the previous section by Board Source (2010), from being mere receivers of monthly reports from the police into more active and forceful, competency-based organizations. In order to approach this topic, the literature was examined in two areas: (a) measuring police performance, and (b) measuring the performance of police boards.

The performance of policing in Canada is currently measured through a combination of crime statistics and attitudinal surveys around subjects such as fear of crime, healthy communities, and victimization. Assessment of police performance traditionally consisted of satisfaction surveys and crime statistics. These are well-developed areas of scholarly study, and the results are widely available (Rigakos, 2002; Murphy, 2007; Stenning, 2009; Statistics Canada, 2009a). Canadian police have begun to adopt more evidence-based performance assessment tools that have proven successful in the US (Murphy and McKenna, 2007). One of the most common tools is the Computer and Comparative Statistics system (CompStat). CompStat is a systematic methodology for tracking the behaviour of individual officers and teams and reporting that data through a variety of dashboards and scorecards to police managers.

Developed and introduced in the 1990s in New York by Police Chief William Bratton, CompStat is a controversial approach that has generated a wide variety of opinions. Regardless of its detractors, CompStat has been employed on a wide scale across north America, in particular, with varying degrees of success (Stone, Fogelsong and Cole,

2009: 39). One example of where the program was deemed a success was that of the reformation of the Los Angeles Police Department, where it was employed to assess the impact of a number of specific management initiatives. The effectiveness of the CompStat tool in being able to identify and evaluate undesirable behaviours in individual police officers, and police management, was credited with the reason the Los Angeles Police Department was released from a very intrusive system of governance and supervision previously imposed by the *US Federal Government's Consent Decree* (Gascón, 2010).

A landmark academic study on the Los Angeles Police Departement's governance improvement intitative was conducted by the Harvard Kennedy School of Criminal Justic and Management (Stone et al., 2009). It concluded that the project was successful because of the introduction of organizational assessment processes designed specifically to increase the quality of police governance through "strengthening internal processes of accountability and management" (Ibid: 65). This is important because over the past decade, police departments have begun to implement the CompStat system across Canada and the United Kingdom, and it is fast becoming one of the principle measures of police performance. CompStat is not designed to measure the performance of boards of governance. It only allows police boards to assess how their police departments measure their own performance internally. The literature suggested that there is a potential utility in having members of police boards trained in reading and assessing the outcomes data analysis that programs such as CompStat produce (Stone et al., 2009; Gascón, 2010) Preliminary research suggested that this was an important line of inquiry, and questions about this matter were included in the questionnaire and the findings laid out in chapter four.

The second area of assessment looks at the literature regarding the performance of police boards specifically. In the corporate world, the paradigm shifts that have been taking place in governance have been described as nothing less than a revolution in performance expectations and governance assessment systems (Leblanc and Gillies, 2006: 250). Assessing performance in corporate boards is relatively easy, where governance of fiduciary and legalities are the key responsibilities (Hansell, 2003: 9). Managers run the company, and the board monitors their fiduciary and legal behaviour (Carver, 2010). In corporate governance, *means*, the operational perfomance of boards, and *ends*, the

resulting profits made by the company, are closely related. In the field of police governance, the primary service delivery goals are less clear, and the success of the police is not so easily and directly connectable to governance decisions by the board.

In police governance, there is a blurring between the core activities of the police and the actions of the board. This is particularly evident when police boards try to measure their efficiencies and competencies in the kinds of highly charged social environments they inhabit, where priorities are constantly shifting. One example is where the local police were focused on efforts to address traffic safety when a series of high-profile crimes of violence occur, which immediately consume the police, with communities and government calling on the police to react with urgent and dramatic shifts in priorities at all levels. The role of boards in such settings is often unclear, and it is suggested that assessing how boards react and perform under such conditions is utterly different than any commercial governance scheme.

The process of measuring police board performance in Canada is traditionally based on the volumes of complaints against the police and functional board activities in monitoring fiduciary expenditures. Police boards in Canada have tended to stick with traditional approaches to assessing police efficacy, which have become inadequate to the task, and:

> were designed for keeping track of inputs, in particular of allotted funds
> that are straightforward to count, but are not so appropriate for outcomes
> that take place in a complex policy environment and that are inevitably
> influenced by a variety of factors. (Perrin, 2011: 3)

Reacting to media outcries and/or community unrest requires a dynamic approach, as opposed to a more static, empirical, or evidence-based approach. Much of the relevant literature considered (LaLonde and Kean, 2003; Roach, 2004; Wood, 2004a; Murphy and Clarke, 2005) suggested that police boards are similar to many public organizations that tend to have "a preoccupation with process, rather than outcome. Such a primary focus on process is inconsistent with a results orientation" (Perrin, 2011: 4). According to the literature, community satisfaction with the work of police boards is measured infrequently and often in an unorganized fashion (Murphy, 2007).

Themes and Typologies

Police Leadership

In 2009, a pan-national academic study of police governance in Canada was conducted (Caul, 2009). The study included a survey of 170 police chiefs across the country, but did not survey any members of police boards and was inconclusive on some issues. This means that only certain specific areas related specifically to this inquiry. Notwithstanding those limitations, the Caul (2009) study was important to this thesis, as some of the conclusions were utilized as primary source evidence for the cross validation of the findings reached in this project. The data in four particular areas in Caul correlated with four specific areas in this study: (a) the import of various models of board structure, (b) political interference by elected officials in general and mayors in particular, (c) the relationship of the police chief to the board, and (d) performance assessment of police chiefs by their boards. In the first area looking at board structure, Caul indicated that there was no consistent model of board of governance in the country in terms of numbers of members, lengths of appointments, voting rights or political reporting mechanisms (Ibid: 33−34). Within the boards themselves, the study concluded that there was little consistency in voting rights, length of membership, who sits on any particular committee and/or who acts as the chairperson (Ibid).

Boards across Canada were found to have varied numbers of members running anywhere from between three to seven persons. There was a predominance of five-person boards (64%) in the large Province of Ontario, which has a legislated board structure of one municipal member, two provincial members, and two city or municipal council members. The number of members was a topical issue for board associations across the country in 2012 and 2013 because of the sheer volume of work expected by board members (CAPB, 2010: 56). According to Caul's (2009) findings, there was no consensus by police chiefs of an ideal number of board members. In fact, the only consensus was that different-sized municipalities, from small towns to big cities, have different needs. One example given was in how large boards of seven members in smaller centres were seen as overbearing and too intrusive by the police. The police chiefs had minimal knowledge into how the process for board member recruiting and term lengths functioned, but there was an overwhelming sense that it was a very political process. The chiefs of police interviewed by Caul had a sense that there was an inordinate amount of turnover amongst board

members across the country, which was counterproductive in terms of having knowledgeable and experienced board members, but they had little idea what was behind that issue. Caul attempted to draw correlations between term lengths and board effectiveness by asking chiefs whether they perceived board member appointments as merit driven or not. Caul noted there were several anomalies in the data that comprised an area of deficiency in the study, however, and as a result the findings on this particular area was inconclusive (Ibid: 59).

Despite some of these problems in Caul's (2009) findings, the author put significant weight on the study for this dissertation because of its recency and applicability. The chief problem with Caul was that he looked at police governance from the sole perspective of police chiefs, rather than boards. Therefore, by correcting this anomaly and comparing the results, the applicability to this research held potential evidentiary value. Upon a closer examination of Caul, it was hypothesized that one of the reasons for the inconsistencies in the data around whether board member appointments were merit driven was partly due to the limitations police chiefs have regarding the inner working of police boards. The first take-away from the Caul study results around the competencies of individual board members and boards, overall, and how they relate to merit-based appointments and/or board size and structure would require a more subtle and nuanced qualitative methodology.

The second area of correlation in the 2009 Caul study indicated that there was a clear sense among police chiefs that there was a certain amount of political interference as realized by police chiefs in the course of their interactions with their boards or governance. One particular reason, examined in some depth by Caul (2009: 63), was the role of the mayor as either a member of the board, the chairperson, or in the capacity of some other ex-officio position. In order to clarify these issues, Caul attempted to examine whether police chiefs considered the appointment of mayors to boards more as a result of political patronage than merit driven. The results were interesting, as the persepectives of police chiefs depended strongly as to whether the mayor was apponted as the chair of the board (33.3% to 76.2%) or just a board member (42.4% to 75.8%) (Ibid: 63). Caul had difficulties concluding the exact reasons for the disparity. This finding was considered important because, regardless of the reasons why, it suggested that police chiefs considered the appointment of mayors on boards as either the chair or a member as an

indication as to whether they were merit-driven or political patronage appointments. The fact that they reported this apparently did not change their opinions, even after their experience in working with the mayors. This specific issue regarding mayors on boards is included in the findings in chapter four.

The third area arising from Caul's (2009: 87) study included the findings in relation to issues around political interference, from the perspective of police chiefs:

> 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.

These findings described levels of interference by police boards that were found to be the "most troublesome of the study" (Caul, 2009: 74). The results found in Caul (2009) were consistent with findings from other scholarly studies on this important matter (Oppal, 1994; LaLonde and Kean, 2003; Sossin, 2004; Stenning, 2004, 2009). Caul stopped short of making specific recommendations in regards to these findings, however, as the research was limited to representation exclusively by chiefs of police, who account for only one side of the governance equation. The findings from the police board side gathered for this dissertation portrayed a somewhat different picture. Board members admitted certain levels of interference do routinely occur, some of which are outright illegal and unjustifiable; however, a more complex picture emerged when the full picture was brought together. On the one hand, having politicians sitting on boards may give the impression of interference, whether or not any malfeasance is actually occurring. On the other hand, recent movements to increase board responsibilities and activism by boards by boards might be perceived by some police chiefs as interfering, while others will see this kind of participation as welcome and supportive.

The perspectives collated in Caul (2009) were insufficient alone to establish definitively whether police chiefs perceive current practices by boards as truly interfering or whether they are doing their job properly. Caul's findings were instructive in relation to the fundamental area of police chief assessment, however, and informed the

recommendations in the latter part of chapter four. Caul determined that the assessment of police chiefs was inconsistently conducted, when they were conducted at all, and that boards were often not up to the task when it came to conducting these kinds of assessments. This was exacerbated by the fact that the fundamental relationships of boards to their police chiefs were inconsistent and took on a variety of forms, depending on the specific individuals involved. Caul concluded that efforts by boards to conduct performance assessments on their chiefs of police were limited by many boards' insecurities and hesitancy around their own role: "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" (Ibid: 41). The issues examined in Caul stopped short of looking at the effects of the capacity and effectiveness of the leadership of police leaders.

Comparative Governance Systems

This area focused on police governance systems in the UK and the US, as these are the most influential systems on the Canadian police. Canadian policing was originally founded entirely on the UK system; however, Canadian police governance has taken a remarkable different trajectory than the UK system.

The concept of *Policing by Consent* was referred to in a long-standing set of principles for policing in British philosophy, which is most often attributed to Robert Peel (in Government UK, Home Office, 2012). Central to this concept or notion of policing by consent is: "To recognise always that the power of the police to fulfil 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" (Ibid: para. 3). More recently, however, the UK police governance scheme has undergone a great deal of change, and it is still in the process of a system-wide transition.

In 2004, the Independent Police Complaints Commission in the UK was established. Its stated purpose is: "At the heart of our work is the belief that public confidence in the police complaints system will lead to greater trust in the police service as a whole and that, in turn, will contribute to increasing the police's overall effectiveness" (Independent Police Complaints Commission, 2010: 10). The Independent Police Complaints Commission (2010) has summarized its existence as a result of a series of consultations conducted post-mortem after large incidents like the 1981 Brixton riots. In 2000, the British Government completed a consultative process and established a new consultative

complaints system. This was cited as the impetus for a new form of governance of British police through Great Britain's *Police Reform Act* of 2002.

In 2010, the Association of Police Authorities in the UK commissioned a study into police governance across England and Wales by Ipsos MORI. The study made a number of recommendations, among them a proposal to replace all of the existent Police Authorities with elected Police and Crime Commissioners: "This change was premised upon providing local communities with greater 'democratic accountability' as well as greater transparency on how the police are policed" (Ipsos MORI, 2010: 6). The study made a number of recommendations, among them a proposal to replace all of the existent Police Authorities with elected Police and Crime Commissioners, which constituted a surprisingly American style of governance. This new governance structure has only been in place in the UK for a short time, and it is premature to draw many conclusions about it. The potential for political interference in police operations by these newly elected Police and Crime Commissioners have already raised a number of red flags:

> It argues that the new "quadripartite" governance framework for police institutional accountability may generate pressures on Police and Crime Commissioners to interfere in what Chief Constables do. This raises questions about the appropriate scope of the Chief Constables' operational discretion and the extent to which politic can or should be kept out of policing. (Lister, 2013: 239)

The literature reviewed around governance in Canada that made reference to Great Britain often pointed to similar research arising out of the US. It was imperative then that the literature review for this study included a review of those elements of the American police governance system that might be common to the Canadian approach, with particular emphasis on whether there were things to be learned from the American experience.

The literature with regards to police governance in the US showed that it is composed of a patchwork of systems and models that are largely inconsistent, and as a result, it was difficult to make broad generalizations about them. Criminological studies by Wheatley (1999) concluded that most of the police governance schemas in the US are still loosely based on a 1950s philosophical model called *management by objectives*. Drucker, one of

the most respected researchers in the field of management, described management by objectives as: "No society can function as a society unless it gives the individual member social status and function and unless the decisive social power is legitimate power" (Drucker, 1969, in Tarrant, 1976: 50.)

Unfortunately, when attempts were made to employ this system of management by objectives as a measure to assess the quality of policing, it was most often based on crime statistics. Such an approach lacks the kind of evidenced-based foundation upon which to demonstrate the causal links between the various crime prevention programs (i.e., inputs) and crime (i.e., outputs). As a result, management by objectives and similar assessment approaches tended to generate high levels of cynicism among both the public and police officers. This cynicism is especially apparent in relation to the apparent unwillingness and/or inability of police boards in the US to deal with issues such as racism more effectively. By extension, the lack of an evidence-based foundation or approach has led to much public criticism and the perception of collusion or a lack of independence between politicians, police boards, and the police. This was pointedly evident in the scholarly studies around deficiencies in the manner in which public complaints of police misconduct are handled (Fleming, 2004; Goldsmith, 2005; Smith, 2009; Stone et al., 2009). This is not an essay on police misconduct, but there is much to learn from the American experience in regards to the importance of knowledge-based or evidence-based policing. The next section looks at the police leadership side of the governance equation, commencing with a macroscopic analysis of the relevant literature.

Governance as Leadership

The preliminary research suggested that police boards have been considered, for the most part, a moderating effect on most police departments in providing a calm hand on the helm, as it were (Wood and MacAlister, 2005; Murphy, 2007). What is of concern, however, is that most members of police boards have little or no experience in actual hands-on leadership where it concerns operational policing. The ability of boards is largely untested when it comes to assessing the decision-making powers by police chiefs around operational imperatives in the rapidly changing dynamic atmosphere of policing. Conducting assessments has rarely been seen as their role, and in most cases, they were not selected with a set of competencies associated with those kinds of activities (Caul, 2009). New legislation and recent court cases are encouraging members of police boards

to cross the Rubicon, from functioning strictly as a consultative body into a more operant role, where they literally provide functional governance and assess the results. This type of governance approach is at once both exciting and, at the same time, presents a certain amount of danger, in the sense that is a new area for boards, and the process is largely unproven.

In order to provide recommendations in this area, literature was examined regarding potential approaches to the assessment of the efficiencies of leaders and their leadership. The review commences with a macroscopic perspective of what constitutes effectiveness for leaders in general and then proceeds to assessing police leadership in particular. The term *leadership* has become a ubiquitous and overused meme to describe relationships in organizations from top to bottom and, in a unique sense, back up from bottom to top. Leading international management scholar, Peter Drucker, gave perhaps the clearest description for how to accomplish this: "We need only efficiency; that is, the ability to do things right rather than the ability to get the right things done" (Drucker, 2002: 2). Along with conventional leadership, seen as a top-down occupation, one does not have to go far to find contemporary references to completely alternative perspectives, such as *leading from below* (Kelly and Nadler, 2007) and even *leading from the middle* (Marichal and Segers, 2012). These types of over simplifications point to the necessity to focus more decisively on what level the leaders are functioning at and who is doing the assessment.

Bennis and Nanus (1997) concluded that while there are many empirical studies of leadership, there remains no universally accepted understanding of what denotes efficacy in leadership or what defines whether or not leaders are effective. Some police boards have come to understand that merely being aware of the fiduciary and strategic plans for the department is not sufficient to control how the police executive operationalize them (CAPB, 1994; Murphy, 2007; CACP, 2008; Caul, 2009). Rather, boards need to have the tools to assess exactly how effectively the strategic decision plans and objectives are being met (Hansen, 2009). Assessing efficiencies is a function that is more traditionally associated with police leadership and management operations than with the police governance.

There are a number of classic approaches to the assessment of the effectiveness of leadership; however, one particular approach, borrowed from the field of generative thinking, has direct links to the particular leadership functions of police boards at this

point in time. The term *generative leadership* was originally developed for the academic institutional environment (Ritzenhein, Klimek and Sullivan, 2008). The concept is based on a social science theory relating to the word generative, as used in the context of something lacking "generative potency, i.e. the capacity to change prevailing assumptions … and to offer fresh assumptions to contemporary patterns of conduct" (Gergen, 1978: 1344). The notion of boards being able to assess the potency of their governance recommendations on police leaders requires a dualistic approach view of governance as leadership. This notion is a relatively new concept put forward as a way of reframing how non-profit boards in particular can measure their performance (Chait, William and Taylor, 2005).

This concept of governance as leadership attempts to combine the two related activities into a conceptual and coherent relatable whole. The notion is not an operational procedure, and the literature around this concept led to consideration of a number of theoretical approaches. One of the most promising methodologies to transform the role of police boards from strict governance into one of direct leadership was generative thinking, which is also referred to as generative leadership. Generative leadership is a well-developed and sophisticated meta-theory that looks at how leadership works through a series of three frames: (a) fiduciary, (b) strategic and (c) generative (Ritzenhein et al., 2008: 10).

For police boards, the first frame of fiduciary controls consists of those traditional governance activities related to accountability, risk management, financial analysis, and "the effective use of resources" (Chait et al., 2005: 2). The strategic frame refers to board policymaking and the kinds of long-term planning focusing on the core tasks of the organization (Ibid). The third, or generative, frame suggests boards endeavour to assess the potential potency of their strategic goals, and generate actionable deliverables for the board itself, not just the organization's operational leaders. Both Chait et al. (2005) and Ritzenhein et al. (2008) suggested that in order for this model of generative leadership to function, the relationship between the police chief and the board will need to change. This kind of participatory intervention will likely test the very nature of the independence of police leaders and traditional notions of political interference.

Several potential outcomes are anticipated to arise from this kind of role shifting in governance. Some of the anticipated results might be simply a more enlightened board

that more completely supports the police executive leadership. Other outcomes may see the board becoming an interfering group, providing governance in direct conflict to the internal senior leadership of the organization. The anticipated beneficial aspects of a shift to a more generative approach is that the board would have a much deeper understanding of the role of the department and how it fits into the fabric of the environment and local cultural mosaic. Regardless of the concerns, it is clear that substantive changes are required in police governance, and the generative approach offers a clear direction forward and plays a pivotal role in informing the recommendations in chapter five around assessment methodologies for police boards going forward.

The previous sections of the literature review focused on proving an analysis around the primary legal, bureaucratic, and organisational material related to police boards. The next section moves to an analysis of the secondary, or criminological, social sciences material related to police governance.

Causes of Problems in Accountability

Much of the forgoing is based on preliminary research that pointed to a crucial need for boards to evolve to meet changing circumstances affecting the police. These changes are based on a number of evolving sociological factors; however, two specific influences on contemporary police leadership in Canada at the moment were examined in detail because they were deemed the most relevant to this dissertation, which include (a) pluralism and (b) change management.

Pluralism

In the literature, the author found a wealth of evidence for the concept that a burgeoning plurality of actors are currently playing a role in the provision of security and policing in Canada and elsewhere (Loader, 2000; Wood, 2004a, 2004b; Shearing, 2005). This notion of the diversification of numerous private and public actors involved in the provision of policing and public security has become known as pluralism. This area of criminology has a strong Candian connection, in that much of the seminal work in this area arose from leading researchers working in Canada (Seagrave, 1997; Wood, 2004a, 2004b; Shearing, 2005; Rossmo, 2009; Stenning, 2009; Murphy and McKenna, 2012). This notion of a plurality of policing correlates with the emerging paradigm shift of policing by state actors known as nodal security (Shearing, 2001: Part 3). The concept of nodality was

developed by Shearing (2005: 58) to allow for a broader understanding of what he refers to as the "increased (and increasing) diversity has been a multiplication of auspices and providers of policing. What has been happening is that new nodes of policing have emerged and have clustered to form policing assemblages." Together, these concepts relate to the diversification of both the sponsors and providers of security and policing (Wood, 2004a).

This proposition that a plurality of security and policing services exists in Canada is not highly contested. The numercial ratio for private actors involved in policing audited in a recent national statistical survey indicated that: "There were about 102,000 private security personnel in Canada, compared to 68,000 police officers, representing about 3 private security personnel for every 2 police officers" (Statistics Canada, 2009b, "Large Increase," para. 1). What is in question is whether the legitimate ownership of policing and community security in a democratic society is held by by either state-sponsored police agencies or private corporations or a hybrid combination of the two.

The new frontier of governance in policing is in this place where the public and private realms meet. This is exemplified by the investigation of crime by private corporations. The responsiblity to investigate complicated financial crime, such as insurance loss or internal fraud that occurs inside private corporations, has been quietly shifting away from the purview of the the public police to investigators employed by the private sector (CAPB, 1994; Murphy and Clarke, 2005; CACP, 2008). This is because the public police in virtually all countries in the Western world increasingly do not have either the expertise nor the staff availalble to be in a position to take on these types of criminal investigations (Royal Canadian Mounted Police, 2012). This example was included here in order to demonstrate the depths and lengths to which privatization and plualism in policing have progressed. The capacity of police boards to adapt and evolve to their new role in this environment is essentail.

One approach suggests a governmentality response: "Rejection by complainant group(s) of the agency's or institution's response, or lack of response to their claims and demands, and *the development of activities to create alternative, parallel, or counter-institutions* as responses to the established procedures" (Spector and Kitsuse, 1977, in Lippert and Stenson, 2010: 479). Support for this perspective arises out of recent academic research on governmentality: "Constructionist studies seem to take up the creation of problems

(constructing) and governmentality studies appear to focus upon their control (governing)" (Lippert and Stenson, 2010: 479). The problem seems to be more one of acceptance and adaption. An apparent demarcation in the views of the roles in policing has arisen, according to whether the mandate should be focused on the "control of crime … [or the] prevention of loss" (Bland, 1999, in Wood, 2004a: 36).

Both control of crime and crime prevention were tradionally seen as functions of the state-sponsored police. The prevention of private loss, on the other hand, has been identified more as a risk-based process and, therefore, more properly handled by corporate or private actors (Button and John, 2002). A substantial amount of territoriality that was once the purview of the public police has been moved behind doors and into private places, both physically and metaphorically. A dramatic example of this is in the development of the architectural entity known as the archology. This is where large swathes of public streets are moved indoors to become private shopping enclaves, replete with residential housing, workplaces, institutional offices, and even churches and light industry. In such places, the commodification and privitization of policing is at its most evident, and there is little call for the public police (Rossmo, 2009). In such venues, the questions are around exactly where this leaves the police and, by extension, public police boards. Current models of police governance need change to adapt, and there is pressure for police boards to respond with some urgency.

This has led to a number of studies by police board associations across Canada seeking to establish new universal standards for reference by local police boards (MacDonald, 1981; CAPB, 2005a; CAPG, 2013b). A number of recommendations regarding how boards should respond to the public and private pluralism of policing are enumerated in chapters five and six. The second part of this literature review related to leadership involves putting into context the sheer scope and scale of the change management taking place in policing and how boards might best respond.

Change Management

Change management has been consistently cited as a problem in a number of studies looking at police governance in Canada over the past two decades. Several studies cited change management among the critical causal factors arising because of an evolution in conventional policing paradigms (Hansell, 2003; Fleming, 2004; Wood, 2004a, 2004b; Carver, 2006; Shearing, 2006; Stenning, 2009).

Studies by Wood (2004a, 2004b) and Shearing (2006), in particular, provided examples of difficulties police boards have demonstrated in responding to change in a number of areas. Specifically, both Wood and Shearing cited the apparent inability of Candian police boards to respond to the changing status of policing, from it being a solely publically governed activity to that of a pluralistic mix of public and private actors, as one of the major gaps in board performance. Other studies point to the impact of regionalization of some police services. Regionalization, or centralization, is where police from adjacent municipalities contribute resources and/or staff to specialty units, which are then shared amongst them (CAPB, 2003: 34).

In 2005, the Province of British Columbia engaged a team of researchers to establish a set of best practices for public sector governance. Much of that work focussed on the need to address critical shortcomings in assessing their performance:

> Best Practices Guideline 11
> a) The board annually assess its performance and the performance of its committees against their respective charters or terms of reference.
> b) The board annually assess the performance of the chair against the chair's position description.
> c) The board annually assess the performance of individual directors against the director's Charter of Expectations.
> (British Columbia Ministry of Public Safety and Solicitor General , 2005: 32)

By 2013, very little progress had been made in the area of evidence-based assessment by boards (CAPG, 2013c). The 2013 CAPG police performance metrics investigation was a transnational research study, and it concluded that across the country there was still virtually no training for board members in assessment and no standard metrics in place: "Another respondent commented that there is a need to establish standards for police performance metrics. As it is now, police boards and services are often working in a vacuum" (Ibid: 26).

Hansell (2003) and Fleming (2004) described how the police are undergoing waves of wholesale changes, yet there was little evidence that police boards are reacting. Stenning (2009) provided a framework for some of the reasons this is happening, citing the problem of the lack of a consistent and universal assessment regime as the most egregious and systemic deficiency in contemporary police governance. The research in the

foregoing all leads to the conclusion that indicates many of the difficulties boards are experiencing is partly the result of having no legitimate self-assessment methodology. Graham's (2006: 16) field test report on Canadian police boards confirmed that early attempts to implement these newly recommended best practices were problematic, as it was "difficult to construct and implement meaningful, standardized benchmarks with which to evaluate boards' quality of governance." This is a critical deficiency, it is argued, and it presents perhaps the single greatest a risk to maintaining the legitimacy of an already precarious state of police governance in the country.

The Parallax Perspective

The foregoing review led to an examination of the extant literature around suitable methodologies in use for assessing governance initiatives. The focus was placed on research around the development of assessment tools already in use in similar areas and their potential applicability to police governance. Clues were found in the scholarly areas of communications theory and psychology that described how certain behaviours impact perceptions and suggested methodologies to organize them. The conceptual notion of using a lens as a metaphor for analysis was suggested by Zehr (2005). Zehr used the lens as a metaphor for a framework for analysis in deciding whether to select the restorative justice process instead of the traditional criminal process in the criminal justice paradigm:

> The framework: it makes a difference. How do we interpret what has happened? What factors are relevant? What responses are possible and appropriate? The lens we look through determines how we frame both the problem and the solution. (Ibid: 178)

The framework presented by Zehr (2005) was adapted to use a parallax perspective as a means of operationalizing the concept as a practical and universal assessment tool. The key argument for the use of the parallax lens perspective is that it allows those involved to weigh the effects and efficacies of policies that affect two parties simultaneously: in this case, the police and the community. The goal is to attain a fuller understanding of both perspectives by binding the two fundamental parties of governance together in a more

chiastic manner.[7] This concept was suggested by Edmund Hill (1973) in his analysis of Augustine's De Trinitate. Hill argued that the material structure of Augustine's work plays a critical role in explaining the doctrinal significance of a whole dissertation, suggesting that the work is divided into two parts, but that they form a parabolic, or chiastic, which he referred to as "the keystone of the bridge; it does not belong to either half, but binds the halves together" (Ibid: 281). The parallax perspective acts in the same manner. Police boards are in a unique position to act as the keystone at the juncture where boards of governance sit—between the police and the public, with a view of both sides of the relationship in their totality.

The seminal underpinnings for operationalizing this concept of utilizing a parallax perspective as an investigative instrument for governance were realized by approaching the problem in a very physical and literal way. The question comes down to whether boards can assess themselves and their own actions, up close as it were, while simultaneously being able to view the distant effects of their actions on the police and community. Scholarly insights leading to the proposal of the parallax perspective to observe cause and effects more clearly were drawn from intellectual work extending in a causal chain from early philosophical roots through a series of interconnected steps from Aristotle's (350 BCE/2009) *Metaphysics* to Bolman and Deal's (2013) four-frame model.

In his *Metaphysics,* Aristotle (350 BCE/2009, Part 2, para. 1) argued with the earlier considerations of Democritus, who had concluded that there were just three kinds of difference between things that define them. Aristotle opined that the concept of what composes a substance or matter must involve the blending and bundling of various elements and consider the context, such as the time and place in which they occur or exist. Aristotle posited that there must be more to things than could easily be captured by analysis of primary differences without consideration of the juxtaposition of things. Aristotle referenced Lycophron: "Knowledge is a communion of knowing with the soul; and others say life is a 'composition' or 'connexion' of soul with body" (Ibid: Part 6, para. 3). The exercise of governance is unique, in that it takes place within the context of the confluence of a number of elements, which are only coherent when the connexion or

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[7] The term chiastic originates in the mid-seventeenth century from the Greek *khiasmos* and means, in the general sense, a "crosswise arrangement." Available at:
http://www.oxforddictionaries.com/us/definition/american_english/chiasmus [Accessed 29 Sept. 2014].

composition between their individual constituent parts are taken into account. In the case of police governance, the question is on how the creation of a specific policy will ultimately impact the safety and security of the community. When attempting to analyse subjects that have several parts, the difficulty, in the Aristotelian sense, is firmly rooted in how to perceive the cause of their unity. Aristotle described one helpful analytical approach:

> The proximate matter and the form are one and the same thing, the one potentially, and the other actually. Therefore, it is like asking what in general is the cause of unity and of a thing's being one; for each thing is a unity, and the potential and the actual are somehow one. Therefore, there is no other cause here, unless there is something which caused the movement from potency into actuality. (Ibid: Part 6, para. 3)

This suggested that a good starting place from which to examine the connections between the perspectives of the various police board stakeholders, when considering new governance policies, would be to measure their potential *potency*. To do that required an understanding of how certain organizational changes might have more potency than others, a solution to which was suggested by Gestalt theory.

