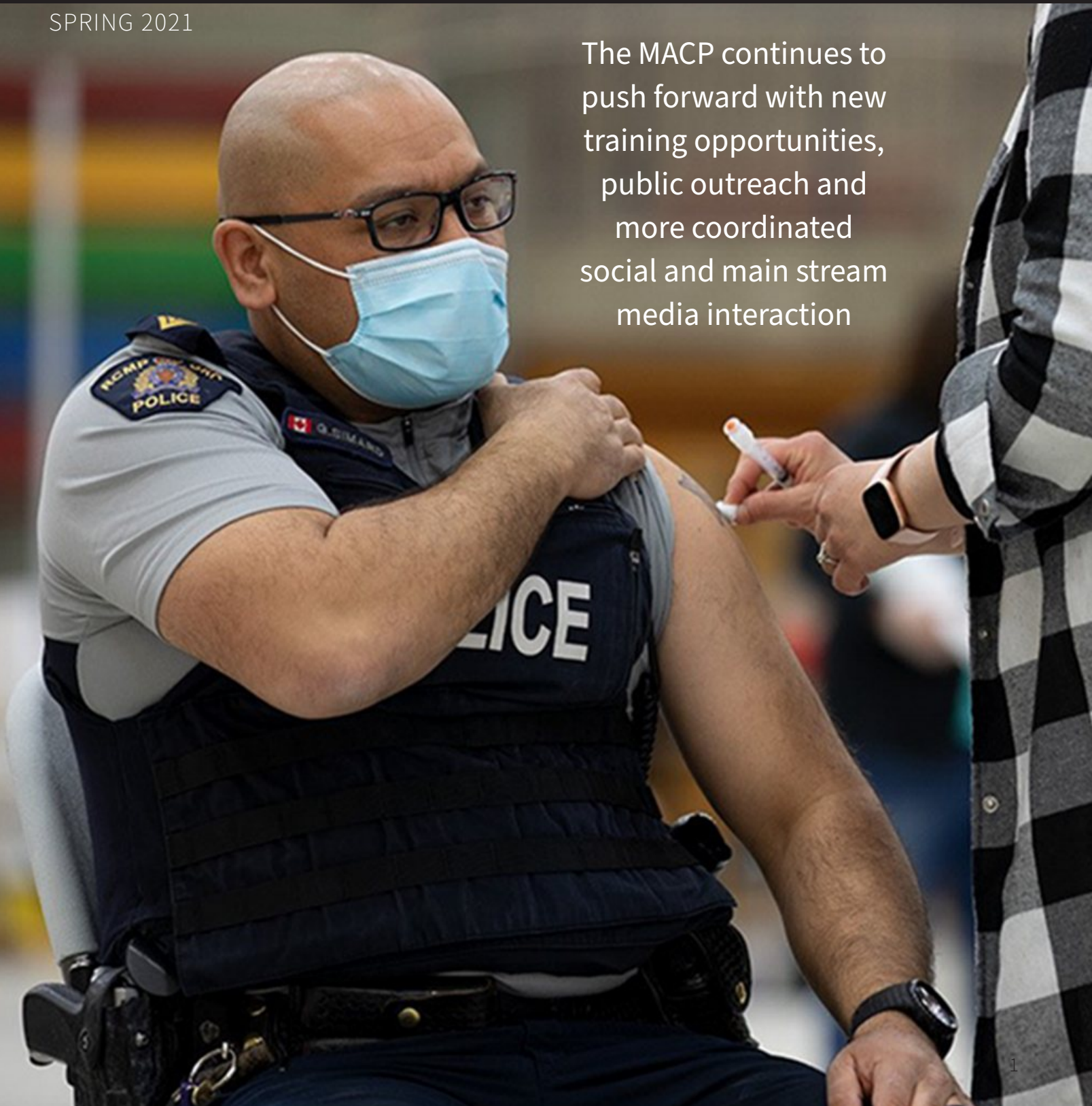




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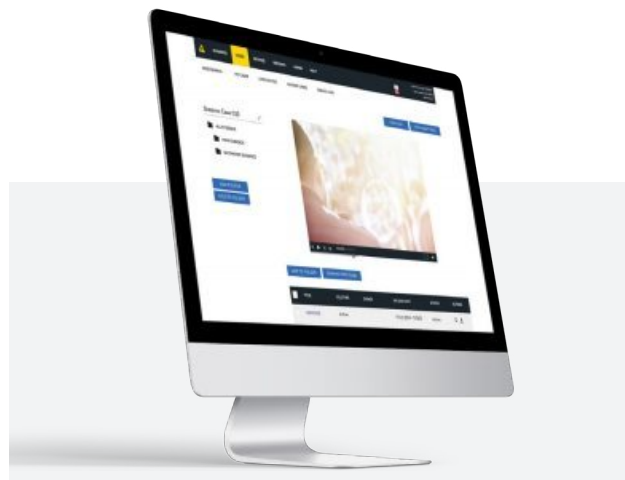
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