The concept and theory of Gestalt[8] was conceptually introduced by von Ehrenfels (1890/1937). The theory was later expanded by Kurt Koffka, Wolfgang Kohler, and Max Wertheimer (in Green, 2000). Von Ehrenfels suggested that knowldege flows from the overall perception of the whole compared to its parts. Often criticized for being too descriptive and inadequately objective, Gestalt psychology is the basis of much research into the rules around the organization of perceptions of patterns, behaviour, and thinking (Carlson et al., 2010: 20−22). Understanding the theories of gestaltism is one key to understanding perception, which is the central problem under consideration. Gestalt theory suggests that within the mind are a series of organizing facilities, which Koffka (1935: 176) referred to as "the whole is something other than the sum of its parts." Within Gestalt theory is an exploration of the concept of totality, where in order to understand the subject, perceptually, there is a tendency to attempt to find meaning through grasping the

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[8] Gestalt definition: A structure, configuration, or pattern of physical, biological, or psychological phenomena so integrated as to constitute a functional unit with properties not derivable by summation of its parts. Available at: http://www.merriam-webster.com/dictionary/gestalt [Accessed 24 May 2014].

totality of perceptions, experience, and acquired functional knowledge (Šķilters, 2011: 281). Koffka's theory is an extension on von Ehrenfels'original concept, and it builds on Aristotle's conjecture:

> In the case of all things which have several parts and in which the totality is not, as it were, a mere heap, but the whole is something beside the parts, there is a cause; for even in bodies contact is the cause of unity in some cases, and in others viscosity or some other such quality. (Aristotle, 350 BCE/2000: Part 6, para. 1)

Goldstein and Maslow were twentieth century philosophers who were highly influenced by Gestalt theory and who each worked to create a holistic theory of human behaviour. In the early 1940s, Goldstein developed a theory around self-actualization (Goldstein, 1951) that was interdependent with work being done at the same time by Maslow (1943/2000) with his hierarchy of needs. The key factor in Goldstein's (1951) work was the recognition of the connectedness of individuals to their environment. Goldstein followed the approach led by philosopher William James and others, to escape what he described as the "strait-jacket of merely analysing, anatomizing, and rationalizing, by which science and knowledge were governed in his time" (Ibid: 5). Goldstein described the atomistic method, stating, "This term is intended to designate any method which uses a dissecting procedure and tries to derive laws from the parts studied" (Ibid: 3). He turned away from the so-called atomization of knowledge, common in the nineteenth century, which he subscribed to the tendency by some early scholars to use the scientific method in such a reductionist manner as to lose sight of the wider perspective. James is "a forerunner of Gestalt psychologists" (Ibid: 5) for encouraging this perspective. Goldstein concluded in stating,

> A true insight into the condition of the individual is considered as part of the whole of nature, particularly of the human society to which it belongs…. Such a view leads to the study of the interrelationships between the individual and society, the differences between nations and peoples, and the variations in individuals themselves. (Ibid: 6)

Interdependent to Goldstein (1951), Maslow (1943/2000) developed the theory of the hierarchy of needs, based partly on the concept of self-actualization introduced by

Goldstein. In the context of scholarly work in psychopathology, Goldstein (1951: 112) described the importance of self-actualization:

> An organism is normal and healthy when its tendency toward self-actualization issues from within, and when it overcomes the disturbance arising from its clash with the world not by virtue of anxiety but through the joy of coming to terms with the world.

The scholarly works of Goldstein (1951) and Maslow (1943/2000) were essential in developing the means to measure how individuals come to terms with complex environments. They laid the groundwork to more explicitly evaluative work that followed in the modern management theories of McGregor (1957), Blake and Mouton (1985), and Bolman and Deal (2013).

McGregor's (1957) Theory X and Theory Y were grounded on Maslow's (1943/2000) hierarchy of needs. McGregor delineated how complex human behaviour needs to be taken into consideration by leaders and management in order to motivate staff and maximize output. Theory Y relates to Maslow's highest level of need towards self-actualization. Maslow's hierarchy of needs model is most often portrayed as a five-stage pyramid ranging from basic physiological needs, to safety, social, esteem and, at the top, self-actualization. The overly simplistic nature of Maslow's five-step hierarchy of needs does not adequately inform modern organizational leadership and governance alone, but, taken in conjunction with McGregor's research, the construct was instrumental in demonstrating how to structure a more dimensional perspective. More importantly, Maslow's research into the concept of self-actualization provides a direct link between situational leadership and Gestalt psychology, which was an essential element and played a fundamental role in the development of the parallax perspective. The optimal leadership style described in McGregor's research proceeded from the basis that motivation could be categorized in two forms (i.e., Theory X and Theory Y). Theory X perceives employees to be lazy, irresponsible, and untrustworthy, while in Theory Y, employees are considered one of the most valuable assets in the company (Ibid: 166−167).

There are two traditional perspectives used to demonstrate the differences in approaches between McGregor's (1957) management theories. In representations of Theory X and Theory Y management models, Theory X management is shown standing literally above

the staff and is described as an "authoritarian, repressive style. Tight control, no development. Produces limited depressed culture" (Dudovskiy, 2013: Figure 1). In Theory Y, the optimum model more reminiscent of modern management and leadership styles, the picture is reversed, with the staff shown above the management, and the management style is described as "liberating and developmental. Control, achievement and continuous improvement achieved by enabling, empowering, and giving responsibility" (Ibid: Figure 1). The important element of McGregor's perspective is that, although it was still two dimensional, it demonstrated how acts of leadership and management, and by extension governance, are key enabling factors when focusing on the demonstrable effects of governance on organizational behaviour.

The very notion that a correlative relationship exists between the governing body and the governed, in this case, suggests that governance is not an end product; it is the means to an end. That being accepted, the findings demonstrated that one of the most critical gaps between the kind of rote, ritualistic model of governance currently practiced and the kind of innovative and flexible best practices envisioned was the need for an evidence-based foundation on which to examine exactly how governance and decision making affects community policing.

Since the 1990s, police agencies internationally have been pursuing a more evidence-based set of practices. Examples include evidence-based policing (Sherman, 1998), intelligence-led policing or intelligence-driven policing (Ratcliffe, 2003), and knowledge-based policing (Williamson, 2008). The use of these types of evidence-based practices by the police potentially provides boards of governance with new opportunities to measure their own actions more accurately. By developing an understanding of these police-based assessment systems, boards could be more proactive in ensuring that the activities of the police meet community needs, as opposed to the needs of the police. The adoption of evidence-based assessment instruments by the police has a direct consequence and implication for their boards of governance. Boards that fail to have at least the same level of analytical, evidence-based processes in place to justify their decision-making processes will likely find themselves lacking credibility and potentially undermine their standing with the police.

At the forefront of contemporary scholarly research in the field of organizational development and leadership is the four-frame model first proposed in 1997 and later

developed by Bolman and Deal (2013). The model started from the hypothesis that some sort of baseline was needed as a starting point in order to do a proper analysis of the impact of certain management styles on organizational behaviour. They considered a range of contextual descriptions for their model that included cognitive lenses, prisms and perspectives. Bolman and Deal eventually settled on the four-frame model:

> A mental model—a set of ideas and assumptions—that you carry in your head to help you understand and negotiate a particular territory. A good frame makes it easier to know what you are up against and, ultimately, what you can do about it. (Ibid: 11)

The four-frame model was based on the synthesis of a broad array of scholarly work; they concluded that it is best to examine organizations from a composite view of the perspectives of their structure, human resources, political, and symbolic frames (Bolman and Deal, 2013: 18). The advantages of using this multiple perspective model allows for a more appreciative understanding of how organizations function, enabling a more knowledge-based decision-making capability. The evidence-based governance and leadership components of the four-frame model of Bolman and Deal (2013) largely informed subsequent research in the area.

While researching police governance for this dissertation, the methodologies utilized by Blake and Mouton (1985) suggested a more practical starting point from which to examine the effects of decision making in the very complex environment of police governance. The crux was to develop an understanding as to how to utilize multiple perspectives to analyse the effectiveness of different styles of leadership: in this case, between the divergent behavioural dimensions of police boards and the police.

Blake and Mouton (1985) developed a managerial grid model based on current studies in situational leadership, which was to be used for the purpose of identifying a number of leadership styles and looking at the consequences of each. The goal was to examine how certain leadership styles, such as those focused on concerns for people versus concerns for production, affect production. A police governance perspective grid, based in part on the Blake Mouton grid model (Mind Tools, 2014), was conceived as a way to look at organizing the effects of police governance decisions, in order to measure the impact of governance policies on dimensions of concerns for community safety versus the

necessary governance and control over the police. The police governance perspective grid (see Figure 2) allows for quantitative measurement along a matrix of concern for safety, from high to low, against that of the control of the police, from low to high.

Police Perspective Grid
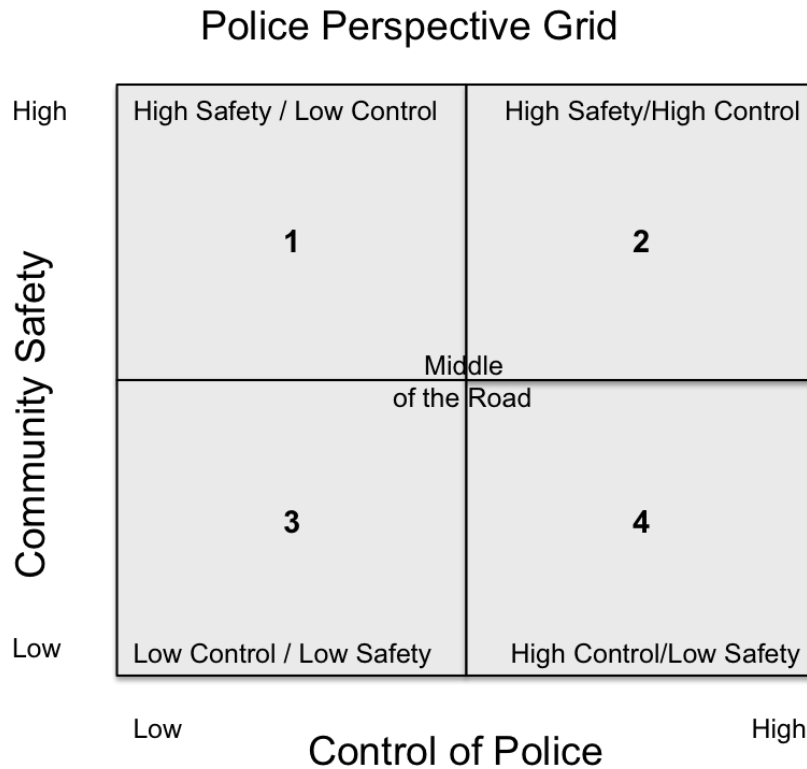
Figure 2: **The Police Governance Perspective Grid**[9]

The police governance perspective grid is the first component in the parallax perspective tool. The vertical axis of assessment of community safety is predicated on the results of assessments of crime statistics and surveys of fear levels and overall community satisfaction with police. The axis that refers to degrees of control of the police is based on the convergence of the two "parallel and interlocking mechanisms" of police independence and accountability (Goldring and Wettenhall, 1980, in Stenning, 2004: 3). The arrangement of these two axes creates four quadrants and one middle-ground situation in the grid, which allows for the assessment of the relationship between levels of community safety and the civilian control of the police.

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[9] The four-quadrant formulation is derived from a model for the study of police independence and accountability in a report by Stenning (2004: 3).

The two-dimensional perspective of police leadership in Figure 2 represents the view from one observer's perspective at a time (either the public or the police) to observe a static view of the current state of policing in the community. In this way, the perspectives can be assessed along the two axes until the situational position can be located in one of the four quadrants or in the middle area of the matrix: each of which have strong implications.

Quadrant 1 consists of high levels of community safety and low control of the police. This leadership approach has been described as authoritarian- and compliance-focused in nature (Blake and Mouton, 1985; Bolman and Deal, 2013). In a commercial or business environment, leaders using this approach are seen as autocratic, and employees are considered a means to an end. In policing, this model represents police leaders who have low regard for civilian control over their activities, feeling that it gets in the way of more police-based initiatives to enforce the law in order to increase community safety. Police in this quadrant tend to see themselves as strict enforcers of the law and civilian governance as a form of interference.

Quadrant 2 consists of high levels of community safety and high control of the police. This is the ideal balance and indicates there is an effective model of governance in place, where the police board has a high level of governance and civilian control over the police, while a high-performing police leadership acts independently to assure high levels of community safety. In this situation, police leaders understand the importance and value of civilian governance and willingly work with boards to determine the best approaches to take. This model is based on the Theory Y approach to leadership and implies that there are high levels of respect and trust between the parties (McGregor, 1957; Blake and Mouton, 1985; Bolman and Deal, 2013). In the case of police governance, this model results in higher levels of motivation by the police to use proactive community-based policing approaches, which ultimately results in higher levels of community safety and satisfaction.

Quadrant 3 consists of low levels of community safety and low control of the police. The combination of low control of the police and low community safety represents an ineffectual governance scheme, with little or no civilian control over the police and a police department that has little or no commitment to community-based policing. Externally, this results in low-performing police departments characterized by low levels

of community respect, high levels of community complaints, high levels of fear of crime and, unfortunately, low levels of community safety. Internally, such police departments experience low satisfaction levels among line level staff, who feel their work is not respected and that their community is dissatisfied with their performance.

Quadrant 4 consists of low levels of community safety and high control of the police. This model of leadership is more concerned about the internal workings of the police department than in achieving high levels of community safety through community policing endeavours. This is a very traditional model of policing, based on a more militaristic style of barracks-room comradery that is not open to the public. In this model, the police see themselves as an independent entity standing in isolation in a fight against a host of external foes. In many cases, these external foes are thought of as anyone who is not part of their insulated community. Internally, individual police officers may feel supported and protected by this type of police model. However, there is little motivation to engage external stakeholders, and as a result, real levels of community safety and security often suffer. Much has been written in the academic literature about the dangers of this kind of insulated approach to policing on ethical decision making and the resultant police malfeasance (MacDonald, 1981; Loader and Walker, 2004; Wood, 2004a, 2004b; Beare and Murray, 2007; Barton, 2008; Brodeur, 2010; Briant, 2013).

The middle of the road, or central position on the grid, consists of medium levels of community safety and medium levels of control of the police. This model might appear at first to be an appropriate compromise of the various potential positions leadership might aim for; however, it serves to demonstrate how compromise itself is not always the ideal solution. The middle ground position demonstrates that police boards are not fully respected for what they do by police leaders and that there is lack of commitment of the value of civilian governance in the community. Police leaders in this situation are less likely to value the input of their police boards and, in the course of doing so, miss the valuable input of these important representative stakeholders. Police leadership in such situations are obviously not aiming for high levels of community interaction, which can have serious consequences. The result is often a reactive model of observe-and-report policing that engenders high levels of mistrust of the police by the community. More important to police boards is that this style of policing tends to leave communities unsure as to who is in charge of policing the police on their behalf.

The police governance perspective grid (see Figure 2) typifies how the quality of policing is currently assessed from the perspective of levels of community safety in relation to civilian governance. There are weaknesses, however, in relying entirely on such a two-dimensional perspective as the sole tool for assessment. First of all, it may fail to take into account scenarios where the police board has been rendered ineffectual because of certain external or internal limitations put on them. Examples of external limitations are (a) where municipal council members or city mayors dominate their police boards, or (b) where police board members are selected based on political affiliations rather than on their skill set. Internal limitations might include a situation where the quality of the police leadership is extremely high and includes a strong commitment to community-based policing initiatives. In other words, usual types of analysis used to measure policing are lacking the capacity to take into account the actual medium of the message, in that they fail to take into account the effects of the perspective from which they are viewed. It is proposed that in order to correct this view and allow for a fuller understanding or assessment of the subject, a parallax three-dimensional perspective model is required.

The concept of a parallax perspective is based on scientific research in human perception. The term *parallax view* is defined as: "The apparent displacement or the difference in apparent direction of an object as seen from two different points not on a straight line with the object."[10] The parallax perspective tool proposed here is a method of correction: in this case, using the board of governance as a living lens, allowing for a fully three-dimensional and universal perspective of policing. The principle is based on the premise that the unique position, or situation, of the board places members in a locus of control from which to view both the internal workings of the police, normally not visible to the public and, simultaneously, the resulting effects of governance interventions on the community, which is external to police executives.

In the physical realm of cognitive neuroscience, observers have long observed gaps between the physical realities and what is perceived visually. "Sources underlying visual stimuli are unknowable in any direct sense" (Berkeley, 1709, in Purves, 2011: para. 3), and as such, two-dimensional objects are seen as three dimensional through a mental

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[10] Origin of the term Parallax: Middle French *parallaxe,* from Greek *parallaxis,* from *parallassein* to change, from *para- + allassein* to change, from *allos* other. First Known Use: 1580. Merriam-Webster online: http://www.merriam-webster.com/dictionary/parallax [Accessed 29 Sept. 2014].

cognitive process. This cognitive process is based on "past consequences of visually guided behaviour over evolutionary and individual life time" (Purves, 2011: para. 7). In studies in astronomy, measuring the distance to the stars presents difficulties because of the obvious inability to measure directly. The parallax method was developed to accomplish this task and involves observing the object from two different locations, or perspectives, along a known baseline. Then, by measuring the change in angle of the object in the field of view, the distance can be calculated (Rand, 2007). In surveying, this is referred to as the trigonometric parallax. For the purposes of this dissertation, a more practical definition is used: "Parallax is simply the apparent change in the position of an object due to a change in the location of the observer" (Department of Astronomy, University of Maryland, 2009: para. 3).

Chapter Summary

The literature review provided a retrospective of scholarly works that reference current practices in police governance in Canada in order to inform specifically how police boards are reacting to changes in policing. The key critical court cases, commissions on policing, and relevant legislation reviewed provided the basis for the gap analysis undertaken in conjunction with the findings in chapter three. The material included in the literature review also provided a substantive review of one particular study related to police governance from the perspective of those being governed by police boards. This was for the purpose of providing the basis for a comparative study between perspectives of the police and their boards in order to identify specific gaps in board performance. Having reviewed the case law, legislation, commissions, and associations engaged in police governance, the author reflected on several specific areas relevant to the thesis around leadership, pluralism, and change management. Lastly, having reviewed the extant literature around the lack of a reliable assessment tool for police governance, the areas around applicable analytical approaches were reviewed. The lineage of the parallax perspective, in particular, was focussed upon. The rationale for the purposive sampling methodology used in this research is outlined in the next chapter.

Chapter 3:
Research Methodology

Overview

This investigation was constituted to examine the institutional competencies of police boards in Canada in response to these critical questions being asked about them. The questions raised revolve around two key areas of concern. Firstly, the management of police boards appears to lack universal standards of performance, and as a result, assessments are either inconsistent or, in some cases, non-existent. Second, the very structure of police boards in Canada is outdated, and the current recruiting and appointment schemes are subject to political interference.

The criticality of the research was borne out by opinions garnered during the pre-study, consultation process. Between 1990 and 2013, the author attended a number of Canadian Association of Police Chiefs of Police (CACP) annual conferences as a presenter on the topics of leadership and change management. The chiefs of police meeting as the CACP felt that this was an important and valuable area that needed to be researched in depth and that this research needed to be done at this time. The comments centred on critical issues regarding the public's need to understand exactly how police boards function, how they are evolving to meet changing social issues, and how they are responding to ethical concerns about policing in the current charged political and social environment. In order to respond to those issues, research questions were developed to focus specifically on two key concepts: (a) accountability, or how police boards assess whether they are meeting the standards of care required of them; and (b) how they maintain political independence.

The basic elements and objectives of the research were to develop a better understanding into how police governance is exercised at the board level (i.e., who exercises power over policing the police). The original research was intended to be limited to subjects who were current, sitting members of police boards in the Province of British Columbia. The group of subjects that were eventually assembled for the research constituted a collection of people with such high levels of national standing and expert experience that it presented a serendipitous opportunity. As police boards in Canada are relatively similar, with some regional differences, this was seen as a way to gather a richer and broader view

of the state of police governance across the country. The scope of the project was, therefore, expanded to include past and current police board members from across Canada, making it possible to look at police governance from a more pan-national context. This is explained further in the area around subject selection.

Working Parameters

The research was designed to focus on the two concepts of accountability and independence and then to examine how they interrelate. To this end, considerable attention needed to be focused on how boards functionally operate in two specific spheres: (a) how they create and implement policy, and (b) how they conduct themselves in terms of ethical relationships and accountability.

The functional operations of police boards are rooted in the policies they create, which is the chief tool employed by all boards of governance in fulfilling their function. The literature provided some general insights as to how police boards view their policy development work as "determined by what policy makers see as ideologically appropriate, economically feasible and politically expedient and necessary" (Jamrozik and Nocella, 1998: 53). This kind of general descriptor was inadequate to allow for any kind of precise analysis of the current situation.

The first necessary working parameter was to cluster the questions around those very specific board functions involving the creation and governance of the the policies they implemented. The questions in this area were specifically aimed at gaining an understanding as to how boards adapt to the paradigm shifts and dramatic changes taking place in policing[11] and what, if anything, was being done to improve the governance process in response. The major changes in policing, described in the literature, were largely reflective of the post-modern sociological changes.

In preliminary development of the research question and the data gathering questionnaire, academic materials focussed on specific areas of inquiry raised in the field research with

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[11] That paradigm shifts are taking place in policing, both in Canada and internationally, is generally understood to be beyond dispute at this point and are the subject of a great number of academic inquiries in the criminological field (Stenning, 1992; Loader and Walker, 2004; Wood, 2004a; Shearing, 2006; Williamson, 2008; de Guzman, 2010; Willis and Mastrofski, 2011).

the subject matter experts consulted. These early conversations informed the direction the literature review took in terms of its progression from relatively metatheoretical topics, such as post-modernity, through to the evolution of systems of evolving governance in contemporary Canada. Research in these areas established much of the context for the combinatorial analysis of the previous studies against the evidence arising from the interviews conducted during this research.

To begin with, in the present epoch, an array of modes of governance has evolved as a response to post-modern societal influences. In the post-modern era, traditional linkages between power and legitimacy have shifted, or are shifting, and it can be difficult to pinpoint where and how these shifts are ocurring (Coglianese, 2005: 3). The development of police governance in Canada goes beyond what has been defined by Berman (1982: 16−17) as the period of late modernity, from 1900 to 1989. Much has happened in the interim, and this reference to post-modern best captures that difference. Criminologists looking at police governance have found the use of the cultural descriptor relating to the era defined as late modernism helpful. Young (2007: 19−21), for example, effectively used the construct of late modernity to expound on the relationship between the aetiology of crime to its cultural setting, in terms of the agents of social control, the police, and their oversight. The increase in the corporatization of security is one particularly relevant result of post-modernity. This privatization phenomenon has resulted in a concomitant decline in the monopoly of power traditionally held by state governments as private and corporate interests supplant traditional areas of governance related to policing and security. This provides fertile ground for many of the concerns and issues addressed in this inquiry.

Policing studies generally utilize the concept of post-modernity in three contexts (McLaughlin, 2013). The first is in terms of how policing fits into its post-modern society. Preliminary research suggests that one of the most critical issues facing boards is their relatively low capacity for change, as demonstrated by their diffculties in adapting to a host of changing envionmental contraints. This is perhaps best exemplified by the failure of boards to adopt recommended best practices in a reasonable time period. One example is reflected by the difficulties boards have had in adapting to changes around emerging issues, such as a rapidly changing financial situation requiring new approaches to assessing police spending efficacies. The second context is in terms of the realtionships between the police and the so-called post-modern society. Concerns in this area are

charaterized by difficulties boards have shown in adapting to revolution in certain societal drivers, such as inclusion, an increasingly diverse workforce and ethical concerns around racial issues. This is explored in detail in the findings, and a number of recommendations were made in this area. The third context is in terms of how the police culture fits amid a burgeoning post-modern culture. This is critical, as an important consideration in this project related to what impact the police governance structure has in terms of bridging the gap between the greater societal cultural context and the internal police subculture. The inclusion of this understanding into how police governance *fits* into the post-modern culture and society is important. The glacial pace at which some boards are moving towards acceptance of the rapidly evolving post-modern social cultural construct informed several of the recommendations outlined in the discussion around change management and issues related to pluralism and ethical leadership. These topics areas arising from the literature review were consolidated into research-specific question areas and included post-modernity, legitimacy, evolutions in corporate governance, assessing performance, comparative police governance systems, police leadership, pluralism, and change management.

The second working parameter arose from the literature outlining ethical relationships and accountability issues between boards and the police. The purpose for this line of inquiry was in response to a number of recent commissions on policing that were critical of boards failing to act at crucial times when their police chiefs made important decisions on critical ethical issues that ended up having calamitous consequences (MacDonald, 1981; Law Commission of Canada, 2006; Ipperwash Inquiry, 2007; Morden, 2012; Oppal, 1994, 2013). The query was meant to tease out, very specifically, where and under what circumstances boards felt that they might step in and get more intrinsically involved in decision-making. Again, the extant literature in these areas, while critical and sometimes harsh, was generic and largely non-specific. It was determined early on that these areas were quite contextual and complex, and that in order to understand them with more precision, the questions in these areas would need to respect the sensitivity of the subject matter, and be framed in such a way as to tease out the details carefully.

The Author

The author is a former police practitioner in Canada and has a full understanding of the relationship between police boards and police executives. The author has taught master's courses in business administration, specializing in the study of leadership. Studies into police leadership, in particular, have been around the police executive administration and contemporary police governance structures. The author is a past-member of the Canadian Association of Police Chiefs of Police (CACP) and, in that capacity, has attended a number of CACP annual conferences between 1990 and 2013, both as an attendee and as a presenter on the topics related to police leadership and change management. The author retired from policing in 2000 and is presently employed in the public sector of government in British Columbia in a senior management position in a Provincial Crown Corporation that is not in a position of authority with regards to any police agency. The author is the recipient of several international awards in policing, including the Solicitor General of British Columbia Award for Outstanding Practitioner and the Herman Goldstein Award from the US National Institute of Justice for a seven-year linear research project in crime prevention. This combination of practical experience and academic study provided the author with a high level of credibility with the research subjects. It also served to enhance the level of understanding brought to the interview process, allowing for more in-depth questioning of the subjects, leading to a potentially richer data set.

The author currently teaches part time as an adjunct professor in criminal justice and policing in the criminology faculty at Kwantlen University in British Columbia, specializing in topics related to police leadership, ethics and governance.

Ethical Considerations

Prior to conducting the interviews, a number of ethical considerations were considered and addressed. The research was designed to include questions regarding political interference and personal perspectives on work performance and ethical issues; therefore, confidentiality was essential. The research project had the potential to expose participants to some risk if specific answers and opinions they provided were identifiable in the final report. A number of specific measures were taken into consideration to mitigate any potential risks to subjects participating in the research. At the time of the research, the

author had no formal or informal influence over any of the participants, and none of the subjects involved had any personal or professional relationships with the researcher that would constitute a conflict of interest. No coercion or deception was exerted to acquire informed consent from the participants. In order to ensure informed consent, a written consent form was employed that outlined how confidentiality would be maintained. It included contact information for the researcher and participant, the aims and objectives of the research project, the role of the participant in the research project, how any material or information collected will be treated, any potential risks to the participant, information outlining the voluntary participation and freedom to withdraw, and the signature and date of both parties (see Appendix B). The consent form was provided to the subjects in advance and explained and mutually signed prior to the interview. Prior to the interviews, each interviewee was advised of the scope of the research. Participants were also advised that they could retract their questionnaire at any time or request any information gathered from them either be returned or destroyed immediately. Both the researcher and the participants retained a copy of the interview guide and the signed consent form. The interviews were conducted with each person individually, using the same question guide with each subject (see Appendix C). A digital recording device was used to record the interviews, and the recordings were subsequently transcribed.

The case studies directly sourced from individual interviewees were anonymously coded, in order to maintain the ethical considerations of privacy and confidentiality. Prior to the content review process, the interview recordings, transcriptions, and all related material and data obtained were anonymized, with all identifying information removed relating to the identity of the interviewees or the organizations they represent. Finally, all data, physical documents, and all other materials gathered during the process, is stored in a secure facility and will be disposed of using a secure means, as per the London Metropolitan University (2005) code of good research practice.

Method Employed

A number of research methods were considered during the modules taught in research methods as part of the professional doctorate in policing and security course at London Metropolitan University. Decisions were made early on to employ a qualitative methodological approach in order to increase the level of context that was needed in this

kind of complex research. Qualitative research, or "the what, how, when, and where of a thing - its essence and ambience" (Berg, 2001: 3), yields high levels of validity without sacrificing the rich texture and nuances in the evidence that may otherwise be lost. Social science researchers examining the differences between qualitative and quantitative methodologies concluded that this notion of quality is essential to understating the real the nature of things (Dabbs, 1982: 32). Reseach in the field of police governance specifically is relatively new, and there was no definitive *magnum opus* found on the subject. The qualitative approach was selected, in the end, in hopes it would provide a more iconoclastic view of police governance, as opposed to the kind of parochial studies often associated with police research.

The qualitative approach is a proven and accepted methodology for this type of social science research (Mutchnick and Berg, 1996: 7). The dependent variable in this case was how police boards are supposed to act and function according to a recognized and accepted set of best practices. The independent variables were (a) how police boards actually function and (b) how they measure and assess their activities. In order to triangulate the results, the evidence of two independent control variables were considered: (a) the set of best practices for police boards as determined by the national CAPB (2005a) and later reinstituted by the CAPG (2010a), and (b) the assessments from concomitant research studies from the perspective of the police themselves about their governance. In the design stage, two specific questions were considered: (a) What were the defining characteristics of police boards; and (b) How were the variables of the study to be measured?

Consideration was given to the organization of the data for their potential use by police boards and other agencies. The evidence-based methodology used in this investigation mirrored, in many ways, the manner in which research is done in the field of diagnostic medicine, where it is broadly employed. "Evidence-based medicine is the integration of best research evidence with clinical expertise and patient values" (Sackett et al., 2000: 1). The evidence-based approach has also become well established in the area of policing and has garnered substantial academic support and legitimacy in the concomitant field of criminology (Sherman, 1998; Ratcliffe and Guidetti, 2008; Williamson, 2008). Ultimately, a research question guide was devised, keeping in mind the necessity for a certain sense of sensitivity, yet balanced by the need for hard and precise data.

Questionnaire and Major Research 95

As outlined in the literature review, most of the previous studies in the area tended to categorize their research along eight general themes (MacDonald, 1995; LaLonde and Kean, 2003; CAPB, 2005a; Carver, 2006; Murphy and McKenna, 2007).

These eight general themes described in the literature review were based on the condensation of a number of studies. The seminal reference work for this dissertation was the *Best Practices: A Framework for Professionalism and Success in Police Board Governance* (CAPB, 2005a). That document originally outlined sixteen themes or *best practices*. After a condensation process, the sixteen themes were condensed into eight overarching headings. In order to clarify how the CAPB (2005a) sixteen *best practices* were organized into these eight themes a table of concordance was prepared and is provided as an appendix (see: Appendix D: Table of Concordance).

Ultimately, the final questionnaire consisted of twenty-six separate question areas, or themes, which were developed partially from specific studies included in the literature review and augmented by a number of areas independently raised by the author. The impetus for this research, however, was largely based on criticisms around the limitations in the scope of some of the previous research. These concerns were supported by commentary gleaned from those interviewed as part of the pre-interview study and later supported by the material gathered as part of the literature review. Specifically, a number of questions were created based on case studies, recent legislation, and recent court findings outlined in the literature review, which asked critical questions about some of the more nuanced areas of police governance, such as tribalism, bias, and ethical behaviour.

The areas around police subculture, raised in the literature from the meta-analysis by McCartney and Parent (2015), suggested questions that needed to be asked in the two specific areas. Firstly, they asked, "To what degree police board members insinuate themselves into, and adopt, the norms and values of the subculture of their police departments?" Secondly, they suggested asking whether board members, in insinuating or engaging closely in the police culture, generated positive outcomes, such as increased loyalty, or negative outcomes, such as unethical conduct. To this end, Questions three and seventeen, which focused on ethics, responsibilities, and conflicts of interest, were inserted in the interview guide (see Appendix C).

The articles, cases, and commissions considered in the literature review raised seven other specific areas that were mostly related to the tensions between boards exercising their power whilst not being seen to interfere in police operations. Queries focussed on these areas were inserted into the interview guide as interrelated subthemes:

Table 2. *Table of Subthemes*

Sub-Theme	Question
Board understanding of its governance powers and authority	5
Legislation restricting boards from interfering in operational matters	6 (a)
Recognition of incidents of interference, outcomes and punishment	6 (b)
Board support for police executive leaders dealing with change management	7 (a) and (b)
Accountability and ethical relationships between boards and police chiefs	8 (a) and (b)
Ethical approaches to dealing with sensitive issues	11
Activities undertaken by board members that may impact their neutrality, such as embedding in police functional activities.	13

Table 2 is provided for clarification and concordance for those specific questions areas related to tensions around potential interference by police boards in police operations.

Research Scope and Gap Analysis

Much of the information arising from both the literature and the pre-study interviews strongly indicated that there were considerable performance gaps between current practices and recommended best practices for police board governance. This was the impetus for the scope of the project and the foundation for a number of the question areas that fell outside of the original eight themes. The research objectives for the gap analysis meant to look at these deficiencies is described in the next section.

Performance evaluation is traditionally approached by comparing a given set of known metrics against current measurements of various aspects of the business. In this case, the

set of performance measures being assessed were the eight themes established by Taylor (2003). The basis for the selection of these particular themes was explained by Taylor as a distillation of earlier internal opinions of members of Canadian police boards in the minutes of early associations. Taylor did not provide any direct evidence, nor was any evidence found in the literature, that these measures were based on a specific set of metrics established though a recognized analytical instrument or methodology. Rather, it appears these eight themes are a set of aspirational goals and objectives that are consistent with recognized governance standards in other fields. Regardless of how they came to be, the legitimacy for these eight themes was established when they were adopted by the CAPB and published virtually intact as their national benchmarks for performance. This signifies acceptance amongst the various police boards and board associations across Canada that these themes represent the acknowledged value drivers for board performance. Value drivers are defined as "the factors that create stakeholder value" (Ittner and Larker, 2000: 1). In order to measure the less-tangible aspects of how well boards are currently performing, a gap analysis approach was developed. Gap analysis is defined as method of analysis that requires those involved to "rank performance measures on at least two dimensions: their importance to strategic objectives and the importance currently placed on them" (Ibid: 1).

In this case, the preliminary research focused on finding whether any gaps occurred between current practices of boards and the eight recommended themes, or best practices, in order to assess performance. A number of methods for performing this gap analysis were considered to identify the method that would best apply to the very specific field of police boards. In the end, two specific methods were considered the most viable for this study: Whitelaw and Parent (2010) and the British Quality Foundation (2013). As outlined in the literature review, the Whitelaw and Parent method was instructive; however, it was determined to be too broad to apply to this study. The British Quality Foundation four-step methodology for gap analysis was more helpful as a starting point, and it was adopted after applying modifications to adapt it for use for police boards (see Literature Review, Associations). The original four steps, as outlined by the British Quality Foundation, were:

1. Obtain a detailed understanding of existing business processes
2. Analyse the business processes of others
3. Compare 1 and 2 to find gaps

4. Implement the steps necessary to close the gaps

The author built on the British Quality Foundation (2013) method by adapting it, as follows:

For step one: obtain a detailed understanding of existing business processes, it was determined that existing business processes consisted of the actual governance practices being followed by current police boards. Defining existing practices was approached from two specific perspectives; firstly, from the literature review delineating how boards were dealing with changing police strategies in order to ensure they do not exceed the organization's resources in an ever-changing, dynamic environment; and secondly, how they were seen to identify performance measures and set standards for the police and, ultimately, ensure proper monitoring and delivery of the agreed-upon strategies. Step two: analysing the business processes utilized the eight themes developed by Taylor (2003) and adopted by the CAPB (2005a) as their set of best practices. Step three: comparing the first two steps to identify and find gaps involved a direct comparison between existing practices, as revealed in the findings, and the list of best practices in order to identify any differences or shortfalls between the two. Step four: the making of recommendations necessary to close any gaps identified would be addressed in the recommendations in the discussion chapter, where possible. Having established the methodology for gap analysis, the next area outlines the selection process for the research subjects.

Interview Methodology

Three types of interview methods were considered: (a) standardized or structured interviews, (b) unstandardized interviews, or (c) semi-standardized interviews. The semi-standardized interview method was selected, as it offered the best compromise between the three models. The question guide found in Appendix C was used to increase concurrence and reliability, but the semi-standardized method allowed the author to digress from the question set occasionally when new information was offered, or when richer data were presented, by digging deeper beyond the original question. Another advantage was in the flexibility to improve the flow of the interview by tying questions together and improving the rapport between the author and the subjects.

Sampling and Subject Selection

To increase the richness of evidence gathered, it was decided that the candidate selection process would concentrate on the quality of subjects (i.e., to select those who had expert knowledge, background, and experience in police boards of governance and concomitant-proven capabilities in exercising said expertise). To this end, the purposive sampling method was employed in order to evaluate the characteristics of the relatively large number of police board bodies that represented the target population. Each interview subject was asked questions that built on the insights garnered from other subjects already interviewed. Using this method, the author was able to take advantage of the fresh and topical insights and knowledge being referenced at the time, which leads to a more comprehensive data set in the end. The one disadvantage to utilizing the purposive sampling method in this manner was that it increased both the amount and the complexity of the information gathered, which made the analysis of that information both extremely cumbersome and time consuming.

This process is sometimes referred to as a snowballing technique or chain-referral method (Mutchnick and Berg, 1996: 76). In this case, pre-interviews with several notable subjects in the field were conducted to ascertain whom they considered the elite in their field, having superior knowledge and/or experience. The research subjects meeting the criteria for inclusion were officials who had experience acting as police board members. The other criteria for reaching saturation included having the field include a representative selection of roles and positions; sociological valid gender mix; inclusion of visible ethnic minority representatives, whether they belonged to either a provincial or national association of police boards; and diversity in areas of subject matter expertise related to police board operations.

Fourteen names were put forward by those consulted, which included past or present board members who also had expertise in the field of police governance in Canada. Each of the fourteen potential research subjects recommended were contacted, and eleven agreed to participate to be interviewed.

In terms of roles and responsibilities, two were academics, seven were representatives of community groups, and two of them were visible ethnic minorities, one of whom was South East Asian and one person was of First Nations Aboriginal descent. The gender

split was five females and six male respondents. A summary of roles and responsibilities and sociological demographics are presented in Table 3.

Table 3. *Summary Table of Participants*

	Mayor	Councillor	Ex-Police	Comm. Rep	Gender/ Visible Ethnic Minority	Association: Provincial (P) National (N)	Subject Matter Expertise (SME)
P1				Yes	F/N	P/N	Governance SME, Legal QC
P2		Yes		Yes	M/N	P	Governance SME, Academic
P3		Yes	Yes		M/N	P	Governance SME, Police, Academic
P4				Yes	F/N	P/N	Governance SME, Academic
P5		Yes		Yes	M/N	P/N	Governance SME,
P6				Yes	F/1ST Nations	P	Governance SME, Academic
P7					M/N	P/N	Governance SME, Academic
P8					M/N	P	Governance SME, Finance SME (CA)
P9		Yes			F/N	P	Project Management SME
P10		Yes		Yes	F/N	P	Governance SME, Numerous Boards
P11				Yes	M/SE Asian	P/N	Governance SME, Academic
0	**5**	**1**	**7**	**5F/6M**	**11P/5N**	

The final group of eleven respondents was sufficiently sociologically representative, in terms of gender and cultural diversity, to satisfy the saturation requirements and constituent representative sampling sought for this study. In terms of political affiliation, five were city councillors, and one participant was a retired police officer. Organizationally, all eleven participants were members of provincial police board associations, and three of them were past or present members of the national Canadian Association of Police Governance. Finally, the eleven participants represented a range of subject matter experts that included all of the requisite areas deemed directly pertinent to police board operations.

The timeline for this research was originally focused on the five-year period from 2005 to 2010, but prior to commencing, new legislation was introduced, and the end date was extended to 2012 to accommodate it. The literature review was largely completed in 2011, but, again, recent legislative developments regarding police governance occurring in the interim warranted inclusion. Those developments were included and added to the dissertation, resulting in a final timeline that covers the period from 2005 to 2013.

Sampling constraints included limitations in time and the sheer amount of work required to process and synthesize specific information out of the data-laden qualitative evidence that comprised the lengthy interviews conducted in this case. The analysis process aggregated data from the individual responses for each theme in order to reach evidence-based conclusions. The evidence was then subjected to analysis, comparing and contrasting the evidence and the case studies to related scholarly studies, reports, and commissions. Some of the respondents provided case studies while being interviewed, and these cases were subsequently researched, corroborated, and added to the literature.

Difficulties Encountered and Amendments

The original scope of the project proposed was to undertake a survey of the state of police governance in the Province of British Columbia, Canada. In pre-study discussions with numerous figures involved in police governance, before commencing with the research for this thesis, the author was encouraged by the high levels of interest in the topic. Once the project was underway, however, the author was met by resounding and almost universal abject refusal to participate by almost all of those approached. The reasons were partly centred in the reluctance many in public life have for engaging in potentially embarrassing discourse and, likewise, in any activity that brings a level of risk to personal and professional reputations. Parties known to the author professionally, who had indicated this was worthwhile and much needed research, suddenly expressed reluctance to participate when the time came to engage as potential subjects in the research.

The original proposal was limited to sitting board members in the Province of British Columbia, which proved to be very difficult. An email campaign to numerous police boards soliciting potential participants resulted in only a handful of letters indicating that at this particular time none of their members were prepared to participate in answering detailed questions about the internal workings of their boards. As a result, there were

substantial problems initially in getting access to an appropriate number of qualified subjects for the interviews. Frustrated by the reluctance of sitting board members to participate, the author was forced to change tactics. Going outside of local boards, the author sought formal support from a number of parties who were not members of police boards, but who were potential consumers of the research and, therefore, had a particular professional interest in seeing it conducted. The parties contacted included the Chair of the Department of Criminology, Kwantlen Polytechnic University; the Director General of the Canadian Police College; the Director of the Alberta Gang Reduction Strategy, Alberta Ministry of Justice and Solicitor General; and the staff at the Solicitor General's Department of British Columbia. The support of these agencies and individuals was pivotal, and with their countenance and endorsement, the author was able to recruit an abundance of potential subject matter experts from across the country who were willing to participate. This resulted in a minor change to the scope of the research, expanding it from a localized study focused on the Province of British Columbia alone to a pan-national study of police governance. Future researchers in this field would be well advised to consider a similar approach if the circumstances repeat themselves.

Police governance in Canada: A parallax perspective

Chapter 4:
Findings

The findings summarize the data obtained from a series of interviews conducted with eleven participants from across the country from 2012 through 2013. The research subjects selected comprised highly qualified and nationally recognized leads, each with extensive experience in the field of police governance. The participants came from varying sizes of police boards, ranging from smaller local municipalities to the largest city police board in the country. The eleven participants each represented a different jurisdiction in the country. Eight participants were either current or past members of a provincial association of police boards and four others were current or past members of the national Canadian Association of Police Governance. To ensure anonymity, and in keeping with ethical considerations, the participants have been coded as P-1 to P-11.

The evidence has been condensed into the eight themes namely: orientation and selection, ethics and responsibilities, assessing performance, board understanding of policy versus operations, community trust and accountability, fiduciary oversight, strategic planning and political relationships. The findings are presented by theme, beginning with an explanation of the purpose and scope of the question for that topic. Where the participants referenced specific academic studies, media articles, or briefs, the items were referenced in the appropriate location in the findings.[12] The themes have been weighted and presented in order from most critical to least. The weighting was a systematic approach used to organize the issues based on which of them have the highest criticality and the most potential for refinement, standardization, and implementation. A comprehensive review of the evidence is presented in this section, commencing with the findings regarding orientation and training for police board members, and then moving to board member recruitment and selection. Findings at the regional level are presented next, and an examination of the present state of affairs at the national level concludes this chapter.

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[12] Links to specific evidence arising out of the interviews are identified in footnotes and endnotes in the findings chapter, in order to enable the reader to track the material from the literature review to the discussion chapters in the dissertation.

Findings by Theme

The majority of the studies reviewed in the literature area around police governance in Canada tended to categorise police governance into a number of recurring 104 (MacDonald, 1995; CAPB, 2003; LaLonde and Kean, 2003; CAPB, 2005a; Carver, 2006; Murphy and McKenna, 2007). The titles and descriptions of these themes have changed and evolved over the past few decades, but running through them was a thread of eight general themes or typologies.

1. Board Selection, Training and Orientation
2. Ethics and Responsibilities
3. Assessing Performance
4. Board Understanding of Policy vs. Operational
5. Community Trust and Accountability
6. Fiduciary Oversight
7. Strategic Planning
8. Political Relationships.

As noted in the methodology chapter, it was decided early on to condense the twenty-six questions into those eight themes (see Appendix C), and the findings are presented in that order.

Selection, Orientation and Training

Training and Orientation

The issues around orientation and training were identified as having the highest level of concern as well as a reasonable opportunity for improvement.

The specific questions asked whether board members were provided with orientation and training, whether all new board members fully participated, and whether that training met their needs to better understand and perform their roles and responsibilities.

The consensus among the participants was that most regions in Canada provide members of police boards with some form of orientation and/or training.[13] Ten of the eleven

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[13] Training, for the purposes of this study, refers to the ongoing transfer of learning as it relates to the requisite body of knowledge required by a member of a police board. The term orientation was introduced as a way to distinguish between the initial transfer of learning for a new board member and any ongoing

participants reported receiving some form of training to assist them in better understanding and performing their roles and responsibilities. One participant qualified this by noting that this phenomenon is a reflection of the complexity of the policing business, citing policing as one of the most complex organizations in the community (P-11). Another participant, who was responsible for providing orientation for other new members, described the process:

> They don't get their parking pass until I do their orientation training with them. I set up meetings with the chief, the mayor, and they get an orientation of the building. I give them their calendar for the year and encourage them to meet with the city comptroller and other senior admin staff. I have an orientation checklist that we go through it with them, and basically they don't get their ID badge until they sit with me. (P-9)

One highly experienced participant, who happened to be a nationally recognized expert in governance theory and board member education, was asked specifically whether the training Canadian board members typically receive would meet recognized standards for other professional boards of governance. The answer was: "Not really" (P-1). The fact is, this particular respondent did indicate that the reason they were selected to sit on the board was because of their professional status as a national expert in governance. Selecting a particular board member because of their expert qualifications versus the automatic selection of municipal councillors to sit on the board because of their political status demonstrates a distinct problem with that policy. This distinction between appointed and elected members is critical because it points directly to the importance of proper board member selection policies. There needs to be a balance of skills and expertise to competently staff a board of governance, and in order to accomplish this balance, policies related to the selection of board members need to be based on qualifications rather than political appointments.

Most of those who reported actually receiving any formal training were unclear on what constituted the standards for that training, or what it was based on. One important exception was in the Province of Saskatchewan, where mandatory training is provided for

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training that follows. There was a limitation in the data gathering process on this particular point, as most participants found it difficult to distinguish training from orientation in the continuum of learning activities undertaken.

all police boards through their provincial police college. There were no other jurisdictions in the country where police board training was described as mandatory. The full results of the review of training at the provincial or regional level, outlined by the participants, have been tabulated by province in a table in the discussion chapter.

In 2013, the British Columbia Association of Police Boards[14] held its annual conference in conjunction with the Provincial Department of Justice. Much of the discussions were related to the increasing costs of policing and issues around the practice of governance in a more pluralized society. One discussion consisted of a minor, yet important, case study around the themes of board selection and political interference, which was critical to this research. That discussion focused on the ideal size of boards and concomitant ethical issues around whether politicians such as city councillors and mayors should sit police boards. The central theme of the discussion was around how politicians, who have a vested interest and/or have political agendas in certain policy areas, inadvertently or, in some cases, intentionally limit a board's independence or are perceived to do so.[15]

The area of training for police boards at the national level was also reviewed. Three of the participants who had extensive knowledge and experience working on police board training detailed how the lack of consistent training for police boards across the country was one of the drivers that led to the formation of the CAPG[16] some 25 years ago. There was agreement on what boards need to do; however, there was no consensus on how to proceed in order to meet their goals and objectives (CAPG, 2010c: 6). In 2013, the CAPG amended their bylaws significantly in order to come into compliance with the *Canada Not-for-Profit Corporations Act* (2009), which was discussed earlier in the literature

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[14] The Association of Police Boards of British Columbia membership consists of all eleven municipal police boards, plus the Stl'atl'imx Tribal Police Board and the Transportation Authority Police Board. The Justice Department of Province of British Colombia and the Justice Institute of British Colombia are associate members.

[15] As outlined in the methodology chapter, on April 20, 2013, the writer attended the British Columbia Association of Police Boards annual conference and presented the scope and purpose of this research and some of the early findings. Broad support for this research was obtained, and several key-critical research participants from both this British Columbia body and, through them, from the national CAPG volunteered for the interviews.

[16] The CAPG was instituted by standing police board members from across the country. It focuses on issues relevant to all jurisdictions from a broad perspective. In its 1994 report, one of the stated aims of the CAPG was to develop consistent training across the country for police boards. Association activities that include research and development have resulted in a national standard for board training.

review area around new and relevant legislation. The CAPG responded to the new federal laws and began to make numerous changes, including changing their name:

> The transition to the new CNCA [Canada Not-for-Profit Corporations Act] presents an opportunity to change our name. Hence on the new By-law, the name of our organization has been changed to the Canadian Association of Police Governance so that the organization better reflected their evolving role in governance. (CAPG, 2013b: para. 7)

This transition from an association of police boards to one focused specifically on governance was a significant evolution in police governance in Canada. Nine of the participants saw the process of transitioning to the new name and what it signifies as an historic moment and welcomed it as a positive change. Two of the participants were unclear as to what the new focus by the CAPG really meant, in terms of practical applications (P-3, P-7).

Overall, the evidence indicated more progress has been made in the area of governance training at the national level than in most of the individual regions. There is, however, still no nationally recognized course of training agreed to by all the provincial ministries. The matter has been left to individual provincial associations of police boards and, in some cases, the individual boards themselves to pursue. One participant noted that this was the result of a lack of research in the area: "Not a lot of stuff has been written about police boards and their relationships. It's a very challenging area of governance mostly because it's so complicated" (P-2). There was a consensus that the lack of a consistent standard of training for police board members across the country is a clear deficiency that needs to be addressed.

The second portion of this theme examined issues around board member selection, which resulted in the most extensive data gathered in this research. The issues were examined from four perspectives: (a) recruiting and selection, (b) terms of office and succession planning, (c) political appointees, and (d) ex-police on boards. The areas of recruiting and selection are all interrelated. However, based on the pre-interviews and the literature review, the author constructed the questionnaire to extract and separate the issues around political appointees and ex-police on boards in order to more accurately analyse their impact (see Appendix C).

The look at recruiting and selection provided a revealing view into how board selection and terms of office are sometimes used to manipulate boards and, in some cases, interfere with their political independence. The first area looked specifically at how recruiting and selection was handled at the local and provincial level. The second area examined more specifically how the selection process works, how term lengths of board members can be manipulated, and succession planning. The third area looked at the impact of political appointees on police boards, such as city councillors and mayors. Finally, there was an examination into the interesting phenomenon of ex-police officers serving on police boards. The goal was to determine whether current recruiting and selection practices result in the kind of ideal board composition outlined in recommended best practices (Carver and Carver, 2001; LaLonde and Kean, 2003; CAPG, 2010a).

Recruiting and Selection

The recruiting and selection process is elemental in terms of power over the governance of the police, and who exercise it. Virtually all of the respondents interviewed described their reasons for applying to the police board included the sincere desire to serve their community by participating in policing, specifically, as it is arguably one of the most critical components of any community. Some wanted to improve it, and some wanted to preserve it, but regardless of their perspective, they all had strong feelings about making sure it was being done ethically and properly. Recruiting and selection process is the front door to participation in that process, and as such is critically important

The findings indicated that the recruiting process was generally inconsistent from province to province and, in many cases, between individual municipalities within the same province. In most cases, police board vacancies were simply advertised, and members of the public were invited to apply. The two methods of selecting candidates for police boards were either by provincial ministries doing the selection or by municipal or city councils doing it locally. In cases where the local municipality did the selection, representative participants from two of the larger jurisdictions reported the appointments committee shortlisted and interviewed only those applicants who they knew personally or whom they were interested in. Two participants reported that their experience with this process was highly political in nature and, in their experience, completely non-objective (P-2, P-9). In two cases, the mayor clearly had an interest in a particular candidate and let that be known. In those two cases, the applicants went through a process of interview and

selection, and when the application of the person the mayor recommended was sent to city council along with others for consideration, they simply confirmed the mayor's preferred candidate. In the case of provincial ministries doing the recruiting, the applications were reviewed either by the province in the first instance or left in the hands of the local municipality for consideration. Where provincial ministries did the recruiting, applications were typically reviewed by ministry staff, the candidates interviewed, and the names forwarded directly to the provincial cabinet, which made the final decision. Several participants noted that candidates who were specifically selected because of their political party affiliations filled many of those positions, as noted in the literature review where examples of this specific issue were cited.

The process of recruiting and selection has long been a contentious and problematic area subject to abuse and political interference. The phenomenon was considered so grievous that one participant became agitated, commenting,

> Don't get me started. It's supposed to be non-political but that's where the system falls down. In some communities, they're very up-front about it. They speak about it very transparently saying call me in a few days and let me see what I do about the OICs ['Order in Council', i.e., the provincial appointments]. (P-9)

Regardless of which of these two methods were used, the evidence indicated that the current process is inadequate, in that the local police board itself was left out of the process, and as a result, they ended up with a dynamic where many individual board members felt they had little real power to exercise change. This process resulted in a board where some members were appointed because of their political affiliations, making it more difficult for everybody to come together and function without engaging in political interference. This disjointed process was found to be consistent across the country.

The evidence also demonstrated that there was no one consistent view as to what constitutes the composition of an ideal police board. Most of the participants agreed, in principle, that the make-up of the board should directly reflect the diversity of the various communities within the municipality and that it was more important to have the

representative skill sets needed than it was to have representations of certain political affiliations at the table.

There was considerable discussion around what constituted the term community, in the context of the kind of aforementioned representative communities. The consensus arising from the evidence was that while boards need to include representation from the greater societal majority, they should also include members from under-represented groups in terms of gender, political affiliation, race, sexual orientation, and/or religion. One participant went further, suggesting, "In the future they should also take into account those who are disadvantaged in some significant way, like homelessness, poverty, class-wise or who are otherwise disenfranchised" (P-11). Several participants commented that this has long been recognized as a problematic area in Canada. When asked how their individual boards resembled this rather lofty ideal, not a single participant felt that their board was even close to meeting it. It is worth mentioning that despite the fact that almost none of their board members were actually from any of these diverse communities, most board members felt that they were perfectly capable of representing them.

Moving from the issue of how board members were recruited, the issue of board size was reported to have been a contentious issue in the recent past in several jurisdictions. The actual size of the board is important because it relates to the amount of work required of each board member, which often exceeded what might be expected on other boards of governance.

The participants in this research indicated that the average board consisted of between three and seven members. There seemed to be only a rough correlation between the number of members on the board and the size of the local police department. In all cases where the municipality and the province were jointly involved in the board appointment process, an equal number of representatives of both were appointed. In cases where the mayor was entitled to be the chair but declined, the municipal council appointed another member to the position. In two cases, the participants reported that their board consisted of the mayor and three councillors, plus one independent citizen member: meaning a non-elected individual as opposed to an elected official. The investigation into how board members were recruited and selected exposed how control of board membership can be used to interfere politically with the independence of police boards. To that end, the

investigation was expanded into the areas of terms of office and succession planning to enable a more comprehensive perspective.

Terms of Office & Succession Planning

The next area looked at term of office, specifically at how term lengths were often manipulated, which is often perceived as a form of political interference. One example provided was in British Columbia, where board members were usually appointed under a provincial act for an initial one-year term then reappointed annually to a maximum of six years (British Columbia Ministry of Justice, 2013). This rule of short reappointment terms, requiring board members to be reapproved every year, was reported to be one of the most abused. Several examples were provided, where mayors and city councils exercised a form of political interference by controlling who got on the board and manipulating how long they stayed on it. The participants provided numerous examples and substantive evidence that across the country, board members who disagreed with the mayor or council members, or other the political appointees on the board, often found themselves not being reappointed at the end of their initial term.[17]

Several participants indicated that in their experience, the entire appointment process was skewed to take advantage of political affiliations and that is where the system has fallen down. When the province controls the selection process, it results in a lack of control that frustrates local municipal councillors. In order to appease the municipalities, the province usually allows the municipality to control the agenda, and as a result, they tend to make local choices based on local political preferences. This process results in applicants with strong political loyalties to the local municipal government receiving preferential appointments, negating the entire purpose of having the province control the process to make it non-partisan. [18] According to some participants, this is exactly what the

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[17] Examples included one case where the participant tried to question police expenditures on a very pro-police board and ended being removed at the end of one year. In another case, the participant did not have his/her term extended where he/she was seen to be too pro-police and soft on police spending by the rest of the board

[18] Several examples of board appointment anomalies were provided. In one case cited, the inclination of the board at the time was to keep the police in check and not be friendly towards them, to the point where the Chair removed one member, who was seen as overly pro-police, from the board. The participant noted that the board at that time was known for being difficult to work with, and as a result, they went through a succession of police chiefs. In another board, the member had been a member for six years, yet the provincial minister personally extended the person's tenure for an additional eight-year term, in order to accommodate their dealing with some significant discussions. There was little argument that the board

municipalities want, and in some communities, they are very up-front about it and speak about it transparently.[19] The involvement of elected officials acting in the capacity of police board members may well be viewed as political interference in one sense, but the fact that they represent democratically elected members, as opposed to appointed officials, is a good example of legitimacy in the exercise of power.

This evidence indicated that manipulation of term lengths through the reappointment process can and, in many cases, does result in political interference. As this was one of the major concerns raised consistently by board members from across the country, the investigation moved to look at the succession planning to track how a board's membership was managed beyond the original appointment process.

Inquiries into the process of succession planning for police boards indicated that there are very few jurisdictions in Canada that have an established and effective succession planning process. This was not indicative of a lack of understanding regarding the importance of good succession planning, however. The findings demonstrated board members are aware of the recent and widely publicized reports critical of police governance in Canada, which was also delineated in the literature review (Oppal, 1994; Morden, 2012). Most were clear that they understood how important a properly staffed board is to providing effective police governance and, likewise, the fact that the current situation fails to reflect that understanding. The participants were able to outline a number of initiatives being undertaken across the country to address this issue. Many indicated that those initiatives were being introduced either by individual provincial police board associations, or by their provincial political ministries. Generally, the consensus arising out of the findings recommend taking a more consistent approach to the issue, both at the local and provincial level.

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member was highly qualified, and although under the circumstances this was easy to justify the case still constituted a breach of the statutory term limits.

[19] In one case, the participant described the board appointment process in their jurisdiction as bizarre. At the time of the interview, the entire board had been appointed to a series of six-month appointments for the past three years, with the reappointment date for every member booked for the same day. The result was a level of demoralization and complaints that it was almost impossible to properly deal with the important issues consistently or have confidence in their administration. The participant explained that over time, a core group remained, but because of certain political instabilities in the region as to whether budding regionalization initiatives might occur, the municipal council had been hedging their bets.

Several participants commented that the workload on a police board is significant because of the nature of the recruiting and selection process, and as a result, it can be difficult to have the time and resources to develop a succession plan. In many cases, none of the current board members were willing to stay beyond their initial commitment, and in smaller centres, it was often difficult to find the right mix of qualified candidates. The result is that a number of boards were often short-staffed, which did not leave a lot of time for succession planning activities. The overall consensus was that provincial board resourcing offices are the only viable and appropriate body to undertake such a task.

The composition of a model board of governance has been outlined in numerous studies of governance, and while this is a relatively new concept, it is beginning to be reflected in provincial board selection policies (Hansell, 2003; Wood, 2004b; Coglianese, 2005; Carver, 2006; Clements, 2008; *Canada Not-for-Profit Corporations Act*, 2009). Police boards are somewhat unique and distinct from standard corporate boards of governance, in that they require a diverse team of individuals with the same skill set. They need to handle a specialized workforce and need the appropriate skills, which includes people with backgrounds in legal issues, human resources for staff employed in a risk environment, finance and business, and who have a good understanding of the major issues in policing in their community.

Ideally, boards would advertise for this diverse group in order to form a board that comprises the requisite core competencies needed. One participant described the ideal process succinctly:

> Better organized police boards do what other good boards of governance
> do, which is to think about what the needs are, try and get a mosaic of
> people with different perspectives relevant to the issues that the board will
> be discussing, and then they ask in the appointing bodies to appoint people
> with those particular skills and backgrounds. (P-1)

The evidence showed that the issues then are not that there is contention around the fact that boards need this kind of diversity and skill set, but rather that political imperatives, or who wields real power and influence and who knows whom, seem to outweigh the need to have a fully qualified board. In order to look more closely at the potential for political

interference, the investigation moved to examine the role of political appointees on police boards of governance.

Political Appointees

The next area looked at issues around political appointees to police boards. This rea revealed a number of concerns related to the impact of having municipal politicians, such as city councillors and mayors, sitting on the police board. This was seen as putting them in the position where they were expected to weigh and approve items, such as budgets and other policing policy-related issues, independent to the politically driven deliberations of the municipal government. The most visible, contentious, and controversial figure in this was the mayor, sitting as either chair or as a member of a police board. The issue is that mayors who also sit on police boards are expected to fulfil dual roles that are not mutually exclusive. They are required to give full regard to their responsibilities as the CEO of the city or municipality, making decisions on issues such as cutting municipal costs, while having to act objectively as a member of the police board to consider policing costs, all the while trying to avoid the perception of political interference.