**Greg Hebert, Inspector, Brandon Police Service**



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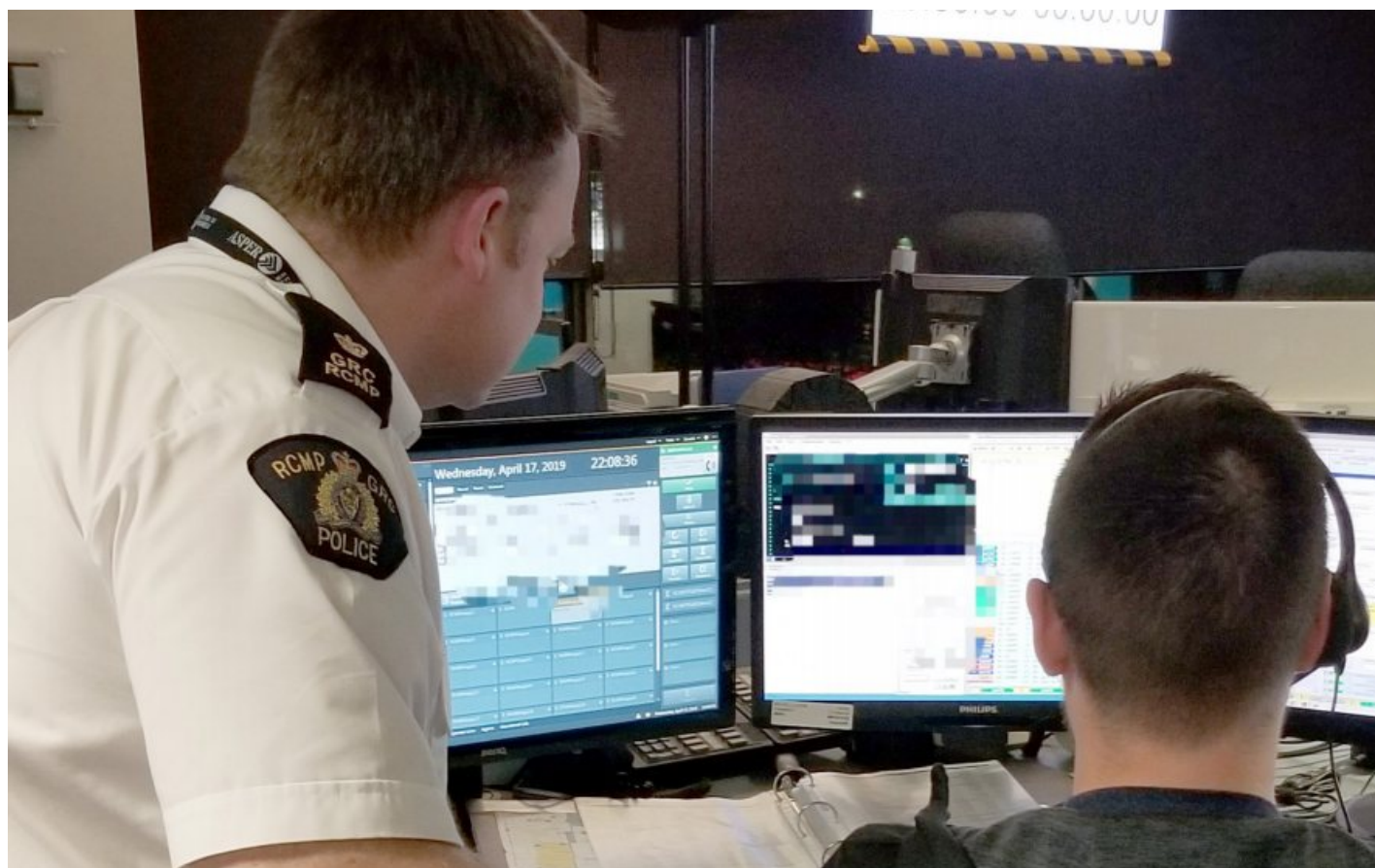