Having said that, the findings also provided several examples where mayors were seen as effective and positive members of police boards. More often than not, there were complaints about political interference and questions as to whether they should be put in that position at all. Police boards were, after all, originally constituted to buffer the police from just this kind of political interference. As a result, several participants noted that both on their individual boards and in several forums on governance across the country, they have been engaged in heated discussions on this very issue. Participants were mixed on this issue. Some related cases where the mayor on their board was a champion for the police, supporting whatever they asked for with little or no questions asked. Others reported the mayor being less sycophantic, and only when they were satisfied with the internal review processes and every effort had been made to scrutinise the budget and analyse requests would they support the police at council. The same types of issues were reported where city councillors sat on police boards; however, one participant noted that the mayor, in most cases, had a political standing of such iconic stature that their opinion generally overruled that of most councillors (P-8).

This issue of the mayor on police boards had already become a highly controversial topic across the country at the time of this research. In the discussions pertaining to political independence, several participants noted that after deliberating internally, the police board was supposed to present its independent budget, findings, and policy recommendations to the mayor and council, which, in many cases, is basically themselves. In some cases, the mayor has chosen not to be on the police board, but in most cases, the mayor sits as chair and, as such, controls the agenda, the discussion and makes most of the final decisions. How this is handled varies from mayor to mayor, and one term heard repeatedly to describe this process was that it is uneven.

The findings into the composition of police boards also suggested that having a retired or ex-police officer sitting on the board constituted a potential risk of interference of an entirely different sort, which is the subject of the next section.

Ex-Police on Boards

The last area around recruiting and selection were the issues around having ex-police sitting on police boards. Most participants identified the very technical nature of policing and the relative inexperience most civilians have in those areas as some of the most significant challenges to the civilian governance of the police. The evidence from the findings indicated this is considered a problematic area, with more than half of the participants admitting that they truly did not fully understand the intricacies and subtleties involved in the business of policing and that this was a major challenge in many of the issues the board was called upon to consider. The issue is whether this challenge can, or should, be addressed through the appointment of retired police officers (i.e., ex-police) acting as members of police boards. Two participants were ex-police, and it was no surprise that they supported the concept.

Several participants who were not ex-police also supported having ex-police on boards, reasoning that most board members have insufficient experience in the business of operational policing, and the retired police members were valuable for their knowledge, insight, and expertise in the field. A second argument raised in favour of having ex-police on boards was that as boards are limited to policy considerations relating to strategic planning and budgets, they have a limited input into how their recommendations will be

operationalized.[20] Others felt differently, suggesting some ex-police would have difficulties in exercising their role without introducing a certain amount of personal bias. There was also a general concern voiced by three of the participants, none of whom were ex-police themselves, that the police they were governing would prefer to not have retired police officers governing them, as they may be tempted to get involved in operational decision making. In the end, there was a definite split on the issue. Obviously the one ex-police participant thought it was a good idea to be on the board. Six of the ten participants who were not ex-police felt that having at least one ex-police member on the board was advantageous. Two were ambivalent or neutral, and the final two were firmly against the idea. The conclusions reached were that, in general, having the expertise of ex-police on the board was more advantageous than not. Interestingly, however, those participants in favour of doing so were cautious to add that the number of ex-police should be restricted to no more than one or two at maximum, at any given time.

The foregoing issues around board structure flow from the way recruiting, selection, terms of office and succession planning are handled. These areas delineate a number of gaps between expectations by board members upon taking the job, and the reality of the situation they found once they became board members. Key among them was the suggestion that there is at least the perception that there may be a relationship between board structure and political interference. In order to examine the findings in context, a table was prepared to summarize those perceptions (see Table 4). The term *potential* was added to the table's caption because there was very little found in the review of the literature around organized studies of police governance that focused specifically on boards, or individual board members, and political interference.

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[20] There were very few examples cited of malfeasance by ex-police members on boards, but as one participant put it, internal board problems did arise where ex-police members of the board brought in personal opinions, or who thought that they were going to change the local police culture now they were on the board. One participant quipped that there was only one thing worse than a "wannabe'" and that's a "has-been." Interestingly, the two participants who were ex-police officers did not see their presence as any kind of concern. They both felt their experience added value to their boards, and neither perceived any potential difficulties, or situations where they might have interfered in operational activities.

Table 4. *Summary of Sources of Potential Political Interference in Recruiting and Selection*

	Interviewees	Police Chiefs	Province	Associations	CAPG
Recruiting /Selection	High	High	Low	High	High
Controlling Terms of Office	High	High	Low	High	High
Political Appointees on Board	Split*	High	Uncommitted		Uncommitted
Mayor as Chair	High	High	Medium**	High	Uncommitted
Ex-Police on Boards	Low	Low	Uncommitted		Uncommitted

Note: *Split, depending on whether participant was an elected council member; **Medium, as several are considering motions to amend legislation to prohibit

The author summarized the perspectives from five separate sources in order to provide a basis for comparing and contrasting the views of the various stakeholders involved in police governance. The opinions of Interviewees are from the direct findings in this research. That of the police chiefs is sourced from the recent research by Caul (2009). The views of the provinces arise from two recent studies: LaLonde and Kean (2003) and Beare and Murray (2005). The views of police board associations were summarized from two recent pan-national Canadian studies: LaLonde and Kean (2003) and Oppal (2013) and from the latest report by the CAPG (2013a).

This table represents a first attempt to aggregate how the different individuals interviewed perceived the likelihood of political interference was related to the ways recruiting, selection and terms of office were handled.

The findings were examined to determine whether the two specific areas around recruiting/selection and manipulation of terms of office were perceived in terms of the potential for political interference. The results were that respondents felt that this area

presented the highest potential for political interference because, based on a number of cases witnessed by them; these were the two easiest mechanisms that were controlled by the Chair of the Board to that end. Boards of governance were perceived to lose their independence when they are staffed by people selected from the same source as those they report to. Having said that, it is important to note that these findings were based on anecdotal evidence, and while they were supported by numerous examples provided by the respondents, there was no universally accepted assessment system in place to validate exactly how, or to what extent, board independence was related to politically motivated board staffing. This was exacerbated in situations where board chair was also the local mayor and, as such, was the sole authority in a position to assess the performance of individual board members and make internal decisions as to who remained on the board and who got replaced. The evidence presented by the findings suggested that this was the one area where party politics seemed most apparent. The mayors, in many cases, were seen to use their position of power to manipulate the ensure more of their fellow political party colleagues attained seats on the all-important police board through this one-person assessment system for board members. However, there was nothing in the extant literature that any of the respondents were able to point to as evidence for these perceptions.

The last area around orientation and selection looked at the summaries of perceptions around other political appointees, such as municipal councillors and ex-police. In these areas, the perceptions of risk for political interference were much more nuanced. The trade-off for having these kinds of so-called professional insiders complicated the situation, and as a result, the concurrence of opinions was less clear. In the end, the only conclusions that could be reached was that the potential for political interference was less clear, and as a result, these types of board appointees were perceived as presenting a relatively low risk only.

Three of the respondents who were considered governance experts indicated that police boards' use of insiders with specialized knowledge and possible political interference was in line with other areas of governance in the public and private sectors (P-1, P-3, P-9). Quantifying these views further, beyond making broad generalizations, is beyond the purview of this work however and would require more study.

In the preceding area, the author focused on the internal structures of police boards by summarizing the findings around recruiting, selection and terms of office. The next section moves to an examination of the external matters, and examines the ethical relationships and responsibilities boards have to the regulatory institutions they answer to.

Ethics and Responsibilities

The regulatory frameworks between police boards, and the provincial ministries responsible for public safety that oversee them, are in place for the express purpose of ensuring that the requisite ethical relationships in public life are maintained. The issues around ethical decision making by boards are crucial, and they are inextricably entwined with the critical issue of political independence.

The findings were consistent across the country, as participants uniformly described how high standards of ethical relationships were partially the result of the supervision of the provincial ministries overseeing them. There was a strong sense that police boards were exercising high ethical standards arising from the interviews. The few anomalies raised in reference to political interference were considered exceptions, rather than the rule. The need for more stringent ethical governance was downplayed by nine of the eleven participants interviewed. Most saw the provincial ministries as more of a friendly resource than a necessary body for enforcing ethics and standards.

Participants from Ontario described being involved in a pivotally important province-wide initiative in 2013 focused on establishing a set of standards for boards. This initiative involved the OAPSB and the Ministry of Community Safety and Correctional Services responsible for policing.[21] The participants involved described the initiative as an important undertaking that looked in some detail at the kinds of standards and ethical behaviour expected of police boards and the role of the ministry in governance of any conflicts of interest, or questions around ethics, that might arise. While Ontario was quite progressive in this area, the findings indicated that the relationship between the ministry and local police boards in other provinces was limited more to specific policy or public

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[21] In 2013, the Ontario Provincial Ministry of Community Safety worked together with the OAPSB on a Future of Policing Advisory Committee (FPAC) "to act as a governance body and oversee the work of four working groups, with the goal of determining core/non-core police services in support of effective, efficient and sustainable police service delivery in Ontario" (OAPSB, 2013: 3). The Toronto Police Board, representing the largest city in Canada with a population of almost three million, is automatically granted seats on the FPAC because decisions it makes have potential impact on the entire province.

interest issues that might arise. In almost all provinces, the only time most boards interact with the deputy minister and senior ministry officials was when there was a serious breach of ethics that was beyond the scope of the local municipality to resolve.

This area around the relationship between the provincial ministries and local police boards in the exercise of power to influence ethical issues was one of the least contentious, but at the same time, it was one where participants felt that there was the most potential for improvement. The evidence indicated that most of the participants felt that their provincial ministries should take a more demonstrative leadership role in establishing standards for ethical leadership, training and performance assessment. In order to consider possible recommendations for standards of training, it was necessary to assess the current state of affairs in order to establish a baseline of what is currently in place. To that end, it was necessary to focus on how boards currently assess their performance.

Assessing Performance

How boards assess their own performance and, if so, what that process looks like will be presented in this section. Whilst the piece was less controversial than the previous two themes, problems with performance assessment were raised by several participants. Their perceptions that there are systemic deficiencies in measuring the effectiveness of their governance practices concurs with the findings of the recent court cases and commissions outlined in the literature review (*Police Services Act*, 1990; Law Commission of Canada, 2006; Ipperwash Inquiry, 2007; Morden, 2012; Oppal, 1994, 2013). Several of the respondents made reference to the considerable efforts being made in their regions, and across the country, to effect change in this area.

Performance assessment was, in fact, one of the most disparate areas of inquiry in this study, and the evidence demonstrated that there was little concurrence in how to address the across the country. Where performance was assessed at all, either informally or formally, it was inconsistent across virtually all regions.[22]

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[22] In one example cited, the board chair conducted assessments on individual board members and provided it to City Council without advising them. The assessments were later found to have been based on political party affiliations, and those receiving a negative assessment were removed from board. The issue came to light later when the Solicitor General, who was a friend of the chair, moved to another position, and the

This area of inquiry around board member assessments was the only reference to the role party politics may have played in relation to political interference raised in the findings. There were subtle hints arising from the findings in regards to the recruiting and term limits for board members that suggested party politics may play a minor role in efforts to create biased police boards by the mayor or city council members; however, those hints were largely latent and not seen as a major issue.

Returning to the findings in relation to performance assessments, it was reported that in most jurisdictions, one of the main issues was that there was simply no agreement on whether such assessments should focus on the performance of individuals or the board as a whole. Nine of the eleven jurisdictions surveyed reported that their boards did not have any formal assessment process in place. Some jurisdictions had engaged in strategic planning sessions where they looked at board performance only in very general terms, asking, as one board member put it, "how things are going, what the issues are, and what improvements or changes the board needs to make" (P-9).

According to all of the participants, there is no one standard or accepted mechanism for the assessment for police boards in the country, and as a result, there was a dearth of any formal and ongoing assessment schema evident in any of the jurisdictions surveyed. There was, however, general agreement that this was an important issue that needs rectifying. This issue was largely unanticipated, and it emerged as a sub-topic during the interviews. It represented such an obvious and evident gap in best practices that it was deemed worthwhile to pursue in some depth and report as part of the finding as follows.

There were three key reasons identified as to why performance assessment standards were an outstanding imperative. Firstly, boards would have a standard by which to establish measurable key performance indicators to evaluate their work in concrete and measurable terms. Secondly, the number of participants in any one board is usually quite small, and as such, local performance assessments alone have relatively low levels of statistical reliability, whereas sharing data across a larger field of subjects would have the potential to increase its weight and reliability. Thirdly, the increased reliability from standardization would increase the ability for boards to operationalize the information. In

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chair became a political outcast and was not reappointed. The chair became a victim of the same sort of political interference he had exercised towards others.

other words, by having a better understanding of how they compare with other boards, they could assess their own behaviour and training needs more accurately.[23]

Where assessments were conducted at all, the respondents indicated that they had only considered general board strategies in a vague way, leaving considerable dissatisfaction with the results. Only two respondents reported that they had attempted to measure their performance against specific key performance indicators, or KPI's, and in both of those cases the KPI's had been established for the purposes of that one, single assessment. Those participants who indicated their boards had undertaken a performance assessment indicated they had done so internally, as opposed to having it conducted by an external evaluator not connected to the organization. The assessment types undertaken ranged from a general evaluation of overall board effectiveness to a self-declared individual board member evaluation. In some cases, the results were shared amongst members, and in others, they were kept confidential. In all cases reported, the evaluations undertaken were focused inwardly on whether or not the board members felt their board meetings were effective, as opposed to considerations around satisfaction levels of board performance by either the police the governed or the communities involved. In the two cases where evaluations had been done, they were done annually and not reported out to the public or police. One participant reported that the board had done a performance assessment and subsequently made the decision to publish the results publically and online (P-3). The first time they did so, however, the results of that one assessment reflected such wildly differing opinions that some of the board members were uncomfortable with it being published at all, and the practice did not continue.

Despite the fact that assessments are rarely performed, the respondents concurred overall that police boards do need to evaluate their effectiveness. The absence of a standard assessment tool, or a formal process, by the provincial government was cited as a major factor in explaining the failure to do so. One participant, who happened to be a leading subject matter expert in the area of governance, noted there are several scientific and comprehensive approaches to performance assessment that would allow police boards to

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[23] One board member reported doing annual self-assessments internally through the board's governance committee. The board uses a simple Likert scale to measure a number of attitudinal questions. The responses are summarized, in terms of the percentage of people who agreed or disagreed on certain issues, and the results shared amongst the board. With only nine participants, the results are considered far from scientific.

evaluate how they are performing, but noted that police boards are "traditionally, fairly unsophisticated in the area of performance management and that there is a bias against using external resources for these purposes" (P-1).

Moving away from the investigation into the internal functions of how boards are recruited and assessed, the next theme looked at the power relationships in how boards exercise their influence by examining the limits and boundaries around where governance ends and operation decision making begins.

Understanding: Policy versus Operations

This section examines the evidence related to the theme of board understanding of the difference between policymaking and operational decision making or, more specifically, how police boards govern the police without actually interfering in police operations. The fourth level of weighting went to this theme because, although it is a critically important issue, there were already a number of pieces of legislation in place to protect against malfeasance in this area. Several participants weighed in on the subject with great interest, indicating there is much misunderstanding as to how the issue is perceived.

One participant commented that the gap between the two is "something that is not watertight, but more of a porous divide" (P-11). Others described the situation as dependent on the relationship between the board and the chief versus whether individual board members get drawn into operational matters. Two participants declared the question as irrelevant, because they interpreted their enabling legislation as specifically prohibiting boards from getting involved in operational matters, and to them, there was no grey area (P-7, P-10). The majority of participants, however, felt that the reality was much more contextual and nuanced, and several examples were provided.[24] One participant observed that the line between the operational and governance policy was "like a moving target, and that boards are only effective to the extent that it understands that" (P-1). The evidence indicated that many boards simply avoid the issue and abjure

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[24] The first example cited around the budget process was where the board's budget committee commenced looking at budget issues, but became inexorably dragged into an examination of the police department's whole organizational structure as a result of trying to decipher costs around shift schedules. As a result, the line between policy and operations blurred to the point where they were not sure where they board's responsibility ended and police operations started. A second example was where a board was charged to appear as a participant in a human rights tribunal as the body responsible for police oversight, in a case where a number of the remedies were clearly operational (e.g., training and functional hiring procedures).

their authority to the chief of police. One participant described that relationship between creating policy and participating in police operations as "creative tension" (P-1).

Examples in the findings where boards have engaged in matters that were more operational in nature were mostly responses to cases that had captured the public interest and were highly controversial. These cases ranged from the police use of certain weapons[25] to how they dealt with clients with mental illnesses, racial profiling, and the closely related issue of carding. Carding is defined as "documenting personal details of citizens stopped in encounters that typically involve no arrest or charge" (Rankin and Winsa, 2013a: para. 1). This is a practice the police have been engaged in with a legacy of over 50 years and is closely related to what today has become known as racial profiling.[26] Board members from across the country reported in this research that their boards had only recently taken strong positions against this practice and revealed that in some cases, they had gone to the extent of defying their police executive by writing policy giving explicit and unambiguous directions to the police on the matter, which most, if not all, of their respective police chiefs had considered to be an operational matter.

The next area of inquiry focused on the legislation prohibiting police boards from interfering in operational police matters. More specifically, the question sought to learn whether board members felt that such legislation impinged their effectiveness in providing effective governance. These questions went to the crux of the premise upon which independent police governance is based and, not surprisingly, elicited a number of in-depth responses. One participant described the situation in terms of how police boards are different from other organs of governance, in that they "act in a realm situated

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[25] Several participants reported that over the past decade, their board had become involved in the decision-making process around the expanded operational use of various weapons. The issues mostly revolved around new types of firearms, but were also often related to the introduction or expanded use of a host of supposedly non-lethal weapons, such as Tasers, oleoresin capsicum pepper spray, and the Arwen gun. In these cases, the police chief had raised the issue, arguing that one key to reducing violence lay in the greater availability of these types of weapons. The board's members indicated they were more interested in public receptivity and reaction than in the budget for such high-tech weapons. In the end, many boards refused to countenance the wider use of the weapons, instructing their chief to make do with what they have. In a few cases, they agreed to partially fund the expanded use, but to only provide a limited number of extra devices to their officers.

[26] "Racial profiling is any action undertaken for reasons of safety, security, or public protection that relies on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin, or a combination of these, rather than on a reasonable suspicion, to single out an individual for greater scrutiny or different treatment" (Ontario Human Rights Commission, 2012: para. 1).

somewhere in the middle, between the operational and political" (P-1). The findings indicated that the majority of board members felt that they have the responsibility to create policies and ensure they are adhered to; yet often, they do so without a clear understanding as to how the policies they introduce will be operationalized. Several participants went further, suggesting that it would be folly not to understand that there are certain political realities inherent in the peculiar and unique administration of policing. The overall conclusion of the findings was that the value and usefulness of the board is grounded in the fact that they are the sole body legislated with the authority to govern the police. There was a distinct recognition of they hold the legitimate power to ensure that police decision making is balanced against local community interests, sensitivities, and perspectives.

The literature review outlined legislation designed to prevent direct board interference in operational policing functions. This sub-theme questioned the real or perceived effects of those statutory restrictions.

The majority of participants reported that they often felt frustrated by their enabling legislation. This was not because it actually restricted their governance activities, but on the contrary, that the rules were too vague with regards to the specific limit and extent of their authority. This was most acute in cases where a police matter had generated a great deal of public anxiety or concern, and the board was unsure as to the limits of their power to intercede or become involved. Several participants referred to the Morden (2012) report, which was critical of a police board that failed to act under a complicated set of circumstances, citing it as an example of the lack of clarity in the area. Several participants indicated that they were simply unclear as to when, and to what extent, they are expected to intercede policing activities without being accused of operational interference.

In an attempt to clarify this question, participants were asked directly whether they were aware of any incidents where individual members, groups within the board, or the board as a whole, had interfered in an operational police function, and to describe what had happened. Two participants indicated that they had never seen or heard of any board member interfering in police operations (P-7, P-11), and one flatly refused to answer the question (P-10). The other eight participants all cited examples of both individual board members and boards as a group interfering in operational police matters. The examples

ranged from relatively minor indiscretions to interference that was so egregious that it constituted a legal and ethical breach of conduct. In one case, the political interference was so serious as to constitute grounds for the board member to be removed from the board.[27] The findings around political interference were complex and contextual, and in most cases, it was not a simple matter of the board interfering in police operations, but with more nuanced questions around the positive aspects of strong governance practices. In the end, the findings indicated that police boards are searching for a balance in their governance, such that what might be perceived as interference by the police and is perceived as good governance by the board is more readily understood by all parties.

The next area examined specifically how boards deal with more operational matters through the more conventional tool of policy development. This area of inquiry was, admittedly, far reaching, and the responses ranged from board members who were acutely aware of dramatic changes taking place in policing, to other board members who were virtually unconscious of any changes taking place at all.

The findings in relation to how boards are adapting to paradigm shifts in policing indicated that the majority of participants felt that the manner in which the board best supports the police is by strenuously working through issues related more closely to traditional governance topics, such as budgets and resources, and in how they support police training. Those board members who were aware of dramatic changes taking place in policing saw them more as operational matters rather than those changes dealt with by boards of governance. Most boards relied on the police to inform them of any upcoming changes, but the ultimate decisions as to how to respond to those changes were most often left to the chief constable.

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[27] One case cited how a new board member read about a traffic accident in the newspaper and immediately tried to find out what had happened, how the police responded, and where the investigation was going. In that case, the board member was immediately pulled aside and advised, in no uncertain terms, that interceding in police operations is forbidden and that details about individual cases are none of their business.

   The second case was a highly publicized case where the mayor, who happened to be an ex-police officer and who knew members of the local police force quite well, provided a character reference for a police officer who was facing a sentencing hearing in a disciplinary matter. The code of conduct in that province clearly prohibited board members from interfering in police operational matters, and these actions were determined to have contravened the police services act (*Police Services Act*, 2001). At the end of the day the mayor was censured, but allowed to retain his seat on the police services board (Rusk, 2007).

   The third case was where the police were dealing with a public protest when a board member confronted the incident commander at the scene to express an opinion and give directions. This was a clear case of interfering with the police in an operational function, and the board member was obligated to step down from the board.

Three participants were able to articulate how their various boards had approached change management in a number of areas from the perceptive of strategic planning and establishing and maintaining measureable standards. One example provided was where a board went to great lengths to assist and support their police department to become the first Canadian police service to achieve accreditation from the Commission on Accreditation for Law Enforcement Agencies (2010). This demonstrated how the board, in this case, had clearly done more than accommodated change, but had gone beyond the standard board duties.

The findings indicated that most boards were aware of numerous changes occurring in policing, but many felt restricted by their limited knowledge of policing. One participant commented, "The board's biggest challenge was in trying to get funding for resources that are needed, but in retrospect we could have done a lot more" (P-3).

Ethics and Accountability

The next area of inquiry looked at the findings around the ethical relationships and accountability between boards and police chiefs in the context of the bifurcation between governance and operations.

In terms of information sharing between boards and the police, the findings showed that when a board member had questions about issues related to ethical accountability on any given topic, he or she typically requested information from the officer in charge of that particular area of the police department. An individual board member cannot order that officer to comply with their request directly, and if that senior police officer is uncomfortable with the request, the matter is referred back to the chief constable in order for the chief to consult with the board as a whole. Most participants reported a relatively high level of confidence that they had a knowledgeable, high-functioning police executive team that understood their ethical responsibilities. The findings in this area indicated that in the majority of cases, the responsibility for ethical accountability is handled through a team approach of police leadership and board governance acting in concert.

This concurrence among participants that there was some sort of team approach at work in ensuring ethical accountability was delved into in more detail. Board members (P-3, P-5, P-6) described how they acted hand-in-glove with their police chiefs, as the chiefs are the sole person lawfully authorized to make operational decisions in order to prevent any

political interference. The findings indicated that, in reality, that process works only as long as those decisions are consistent with governing laws and board policy.

The first part of the question was whether boards members were confident that, on a practical level, this much authority should reside with a single individual, left the majority of participants split on whether they even had the authority to take direct action of the sort. The findings indicated that boards routinely exert their influence by setting policy through the strategic planning process or by adjusting the chief's goals and objectives over time. However, many of the participants indicated that they were aware of recent landmark court decisions (outlined in the literature review) that pointed to these efforts as inadequate and ineffectual, and in some of the more egregious recent cases, they have been viewed as too slow to act decisively in critical situations.

The second part of the question was whether the board had ever revised its policies or altered the scope of the chief's responsibilities in order to influence the police. Several of the participants agreed. Several participants provided examples that ranged from minor budget process amendments to substantive policy changes to influence the way the police address major cultural, racial and community issues.[28] One of the best examples cited was in how boards use their power and authority to hire and replace chief constables as the ultimate tool to direct the police force to bend to their will. Two of the participants (P-2, P-3) cited a well-known controversial case that had been covered extensively in the press, where a controversial police chief had refused to comply with a number of directives being given by the board ("Edmonton Police Chief Resigns," 2000). The situation was only resolved when an incident arose where the police chief himself was the subject of an internal investigation regarding police misconduct. Although the investigation cleared him of any wrongdoing, the board forced his resignation, saying that it had lost confidence in his leadership.[29] This case demonstrated the differences in perspective

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[28] Various participants approached this question differently. One asked for clarification as to whether the question meant to ask whether the board *could* revise policies to alter the scope of the chiefs or if boards currently *did* do so. This was an interesting response that demonstrated the different ways the question could be interpreted. The answers tended to fall down on either side of this point, as the participants who made the assumption that boards could do such a thing rarely did, while the others assumed that it was a moot point; boards can and do this all the time.

[29] The case of the Barry police chief was one of the cases known in police circles as a rogue board. The writer has been present at several conferences of the Canadian Association of Chiefs of Police, where discussions around these so-called rogue boards and what to do about them are routinely discussed.

between the board, which saw their actions as proactive and progressive, versus that of the police chief, who saw it as interfering and possibly illegal.

The findings included less critical cases cited, where the board member felt that the board would have liked to see the department put more emphasis in certain areas, which were traditionally thought of as operational issues under the purview of the chief of police. In such cases, the boards worked with the department through the development of strategic plans so as to be seen as forcing it on the department.[30] The clearest example cited (P-9) was around how traditional hiring practices by the police were changed to encourage greater cultural diversity in Canadian police departments as a direct result of strong and influential policies developed by several boards across the country.[iii]

The findings provided a number of case studies where the participants described the push and pull of governance relations more succinctly in terms of its practicality.[31] The consensus was that whilst the authorities for police governance should be clear, but they are not, confusion around just what constitutes operational interference has resulted in a number of conflicting and complicating issues.[32] In some cases, the issue was more about the fact that municipal employees are usually unionized, and as the police are also in a union, many municipal political considerations are directly or indirectly related to labour relations issues. Examples provided were cases where certain arguments for efficiencies by the board were ignored because the city was not interested, demonstrating how board independence is often inexorably in conflict with its political connection to the city.[33]

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[30] One case cited related to staff deployment, where the board expressed the need to see more police officers assigned to school liaison positions. While they could not impose it directly, they encouraged the chief to include it in the next year's strategic planning process. Those participants with extensive board experience, in particular, were able to cite many other examples where they used the policy development process, over time, to create long-term changes in police administration and operational practices.

[31] One case cited was where the police came to the board to advise them they were planning to start painting all the police cars white, reasoning that it better reflected the police image and that all the other police departments were doing it. The board knew the city was struggling with financial constraints, but felt that it was too hard to argue the issue with the police, so the board opted to allow the expense, noting that as a police board, they had to pick their battles.

[32] One case cited was where the police cars were serviced by a local city maintenance department, which would then charge the police department a quid pro quo. At the time, the city maintenance department would charge one hundred and fifty dollars for an oil change, while if the police went to a private company and obtained a long-term contract, they could negotiate a better price. The board capitulated and approved the expense out of deference to the city.

[33] One example was where members of a board tried to raise the game and become more involved in several issues. The mayor, who was also the board chair, was not as interested in the board exercising its influence

Despite this, the evidence demonstrated that it was not unusual for the city to want to monopolize decision making by the police board, and, as one participant noted, "It will always be up to the board to elect to either fight back or not" (P-1).[34] The conclusion reached is that, while police boards need to retain collaborative and interactive relationships with their municipal governments, their role as independent entities must always take precedence.

This next area relating to board understanding of policy versus operations looked at whether there was an established process for the police to inform the board of emerging sensitive issues. The goal was to investigate how the process works, both functionally and practically, and related to how board members are kept informed and whether there was any direct or indirect interference that had arisen out of the process.

The findings showed overwhelmingly that emergent communications were reportedly handled through conversations between the chief of police and the board chair, and board members were typically emailed after the fact to inform them of what had transpired. The only real exception to this was where a chief of police died, was incapacitated, or could not attend to their duties for some reason, in which case the board may be called upon to determine who is going to act for the chief. There were very few occasions where board members reported being called in to attend a meeting regarding an emergent situation. In a few cases where the chair was physically situated in or near the police station, communications had been done in person.

The next question area examined how board policy directives are communicated to the police and department civilian staff. The findings indicated that this is generally done in three ways: firstly, through the formal development of business and strategic planning

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independently. When the board tried to push their agenda through a number of small steps, the chief of police tried to move the board secretary to City Hall to remove their control. The board resisted, insisting she stay in the police department in order to more closely liaise with the chief and continue to report directly to them. They were successful in retaining their physical presence at the police department in order to have a sense of what's going on there.

[34] One case cited was where fire department dispatchers were suing the city because they were paid less than police dispatchers. The case involved millions of dollars and was the subject of a major arbitration. One board member, who was a recognized expert in police governance, was subpoenaed in the case and gave evidence as to the independence of police boards. That evidence turned the tide in the case and provided much relief to the city and the police (*Reid v. Vancouver (City)*, 2003). This board member was interviewed in this study.

processes; secondly, informally through a host of informal processes; and thirdly, through the use of new communications technology.

In terms of formal processes, the Province of Ontario is unique, in that it has made police communications with their communities a statutory requirement:

> Every board shall establish a policy on the sharing of crime, call and public disorder analysis data and information on crime trends with its municipal council and with school boards, community organizations and groups, businesses and members of the public in the municipality it serves. (*Police Services Act*, 2001, §13(2))

Other police boards across the country use a variety of similar processes. Some reported that they develop a three-year business plan in consultation, first with the chief and second with the community.[35]

Several participants reported that there is an altogether separate and different process that is entirely informal in nature, most often in cases around the rising awareness of some significant issue in the community. Two cases cited were around the police response to mental health and carding, as described previously. In such cases, board members reported being involved as part of a committee that included representatives of the board, the chief and members of the public who had subject matter expertise in the area. It is through the work of those subject-specific committees that boards have developed policy, and the chief has identified operational changes, such as new training and procedures, and acts on the recommendations.

Finally, there was the third, more immediate process being piloted in various jurisdictions, with board meetings being broadcasted using new technology such as social media and live through video streaming. One board member described how she/he had been unaware of the potential impact of this kind of communications until learning that

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[35] The participants outlined the typical strategic planning process as an environmental scan, followed by consultations with a variety of stakeholders, including community groups, neighbourhood associations, city councilors, school boards, public health and members of the police service. Boards then develop draft priorities and a business plan. The resulting plan, once approved by the board, is published and then becomes the road map for the next three years. The chief constable, through the internal departmental strategic planning process, is responsible for annually reporting to the board in public on the success in achieving those priorities.

when board meetings were streamed through all the police stations, the officers and civilian staff watched the proceedings with interest (P-6). In most jurisdictions, the province's police act restricts what items the board may deal with *in camera,* so board members cannot avoid being put under the glare of public scrutiny. The very purpose for the new technology is to ensure that boards conduct their business, as much as possible, transparently and in public. Unfortunately, this may not be the case. One participant described what he/she called a new reality caused by these new communications technology, where if the subject matter is controversial and potentially embarrassing and does not qualify for restrictions under the regulations, then it is probably going to be discussed in private (P-6). The use of new communications technology for this purpose is a new feature of board communications, and most participants were uncertain how it was going to work. The evidence indicated that it is too early to predict how this may or may not affect how boards conduct their business in the future.

The next set of questions in the area of policy versus operational activities examined, in some depth, what specific activities board members had undertaken in conjunction with the police. The point was to examine how certain board activities may involve them in police tribalism and potentially impact their neutrality. Also investigated was: To what degree becoming embedded in the functional activities of the police could lead to the point of acculturation, where the line begins to blur between the governors and the governed.[36]

The question asked specifically what functional activities board members had participated in with the police. The questions were taken from the handbook for board members by the British Columbia Ministry of Public Safety and Solicitor General (2005) described in the literature review. This part of the research was aimed at gathering evidence regarding the uptake on those recommendations.

This area of inquiry pointedly questioned each individual's neutrality versus his or her acculturation into the tribalistic culture of the police. The findings demonstrated that this

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[36] Acculturation is defined as "the product of cultural learning that occurs as a result of contact between members of two or more culturally distinct groups" (Casas and Pyatluk, in Terzini-Hollar, 2007: 25). Further discussion on the concept of acculturation and the related issues of cultural differentiation (CD), the extent ethnic groups retain past/traditional cultural practices and structural assimilation (SA), and the extent ethnic people involve themselves in alien institutions and multiculturalism, where both CD and SA occur, follow in Chapter 5.

area of inquiry hit a nerve, in terms of the personal reactions to being asked this kind of question, and there was considerable emotionality expressed in the responses to the questions. Simply put, this question asked specifically whether the board members had participated in any of the following activities:

- Police ride-alongs

- Attend appropriate police education sessions

- Tour the police department facilities

- Invite key police staff to observe board meetings or to make presentations

- Attend special police and community functions

- Read police department policies, procedures and community development plans

- Engage in informal discussion with members of the police department.

The findings were mixed around individual board members' participation in these types of police-based activities. There was a clear split of opinions as to whether it was appropriate to participate with the police in this manner, which resulted in differing perspectives and justifications from each side for their position. Two participants (P-2, P10) indicated that they had not participated in any of these activities. One cited them as inappropriate and potentially interfering, and the second cited the fact that there were no regulatory or legislative requirements for them to do so as the reason. Nine police board members, however, did report having done so, but in differing amounts. The most common forms of direct participation reported was having gone on ride-alongs with the police, attending police educational programs, touring the police station, and attending police/community functions. In some cases, they reported having attended as a result of having been specifically invited to a community police event. All nine participants reported having visited a community policing office and having attended public events such as award ceremonies and police retirement celebrations. Examples were also given where board members had attended events as representatives of the police board for community events, such as black history day, national aboriginal day, and other special events.

The reasons given for participation varied, and participants expressed considerable sensitivity to the potential impact of their participation in these activities on police operations. Those who felt this was positive saw it as an opportunity to be seen by the police members as supportive and cited them as opportunities to communicate with line officers and directly show their support for what officers do. Others in support of this view reported their reason for doing so was more out of a need to learn more about what police do, specifically. By contrast, some board members pointed to examples, other than their own, where they described a kind of sympathetic tribalism where entire police boards that were staffed by people who felt that their raison d'être was to keep the police under control and, as such, would never attend an event where they might be seen as de facto supporters of the police. Two participants from this camp stated that their policies did not strictly forbid close relations with the police; however, they made it clear that they saw these kinds of relationships as negative because it was seen to compromise their objectivity (P-4, P-6). They suggested that board members who were too familiar with the police may have lower levels of objectivity, while board members holding themselves more remote had higher levels of objectivity.

The question as to whether board members had seen and reviewed internal police department policies and procedures was more contentious. In some jurisdictions, it was reported that in the past, it was expected that the board would be pretty much rubber stamp internal police policies, while contemporary boards spend more time looking at and trying to understand the implications behind the policies they institute. One case cited (P-2) was where the police were asked to consider a new policy regarding how police officers store their firearm when they go for coffee. In this case, the board decided that they had insufficient knowledge and experience in the area to be able to add anything other than what the police executive had recommended.

Divergent views related to social proximity were also reported around views of the various relationships between the chair of the police board and the chief of police. Three participants were of the view that the relationship between the chair and the chief of police should be remote and impersonal and that any meetings between them should take place in formal settings with others present, so as to avoid any appearance of impropriety. The sentiment was also voiced that the chief of police, in many cases, did not appreciate the chair or other police board members wanting to be their friend. Six participants

reported that it was perfectly acceptable, in some cases preferable even, for the chair of the board and the chief to develop a close relationship and socialize on a regular basis. Two participants (P-2, P-8) expressed a preference for a third kind of relationship, described as somewhere between the two extremes, where the chair and the chief might have a cordial and professional relationship, but that relationship should not extend to their being close friends.

Overall, the balance of the sentiments expressed in the findings was split on whether board members lost their objectivity and neutrality as a result of their acculturation into the culture of the police. By a slim majority, the findings concluded that boards see it as somewhat beneficial to have some level of personal engagement with the organisation they govern, and in order to do so, they should attend police-related events and activities. The evidence was not decisive, however, and the opinions were somewhat split, with the majority of participants satisfied with the status quo: namely, that objectivity was not unduly impacted by participation in police-based activities as long as all board members were clear as to their role.

The preceding area focused on internal relationships and the potential acculturation between the police and their governing board. The next section moves on to examine the external trilateral connexion between boards, the police, and the community, in terms of the provisions for community trust and accountability.

Community Trust and Accountability

In presenting this theme, how police boards ensure their concomitant police forces have the trust and confidence of the communities they serve is investigated. The two topics of community trust and accountability are the cornerstones of police governance and, as such, were subscribed the fifth level of weighting in this dissertation. Included in this inquiry were questions aimed at ascertaining whether police boards recently felt any pressure to take a more demonstrative role in governance than in the past.

Participants unanimously described community trust as one of the most important and critical areas of police governance. Their views were consistent with the recent inquiries and highly publicised criminal cases reviewed in the literature (Stenning, 2000; O'Conner, 2004; Sossin, 2004), which concluded much of the public criticism around

police behaviour is the direct result of a loss of trust and the lack of accountability as an indication of inadequate police governance.

One participant cited trust and accountability as an example as to why his/her board had become involved in the issue of contact carding, as discussed in the previous theme (P-11). This practice of police carding so-called suspicious people as a routine activity has become a flashpoint in terms of public confidence for the police, and it was undermining public trust in the institution. The majority of participants reported that their boards generally work in public and reported that it is rare that a board meeting goes by where members of the public do not attend to make submissions. As a result, boards have a fairly high level of interaction with their local communities. This is particularly true of the chairs, as they frequently attend public meetings in the company of the chief of police, and as a result, they have higher levels of interaction with the public and receive a lot of direct feedback. Two participants pointed out that public trust was the primary driver behind their boards starting to monitor trends in civil litigation, tribunals, and public complaints involving the police, in order to get a sense of the kinds of accountability questions being raised (P-9, P-10).

The findings suggested that most boards are starting to get more involved in ensuring that operational policies are carried out, as this is seen as having important implications for improving public trust.[37] The majority of participants indicated that competitions for board appointments need to become more professionalized and rely less on preferential treatment and nepotism in order to increase public trust.

Another factor was raised regarding community trust and accountability, which was the fact that policing takes up a significant portion of public dollars and that if anything goes wrong, the public can be quite unforgiving. The governing body represents the public interest, and to do that, boards need to be quite hands-on and involved, and in the opinion of most board members interviewed, their sense is that in order to preserve the public's trust, they need to become much more active and involved than they were in the past.

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[37] One example cited was in regard to the use of force during arrests; in particular, specifically how Tasers are used. The board hadn't interceded in this area in the past precisely because of concerns that it could be construed as interference in operations, but recent case law decisions had forced them to become involved. The board in question ended up creating policies on this issue and required the police to adopt them. The participant noted that some issues go beyond writing policy, and in this case, the board felt the need to anticipate situations police officers were going to be in and to put procedures in place proactively.

The next area of inquiry into how boards engender community trust and accountability investigated what mechanisms the board uses to acquire information and input from the community on what the policing issues are, how well the police are carrying out their duties, and what changes citizens feel are needed in response to changing societal circumstances.

The findings indicated that most boards are undergoing significant change in how they acquire and use information from the community, but there was an overwhelming sense that this was one area that still needs to improve. The first part of this discussion centred on how the traditional role of the police is changing and that boards need to get out in front of those changes in order to develop an understanding of the current state of affairs. Several participants articulated the necessity for better information systems in order to better frame strategic planning processes for their police departments. One participant described this as "the need to fix the mismatch, the mismatch being between how the provincial legislation describes policing, and the degree of policing performed by the public police, versus the situational realities of community policing in the present epoch" (P-1). Several board members made the point that the provincial police act legislation they operate under is still very much geared towards policing as law enforcement and centred in a crime-fighting framework:

> If one looks at whom the police are hiring, and the bent of the training, which is primarily around use of force, one misses the point that, in reality, what police members are doing one the street is quite different. Police are now seen as the body responsible for areas such as school safety, domestic violence, sexual assault investigations, mental illness, protection of pedestrians and the elderly. Their current role is more focused on public community safety and community wellness than on the traditional crime-fighting role. (P-1)

The finding indicated that there is a real sense that in the past five or six years, more board members are asking whether the police ought to be an organization with a whole variety of skills and expertise and not rely solely on the uniformed police officer as the primary unit through which police services are delivered. Another issue raised was whether policing ought to be the exclusive responsibility of public police services, even when it comes to criminal code-related matters.

The next area of inquiry related to community trust was around guidelines for conduct, specifically outlining what would constitute a conflict of interest for board members. The findings indicated that virtually every board had guidelines related to the code of conduct that all board members were required to subscribe to by their various provincial police acts. Board members typically had to read and sign this document before being sworn in with their oath of office, and many are required to make an annual declaration of competent interest.

The next question focussed on whether the participants were aware of any actual breaches of confidentiality or conflict of interest. Most participants were uncomfortable discussing the subject; however, several admitted that such breaches do occur, and several examples were provided.[38] The findings indicated that while they do occur, they are rare in Canadian police boards.

The final area of inquiry related to community trust and accountability was whether the board used external management consultants and/or assigned research tasks to various members of the department in order to focus on certain issues. The findings resulted in a range of responses. Some tended to see themselves more as an integral part of the police department, while others believed their role was more independent and impartial. This issue is discussed in greater detail in the discussion in Chapter 5.

The first area of inquiry specifically around board accountability asked whether boards should use external management consultants. Only two participants indicated they had been involved in using external consultants (P-2, P-9). Most participants thought that it sounded like a good idea, but their board had not done anything of this nature. Several participants felt that if boards hired external independent consultants, it would send the wrong message and could lead to the perception that the board was off doing their own thing, which could create a separation between the board and department, and that would

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[38] One case cited was where the details of a confidential police incident had been discussed at the in-camera portion of a board meeting that later ended up in the press. Clearly some board member had given the media a fairly detailed account of what happened. Under the circumstances, the board did not have the resources to investigate the incident, and since it was related to the police board, they couldn't ask the chief to do an investigation. This breach of confidentiality could have had a chilling effect on the board's ability to conduct business freely, so the matter was referred to the Provincial Police Commission. Interestingly, the Commission declined, indicating that if they did a formal investigation, they might have to order the whole board to step down pending the results, as any one of them could have committed the breach. In the end, the decision was made to drop the whole matter, as opposed to removing the entire board.

not be good. The findings concluded that the concept of using independent external consultants, which is a commonly used management tool by other professional boards of governance, was clearly a foreign concept to most police boards at this point.

The second piece around accountability related to whether the board, as a group, ever withdrew to a retreat to discuss matters. This also generated a diverse set of responses. In the few cases where board members had attended management retreats, they were composed of a mix of board members and the police executive team. In some cases, the local Provincial Police Commission had organized the retreats, either with police boards directly or in conjunction with their local Police Board Association. In two cases, local educational institutions provided the venue and the professional facilitation for the retreat. While those who reported attending such retreats saw them as a valuable endeavour, in almost every case, not everyone on the board attended these sessions.

The third piece around accountability looked at how board members approached research in the course of their duties while on the board in order to more capably fulfil their responsibilities. The purpose of this question was to examine to what extent evidence-based decision making played a role in police governance. The premise was that the board is an entity only when it sits in a room during a board meeting, and outside of that room, individual board members may need to undertake research or establish an evidence-based approach to particular issues.

The findings indicated that the use of research was highly varied. One participant noted that a board is a closed entity by necessity, and as a result, what goes on in any board depends on who is on it at any given time (P-8). The question asked was whether the board tasked individuals to look at a certain issues and report back, whether the process was quite formal, or whether the process was more holistic. Most evidence indicated that when a board wanted to look at something in particular, they either asked the chief and the police executive team to do it, or if it was something that the board needed to look at more closely and independently, it might task somebody internal to research the matter on behalf of the board. An important practical issue was that in most jurisdictions, board members were unpaid volunteers, with only a minimum amount of their training and expenses covered. Many of the participants reported that they often had to put in between 20 to 30 hours per month on the board doing routine tasks, and as a result, they simply did not have a lot of time to do any extra research. There were some exceptions in some of

the larger centres, where the chair or board secretary was a paid employee of the city and had staff to assist with board administration. The matter, therefore, largely depended on the resources available to the individual board.[39]

The preceding investigation looked into findings in relation to the general context of how boards establish community trust and accountability. The next area of research delved more closely into the role of boards in providing effective governance of financial accountability.

Fiduciary Oversight

The next area of inquiry related to the perspective of board members as to their effectiveness in controlling police expenditures. Police funding is primarily, and traditionally the responsibility of local municipalities, while areas outside of cities and municipalities are the responsibility of Provincial governments. Funding for overarching and more serious crime is the responsibility of the Federal government. Ultimately, it is the local police board that determines how the money is spent for policing in their jurisdiction and this was the focus of this area of the research.

Policing costs are currently key-critical topics on virtually every police board agenda, and the topic was weighted as the sixth most important theme in this work. Police boards, for the most part, accept that reality: "Funding for policing is a matter of trust; however, it as a blind trust" (P-1). This comment around a kind of blind trust practiced by boards in relation to fiduciary oversight summed up much of the findings in this area. The findings reflected much of the same commentary raised in the literature review that described fiduciary oversight as a critical area that needed change (Oppal, 1994; LaLonde and Kean, 2003; CACOLE, 2010). Once regarded as a sacred cow in municipal expenditures, the literature suggested that police spending was no longer going to be taken for granted. The findings confirmed boards were frustrated at the resistance to change police

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[39] One example cited was where a board wanted to know what other boards across Canada were doing in regards to evaluating of police chiefs. They used their internal board secretary to research the matter with their counterparts across the country and bring back a short summary of the research paper for consideration.

Another case cited arose where there had been a great deal of community consternation around the policing of a certain troubled inner-city community. Under the circumstances, the board deemed that it would not be helpful to the department for the board to undertake research into what was happening in the department. In the end, the issue left lingering unease amongst members of the board that they had done the right thing.

departments exhibited in this area, despite their efforts to force change on the police. To better explain this, the research focussed on how fiduciary oversight is conducted, and how police efficacy is measured.

This theme was broken down into two areas: firstly, how fiduciary oversight works with regards to the police in general and, specifically, at the role of boards in acquiring funding for the police from the municipality. Secondly, how the board satisfies itself that police resources are being deployed efficiently was examined.

Firstly, the findings highlighted fiduciary oversight as one of the most important traditional governance roles of boards of governance. Several participants, who had also sat on other boards of governance at various times, noted that police boards were distinctly different from any other kind of either for-profit corporation or non-profit organisation.[40] There were strong indications that, as a lay board, there were instances where boards need to seek third-party validation of the issue being brought forward in order to make a reasoned decision. In the peculiar culture of policing, boards are often reluctant to go outside to obtain an independent opinion, even if it is in regards to a particularly high-cost financial request issue. This is because: firstly, there is an additional cost in doing that, and boards are very conscious about being as cost-efficient as possible; and secondly, in many places, the culture is against getting an independent opinion, as it could be seen as undermining their trust in the chief. All participants reported that there are policies in place regarding spending limits and signing and spending authorities as to who can improve what are very clearly defined;[41] nonetheless, there are extraordinary requests for funding that arise.

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[40] One case cited was where the police wanted to purchase new semi-automatic firearms for all their members, as opposed to continuing to use the old revolvers they had been using for the past forty years. The fiduciary considerations for the firearm conversion were enormous and beyond anything the board had ever considered. The board debated their role, and whether they were qualified to make such decisions or whether they needed to hire a consultant to advise them. In the end, the board opted to not approve the matter until they were satisfied that it was the right choice, and they put the matter back to the police administration to demonstrate the need for the conversion. This was one of the best examples cited for of how distinctly unique police governance is.

[41] All of the boards had a finance policy in place, and participants noted that police budgets have traditionally been automatically approved, even if spending is outside the realm of the budget, in most cases. The process entails a board budget committee receiving a draft budget from the chief, which they then review in detail. In some cases, a police executive appears before the committee to answer questions within certain command areas.

One board member cited an example where the police asked for a new major computer system upgrade that was estimated to cost in the range of two hundred thousand dollars (P-6). Normally, that kind of expense would be referred to the city council for special consideration and approval, in respect of generally accepted accounting principles that prohibit reallocation of funds from one account code to another in a zero-based budgeting environment. It was noted that as this was the police department, the request was given special consideration, and to the deficit of a number of other city departments, the request was granted, much to the surprise of the board member. In other matters relating to substantial fiduciary considerations for the police, in particular, four participants reported that their boards had recently begun to take a more proactive approach, getting the education it needs and bringing independent experts in for advice. One participant cited an example where a police board brought in a consultant to do an efficiency review of their department separate from the audits conducted every five years by the provincial ministry (P-10).

The second part of the review of fiduciary oversight looked more specifically at how boards satisfy themselves that police resources are being deployed efficiently. The findings indicated that in every case, there were just too few mechanisms in place for measuring efficiencies for police expenditures. This particular subject was reported to be a chronic and recurring issue, and most police boards wanted to see a more structured mechanism for measuring police efficacies, but no one seemed quite sure what such a mechanism would look like or how to approach the issue. One participant described an initiative undertaken several years ago in a major Canadian city, where the board brought in the consulting group from a major business management consulting firm to do a review of the issue (P-6). The consultants concluded that police boards, in their current configuration, are not set up to measure fiduciary efficacy. They recommended police boards adopt a completely different organizational structure, whereby they would have greater say in terms of resource use. The recommendations included the creation of a management structure more in line with other professional boards, which would mean having a chief operating officer and specific executives responsible for human resources, information technology and finance. In Canada, to date, no board has created this type of management structure. In the absence of a professional management or auditing structure, board members reported taking a number of other steps to attempt to solve this dilemma.

One participant reported his/her board had appointed a civilian chief administration officer, and although that person technically works in the police department and reports to the chief, the person is seen as the eyes and ears of the board (P-11). In other cases cited, when a particularly expensive issue, such as program or budget item has arisen, a number of boards have used the auditor general of the city to do a report for them. Some of the board members reported using external auditing departments to do an audit on specific areas in the department and make recommendations. Several participants also reported routinely viewing variance reports whenever the department asked for changes to their previously authorized budget. Viewing these variance reports gave the board the opportunity to question the chief on the financial efficacies on a more consistent and timely manner. According to most of the participants, the findings indicated that these types of auditing measures often expose overspending that the police are either unaware of or simply ignored.[42] Some of the participants cited case examples when they knew about special events that required excessive amounts of overtime pay that were later presented to the board as a fait accompli. Since there was no body other than the police board in a position to question the financial efficiencies of the police, this was the first and last line of oversight. The raison d'être for the board's independent authority was that they represent the police and, as such, are expected to have special knowledge related to police activities. The findings confirmed that, for the most part, boards readily approve the expenses because, in reality, they have very limited information on how police activities and their associated costs are generated. They also have very limited information on whether, under certain circumstances, police costs might be controlled more efficiently or outright curtailed if called for. As a result, when they are confronted with funding requests in the name of public safety, they just accept them.

In one case cited, the police chief came to the board and informed them that something was about to happen that could incur overtime costs of up to a quarter of a million dollars and asked for permission to go ahead (P-7). Under the circumstances, the board felt that it

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[42] One example cited was related to excessive cell phone bills. It was noted that issues like this may be a simple matter for most boards; however, when it comes to costs associated to police activities, analysis is never simple or clear-cut. In this case, there was an evaluation requested to determine why phone texting costs were so high when there were radio frequencies already available at predetermined costs. The inquiry ultimately expanded in scope to look at the whole issue around costs of communication resources and efficiency. In the end, the board studied the costs and criteria around the matter, and a number of policy changes were put in place to control activities that the police department had hitherto been largely unaware of and/or ignored.

had no choice but to authorize the expenditure. There was general agreement that although this type of decision making has always been acceptable to most police boards, both provincial and national board associations have expressed dissatisfaction with the status quo.

From findings related to the intricacies of the annual process around fiduciary oversight, the investigation then moved to a more long-term review into how strategic planning was handled by police boards.

Strategic Planning

This area of research focused on how police boards develop strategy for the direction and scope of the police organization over the long term. The inquiry was broadened to examine whether boards are aware of dramatic paradigm shifts taking place in policing and how they are adapting their strategic planning processes as a result. This area was considered critical by studies from the academic literature, and this area entailed a gap analysis on the implementation of governance in a knowledge-based policing milieu (see Gap Analysis presented in Appendix E). The issue was approached from two perspectives: firstly, in how the board ensures that changing police strategies do not exceed the organization's resources in an ever-changing environment; and secondly, how they identify performance measures and set standards for the chief and, ultimately, ensure proper monitoring and delivery of the agreed-upon strategies.

This demarcation between strategic policy direction, exercised by police boards, and the operational activities, exercised by the police, needs to be clear. The definitions were provided in the literature review under the topic of Operations versus Policy. However, to put the findings in context, it is perhaps helpful to reiterate the difference. Boards set strategic direction through the creation of policies and practice directives. Police operations are not formally defined in legislation, per se; however, it is sufficient to describe them as the immediate and tactical decisions made around the handling of requests for police services, criminal investigations, and the internal management of staff (CAPB, 2003; Taylor, 2003; MacGillivray and Easton, 2011).

The first issue related to how boards work to develop strategy, while ensuring the police department does not exceed its resources. This garnered a host of different opinions,

demonstrating how these issues are of such variety and complexity that they lend themselves to a more qualitative approach.

One participant cited an example of how this was handled through the budgeting process. The challenge was where the department wanted new computers, but also wanted new vehicles in the same financial period. The board, in this case, was struggling with municipal financial shortfalls that meant that they were looking at having to deny one or the other until the chief and board agreed on a long-term strategy (P-7). Several participants spoke of how recent fiscal realities, following the devastating financial downturn in 2008, have resulted in many departments having to do more with less. With the high criminal caseloads of some police departments, board members reported that they have to get more involved in the decision-making process for some of the traditional operational areas of policing in order to ensure the police do not overextend themselves. The participants gave multiple examples where their boards had become involved in this manner.[43]

The changing paradigm of police governance was considered an important element in the literature. The questions in this research area focused on how boards are confronting and managing change in regards to the evolving policing paradigms. When asked, several respondents pointed to new forms of regionalization of policing services (previously defined and discussed in the literature review topic of Causes of Problems in Accountability: Change Management) that have been taking place in many areas of policing as examples of this evolution. The participants reported that demands for departments to engage and get involved in these kinds of new regional units have increased exponentially from what started as a handful of specialty units to a plethora of groups dealing, with a number of issues ranging from integrated homicide investigation teams to auto theft, major crime investigation, forensic identification, and even unified

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[43] In one case, the police were asked to take on new responsibilities in the area of drug enforcement that involved assisting the Coast Guard and dedicating a police boat to the task. The issue involved a number of factors, including deciding whether to hire specially trained staff or use current staff; whether to take on something new that they haven't done before, and how to work in conjunction with other services they hadn't been involved with before. Suddenly, the police were being asked to take on a new activity that was enormous in scope, and they already had one of the highest caseloads in the country. These types of decisions were traditionally and solely the chief's responsibility; however, the board decided to become involved and took an active role in working to determine how the strategic plan. This is a case of the board expanding its role in oversight to include operational decision-making processes, to ensure that decisions made are within the police department's scope and direction.

canine services units. According to one participant, "Regionalization changes everything, strategically" (P-9). It makes it more difficult for board members to know what their own people are doing in the field. In many cases, it is difficult for boards to communicate with the people in charge of these shared services, as they have become an entity unto themselves, beyond the grasp of their individual boards. The evidence demonstrated and confirmed the proposition that there is a strong need for boards to develop and identify the tools and skills required to ensure that changing police strategies do not exceed the organization's resources in an ever-changing environment. The realization of new forms of regionalization is arising among policing services, but this was largely beyond the scope of this dissertation and requires further research.

The second area of inquiry in the area of strategic planning related to how boards identify performance measures and set standards for the chief and how they ensure proper monitoring and delivery of the agreed strategies. Evaluation of the chief is one of the key responsibilities of police boards and is closely related to strategic planning, risk review, people development, and succession planning. Three participants confirmed this, indicating that their annual assessments focused on the police chief and measured key performance indicators based on the implementation of agreed-upon strategies and programs (P-6, P-7, P-11). In two other cases, the chair of the police board conducted the assessment of the police chief personally, and the rest of the board did not even see the results, as they were discussed in private between the chief and the chair. There was little assessment of the boards themselves or their role in the success or failure of the institution of policing in their communities. Many of the participants reported that their boards struggled with their role in providing direct, measured governance of the chief of police. In many cases, it was reported that only the chair of the board and the police chief were involved in the process, and the rest of the other board was effectively left out of the process. This was reported to be a problematic area in many jurisdictions, and examples were provided where assessment of the chief has been used as a tool to limit the chief's leadership and independent authority in some cases.[44] The evidence indicated that, in the

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[44] One case cited demonstrated why this is an issue. This case was predicated on the non-renewal of a chief's contract based a negative assessment composed by the chair of the board, without the full knowledge of all the members of the board. In this case, the chair used his/her position in an attempt to have the chief fired. When city council reviewed the evaluation of the chief, they disagreed, and the termination of the chief did not go through, leaving the chair politically embarrassed when it became known that the chair had already offered the job to another person.

final analysis, most boards are lax in having a definitive process for measuring the police chief's performance and providing structured feedback. In some cases, they did not even see it as their role.

In order to examine the outcomes of the internal strategic planning processes, the investigation was expanded to examine how the external political relationships of police boards are handled and managed.

Political Relationships

The final area of inquiry in this dissertation relates to important aspects of political relationships that are pertinent to police boards. This area was seen by the participants to be more of an individual regional issue and the least likely area where substantive or fundamental changes might get any traction on an overarching or national level. For this reason, the theme was given the lowest weighting. This theme was approached from five separate aspects of political relationships, which were directly referenced by the CAPG (2010a), which listed them as best practices of police board governance (see Appendix D: Table of Concordance).

The first aspect looked at how police boards identify the appropriate channels for communicating with the media and community members, both on an ongoing basis and in the event of a critical incident. The findings were mixed on whether their board had, in fact, identified clear and consistent channels for communicating with the various stakeholders in their communities. This ranged from police boards having a great deal of communication with the community to some that had very little. In the majority of cases, the board historically communicated through the local media, with the media fairly frequently attending board meetings. As a result, boards have limited their public presence almost exclusively to a simple web page, radio, television, and/or print media. In most cases, the designated spokesperson for the board was the chair, which was also the mayor. In a one case, the governance manual for the board specifically stated that the chair would be the only spokesperson, unless a board member was delegated on a specific topic (P-10). Having the mayor as spokesperson was reported to be a concern in two ways. Firstly, the demarcation between his/her role as board chair and mayor may not be clear to the public. The second concern was where the mayor (acting as the chair) was the

person under suspicion. This problem arises less often, but it is still a viable issue.[45] Both concerns are addressed more fully in the discussions chapter and are the subject of recommendations in the conclusions.

The second area of inquiry into political relationships was in how the board played a direct role in promoting or encouraging open communication and improving cooperation between the police department and the community. Once again, as with most of the investigation into political relationships, the findings varied widely. The responses ranged from boards that were largely invisible to the public to others that had a highly visible public image. Some board members reported that their board relied entirely on the police spokesperson or the Chief of Police to communicate with the community. In one jurisdiction, the board had a director of public relations who worked in conjunction with the police department's uniform media spokesperson, augmented by the police department's website. Most boards also reported having their own website where media releases were routinely posted. The evidence concluded that boards should have a direct role in communications between the police department and the community. In some of the larger cities, the participants reported that their board was often raised in the media, and two cases were cited where the board was seen as a powerful body of governance influencing the police, both publicly and blatantly.[46]

The third area of inquiry into political relationships examined the relationship between boards and their local municipal councils. The majority of participants indicated that most relationships were based on the composition and structure of the board itself, specifically as to whether the board had city councillors and/or the mayor sitting as members. In this case, the perspective taken was to assume a wide view, to ascertain the general tone of the relationship between the board and council and avoid the structural entanglements between the two as far as possible. While this area raised the spectre of potential political interference, it was difficult to extricate the responses to this question of relationships

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[45] One participant cited a case example reported in the media where the board chair was under suspicion of impaired driving and was said to have received preferential treatment by the police. The restriction for all communications to go through the board chair in this case was said to have caused a crisis on the board.

[46] One example was cited by several participants, where a board had instituted a program to eliminate racial profiling by their police department. To most participants, this was seen as a positive demonstration of how a board can play a positive role in communicating with the community. The second example cited was in relation to a series of articles that ran for three days in one of the country's largest newspapers, quoting the chair of a police board articulating the need for change and the role of the board in getting the police to accept those changes (Rankin and Winsa, 2013a, 2013b).

without this issue clouding the responses. It is interesting to note that there were no references made in any of the interviews as to whether municipal or provincial party politics played any part in the relationship between boards and their political masters. Despite passing references that arose in the media and considered in the literature review, the topic was not raised by any of the respondents. This could be partly a product of the limited sample size in this research. However, it is thought that, if anything, this would be something seen more in large urban centres, and constituents from such places were interviewed and the topic never came up. The conclusion is that this was not seen as a significant concern.