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Editor: Gord Schumacher, Layout: Andrea Yuen, Advisors: John Burchill, Marc Robichaud, Bruce Prange and Gord Perrier





## **MACP President, Marc Robichaud**

2020/21 has been an unusual and frustrating year for all of us. However, as we turn the corner into spring and push on to summer, I am optimistic that better times are ahead. As I write

this, the Province has already administered 510,022 doses of vaccine against the Covid-19 virus.

Even though we were distracted by public health related difficulties and obstacles, the MACP has managed to carry on and improve our business model significantly. We have not done it alone, members, volunteers and sponsors have all played a substantial role as we continued to push forward with new training opportunities, public outreach, and a more coordinated social and main stream media interaction which includes our first ever MACP Policing magazine. We are just getting started and I am tremendously excited about where we go from here.

That said, my time as MACP president has come to an end and by the time you read this a new executive team will be in place. Many thanks go out to the Board members who are also moving on, Deputy Chief Gord Perrier and Superintendent Bruce Prange, we have made a good team and I am confident that the roadmap for MACP success is in place.

I look forward to working with the incoming Executive, and the rest of the MACP membership, in the years ahead. Have a great summer.

Marc



Deputy Chief  
and MACP  
Vice President  
Gord Perrier is  
retiring from  
the Winnipeg  
Police Service  
after 29 years



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# The Growing Role of Private Sector Support of Policing

## *Advantages and Factors for Consideration*

Private sector support of policing is not new, but some police services have shifted how this support is being provided. Private sector involvement has increased as police services recognize the advantages, but there are some things services should consider before reaching out for this support.

To understand the increased role of the private sector in policing let's look at the history. As I served as a police officer in Ontario throughout my career, this article speaks from the Ontario perspective. That said, police services across Canada are under some of the same pressures, so many services in various provinces are starting to look externally for assistance.

In 2011 as Chief of Police in North Bay I was serving on the executive for the Ontario Association of Chiefs of Police (OACP). At that time

there was considerable discussion surrounding the costs of policing, which many felt were becoming unsustainable. During the provincial election that year the OACP requested the three major parties commit to a "Summit on Policing."

The OACP advocated a collaborative approach and shifted the discussion away from the costs to issues like consistency in service delivery, greater efficiency and effectiveness and appropriate funding to ensure the sustainability of policing in Ontario.

In March 2012 a cross section of delegates representing policing and government attended the "Summit on the Future of Policing in Ontario."

In 2013 the Ministry of Community Safety and Correctional Services established the Future of Policing Advisory Committee to move the discussions from the "Summit" forward. The discussions that

followed focused on the effective, efficient and sustainable delivery of policing in Ontario. Outsourcing non-core policing functions and better use of the private sector to support policing were among the topics discussed and investigated.