Overall, the findings indicated that municipal councils did pay attention to their police boards for the most part, but often that attention took the form of councillors making special requests or asking for detailed information about something the police board was dealing with. Eight of the eleven participants reported that the city councillors had tried to control the board, despite the fact that they did not have the legal right to do so. Several participants reported that the board received requests from city council for information on a regular basis. Where the request was put through the proper channels and came from the city council by a motion at the council table floor, there was no issue. There were numerous examples cited where requests came from individual council members that inevitably related to some pet issue for that councillor, and these were described as challenging for the board. Most participants reported their board made an effort to try to keep the lines of communication open with councillors through various means. One method, used by several boards, was to have a councillor acting as vice chair of the police board. In that way, the board could maintain a visible connection with city council and hopefully eliminate the need to have the mayor in a perceived position of conflict by sitting on both bodies. In this manner, the chair of the police board could be seen to represent the public independently, while the vice chair would be the direct link to city council and city hall.

The findings with regards to levels of participation on boards by councillors ranged from active and engaged to listless and perfunctory. The difference was, firstly, in whether the city councillor understood the role of the police board clearly and, secondly, the experience level of the other board members. One board member referenced an in-house (unpublished) questionnaire that revealed there were areas where city council members

had a limited understanding of the police board, which was the cause of much frustration (P-6). Firstly, there was concern as to why the police department did not report to council the way other departments of the city report. Secondly, the fact that the additional layer of a police board created an uncomfortable feeling amongst some councillors and simply having the police board approve the police budget independently left many on the council in the dark on the impetuous behind many of the core issues. These findings indicated that political relationships between the police board and city council are heavily dependent on the composition of the board itself, in terms of whether the board has city councillors and/or the mayor sitting as members of the police board.

The fourth area of inquiry related to political relationships looked at how the development and presentation of the annual police department budget is handled. This area of inquiry focused on the political relationships specifically and not on the fiduciary matters described in the previous section of the dissertation. Police budgets have always been one of the most contentious areas that police boards deal with, and despite the fact that over the past few decades it has been automated to the point where any extraneous discussion is mostly perfunctory, it remains so. In essence, the chief puts emphasis on certain areas and presents arguments to justify various increases in staffing, projects, new equipment, and technological upgrades to the board. In most cases, the board has a budget committee that analyses the proposals in more detail and refines it before it is presented to council. This process was often described as being difficult and politically charged.[47] The findings indicated that the problems and concerns in the political process inevitably result in some of the funding being pushed towards programs favoured by certain politicians. In a few rare cases, it was the board that reportedly ignored the recommendations of the chief and made decisions independently that were inconsistent with those requested by the police. This was rare, but when they did occur, the chief had little choice but to either adapt to the political situation or quit. This was referred to as a case of a *rogue board* (P-2, P-3). In those cases, the board members were highly critical of the process the board was engaged in, and as a result, both were summarily removed as members of those boards.

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[47] One participant, who was responsible for overseeing the budget negotiations between the board and the municipal council, reported taking a more circumspect approach. When making preparations for negotiations between the board and city council, he/she "booked Switzerland", meaning he/she set up a meeting in a neutral location and took pains to ensure that the power relationships between the two parties were kept to a minimum.

The fifth and final area of inquiry in regards to political relationships looked at whether the role of the board included acting as a buffer between the police department and political entities to prevent interference. This question initially sought insight into the perspectives of board members regarding their role as an independent body as opposed to being a political one. The responses varied and were grouped by whether the board member was also a sitting municipal councillor or was an independent community representative. For example, one participant who was not a city councillor answered that acting as a buffer, in fact, was the core role of the board: "to remove both the municipal and provincial politicians from influencing the police department" (P-4). This whole notion of the board acting as a buffer for the police was a bone of contention among the different participants. Some felt it was a routine and necessary task, while others thought it was an indicator of greater problems. One participant clarified this view in stating, "If the board is providing a buffer for the police, then the police have a larger problem that they should be dealing with" (P-1). In cases where the chief was just not up to the job, the board might act on the chief's behalf and have to act as a buffer. One participant described this kind of intervention as using his/her wealth of both management and media communications experience and, as such, felt that she/he was ideally suited to speaking on behalf of the police and acting as a buffer to defend the police to city council (P-7). The findings were mixed as to whether the board acting as a buffer for the police is sustainable—for either the board or the chief.

One last position cited was where the board needs to respond to a particularly egregious issue, or they find themselves in the middle of a political firestorm. In such cases, the chair, which is in many cases is the mayor, may step in to work with the police department and city, in tandem, in dealings with the media and the community. Most of the participants indicated that this was only appropriate where it concerned one specific issue. Ultimately, it is the responsibility of the police department to act independently, and if board members have to act as a buffer, then they are not providing the kind of effective governance and leadership necessary to build a strong department.

Interestingly, while there were minor references in the literature suggesting that there may be issues around party politics, in larger cities in particular, the respondents did cite examples where local board member recruiting, staffing, and term limits were related to those concerns. The findings made it clear that not only are party politics a part of the

process in political centres where party politics are part of the political reality, the result will almost certainly be that in such situations, board independence will be brought into question as a result.

Chapter Summary

The findings from the case studies provided a comprehensive set of conclusions in eight specific areas of police governance. The evidence from the key informants comprised a range of responses that describe a number of influencing factors in each area. In the next chapter, the author discusses these findings in more detail against their legislative context, which includes (a) a comparative analysis against the perspectives of the police who are governed by police boards, (b) a review of the findings in relation to best practices outlined by provincial and national associations of police boards, and (c) considerations of the findings with regards to existent theory in the area.

Police governance in Canada: A parallax perspective

Chapter 5:
Discussion

Overview

In this chapter, the author outlines the most critical gaps identified between current practice and those best practices recommended by the Canadian Association of Police Governance (CAPG), described under the topic of Operations versus Policy in the literature review and delineated in Appendix A. Specifically, the author looks at the reasons for deficiencies in the critical area of assessment of boards of governance and establishes a new methodology for establishing a baseline for analysis that boards could use to close performance gaps: the parallax perspective tool. Finally, the author explains how a universal assessment tool informs the recommendations made in the later parts of this work.

Assessing Best Practices

The 2004, the Organization for Economic Co-Operation and Development (OECD) principles for best practices in corporate governance, outlined in detail in the literature review, provided the seminal basis for the CAPG in Canada. Substantial effort has been put into adopting those best practices in the *CAPG Strategic Plan 2010-2015* (CAPG, 2010b: 19) by police boards across the country. This discussion largely focuses on how to rectify some of the gaps identified between those ideal best practices and the current reality, in terms of assessing the progress of the practice adoption process.

As discussed in the literature review, when the CAPB first looked at developing a model of best practices for police governance, early attempts were met with a certain amount of ambivalence. One of the key obstacles in developing a set of best practices at all was in how to assess the efficacy and outcomes of board interventions in the first place.

In terms of self-assessment, those participants who indicated that they had any kind of assessment process for the board itself described it as very subjective and not based on any universal standards. According to the findings, this lack of a universal and effective assessment tool for police boards, despite the seemingly comprehensive layers of

governmental agencies overseeing boards, has left many habitually ineffective at assessing themselves or their chief of police. This should come as no surprise, considering the complex social and political environments involved in policing, however this shortcoming proved to be one of the largest gaps between expectations and the realities of doing the job, for many many board members.

In most cases, the only assessment of the effectiveness for policing focused on police chiefs and was generally based on measurement of program-level outcomes (Sossin, 2004; Gill, Flynn and Reissing, 2005b).

There are two main reasons why the measurement of program-level outcomes typically fails to provide the full spectrum of conditions involved in highly complex environments. One is that they attempt to look at "community-level conditions are the result of a constellation of influences (for example, economic conditions, environmental factors, demographic trends, public- and private-sector policies, cultural norms and expectations) that are far beyond the scope of influence of individual human service programs" (Plantz and Greenway, 1997: 12). The second is that "rigorous multi-dimensional analysis of board and organizational effectiveness is complex, time consuming, expensive and that causal relationships will continue to elude" (Gill, Flynn and Reissing, 2005a: 19). This was consistent with the literature and findings. Most boards are simply reluctant to engage in complicated surveys, knowing that there is no standard by which they might be based.

In the findings, several participants cited the *Odhavji Estate v. Woodhouse* (2003) criminal case as a major influence in their decision to pursue a more concrete and definitive set of evidence-based procedures, and the CAPG is actively seeking a new framework to better measure their activities. There has been a strong reaction in police boards and their individual membership to the potential for lawsuits against both their institutions and individual board members. This also caused a gap between the expectations of a comfortable and prestigious board seat versus the reality of the job.

In the end, the *Odhavji* case provided one of the most powerful motivations for boards to focus on self-assessment as one of the most fertile areas for defending their legitimacy. This, in turn, motivated the author to develop the following proposal for a parallax perspective assessment framework.

The Parallax Perspective Tool

The lack of a universal tool for police boards to assess their performance and the effects of governance was a critical gap that came out of the findings. To start, it was acknowledged that the quality of policing relies heavily on clear communications between the police and the community. The community needs to be able to communicate their requirements and concerns, and the police need to understand how to respond to those concerns. The process is complicated by differences in language, different understandings of the situation, and differing educational and cultural backgrounds between the two parties. The literature outlined many of the critical shortcomings in assessing board performance (CAPB, 1994; LaLonde, 2003; British Columbia Ministry of Public Safety and Solicitor General , 2005; CAPB, 2005a; CAPG, 2013c), which was verified by the findings.

These issues around the development and implementation of an evidence-based assessment system have been stymied at almost every turn for some two decades. This has occurred, despite it being continually raised as a major issue of concern in recent commissions, court cases, and reviews of police governance across the country.

One of the main problems identified was in the establishment and adoption of an evidence-based methodology for establishing a standard baseline for assessment specifically designed for use in police governance. Coming to this understanding was a breakthrough in this research. It led to the investigation into performance assessment instruments and approaches that could be adapted for use by police boards as outlined in the literature review. That investigation led to the concept of the police board as both a literal and figurative lens through which a better picture of the performance of policing could be observed, analysed, and ultimately provide an evidence-based standard upon which to base board policies. The conceptual idea of a performance assessment tool presented the challenge to create new typology that would provide a framework for the analysis of empirically qualitative data specifically relevant to police governance.

The author looked at a number of potential approaches and consulted with number of experts and other academics in the fields of criminology, philosophy, and business administration, as well as literature sources outlined in the literature review. Having

reviewed a number of options the author proposes the employment of a parallax perspective framework as a performance assessment tool for police boards.

The development of the parallax typology as an analytical lens commenced from a series of assumptions. Firstly, the hypothesis assumes that there is an actual correlative relationship between police governance practices and the resultant police behaviour and community safety. The literature confirmed that this idea is a firmly established cornerstone in Canadian police governance (CAPB, 1994; LaLonde, 2003; British Columbia Ministry of Public Safety and Solicitor General , 2005; CAPB, 2005a; CACP, 2008; CAPG, 2013c)

Secondly, a parallax lens concept might be appropriate and relevant and, more importantly, acceptable as a conceptual approach. The seminal concept of using the focus of a lens to evaluate police governance had already been established, conceptually, in the sphere of Canadian police governance (Zehr, 2005). The concept of using some form of analytical *lens* was also used by the Ontario Future of Policing Advisory Committee in their proceedings (OAPSB, 2013). In that case, however, the use of the term was more as an allegorical expression than a concrete framework to help define how to assess police governance. Nonetheless, the concept has already been accepted to a certain degree.

Thirdly, that this parallax lens approach held some promise as an analytical instrument. The term itself was helpful to the author in understanding how police governance might be better viewed from a dualistic perspective, separating the views of police from that of police boards, in order to allow for a more hierarchically and organized approach.

The parallax method for measuring objects from different perspectives accurately suggested that it would be ideal as a tool to assess police governance. The police governance perspective grid is the subject, or target, in this case. The parties viewing it are those parties outside of the police, such as the politicians, the public, and other stakeholders, yet, on the other hand, are the police themselves. The board is situated in the unique position as decision makers and gatekeepers for all governance policies, and by employing a parallax perspective, they are able to act as an independent lens through which to see the whole picture and evaluate the results.

In order to demonstrate how the parallax tool could be employed, a set of diagrammatic illustrations demonstrating how it functionally performs was created (see Figures 3

through 6). Two case studies are then used to demonstrate how the parallax perspective can be applied in each situation, and a more detailed discussion around the universality of the application follows.

The introduction to the tool starts with Figure 3, which illustrates the external or community perspective of the state of policing. How the public view the subject is demonstrated in Figure 3. In this case, the state of policing in the community is limited by the lack of any effective analytical perspective, so that it resembles a monolithic singularity devoid of any truly definitive features. The same limitations from the perspectives of the police are illustrated in Figure 4.
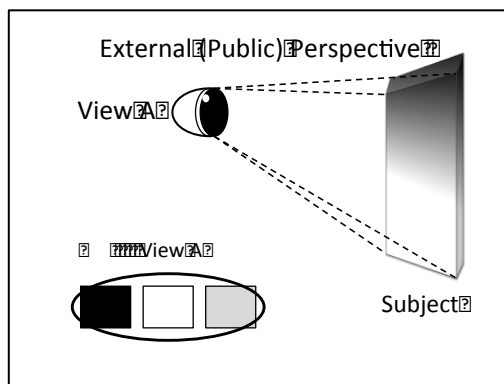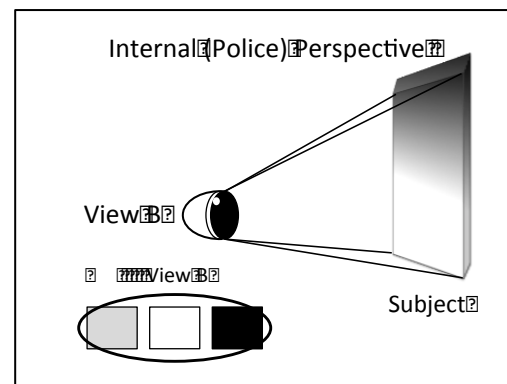

Figure 3: **Public perspective.**   *Figure 4*: **Police perspective.**

While the various stakeholders observing a subject may be functionally able to perceive the object, they are no further ahead in terms of being in a position to analyse what transpires, which is demonstrated in Figure 5. The full parallax perspective instrument in action, where the board functionally acts as a lens to close the angular gap, as it were, allows for both qualitative and quantitative analyses of the subject: in this case, using the police governance perspective grid is illustrated in Figure 6.[48]

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[48]The conceptual model for the graphics used in this conceptual model was developed, in part, based on an original graphic of parallax perspective provided by Wick, J. V. of Cornell University, to Wikimedia Commons, August 9, 2004. Available at: http://commons.wikimedia.org/wiki/File:Parallax_Example.png [Accessed 22 Aug., 2011].
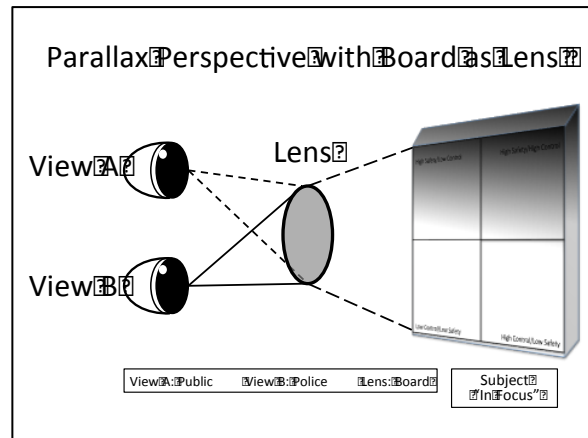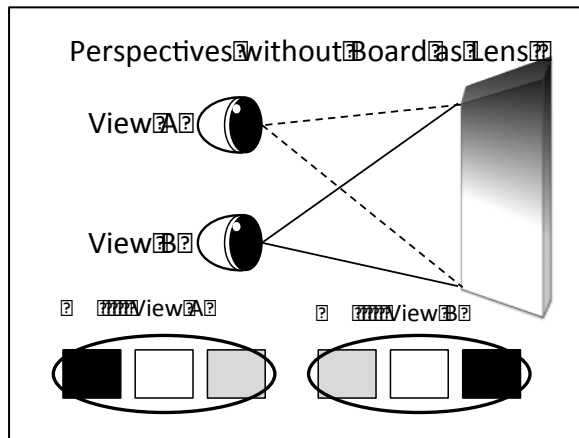
Figure 5. **Perspective with board as lens.**   *Figure 6*: **Perspective without board as lens.**

The parallax principle assumes that views of objects, whether or not that object is static or in motion, are affected by the vector of the view (i.e., closer parts may appear in focus, while more distant portions are not under some circumstances, while in others the opposite may be true). Parallax view then refers to the correction of this paradoxical view—or apparent displacement of an object due to changes in viewpoint. In the case of the police, their internal perspective, or view of operations, may appear clear and in focus to them, yet the external perceptions of the public might view those same operations completely differently. By way of explanation, two case studies follow to demonstrate potential applications for the parallax perspective instrument.

Case Studies

Case Study: The G20 Summit Conference, Toronto Canada

The first case study refers to a recent large-scale public protest in Canada: the G20 Summit Conference in Toronto, which was reported widely as a failure in police governance (Morden, 2012). In this case, the police utilized a tactic referred to as *kettling,* which is the containment or corralling of large numbers of people on the streets who happened to be in the vicinity of large public protests in the interests of preventing crime. This was an operational tactic that the police perceived to be very effective in terms of preventing individual acts of property damage and violence. The prevention of such acts was the sole guiding perspective of the police, and there was nothing within, or internal, to the police department that suggested that the efficacy of these operational tactics were questionable in any way. The tactics of large-scale kettling, however, were simultaneously seen by many members of the public as highly ineffective in terms of

maintaining and protecting their basic rights to assembly and protest, as guaranteed by the *Canadian Charter of Rights and Freedoms* (1982).[49] The police board itself was highly criticized by the subsequent Morden Commission for not playing a stronger role in intervening in the matter at the time (Morden, 2012). It was observed by the Commission that the board was the one body that was in a position to see what was happening, from both sides, and as such, they should have played a stronger role in showing the police the wider perspective: that is, acting as a lens, as it were.

Case Study: Police Recruiting in the 1990s

The second case study was the example of the police board member who caused the police to totally reconsider their recruiting practices in the 1990s (P-1). In this case, a sole board member, acting alone, successfully caused the police department to see that its traditional methods of recruiting, which had been based on longstanding cultural and racial biases, had resulted in a very monochromatic police department, devoid of the levels of diversity necessary to meet current community morés and values. The cause of the practices reflected a tribalistic nature to police subculture, which turned out later to be tied to critical issues around racism and racial bias. This became more apparent when the police tried to introduce new community policing initiatives, being developed at the time. This was another example of a board member acting as a lens, which placed the board member in a unique position, where the member had a full view of the situation from both sides simultaneously, otherwise known as a parallax perspective. The police were clearly unable to see this perspective at the time, and the board was the right body, in the right place, at the right time to have the perspective needed to fix the problem.

The one element missing from the two examples mentioned here was that there was no recognition or definitive evaluation of the impact of police board's recommendations. The board's actions, in the case of changing police hiring practices or lack of action in the case of policing the G20, were both dependent variables that had a direct effect on how the police functioned and, ultimately, on community safety and satisfaction.

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[49] The *Canadian Charter of Rights and Freedoms* (1982) outlines specific rights relating to this in Sections seven through nine:
S. 7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.
S. 8. Everyone has the right to be secure against unreasonable search or seizure.
S. 9. Everyone has the right not to be arbitrarily detained or imprisoned.

Other case examples were similar, in many respects, to these two cases. However, they were isolated, specific instances that appeared to have occurred vicariously as a result of an individual board member acting independently in the exercise of his/her duty as opposed to the board member following an institutional and formal imperative to do so. One reason for this is that there was little evidence found in either the other scholarly works in the field surveyed or in any of institutional policies or procedures reviewed in the literature that outlined just how assessment of governance initiatives such as these could be reliably accomplished. The parallax perspective model builds on the apparent success of these isolated case studies and proposes how the concept can be formalized going forward.

The parallax perspective tool being proposed here does not attempt to specifically provide research proposals for each and every aspect of police governance. Rather, I propose a universal methodology to identify and measure how the police perceive governance policies and how they can provide evidence-based outcomes on their weight and impact to assess how they translate into community safety and satisfaction.

According to the commonly used adage, "What gets measured gets done." The motivation for boards to use the parallax model is to ensure that the perceptions of the police perspectives align with community perspectives in order to maintain desired ethical, legal, and moral standards. The parallax perspective tool was designed to correct the apparent gaps in assessment between what is currently being done and the effects of future board activities and actions.

The previous sections introduced a new methodology for assessment: the parallax perceptive tool. It is based on the concept of the police board acting as a lens, through which the perspectives of both the police and community could be simultaneously observed and measured. This last area about the parallax perception looks at the practical ways to employ it, including the development of specific hypotheses, the evaluative process, and how to measure the observations, so that they can be operationalized through analysis of the available variables.

In order to develop the research plan for the parallax tool, two specific questions needed to be answered, which include the following: (a) What are the population or groups to be measured, and (b) What variables are going to be measured? (Mutchnick and Berg, 1996:

7). In terms of analytical populations, several key stakeholder groups' boards have to be considered, which include the greater community and subgroups within that community, the police, local municipal governments or city councils, and regional political bodies. Once the constituent parties are identified and the specific hypothesis developed, boards would establish the target goals for that subject against the backdrop of the police perspective grid outlined earlier in Figure 2, which establishes the necessary measureable metrics for that subject. Using this model, boards would be in a position to better identify the variables necessary to analyse and assess any number of research questions, which has previously been problematic.

In most cases, the dependent variables would be new policing policies proposed, but they could also be evaluations of the potential for various community-based initiatives. One anticipated limitation is the lack of experience the typical board has in estimating the impact of its decisions. Nonetheless, it is believed that with experience and more baseline data, the parallax perspective would fulfil the function as a universal instrument for identifying the impact of new governance policies and provide a more evidence-based foundation for testing the analytical variables for any new policy recommendations.

> There is a long held conventional wisdom that good governance practices are important to effective organizational performance. Increasing research evidence supports this intuitive notion although, for the most part, it suggests correlative rather than causal relationships. (Gill et al., 2005a: 2)

This chapter commenced by identifying how police boards are responding to demands for change and described gaps between how they are performing and the recommended best practices. The focus was placed on how boards currently lack the tools to adequately assess their performance and the lack of a universal baseline on which to base the results.

In order to establish a more evidence-based approach to governance, a number of causal relationships were examined from a macroscopic perspective. The forces acting on boards, which are causing an evolution in governance practices, demonstrated how boards are evolving away from their original constitutional construct and the urgent need to assess the impact of their decisions. The one critical element clearly still missing is the lack of a universal assessment tool that could be used to establish a baseline upon which

to measure the impact of governance policies. The parallax perspective tool was developed and presented here to serve that purpose.

This chapter focused on gaps between best and current practices. The case studies demonstrated the imperative to establish a methodology for performance assessments and included a proposal for a new analytical approach to performance assessment in the police governance environment: the parallax perspective tool. The conclusions chapter summarizes the results of each of the areas of best practices, identifies gaps in performance, and offers specific recommendations to close those gaps.

Police governance in Canada: A parallax perspective

Chapter 6:
Conclusions

There are eight areas where some of the gaps between best practices and actual practices might be ameliorated, namely: orientation and selection, ethics and responsibilities, assessing performance, board understanding of policy versus operations, community trust and accountability, fiduciary oversight, strategic planning, and political relationships

Board orientation and selection and manipulation of terms of office were two critical areas where political interference tended to foment. The reasons for this appear to be that under the current rules, the chair of each board has the sole authority and autonomy to make most decisions in these areas unilaterally. Therefore, the power to control who gets on the board or who stays on the board was perceived to have the highest potential for political interference. One of the more interesting findings in this area was that political interference was not always viewed as negative by many of the players involved. There were clearly two camps or schools of thought on the matter of what constituted acceptable versus unacceptable interference. One camp felt that it was acceptable for local politicians, who had been elected by a political majority, to act as the primary source of community leadership, including police governance. Those advocating this perspective emphasized that politicians have a certain righteous representative authority, in that they had been elected to represent their communities. The demarcation point for this group as to what constituted unjustifiable political interference was when a politician committed a clear and criminal act of malfeasance, although even in such cases, this was not always clearly elucidated. The second camp, at the other end of the spectrum, was a substantial constituency that saw any act of interference as unacceptable. This included the intentional manipulation of the board selection process, which was perceived as outright political interference. Those in this camp felt that boards ought to be free not only from actual political interference, but also from the perception of interference. Advocates in this camp were in the majority, and through their interventions, there is a national move afoot to remove all politicians from police boards, with an emphasis on removing mayors first and foremost.

At the present time, the requirement to have the mayor and other politicians on police boards is prescribed by provincial legislation, in most cases. This predicament is not new

in Canada, and it is interesting that the UK has just moved to a similar system of elected police commissioners, which put them directly in the same type of conflict at the very crux of this issue (Loader, 2005; National Policing Improvement Agency, 2010; International Network for the Independent Oversight of Policing, 2012). A number of Canadian scholars, in particular, are watching with interest as the UK moves to adopt this one aspect of governance that is perceived to constitute one of the more critical areas of contention around police governance in North American. Clearly, this remains a difficult philosophical area that challenges Canadian police boards. The highly influential Canadian Oppal Commission on policing concluded: "Municipal councillors may not serve as members of police boards… Board members should be as apolitical as possible, and as a political representative, a mayor would be an inappropriate chair" (Oppal, 1994: 65-66). Oppal (1994) made it clear that the notion of elected officials sitting on supposedly independent police boards was no longer acceptable to the judiciary and others.

Some issues around the impact of having the local mayor sitting on boards of police governance have already been recognized by boards across the country, and, at the time of writing this dissertation, amendments to address concerns in these areas had already started to find traction. There was little evidence that party politics plays any kind of substantial role in police governance in Canada. This, along with a powerful resistance to change, suggests that any initiatives aimed at eliminating all politicians from police boards will likely take much longer. The findings suggest that the most likely way changes to the current board selection criteria would be based on having increased representation from under-represented groups. This means a sea change in recruiting practices that focusses less on political status and more on representation based on sexual orientation, religion, and those who are disadvantaged in terms of homelessness, poverty, or are otherwise disenfranchised. These are considered important steps in the establishment of a truly interference-free system of police governance.

The issue around having ex-police sit on boards is not so simple or clear-cut, and there is a definite split on the issue. The polemic around the ex-police presence centres on tensions around the need to deal with the very technical nature of policing and the relative inexperience most civilian board members have in operational policing. The impact of having knowledgeable insiders sitting on boards is not unique to policing, and it is

instructive to refer back to the literature review that considered the views of contemporary scholars in police governance speaking to this topic (Leblanc and Gillies, 2006; Neyroud, 2007; Hansen, 2010a, 2010b). There is general agreement in the field that there needs to be a better balance between the potential value insiders and subject-matter experts, such as politicians and ex-police, can provide versus the potential conflicts of interest they may bring to the decision-making process. In the end, it is likely that the value of having ex-police on boards will likely necessitate the continuance of the practice; however, a limitation on their number should be considered. Recommendations in this area, in this case, are based on a relatively small sample size, and as such, care should be taken in placing too much weight on them. Nonetheless, considerations in this area might include looking at limiting the number of ex-police on the board at any given time to no more than one or two. Another potential approach would be to limit the weight of their recommendations to that of an advisory member, as opposed to a full voting member, so that the value of their insider knowledge might be better balanced against the impression of interference their presence might engender.

These recommendations are consistent with literature, which included the minutes of the Canadian Associations of Police Governance, who have already called on provincial governments for amendments to the current legislation to restrict politicians from sitting on police boards and to limit the authority of ex-police members. This is a highly charged topic and, while the findings in this area were strongly worded, once again, it is important to reflect on the relatively small research sample of this study. It is felt that to evaluate this phenomenon more definitively, further empirical research will need to be conducted.

The whole issue of the board selection process as a contributory factor in political interference is timely, and it was a hotly debated topic by experts in other fields of corporate governance at the time of this dissertation (Leblanc, 2013). The solution appears to lie in ensuring that ethical policies, and the concomitant procedures for ensuring those policies, are in place and adhered to. There was considerable discussion arising from the findings that some police board members felt that this should be the responsibility of the various provincial regulators overseeing police boards and not left for individual boards to struggle with and try to handle internally. Once again, the limited sample size does not allow for a definitive conclusions to be reached on this matter, but it is suggested that the vehemence and vigor of those who reponded to questions around this

area were such that it would be worthwhile to conduct further research into the impact of board selection processes, terms lenghts, and board size on potential political interference.

The examination in this research into ethics and accountability centred on the ineffectual role boards have often played in governance of the police in the past. Examples of deficiencies in ethical practices raised during this research included the ineffectual role boards have played in areas such as racial profiling, carding, the lack of diversity in recruiting, and other critical areas. These issues arose not only in the findings, but also in the literature in the minutes of police board associations, court cases, and commissions on policing. At the time of this research, there was no established set of national ethical standards in place. In most cases, the various provincial governments overseeing police boards appeared to have devolved the administration of police governance back to local municipal governments and police boards to regulate themselves. As a result, local boards and municipalities have been left to act more or less in a vacuum as to what those ethical standards ought to be. There is a concern amongst those interviewed for this research that not much is going to change until some long-standing unethical practice reaches a critical state, at which point it will be difficult to correct. According to one participant, there is a "need to fix the mismatch, the mismatch being between how the provincial legislation describes policing, and the degree of policing performed by the public police, versus the situational realities of community policing in the present epoch" (P-1). At the moment, there is little clarity in this area. It is argued that the responsibility for ethical accountability needs to be approached from a truly tripartite approach, with police leaders, provincial ministry staff, and police boards all acting in concert. To this end, provincial ministries might consider taking on a more demonstrative leadership role for police boards that could include comprehensive training in areas around ethical leadership. Finally, a more evidence-based approach needs be considered for boards to assess how they are performing, both ethically and operationally.

The current absence of a universal tool to assess performance was seen as one of the major gaps in current police governance practices. Several models for best practices reviewed in the literature suggested that many of the difficulties boards were experiencing were the product of not having a reliable and evidence-based methodology upon which to base their decision making. Having said that, there are good reasons, identified in

literature and the findings, as to why a universal, evidence-based foundation upon which to base assessment has not yet been fully developed.

Firstly, police governance has proven to be uniquely complex in a number of ways, compared to other types of boards. Police boards in Canada comprise a relatively small constituency, and it would be expensive to develop a complex set of evaluation instruments for such a limited audience. Secondly, the findings and literature were consistent in that, across the country, there are strong cultural and behavioural morés in police boards that have been resistant to change. Many police boards were found to employ a relatively light touch in how they govern the police. They admire the close-knit tribalistic nature of policing and view it as a positive expression of loyalty and devotion or esprit de corps. As has been discussed at length in the literature, findings, and discussion, this is largely because many board members were found to have high levels of acculturation and relatively close relationships with the police organization and with specific individuals on the police department. There was also some evidence of bias revealed in the findings by some police board members towards the police. That sense of bias was seen to cut both ways however. Some boards and individual board members were found to be unnaturally close to those they governed, while others demonstrated a strong urge to better control the behaviour of the police. It is believed that an independent typology for assessment, which is not controlled by an internal individual such as the board Chair, would be a welcome way to reconcile these two perspectives.

Secondly, there has been a lack of substantive empirical research overall in the area of police governance in Canada. This appears to have left many boards bogged down in a series of conceptual discussions around how to justify their legitimacy. The approach taken to look at potential recommendations to reconcile this problem was to adopt a more granular approach. The author commenced with a methodology for assessment that was scalable from the potential impact of individual board members up to that of an entire board. The proposal is for a typology for an assessment framework designed to analyse the potency of board recommendations on the behaviour of the police, which the author has called the parallax approach. It is argued that instituting the use of a typology such as the parallax perspective would assist boards across the country substantiate their legitimacy by benchmarking their activities against a national standard. This proposal for

the employment of a parallax perspective is perhaps the most critical recommendation in this dissertation.

Two other major potential complications have raised questions about deficiencies in the current structure of police boards, which arose from the literature in recent court cases and commissions on policing and mirrored in the findings. The first is that most provinces in Canada currently have legacy legislation in place that prohibits political interference of the police, without defining what that interference looks like. The second is around how police leaders will react to a more demonstrative board inserting itself into the administration of policing.

Concerns arising from recent court cases and commissions on policing over the past decade, detailed in the literature, suggest that perhaps some forms of political intervention in policing are necessary. The term political intervention is being used here as an alternative to political interference, to allow for a discussion around how boards can involve themselves more dynamically in the actual governance of policing than just providing moral support and approving budgets. Perhaps a more nuanced question is not whether such interventions constitute political interference, but whether such actions are always deleterious. Recent court decisions and commissions on policing, outlined extensively in the literature and backed up by the findings, suggest otherwise. Most of the stakeholders involved agree that boards need to become more involved in police decision making, not less. At the moment, however, current provincial legislation largely forbids this. In order for the situation to change, it seems clear that provincial legislators in partnership with their stakeholders should consider the development new guidelines that allow for more participation by boards, while defining more clearly just what constitutes board interference versus legitimate governance interventions.

The second potential complication is in how any new governance model involving a more participatory and active board will fit with the culture of contemporary police leadership. The views of police executives summarized in the literature were predominantly from the recent Canadian pan-national study on police governance (Caul, 2009). Caul's (2009) study showed how police executives are already expressing concerns about the apparent evolution taking place in police governance. It is generally accepted that policing itself is undergoing a major period of transition, both internally and externally, and the literature described how the police are endeavouring to adjust and reconcile their position to new

realities (Murphy 2007; CACP, 2008; Caul, 2009). How police boards are evolving to meet these changes alongside the police is not so clear.

One view is that, while police governance models in Canada are still somewhat similar to that of the UK, the literature and findings both provided indications that recently they have become heavily influenced by, and are edging towards, a more American style model (Nakhaie and de Lint, 2013). This may be partly a reaction to a burgeoning pluralism and privatisation, as suggested by researchers Wood (2004a) and Shearing (2206), or it may be due to a general conservatization that appears to be taking place in post-modern Canadian culture and politics (Brodeur, 1983; Robertson, 2012). Regardless, this American response, often characterized as the commodification or privatisation of policing services, compels the public police to compete with private enterprise in the provision of security services (Rigakos, 2002). As a result, the police, and by proxy police boards, are finding themselves caught up in waves of change that, at its basest levels, commences with the police use of new weapons and computer systems and extends to wholesale changes in the was policing is financed and governed.

Simultaneously, changes are taking place in concomitant sociological areas. Emerging trends in multiculturalism, gender equality, and religious freedoms are feeding the introduction of legislation that sometimes puts human rights and privacy issues ahead of, and sometimes in conflict with, traditional police social control and surveillance practices. Filling the gap is what appears to be a wholesale commodification of policing and securitisation by actors in the private commercial realm (Rigakos, 2002). Despite the enormity of these waves of change, police boards in Canada appear to be only obliquely aware of them, and there was little evidence in either the literature or the research findings that boards are currently doing anything new to adapt to them. In fact, many contemporary police leaders still believe that police boards "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). It is postulated that without an evidence-based foundation upon which to establish where they stand, boards are hamstrung, unable to be able to move forward in any measured way to meet the challenges of the critically changing paradigm.

Community trust and accountability occurs on two levels: externally, in the way boards respond to their communities; and internally, in the way they respond to their employees

of the police department. The findings and literature suggest that, externally, boards need to adopt a more open and transparent review process for how they, not the police, assess levels of the community's trust and accountability. Currently, assessment of board performance is intertwined with that of the police. Boards rely on general public surveys around community satisfaction with policing to give them some indication as to how they, in turn, are doing. The police, on the other hand, have already moved beyond general satisfaction surveys, and many are embracing more sophisticated statistical analysis systems, such as CompStat (Gascón, 2010). Unfortunately, the police control the system inputs and data of these systems, and they tend to report only sanitized versions of the results at regular board meetings. This is a critical deficiency, and it has tremendous implications for police governance going forward. Boards urgently need to have a better understanding of these information systems, and they need to learn to assess the raw data independently in order to separately evaluate their own performance in relation to the police. This is going to take considerable time and effort. In the meantime, an independent third party with a demonstrated competency in the area of assessing police governance specifically would likely be better suited to the task.

Internally, the findings and literature indicated that most boards have relatively few formal communication processes in place with line level police staff, other than the various social and community police functions board members attend. In only two cases out of eleven did participants report meeting with the executives of their respective police associations directly. In all other cases, the only official contact with the line police staff was conducted obliquely, either through the strategic planning process or, in one case, by broadcasting board meetings through an internal closed-circuit television system (P-6). The fact that internal communications are not occurring regularly represents a distinct gap between recommended best practices (Graham, 2006) and the current situation. To resolve this issue, boards need to consider meeting with both their respective police associations and individual police members responsible for specific internal specialty areas, on a more regular basis, and in a more formal manner.

As reflected in both the findings and literature, the fiduciary governance of the police constituted one of the most problematic areas faced by contemporary boards. In some cases, the issue came down to whether the police board was staffed by city council members and the mayor or by independent board members. In cases where the mayor and

political appointees controlled the police board budget, approvals were more or less perfunctory. In cases where the board was staffed by independent, non-politically appointed members the process was more onerous, and more controls were evident. Regardless of their structure, the more critical part of the equation was in the difficulties boards have, universally, in effectively measuring and assessing police budgets on any kind of a granular basis. In Canada, police boards have yet to establish any meaningful or standardized mechanism for the measurement of efficacies in police expenditures. Several examples were provided where the police budgets received approval despite grossly surpassing the pre-set spending limits and authorities, even some cases when that spending went far beyond the current fiscal municipal budget. This gap between best practices and the current situation is of grave concern to many local, national, and even international governments (McLeod, 2003; CACP, 2008; Home Office High Level Working Group, 2010).

At present, when extraordinary requests for police funding arise, boards are often hard pressed to adequately measure and judge their legitimacy. The solution offered here may be considered counter-intuitive. Instead of continuing to take the same approach and dealing with police budgets from a macroscopic perspective, as part of the annual budget review process, it is recommended that boards examine expenditures on a more granular level as they arise. These types of granular auditing measures often expose overspending that the police are either unaware of or simply ignore. Boards that make it known that they will routinely examine even the smallest line items in the police budgets will establish a more considerate risk appetite in the police and telegraph how they will view limits and what expenditures they are prepared to approve. Examining things like variance reports may offer a stopgap measure; however, it does not constitute the ideal mechanism by which boards can thoroughly understand the intricacies of police needs versus wants. Solving these issues around financial governance and control will involve the development of more robust fiduciary assessment mechanisms for the express measurement of efficiencies in police operations, which do not presently exist. It is argued that boards need to work more closely, in conjunction with their police departments, to develop these kinds of financial instruments, if they ever hope to be able to prioritize local policing expenditures according to established levels of criticality. The efficient fiduciary management of the police also needs to take into account nascent

issues such as regionalization and pluralisation, which the next area on strategic planning examines in some detail.

Strategic planning flows from, and is closely related to, the fiduciary management of the police. Boards across the country utilize a patchwork of strategic planning processes, and, again, there is no standard methodology in place. The prevalent thinking is that strategy development for policing, in particular, requires a delicate balance between positive intervention and potentially negative interference. In other words, boards need to find new ways of ensuring that strategic goals are being met, while not interfering with police operations directly. In order for boards to establish this balance through the strategic planning process, it is proposed that two specific areas need to be considered. The first is to develop a strategic planning process that includes both reviews of prospective new programs and initiatives and how they relate to ongoing programs already in place. The second involves the creation of a risk management piece around the assessment of the chief of police by the board.

The strategic planning process for new and ongoing programs is a well-established area, and despite the fact that it is conducted in a variety of informal ways, it is considered an area of little concern. What has become apparent, however, is the fact that influences and tensions beyond the control of boards are having major impact on the strategic planning process. Some of these changes constitute major paradigm shifts that Canadian boards have had little awareness of until they have become critical. One of the most critical issues is regionalization, or the consolidation of smaller police agencies and services into larger ones. As one respondent put it, "Regionalization changes everything, strategically" (P-9). Regionalization makes it difficult for board members to know what their own people are doing in the field. It even makes it difficult for them to communicate with the people in charge of these shared services, many of who have become entities unto themselves and largely beyond the grasp of local police boards. Once again, the lack of a standard mechanism by which boards can measure their performance over their entire sphere of influence presents a problem in defining just how big the problem is or to what extent they might be being usurped. Before boards can effectively play any role in strategic planning in this kind of ever-expanding regional policing setting, something akin to the parallax perspective tool is needed.

The second area to consider in relation to strategic planning is around risk management, which for police boards, for the most part, involves the direct and measured management of their chief of police. At present, assessment of police chiefs is most often the sole purview of the chair of the board, effectively leaving the rest of the members out of the process. This is most irregular in comparison to practices of boards of governance in other fields. The solution is to establish a process where the entire board is privy to the assessment outcomes of their chief of police. Unfortunately, most police boards at present do not have a definitive process for measuring the police chief's performance or for providing structured feedback. In some cases, boards did not even see assessing the chief as part of their role. There are several different assessment models for assessing police chiefs in use across the country, and boards need to settle on one standardized methodology in order to establish a more evidence-based methodology. The scope of this study did not allow for a full investigation into which methods may be better suited for this undertaking, and it remains a fruitful area for further research in the field.

Political relationships are another critical area for consideration. While police boards are engaged in the governance of the police, they need to identify the appropriate channels for communicating with the media and community members, both on an ongoing basis and in the event of a critical incident. There are tensions at play between police departments and their communities, and whether they like it or not, boards stand at a critical juncture and play a critical role in promoting open communications between the two parties. Boards also have a direct relationship with local municipal councils, and they share the responsibility with them for policing, both in terms of the quality of policing and in the development of the annual police budget. This can put boards in a position of potential conflict when they see their role as potentially acting as a buffer between the police department and their political masters. When this is the situation, both the board and the police department have a leadership problem. The reality is that this is a tripartite relationship, and boards need to establish their own independence. They need to act in such a way that they stand apart from the police and function autonomously in order to maintain the kind of independence they seek to espouse for the police.

Politeia and the Future of Police Governance

An evolution is taking place in the culture, structure, and mindset of police governance in Canada. This paradigm shift is ostensibly from boards being benign, passive bodies, responsible for simple policy and fiduciary oversight, to their becoming more action-oriented and assertive institutions. They are being called upon by the public they serve, the governments they are employed by, and the courts to empower themselves and take more substantial responsibility for critical matters. This reformation is not happening by choice; rather, it is largely the result of external tensions on boards to reorganize and professionalize what were otherwise relatively informal and traditional institutions. Organs of governance act as a fulcrum between two dominant institutions: the police they govern and the political governments at whose pleasure they serve. Police culture is widely known to be highly tribalistic or ethnocentric in nature, viewing much of what they see and do from the perspective of their own subculture. Police describe themselves in terms suggesting they are the sole agency responsible for monitoring society in matters where the consequences are as serious as life over death. The strong sense of tribalism in policing results in a closing of ranks, as it were, whenever appeals for fiduciary constraint and bureaucratic efficiencies are raised by whoever the police perceive as outsiders to their institutions. In financial affairs, police governance exercising their legitimate power to determine the balance between the efficient performance of policing duties and unadulterated and unbridled wastes of money. Finding this balance is important because fiduciary management was one of the original roles of police boards, and it remains one of core functions of the current system of civilian oversight of the police.

Police have largely enjoyed being governed, as it were, by a benign body of supporters who looked to the police themselves for direction and guidance. The literature and the findings concurred that the concept of police governance is changing rapidly, and both sides of the governance equation are struggling to find their place in a new sociological reality. In areas of social control, police are struggling to balance increased awareness of human rights and public protests railing against their traditional control and surveillance activities with the provision of public safety. There needs to be a convergence of philosophies, from both inside policing and from without, but most especially in the very specific governance realm in which police boards function. The issues are exacerbated by

the fact that while the basic role of police boards is evolving and changing, the very structure of policing is fracturing into a pluralistic host of service providers.

The independence of the police from political interference is still considered a keystone in Canadian democratic society. An emerging paradox in policing has arisen, however, where the police are caught between prongs of diverging influences. They find themselves having to simultaneously juggle servicing a host of new external partnerships and expectations, while undergoing profound changes internally, all as they strive for a new direction (Neyroud, Beckley and Straw, 2001). The result is nothing short of the institution of policing searching for a new identity, both functionally and philosophically. The UK approach to police governance has been to adopt a system of elected police boards, which raises an entirely new host of questions about the potential for political interference. In Canada, there have been no such conversations, and the current view is to continue with the current police board models already in place, with an eye towards their evolving naturally into institutions that are more effective. Police boards are still valued as the legitimate aegis of control and governance on behalf of their communities it is argued. They are seen as figures of sober second sight and influence and are relied upon for their overarching authority to maintain surveillance and civilian control over the police, who continue to exercise awesome amounts of power and authority.

The question remains to be answered as to whether police boards in their current form can retain their current status and societal legitimacy. In their current configuration, police boards may turn out to be functionally ill equipped to govern the kinds of pluralistic public and private policing models emerging. They have virtually no experience in dealing with the kinds of private policing agents that have arisen to operate in realms that are largely beyond their command and control at present. One proposition for dealing with this is to abandon the current schema of police governance as a semi-secretive institution that functions largely behind the scenes and develop a governance regime that is less focussed on social control and surveillance to one that is more inclusive and transparent. Emerging work in the interdisciplinary ubiquitous commons movement (Palmer, 2015), for example, offers some promising approaches as to how a more egalitarian, citizen-controlled power regime for policing governance might be institutionalized. Another, perhaps more practical approach, is for the rapid evolution of existent police boards to develop the skills and abilities to functionally manage a more

diverse range of policing agencies through the employment of more evidence-based and adaptable governance structures.

Limitations and Applications

The applications for this research have a number of potential imitations. It is essential that the conclusions reached are tempered with an understanding of the limitations of over-extrapolating from a relatively small sample size. The validity of the research flows mainly from the depths of the qualitative interviews held with the highly qualified subjects that constituted the sample. This was inductive research, with the author moving from the range of independent and separate thematic areas, outlined in the literature, through the analysis of the individual interviews, to the point where the focus settled on some very specific issues, such as assessment.

Questions remain around whether the factors identified in the recommendations can be applied in a relatively universal manner across the country or whether they might be more acceptable in some regions that others. The impacting factors identified in each of the areas or themes are politically linked to a range of differing government jurisdictions, and while there appears to be general agreement across the national associations of police governance that legislation needs to be standardized, it is evident that governmental change in these areas is slow to evolve.

The author is conscious of the fact that in advancing the recommendations in each of the eight theme areas, the reach is substantial. The relative consensus of opinions arising out of the findings in each of the areas sampled would suggest that there is general agreement on the major issues. That being said, the acceptance of such a range of considerations are unlikely to occur in any consistent manner across such a wide area of jurisdictions.

The area focused on performance assessment has piqued both regional and national interest from provincial and national board associations and governmental public safety officials across the country. Unlike the range of politically reliant initiatives outlined in the other recommendations, the potential uptake of the parallax perspective as a standard assessment instrument has been quite positive.

There were considerable difficulties initially encountered in doing this research, which were outlined in the methodology chapter in detail. The main problem was the reluctance

of boards and individual board members to participate in research that could be potentially embarassing. The intervention by a number of influential and supportive people across the country, acting on the author's behalf, changed attitudes, and when the British Columbia Solicitor General engaged, the situation changed dramatically. Since that time, there has been a change in attitude. In 2012, the author was invited to attend the British Columbia Association of Police Boards' annual conference. At that meeting, the discussion was largely focussed on some of the recent commissions and court cases (outlined in the literature review) that suggest the legitimacy of police boards in Canada are in danger of becoming destabilized, and there is a call for the restructuring of the institutions of police governance across the country. At that 2012 conference, the author introduced the research and presented an early conceptual model of the parallax perspective as a potential tool that might be used for the kind of baseline analysis they require. The conference also provided the opportunity for the author to explain the ethical considerations and anonymization process that were to be employed during this research. As a result, a large group of potential subjects volunteered to participate, from which the final eleven participants were selected. They represented a range of subject matter experts in all of the requisite areas deemed directly pertinent to the research.

There is considerable interest in operationalizing the parallax assessment instrument. Over the past three years, the parallax model has been introduced and discussed at a number of conferences of police associations in Ontario, British Columbia, and Alberta and at the national CAPG conference in 2015. The BC Association of Police Boards has expressed an interest in establishing a pilot program of assessment using the parallax tool in the Fall of 2016. There has been encouragement from the provincial Solicitor General's department for police boards to establish some kind of assessment tool internally, but they have been reticent to take the lead in doing it themselves, as they simply lack the resources. The parallax apprach was conceived as tool that could be used both retroactively, as part of a 360 degree performance review for example, or as part of a planned activity, going forward.

The author acknowledges that the parallax instrument is preliminary in nature and that further empirical research will need to be conducted to validate the utility of the framework across a variety of police board types in order to identify and resolve any performance gaps.

Finally, the author acknowledges that this research was undertaken during a time in Canada when there was a great deal of media and political attention focused on police governance, which have driven the strong imperatives for this kind of research. It is difficult to estimate whether such high levels of attention will continue to garner the same levels of interest going forward.

Further Research

The author found this area of research a fascinating and fruitful area for analysis and encourages others to consider looking further into the dynamic and complex area of police governance. This dissertation commenced with a retrospective of the literature outlining current and past trends in police governance in Canada. The research commenced in 2010 and extended into late 2013. During that short period, a great deal of attention has been focused on police governance, which was taken into account in this study. Limitations in the observed research suggest there is value in gathering a wider scope of evidence around police governance in order to validate the perceptions held by those interviewed by this study. In order to obtain access to the normally closed world of police boards during the gathering of this research, a number of shibboleths were challenged. Of particular interest were the allegations of political interference arising across many jurisdictions in the country. Future investigation in this area is needed to better ascertain and pinpoint how to address these and other concerns arising from the findings and as outlined in the recommendations. Three specific areas for future consideration, which were outside the purview of this investigation, are suggested. First, the degree to which the appointment process for boards is driven by political position, patronage, or merit, including the degree to which board members have the independence to vote without fear of political reprisal, including not being reappointed. Second, the degree to which board members become involved in non-public policing activities, especially where those activities are related to private security agencies. Third, is the question: How will boards ultimately assess their effectiveness going forward, and how will they share that information with their stakeholders?

In Closing

Police governance is a product of its epoch, and while police boards are traditional institutions, they have been forced into a rapidly changing sociological paradigm. It is understood that when change of this scope occurs it is not so much a landslide as an incremental innovation. It is important that independent police boards have high levels of legitimacy in order to ease the tensions that often arise between the public and the police. Currently there are gaps between best practices and actual practices in governance that have the potential to undermine that legitimacy. To that end, the author put considerable effort into researching and developing the parallax perspective assessment methodology for police governance. While the parallax model is still preliminary in nature, it is hoped that it will provide the starting point for a much-needed set of national performance standards. In closing this work, the author hopes that this research will be a useful and practical contribution to academic theory in the field of police governance.

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Appendices

Appendix A: 2005 CAPB Best Practices

Item	Recommendation	Time Frame
1	The Right Stuff: The board shall determine the "composite skill set" it requires to maximize its potential. The skill set is comprised of the knowledge and skills each member brings to the table.	Every 3 Years
2	Maximizing Board Success: The board shall determine what elements it requires with respect to tenure and rotation of members and provide that information to the appointing body(ies).	Annual
3	Conditions of Appointment: The board shall detail the "working conditions" that apply to membership (i.e. anticipated workload and time commitment, conditions for eligibility, remuneration, expenses, etc.).	Annual
4	Governance Review: On a tri-annual basis, the board shall undertake a review of its governance process, measuring the state of its governance and whether the processes being used are adequate. The review can be formal or informal, and input may be sought from stakeholders (i.e. Chief of Police, funding body, appointment body and the police associations).	Annual
5	Board Self-Assessment: The board shall undertake a formal self-assessment of its performance, looking at the performance of the board as a whole. As part of the assessment, the board may choose to assess board members on an individual basis.	Annual
6	Orientation: The board, in conjunction with the Chief of Police, shall establish an orientation process and documentation for the purpose of educating newly appointed board members on the processes/procedures that determine	Annual

Item	Recommendation	Time Frame
	how the board does its business, conflict of interest provisions, policies, critical issues and key matters on the agenda.	
7	Education & Training: The board shall enact an "education and training policy" that mandates ongoing education be made a priority and ensures funding is committed to give effect to the policy.	Ongoing
8	The Key Relationship – Chief of Police: The board shall establish goals, objectives and responsibilities for the Chief of Police, which are consistent with statutory and regulatory requirements, as well as being consistent with best practices as determined by the board. The board shall maintain a formal system to review the performance of the Chief of Police on an annual basis.	Annual
9	Succession Planning: The board, in conjunction with the Chief of Police, shall establish policies and procedures to ensure succession planning is taking place for the Chief of Police and senior personnel.	Annual
10	Strategic Planning: The board, in conjunction with the Chief of Police, shall ensure that the police service has a formalized strategic –planning process, as well as ensuring the board has a defined role in the formulation and development of the strategic plan.	Ongoing
11	Risk Management: The board, in conjunction with the Chief of Police, shall undertake a risk assessment of internal and external risks to the police service.	Every 3-5 Years
12	Oversight: The board shall create an audit policy, which in conjunction with direction from the Chief of Police, mandates financial and policy audits be undertaken.	Ongoing

Item	Recommendation	Time Frame
13	Accountability to Shareholders: The board shall produce an annual report, either distinct or as a component of the police service, detailing its activities, with a focus on governance activities. The release of the annual report shall coincide with a public meeting, at which time the public shall have an opportunity to ask questions of both the board and the police.	Annual
14	Accountability to Employees: The board shall meet on an annual basis with representatives of its police association(s) to facilitate constructive communication.	Annual
15	Procedural Policy/Bylaw: The board shall create a procedural policy or bylaw to govern its own conduct during the course of board meetings. The policy or bylaw shall formalize the agenda and minute taking process.	Every 3 Years
16	Board Policy(ies): The board shall formalize the process for policy creation, review and amendment, and identify the necessary individual or resource for that purpose.	Ongoing

Appendix B: Participant Consent Form

Dear Participant

You are being invited to take part in a research project being conducted by Michael Sheard, a doctoral student in Policing and Security, Department of Criminology, Faculty of Social Sciences and Humanities, London Metropolitan University. Before you decide to participate it is important for you to understand why the research is being done and what it will involve. Please take time to read the following information carefully and discuss it with others if you wish. Please ask if anything is unclear or if you would like more information.

The title of this research is *Police Governance: The Parallax of Governance Paradigms and Police Leadership in Canada*. It is an examination into how police governance functions in Canada. This research initiative focuses on how police boards direct and govern the police.

This research will investigate how police governance is functioning, from the exclusive perspective of current and former members of police boards, and not the police. The goal is to determine how police governance is responding to the challenge of managing change in the current policing environment. This research will focus strictly on governance practices and not on other aspects of operational policing matters.

If you do decide to take part, you will be given this information sheet to keep and be asked to sign a consent form.

If you decide to participate in this study, your participation and any information collected from you will be strictly confidential, and only available to the research team. Your participation will consist of a single interview of approximately 30-40 minutes in duration. Participants are welcome to forward additional documents to the researcher following the interview that they feel would enhance the research. Prior to the interview taking place, the interviewee will be advised of the scope of the research. The interviews will be conducted with each person individually, either in person or by telephone where a face-to-face meeting is not practical. A question guide will be used for the interview that will cover a range of issues directly related to the research. Following the interview, and prior to the content review analysis process, the interviews will be transcribed and have

all identifying information removed. The information gathered is anonymous, and it will be merged with that of other participants, so that individuals cannot be identified or linked to their responses.

The information will be stored in a secure facility and disposed of following the research retention time. This includes any information obtained including data, tapes of conversations, physical documents and any other materials gathered during the process.

This confidentiality and release of information form has been prepared and utilized for the interviews, in order to allow participants to retract their interviews at any time, and request any information gathered from them to either be returned to them or destroyed immediately. The ethical research practices used in this research have been vetted and approved by the Research Ethics Review Panel at London Metropolitan University.

Once the research is complete all participants will receive a copy of the final report and a PowerPoint presentation will be made available for various key stakeholder groups.

You are important to this study. The more participants, the better the quality of the data. If you consent to participate in the interview you will be contacted with further details regarding the process and to schedule a time and date.

If you wish to participate please contact Mr. Sheard at [email address] or by phone at [phone #].

We would like to thank you, in advance, for your participation.

Dr. Nick Ridley

Senior Lecturer in Policing and Security
Criminology, Faculty of Social Sciences and Humanities
London Metropolitan University

[email_address]

Companies Act 2006: http://www.londonmet.ac.uk/companyinfo

PARTICIPANT CONSENT FORM

CONSENT STATEMENT

1. I understand that my participation is voluntary and that I may withdraw from the research at any time, without giving any reason.

2. I am aware of what my participation will involve.

3. I understand that there are no risks involved in the participation of this study.

4. All questions that I have about the research have been satisfactorily answered.

I agree to participate.

Participant's signature: _____

Participant's name (please print): _____

Tick this box if you would like to receive a summary of the results by e-mail ❑

E-mail: _____

Date: _____

Appendix C: Interview Question Guide[50]

Board Orientation and Training

1. Most Provinces provide new members police boards with orientation and training to assist them in better understanding and performing their roles and responsibilities.

    a. Is training/orientation available?

    b. If so, do all new board members fully participate?

2. How are board members selected?

Ethics and Responsibilities

3. Is there a direct relationship with the provincial ministry responsible for public safety and the board? If so what is that relationship like, and how does it work?

Assessing Performance

4. Are performance reviews of the board and/or its members conducted?
    a. How often?
    b. Does the evaluation process look at what the board has accomplished in concrete, measurable terms?
    c. How are these evaluations conducted? Are they done internally or does an evaluator not connected to the organization conduct them?
    d. Are the results of these assessments shared amongst members or are they kept confidential?
    e. How do you feel about this?

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[50] The questions were adapted from several sources:

1. Canadian Association of Police Boards. 2012. *Orientation for Board Members*. Ottawa, ON: Canadian Association of Police Boards.
2. Carver, J. (2006). *Boards that make a difference: A new design for leadership in nonprofit and public organizations*, 3rd edition. San Francisco, CA: John Wiley & Sons.
3. MacDonald, W. (1995). *Board building: Recruiting and developing effective board members for not-for-profit organizations*. Edmonton, AB: The Muttart Foundation.
4. Murphy, C., and McKenna, P. (2007). *Rethinking police governance, culture & management: A summary review of the literature*. Dalhousie University, Halifax, Nova Scotia. Prepared for the Task Force on Governance and Cultural Change in the RCMP, Public Safety Canada. Ottawa, ON. Canada.

Board Understanding – Policy vs. Operational

The responsibility for the manner in which a police force carries out its duties is shared between the police board, the Chief Constable and the Solicitor General.

5. How clear is it to distinguishing an 'operational' matter, that falls outside the board's jurisdiction, from general management and policy matters that fall within the board's jurisdiction?

6. Sections of Provincial legislation are intended to prevent direct board interference in the actual policing function[iv].
    a. Do these restrictions interfere in any way with the board making decisions governing changing police functions?
    b. Are you aware of any incidents where the board, as a whole, or individual members or groups of the board, interfered in an actual police function?
        i. Can you describe what happened?

7. One primary role of the board is to establish, after consultation with the Chief Constable, overall objectives and priorities for the provision of police services.
    a. How does the Board adapt to changes in the way policing is being done?
    b. What could be done to improve that process?

8. The Chief Constable reports to the board as a whole and is not accountable to any one or group of board members.
    a. Is this always the case or are there exceptions?
    b. If so, what were those exceptions?

9. The board has the authority to give orders and direction to the Chief Constable, but not to other members of the department.
    a. Is this always the case or are there exceptions?
    b. If so, what were those exceptions?

10. The Chief is authorized to make all operational decisions, which are consistent with the governing law and board policy.
    a. Does the board, by revising its policies, ever alter the scope of the Chief's responsibilities?
    b. If so, can you provide an example?

11. Does the Chief have a process to inform the board of emerging sensitive issues that involve department staff? If so, what is that process?

12. How does the board let officers and civilian staff know what is expected of them and what the community wants them to accomplish?

13. Do board members participate in any of the following activities:
    a. Police ride-alongs
    b. Attend appropriate police education sessions
    c. Tour the police department facilities
    d. Invite key staff and community representatives to observe board meetings or to make presentations
    e. Attend special police and community functions
    f. Request copies of police department policies, procedures and community development plans
    g. Encourage informal discussion with members of the community or police department.

Community Trust & Accountability
14. How does the Board ensure the police force has the trust and confidence of the communities it serves?

15. Does the board feel any pressure to take a more active role in governing than in the past?

16. What mechanisms does the board have to acquire information and input from the community on the following:
    a. What the policing issues are?
    b. How well the police are carrying out their duties?
    c. What changes citizens feel are needed in response to changing circumstances?

17. Are there guidelines for conduct specifically outlining what would constitute a conflict of interest for Board members?

18. In order to focus on issues and formulate goals and objectives for the department has the board used any of the following:
    a. Management consultants?
    b. Attended retreats, with or without a trained facilitator?
    c. Assigned research tasks to various members of the department?

Fiduciary Oversight
19. How effective is the Board in controlling police expenditures while approving the overall budget?
20. How does the police board satisfy itself that police resources are being deployed efficiently?

Strategic Planning
21. Police boards are responsible for working with the Chief Constable to develop strategy, which provides the direction and scope of the police organization over the long term.
    a. How does the board ensure that changing police strategies do not exceed the organization's resources in an ever-changing environment?
    b. Does the board identify performance measures and set standards for the Chief and ensure proper monitoring and delivery of the agreed strategies? If so how?

Political Relationships

22. Has the board identified the appropriate channels for communicating with the media and community members, not only in the event of a critical incident, but also on an ongoing basis?
23. Does the board play a direct role in improving, promoting or encouraging open communication and cooperation between the police department and the community?
24. How has the relationship been between the board and the local Municipal Council?
25. How is the development and presentation of the annual police department budget handled, generally?
26. Does the board ever have to act as a "buffer" between the police department and political entities to prevent interference?

Appendix D: Table of Concordance

The table of concordance provides a key to the numbering scheme used in the current research to the original list of best practices for police governance, as recommended by the Canadian Association of Police Boards (2005a). The original recommendations for each of the *best practices* are included.

Interview Questionnaire Framework	*Best Practices: A Framework for Professionalism and Success in Police Board Governance*. (CAPB, 2005a: 12-33)
Board orientation, training and selection	
Orientation and training	6. Orientation *Recommendation:* That upon appointment, a new board member is *orientated* to his/her new responsibilities, including the provision of written material or information key to the operation of the board. 7. Education and Training *Recommendation:* That each board mandate continuous education and/or training for its members. Further, that as part of its annual report, the board report on the extent and amount of education/training the board has received, individually and in composite.
Recruiting, selection, succession planning, and terms of office	
Recruiting and selection	1. The Right Stuff *Recommendation:* That each board, at a minimum, determine the *composite* skills it requires to meet its responsibilities in such a way as to maximize success. It is further recommended that when a vacancy occurs, or is about to occur, the board determine the skills and competency it requires to maintain its *composite* skill set.
Terms of office	2. Maximizing Board Success *Recommendation:* That the board provide to the appointing body(ies) key considerations that lead to board success. 3. Conditions of Appointment *Recommendation:* That each board detail the *working conditions* that apply to its board, including but not limited to anticipated workload, hours required to fulfil the board mandate, conditions that must be met

Interview Questionnaire Framework	Best Practices: A Framework for Professionalism and Success in Police Board Governance. (CAPB, 2005a: 12-33)
	for eligibility, remuneration and expenses, and any other conditions that may apply.
Succession Planning	9. Succession Planning *Recommendation:* That the board ensure it has a succession plan in place for the Chief of Police and that the Chief of Police has a succession plan in place for his/her senior personnel.
Political appointees	N/A – No CAPB recommendations made
Ex-Police on boards	N/A – No CAPB recommendations made
Ethics and Responsibilities	15. Prudence Is Process – Part One *Recommendation:* That the board create a procedural policy or by-law to govern its own conduct during the course of board meetings. Further, that the board formalize, in writing, the format of its agendas, its minute-taking processes, and how the decisions and directions of the board are to be forwarded to the Chief of Police.
Assessing Performance	4. Governance Review *Recommendation:* That the board assess its governance state-of-health every three years at a minimum. This assessment should measure whether the board, and individual board members, are content with the current state of its governance and whether the systems and model continue to meet its needs. Further, that as part of its assessment, the board may wish to consider input from key stakeholders, primary among them the Chief of Police, but also including, but not limited to, the funding body, the appointment body, and the police association(s). Further, that it publishes the results of its governance review as part of its annual report to the stakeholders (see Chapter Six: Risk Assessment). 5. Board Self-Assessment *Recommendation:* That every three years, at a minimum (tri-annually), the board undergo a formal self-assessment of its performance. Further, as part of the review, the board may consider an assessment of the Chair and individual board members' performance.
Board Understanding: Policy versus Operational	16. Prudence Is Process: Part Two *Recommendation:* That the board formalize, in writing, its process for the creation,

Interview Questionnaire Framework	Best Practices: A Framework for Professionalism and Success in Police Board Governance. (CAPB, 2005a: 12-33)
	review and amendment of board policy. Further, that every board policy, as it relates to the operation of the police service and to any *operational* aspects of the board itself, include an oversight component. Further, that as part of that process, it include a formal process for the review of policies on a rotational basis.
Community Trust and Accountability	8. The Key Relationship – Chief of Police *Recommendation:* That the board achieve a clear understanding with its Chief of Police as to its relationship, including, to the extent required, a division of responsibilities and duties and the manner in which the board shall convey its instructions. Further, that as part of any new contract with a Chief of Police, the board clearly outline the board's expectations of the Chief of Police, the anticipated division of responsibilities and duties, and the measures the board will be using to determine the performance of the Chief of Police. Further, that the board formally evaluate the performance of its Chief of Police on an annual basis. 13. Accountability to the Shareholders *Recommendation:* That the board produce an annual report, either distinct or included with that of the police service, detailing its activities and that it forward the report to its appointing body(ies), funding body(ies), the provincial regulator for the board, and that it make the report available to the public. It is further recommended that the annual report focus on the board's governance activities in sufficient detail to provide reassurance to the board's *shareholders* that it is discharging its responsibilities in a manner to build confidence with the stakeholders. Further, it is recommended that, at a minimum, the board hold one public meeting per annum that provides an opportunity for the public to ask questions of both the board and the police service. It is further recommended that the board identify if there is any specific stakeholder group it should be meeting with on an annual or bi-annual basis. 14. Accountability to the Employees *Recommendation:* It is recommended that, at a minimum, the board hold one meeting per annum with representatives of its police association(s).

Interview Questionnaire Framework	Best Practices: A Framework for Professionalism and Success in Police Board Governance. (CAPB, 2005a: 12-33)
Fiduciary Oversight	12. Oversight *Recommendation:* That each board establish an Audit policy and contemplate the creation of an Audit Committee, with a mandate to receive and, where required, direct through the office of the Chief of Police, both financial and policy audits.
Strategic Planning	10. Strategic Planning *Recommendation:* That the board, in conjunction with the Chief of Police, ensure the police service has a formalized strategic planning process. Further, it is recommended that the board and the Chief of Police achieve consensus on the role of the board in strategic planning. 11. Risk Management *Recommendation:* That no less than with each strategic planning cycle, the board, in conjunction with the Chief of Police, undertake a risk assessment of both internal and external risks to the police service, such an assessment to encompass up to a five-year projection.
Political Relationships	N/A – No CAPB recommendations made

Appendix E: Gap Analysis and Recommendations

This table provides a summary of recommendations based on the gap analysis between the findings and the best practices, as recommended by the Canadian Association of Police Boards (2005a). The Recommendations are listed on the left side of the table and the gaps identified are summarized on the right.

Recommendations by Theme	
Board Orientation and Training, and Selection	
7. EDUCATION AND TRAINING *Recommendation*: That each board mandate continuous education and/or training for its members. Further, that as part of its annual report, the Board report on the extent and amount of education/training the board has received, individually and in composite. **Action Required:** The board should enact an *education and training* policy that captures the board's intent to make continuous education a priority. It should commit the necessary funds to give effect to the policy.	Most of the board members described their overall training as uneven, and for those who reported receiving formal training, what constituted the standards for that training, or what it was based on, was unclear. One important exception was in the Province of Saskatchewan, where mandatory training is provided for all police boards through their provincial police college. ...the lack of consistent training for police boards across the country was one of the drivers that led to the formation of their national representative organization some twenty-five years ago. Unfortunately, while there was agreement on what boards need to do, there was still no consensus on what constitutes the best practices and how they should operate to meet their goals and objectives.
Orientation and Training	
6. ORIENTATION *Recommendation*:	The consensus among the participants was that most regions in Canada provide members of police

Recommendations by Theme	
That upon appointment, a new board member is *orientated* to his/her new responsibilities, including the provision of written material or information key to the operation of the board. **Action Required**: The board, in consultation with the Chief of Police, should prepare orientation material and a process to provide for orientation in anticipation of a new appointment. It should update the material on an ongoing basis (at least annually).	boards with some form of orientation and/or training.[51] Ten of the eleven participants reported receiving some form of training to assist them in better understanding and performing their roles and responsibilities. One participant qualified this by noting that this phenomenon is a reflection of the complexity of the policing business, citing policing as one of the most complex organizations in the community (P-11).
Selection, Succession Planning, and Terms of Office	
9. SUCCESSION PLANNING *Recommendation*: That the board ensure it has a succession plan in place for the Chief of Police, and that the Chief of Police has a succession plan in place for his/her senior personnel. **Action Required**: The board, in conjunction with the Chief of Police, should determine the scope and extent of what policies or procedures it wishes to introduce to ensure adequate succession planning is taking place.	The evidence indicated that recruitment process for board members was inconsistent from province to province and, in many cases, even between individual municipalities within the same province. Two participants reported that their experience with this process was highly political in nature and, in their experience, completely non-objective. The evidence indicated that the process of recruiting and selection has long been a contentious and problematic area, subject to abuse and political interference.
Recruiting and Selection	
1. THE RIGHT STUFF *Recommendation*: That each board, at a minimum, determine the '*composite*' skills it requires to meet its responsibilities in such a way as to maximize success. It is further recommended that when a vacancy occurs, or is about to occur, the board determines	The evidence also demonstrated that there was no on consistent view as to what constitutes the composition of an ideal police board. There was considerable discussion around what constituted the term community, in the context of the kind of aforementioned representative communities. The consensus arising from the evidence was that while boards need to include

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[51] Training, for the purposes of this study, refers to the ongoing transfer of learning as it relates to the requisite body of knowledge required by a member of a police board. The term orientation was introduced as a way to distinguish between the initial transfer of learning for a new board member, and any ongoing training that follows. There was a limitation in the data gathering process on this particular point as most participants found it difficult to distinguish training from orientation in the continuum of learning activities undertaken.

the skills and competency it requires to maintain its *composite* skill set. (CAPG, 2005a: 12).	representation from the greater societal majority, they should also include members from under-represented groups in terms of gender, political affiliation, race, sexual orientation and/or religion. One participant went further, suggesting, "In the future they should also take into account those who are disadvantaged in some significant way, like homelessness, poverty, class-wise or who are otherwise disenfranchised" (P-11).
Action Required: The board should determine the composite skills it needs to maximize its potential. Its conclusions should be shared with the appointing bodies. Once a vacancy occurs or is pending, it should proactively identify to the appointing bodies the skills required to maintain the composite skill set. At a minimum, the board should revisit its *composite* skill set every three years.	Several participants commented that, in Canada, this has long been recognized as a problematic area. When asked how their individual boards resembled this rather lofty ideal, not a single participant felt that their board was even close to meeting it. It is worth mentioning that despite the fact that almost none of their board members were actually from any of these diverse communities, most board members felt that they were perfectly capable of representing them.

Terms of Office

2. MAXIMIZING BOARD SUCCESS *Recommendation*: That the board provide to the appointing body(ies) key considerations that lead to board success.	The evidence demonstrated that manipulation of the length of term in office and how reappointment processes function are important aspects in preventing political interference with police boards.
Action Required: The board should determine what elements it requires with respect to tenure and the rotation of members. It should forward this to the appointing body. As part of its ongoing governance review, the board should periodically determine that its determination on security of tenure and rotation of members remains valid (CAPG, 2005a: 13).	When the province controls the selection process, it results in a lack of control that frustrates local municipal councillors. In order to appease the municipalities, the province usually allows the municipality to control the agenda, and as a result, they tend to make local choices based on local political preferences. This evidence indicated that manipulation of term lengths through the reappointment process therefore, can, and in many cases, does result in political interference. As this was one of the major concerns raised consistently by board members from across the country, the investigation moved to look at the succession planning to track how a board's membership was managed beyond the original appointment process.

Succession Planning

3. CONDITIONS OF APPOINTMENT *Recommendation:* That each board detail the *working conditions* that apply to its board, including	Several participants commented that the workload on a police board is significant because of the nature of the recruiting and selection process, and as a result, it can be difficult to have the time and resources to develop a succession plan. In many

Recommendations by Theme	
but not limited to anticipated workload, hours required to fulfil the board mandate, conditions that must be met for eligibility, remuneration and expenses, and any other conditions that may apply. **Action Required**: The board should catalogue its *working conditions* and make it available directly and through the appointing body(ies) to potential candidates for board membership. As part of that process, the board should identify any potential weaknesses or impediments (i.e., reimbursement of expenses), and advise the appointing body(ies) and/or funding body(ies). As part of ongoing governance review (see #4 Governance Review), the board should ensure this provision remains current.	cases, none of the current board members were willing to stay beyond their initial commitment, and in smaller centres, it was often difficult to find the right mix of qualified candidates. The result is that a number of boards were often short-staffed, which did not leave a lot of time for succession planning activities. The overall consensus was that provincial board resourcing offices are the only viable and appropriate body to undertake such a task.
Political Appointees	
N/A – No recommendations made on this point	The findings revealed a number of concerns in relation to political appointees to police boards. The concerns were most often related to the impact of having municipal politicians, such as city councillors and mayors, sitting on the police board. The most visible, contentious and controversial figure in this was the mayor sitting as either chair or as a member of a police board. How this is handled varies from mayor to mayor, and one term heard repeatedly to describe this process was that it is uneven.
Ex-Police on Boards	

Recommendations by Theme	
N/A – No recommendations made on this point	Most participants identified the very technical nature of policing and the relative inexperience most civilians have in those areas as some of the most significant challenges to the civilian governance of the police. In the end, the findings indicated that while there was a definite split on the issue, six of the nine participants who were not ex-police felt that having at least one ex-police member on the board was more of an advantage than otherwise. Those participants in favour of doing so were cautious to add that the number of ex-police should be restricted to no more than one or two at the maximum at any given time.

Recommendations by Theme	
Ethics and Responsibilities	218

15. PRUDENCE IS PROCESS – PART ONE *1. Recommendation*: That the board create a procedural policy or by-law to govern its own ethical conduct during the course of board meetings. **Action Required:** That the board formalize, in writing, the format of its agendas, its minute-taking processes, and how the decisions and directions of the board are to be forwarded to the Chief of Police.	**1. Ethical Conduct** The relationships between police boards and the provincial ministries responsible for public safety that oversee them are examined in this section: particularly, how the ethical relationships between them function. The responses to questions about ethics and board responsibilities in particular indicated that they are considered to be pivotal and tied inextricably to the critical issues around political independence; hence, they received the second highest level of weighting.
2. *Recommendation*: That the board establish a clear set of written guidelines establishing the roles and responsibilities of police operational decisions making areas versus governance decision making. **Action Required:** Work with other associations of police governance to establish a standard and consistent set of guidelines to clarify the types of decisions that are operational and the specific areas where policies and governance is required.	**2. Interference in Operations versus Governance** The next area of inquiry looked at the ethical relationships and accountability between boards and police chiefs in the context of the bifurcation between governance and operations. The findings in this area indicated that in the majority of cases, the responsibility for ethical accountability is handled in a team approach of police leadership and board governance acting in concert.
Assessing Performance	

Recommendations by Theme	
4. GOVERNANCE REVIEW *Recommendation:* That the board assess its governance state-of-health every three years at a minimum (tri-annually). This assessment should measure whether the board, and individual board members, are content with the current state of its governance and whether the systems and model continue to meet its needs. Further, that as part of its assessment, the board may wish to consider input from key stakeholders, primary among them the Chief of Police, but also including, but not limited to, the funding body, the appointment body, and the police association(s). Further, that it publishes the results of its governance review as part of its annual report to the stakeholders (see #11: Risk Management). **Action Required**: The board, on its own or with the assistance of a professional advisor, needs to undertake a review process. While this can be combined with a board self-assessment, this is a broader based approach. A governance review expands the exercise to contemplate new and varied ways in which a board's business can be done. It can be as formal or informal as a board requires. However, any process and conclusions should be committed to writing.	**Re: Governance Review** This area was raised by several participants, as it was widely seen as an area of deficiency in current police governance practices and has been referred to in several recent court cases and commissions (Oppal, 1994; Law Commission of Canada, 2006; Ontario, 2007; Morden, 2012; Oppal, 2013). In many jurisdictions, there was simply no agreement on whether or not to assess either the performance of individual board members or the entire board at all. In fact, nine of the eleven jurisdictions surveyed reported that their boards did not have formal assessment process.
5. BOARD SELF-ASSESSMENT *Recommendation*: That every three years, at a minimum (tri-annually), the board undergo a formal self-assessment of its performance. Further, as part of the review, the board may consider	**Re: Board Self-Assessment** According to all of the participants, there is no one standard or accepted mechanism for the assessment for police boards in the country. Despite the fact that assessments were rarely

Recommendations by Theme	
an assessment of the Chair and individual board members' performance. **Action Required**: The board should first determine the method and process it wishes to follow for its self- assessment, and what elements of its performance it wishes to assess. It should then proceed with the assessment. Finally, it should institute a process that provides for the timing of the next review.	performed, participants concurred that police boards do need to evaluate their effectiveness. All noted the absence of a standard assessment tool or a formal process by the provincial government or municipalities as a major factor in explaining their absence.

Board Understanding: Policy versus Operational	
16. PRUDENCE IS PROCESS – PART TWO *Recommendation:* That the board formalize, in writing, its process for the creation, review and amendment of board policy. **Action Required:** That every board policy as it relates to the operation of the police service, and to any *operational* aspects of the board itself, include an oversight component. Further, that as part of that process, it includes a formal review of policies on a regular basis.	The findings indicated that the majority of board members felt that on the one hand, they have the responsibility to create policies and ensure they are adhered to; yet often, they do so without a clear understanding as to how the policies they introduce will be operationalized. Most provinces in Canada have legislation that was designed to prevent direct board interference in operational policing functions; therefore, the questions asked were as to the effects of those kinds of statutory restrictions. The findings further showed clearly that board interference in police operational activities did occur on a regular basis in most jurisdictions. The evidence demonstrated that the greater issue for most participants was not simply whether or not the board had interfered in police operations, but with the more nuanced questions around whether those actions were always bad or whether they were positive.

Community Trust and Accountability	
8. THE KEY RELATIONSHIP – CHIEF OF POLICE *Recommendation*: That the board achieve a clear understanding with its Chief of Police as to its relationship, including, to the extent required, a division of responsibilities and duties and the manner in which the board shall convey its instructions.	**Re: 8. The Key Relationship – Chief of Police** The first part of the question, as to whether boards could revise their policies in order to influence the police directly, left the majority of participants split on whether they even had the authority to take direct action of the sort. The findings indicated that boards routinely exert their influence by setting policy through the strategic planning process or by adjusting the chief's goals and objectives over time.

Further, that as part of any new contract with a Chief of Police, the board clearly outline the board's expectations of the Chief of Police, the anticipated division of responsibilities and duties, and the measures the board will be using to determine the performance of the Chief of Police.	The second part of the question was as to whether the board had ever revised its policies or altered the scope of the Chief's responsibilities in order to influence the police. Several of the participants agreed. Several participants provided examples that ranged from minor budget process amendments to substantive policy changes to influence the way the police address major cultural, racial and community issues.
Further, that the board formally evaluate the performance of its Chief of Police on an annual basis.	
Action Required:	
The board should schedule a meeting with its Chief of Police to ensure both parties are content with the current balance of responsibilities and authorities, and that they are consistent with statutory and regulatory requirements, and consistent with current best practices as determined by the board.	
The board should ensure, in conjunction with the Chief of Police, that there is a clear understanding of his/her goals and objectives and how performance will be assessed.	
The board should introduce and maintain a formal system to annually review the performance of the Chief of Police.	
13. ACCOUNTABILITY TO THE SHAREHOLDERS	**Re: 13. Accountability to the Shareholders**
Recommendation: That the board produce an annual report, either distinct or included with that of the police service, detailing its activities, and that it forward the report to its appointing body(ies), funding body(ies), and the provincial regulator for the board, and that it make the report available to the public. It is further recommended that the annual report focus on the board's governance activities in sufficient detail to provide reassurance to the board's *shareholders* that it is discharging its responsibilities in a manner to build confidence with the stakeholders.	The next area of inquiry into how boards engender community trust and accountability investigated what mechanisms the board uses to acquire information and input from the community on what the policing issues are, how well the police are carrying out their duties, and what changes citizens feel are needed in response to changing societal circumstances.
	Several of the participants articulated the necessity for better information systems in order to better frame strategic planning processes for their police departments. One participant described this as "the need to fix the mismatch, the mismatch being between how the provincial legislation describes

Recommendations by Theme	
Further, it is recommended that, at a minimum, the board hold one public meeting per annum that provides an opportunity for the public to ask questions of both the board and the police service. It is further recommended that the board identify if there is any specific stakeholder group it should be meeting with on an annual or bi-annual basis. **Action Required**: The board should institute a process to produce an annual report. It should determine what elements it wishes to include. Timing of any meeting with the public should coincide with publication of the annual report.	policing, and the degree of policing performed by the public police, versus the situational realities of community policing in the present epoch."
14. ACCOUNTABILITY TO THE EMPLOYEES *Recommendation*: It is recommended that at a minimum, the board hold one meeting per annum with representatives of its police association(s). **Action Required: (No recommendations made on this point)**	**14. Accountability to the Employees** This area relating to policy versus operations examined the obverse flow in how boards communicated with their police executive officers and civilian staff. The evidence indicated that this is done in three ways: firstly, through the formal development of business and strategic planning processes; secondly, informally through a host of informal processes; and thirdly, through the use of new communications technology.
Fiduciary Oversight	
12. OVERSIGHT *Recommendation:* That each board establish an Audit policy and contemplate the creation of an Audit Committee, with a mandate to receive, and where required, direct through the office of the Chief of Police, both financial and policy audits. **Action Required**: The board should create an audit policy, including components as set out in # 16, Prudence is Process.	This theme was broken down into two areas: firstly, how fiduciary oversight works with regards to the police in general and, specifically, at the role of boards in acquiring funding for the police from the municipality. Secondly, how the board satisfies itself that police resources are being deployed efficiently was examined. *1. ... how fiduciary oversight works...* Several participants, who had also sat on other boards of governance at various times, noted that police boards were distinctly different from any other kind of either for-profit corporation or non-profit organisation. All participants reported that there are policies in place regarding spending limits and signing and

	spending authorities as to who can improve what are very clearly defined;[52] nonetheless, there are extraordinary requests for funding that arise. *2. ... how boards satisfy themselves that police resources are being deployed efficiently.* The findings indicated that in every case, there were just too few mechanisms in place for measuring efficiencies for police expenditures. This particular subject was reported to be a chronic and recurring issue, and most police boards wanted to see a more structured mechanism for measuring police efficacies, but no one seemed quite sure what such a mechanism would look like or how to approach the issue. Several participants also reported routinely viewing variance reports: Viewing these variance reports gave the board the opportunity to question the chief on the financial efficacies on a more consistent and timely manner. According to most of the participants, the findings indicated that these types of auditing measures often expose overspending that the police are either unaware of or simply ignored. The fact is that boards readily approve the expenses because, in reality, they have very limited information on how police activities and their associated costs are generated.

Strategic Planning

10. STRATEGIC PLANNING	**10. Strategic Planning**
Recommendation: That the board, in conjunction with the Chief of Police, ensure the police service has a formalized strategic-planning process. Further, it is recommended that the board and the Chief of Police achieve consensus on the role of the board in strategic planning. **Action Required**: The board should determine with its	This area of research focused on how police boards develop strategy for the direction and scope of the police organization over the long term. The inquiry was broadened to examine whether boards are aware of dramatic paradigm shifts taking place in policing and how they are adapting their strategic planning processes as a result. *1. ... how police boards develop strategy...* Most participants were in agreement with the premise that strategy development, for policing in particular, requires a delicate balance between positive intervention and negative interference, and boards need to find new ways of ensuring that strategic goals

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[52] All of the boards had a finance policy in place, and participants noted that police budgets have traditionally been automatically approved, even if spending is outside the realm of the budget, in most cases. The process entails a board budget committee receiving a draft budget from the chief, which they then review in detail. In some cases a police executive appears before the committee to answer questions within certain command areas.

Recommendations by Theme	
Chief of Police the extent and degree to which it will become involved in the formulation and development of the police services' strategic plan. At a minimum, the board should approve and monitor the delivery of the strategic plan.	are met while not interfering directly. *2. ... whether boards are aware of dramatic paradigm shifts taking place in policing and how they are adapting their strategic planning processes...* The new frontier of changing realities in the governance of policing is around how they confront and manage change. Several participants raised the issue of new forms of regionalization of services that has been taking place in many areas of policing as an example. "Regionalization changes everything, strategically" (P-9). It makes it more difficult for board members to know what their own people are doing in the field. In many cases, it is difficult for boards to communicate with the people in charge of these shared services, as they have become an entity unto themselves, beyond the grasp of their individual boards. The evidence demonstrated and confirmed the proposition that there is a strong need for boards to develop and identify the tools and skills required to ensure that changing police strategies do not exceed the organization's resources in an ever-changing environment.
11. RISK MANAGEMENT *Recommendation:* That no less than with each strategic planning cycle, the board, in conjunction with the Chief of Police, undertake a risk assessment of both internal and external risks to the police service, such an assessment to encompass up to a five-year projection. **Action Required:** The board should ensure that risk assessment or management becomes an integral part of the strategic planning process.	**11. Risk Management** Many of the participants reported that their boards struggled with their role in providing direct, measured oversight of the chief of police. In many cases, it was reported that only the chair of the board and the police chief were involved in the process and the rest of the other board was effectively left out of the process. The evidence indicated that, in the end, most boards are lax in having a definitive process for measuring the police chief's performance and providing structured feedback. In some cases, they did not even see it as their role.
Political Relationships	
1. Recommendation:	**1. Communicating with the media and**

Recommendations by Theme	
That boards identify clear and consistent channels for communicating with the various stakeholders in their communities.	**community members** The first aspect of political relationships looked at how police boards identify the appropriate channels for communicating with the media and community members, both on an ongoing basis and in the event of a critical incident.
2. Recommendation: That boards have a direct role in communications between the police department and the community. In some of the larger cities, the participants reported that their board was often raised in the media, and two cases were cited where the board was seen as a powerful body of oversight influencing the police, publicly and blatantly.	**2. Board role in promoting or encouraging open communication and improving cooperation between the police department and the community.** The second area of inquiry into political relationships was in how the board played a direct role in promoting or encouraging open communication and improving cooperation between the police department and the community. Once again, as with most of the investigation into political relationships, the findings varied widely.
3. Recommendation: No specific recommendations on this subject. The findings indicate that political relationships between the police board and city council is heavily dependent on the composition of the board itself in terms of whether the board has city councillors and/or the mayor sitting as members of the police board. Until those issues are resolved it the gaps are likely to remain between best practices and the current situation.	**3. The third area of inquiry into political relationships examined the relationship between boards and their local municipal councils.** The majority of participants indicated that most relationships were based on the composition and structure of the board itself, specifically as to whether the board had city councillors and/or the mayor sitting as members. In this case, the perspective taken was to assume a wide view, to ascertain the general tone of the relationship between the board and council and avoid the structural entanglements between the two as far as possible. This area raised the spectre of political interference, and it was difficult to extricate the responses to this question of relationships without this issue clouding the responses.

Recommendations by Theme	
4. Recommendation: That boards develop a more evidence-based process by which to assess police requests for funding. This recommendation is preliminary in nature only. Is is suggested as a starting point for an inquiry into the much larger and more fundamental questions around how police funding is established and measured.	**4. Handling of the annual police department budget** The fourth area of inquiry related to political relationships looked at how the development and presentation of the annual police department budget is handled. This area of inquiry focused on the political relationships specifically and not on the fiduciary matters described in the previous section of the dissertation. Police budgets have always been one of the most contentious areas that police boards deal with. The findings indicated that the problems and concerns in the political process inevitably result in some of the funding being pushed towards programmes favoured by certain politicians. In a few rare cases, it was the board that reportedly ignored the recommendations of the chief and made decisions independently that were inconsistent with those requested by the police.
5. Recommendation: That boards consider any extended time where they have to act as a buffer of some sort for the police indicates a police leadership problem. In the end, it is the responsibility of the police department to act independently, and if board members have to act as a buffer, then they are not providing the kind of effective governance and leadership necessary to build a strong department.	**5. the role of the board included acting as a buffer between the police department and political entities to prevent interference.** The fifth and final area of inquiry in regards to political relationships looked at whether the role of the board included acting as a buffer between the police department and political entities to prevent interference.

i The "new norm," as referenced in this text, is a term frequently used in the

ii The 1968 case of *R v. Metropolitan Police Commissioner, Ex parte Blackburn* (cited in Fletcher and Stenson, 2009) reinforced common law concepts from early British jurisprudence and justification for police independence.

This case was a landmark in the court judgments around police governance, and in his summary, Lord Denning commenced by outlining the historical constitutional status of the officer of the Commissioner of Police from its roots in 1829 through to 1964 (Beare, 2004).

Lord Dennig clearly described what, precisely, constituted police independence:

> He must decide whether or not suspected persons are to be prosecuted; and, if need be, bring the prosecution or see that it is brought; but in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must, or must not, prosecute this man or that one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him. He is answerable to the law and to the law alone. (Denning, in Beare, 2004: 110–111)

iii When it comes to board involvement in operational issues, one case study stands out where the participant was involved in the board taking on a stronger role in influencing how the police approached recruiting. This case was so pivotal that it bears full explanation. The participant recalled at time when the board questioned the chief as to why virtually all of the new recruits at the time were white males and their fathers were police officers. This was at a time when the city was trying to deal with a host of issues related to gangs from Asian, Vietnam, East Asian, and South Asian communities. The participant estimated that the population of the city at that time was at least twenty-five percent Asian, and there were less than one percent Asian people on the police force. Clearly the police appeared to have racist hiring practices and did not reflect the community that they served. This was in the nineteen-eighties and nineties, and most communities had just started to consider this question and the implications. The board member recalled that at the time the issue was raised, the typical response by the police executives of the day was that they did not want to lower their standards. The board member recalled responding something to the effect that the last time he/she checked, there were many Asian students in the local university outperforming Caucasian students, so he/she didn't think that was the issue. The board member then suggested that at the next meeting, the police could present a report describing their recruitment process and advise the board just what the police chief was doing to recruit a more representative group. At the next board meeting, there was still nothing on the agenda relating to the hiring issue, and the board members made a point of questioning the deputy chief who was in charge of staffing to make it clear that this was unacceptable, and the board member insisted that the issue be put on the agenda for the next meeting. Unfortunately, the board member recalled that the cultural environment of the police board at the time was such that if you hadn't served in uniform, were male, and older, then the police

executives felt that they didn't have to listen to you. The participant noted that there were many examples of these kinds of old cultural issues that were still very heavily at play in policing. Eventually, in this case, the police hired a consultant and went on a recruiting drive at local universities, and as a result, they had garnered several hundred applicants, which included a large percentage of women and visible ethnic minorities, many of whom had double degrees. After that, the police took credit for the results and bragged about how they had changed their recruiting programs. Two decades on, this same board member who had that started that initiative reported that the new chief of police complimented them, referring to how many of those people had started to come into leadership positions now. Public perceptions of the police have greatly improved as a result of increasing diversity in their workforce. This was seen as an example of how the board can have a strong influence and effect positive changes in the police culture.