We subsequently observed many police services in Ontario taking advantage of private sector partnerships. The private sector has been used for collision reporting centres, major event security, training, recruiting, background screening and new hire investigations, as well as a variety of workplace investigations, including harassment, sexual harassment, workplace violence, police discipline and surveillance. They have also helped conduct file reviews, including major crime cold cases, mediation, conflict resolution and workplace restoration, policy reviews and policy development.



Many of the private investigation and security companies operating in Ontario including the one I consult for, Investigative Solutions Network (ISN), employ retired police personnel with a wide-range of relevant experience, skills and abilities.

Acting Chief Marc Lesage, Anishinabek Police Service had this to say, “We are a self-administered Indigenous police service with 100 sworn and civilian members across Ontario. We have used the services of ISN for investigative assistance for internal matters as well as training courses. They are an excellent option as Indigenous police services are program funded and therefore do not have a large Professional Standards or Training branch. This is truly a great option that is both cost effective and independent.”

“Costs are major drivers for police services across Canada,” says Brockville, Ontario, Police Chief Scott Fraser. “Many are beginning to realize the benefit of working with private sector businesses to complete some specific tasks.”

There are a number of advantages in using private sector to take on the ever-increasing workload pressures faced by policing including:

- Reducing budget pressure
- Freeing up resources to focus on core policing
- Ensuring independent, transparent and unbiased third-party internal investigations
- Leveraging retired police officer skills to investigate, document and see things through to a judicial/ court/tribunal process
- Accessing subject matter expertise in mediation, conflict resolution and workplace restoration

Moreover:

- We know the importance of thorough new hire background screening and investigation
- We have vast knowledge and skills that can be transferred, increasing training capacity
- We understand the policing profession and its culture and we are empathetic to the challenges associated with policing
- We remain invested in community safety

For Chief Fraser, relying on the private sector has both budgetary and substantive benefits. “We are not constantly hiring,” he says. “The private sector allowed us to increase the quality of our background screening while reducing the costs.”

Before reaching out to the private sector for assistance, however, there are some things to consider. Although not an exhaustive list these include the legislation governing policing in your jurisdiction, board by-laws, board positions, internal policies, collective agreements, police association views, and policing partners and community input.

Once these have been considered and addressed private sector support might be the answer to some of the challenges you are currently facing within your service.

“Municipalities demand more sustainable policing,” Chief Fraser notes. “This will only be achieved in establishing an increased partnership with the private sector.”



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# Crypto CURRENCY

## ADVANCES IN TECHNOLOGY AND OPERATIONAL READINESS

By Shannon Parker and Adrienne Vickery



Technology and innovation are the drivers of cybercrime, whether it be technology as target or technology as instrument offences, and bad actors are motivated. With more persons than ever operating daily on the internet and more devices than ever connected to networks the attack surface area for criminals has and is exploding. The personal, financial and professional impact these crimes has on persons and organizations is profound. Law enforcement organizations must continue to identify these new technologies and create robust cyber response strategies around them.

Organizational cyber strategies are unique as they need to focus on creating plans that support the investigation of cybercrime, but we also need to focus on the prevention of cybersecurity incidents occurring in our own workplaces. We need to ensure that we can continue to provide critical and essential services to our communities. A comprehensive plan focuses on: planning, prevention, education, community engagement, mitigation,

support, investigation and prosecution of cybercrime.

Cyber criminals remain highly adaptive to changes in technology and continue to become more sophisticated at finding innovative ways to conduct nefarious activities in cyber space. Officers are perpetually playing catchup, and in need of training and educational resources around these new technologies.

Cryptocurrencies, supported by blockchain technology, are increasingly being exploited by the criminal element for the online purchase of illicit goods and services, fraud schemes, cybercrime, extortion, money laundering and terrorist financing. There are thousands of different types of cryptocurrencies. Of these cryptocurrencies, Bitcoin would be the one most familiar to all. As such, there is a real need for Officers to have support and direction in regards to these currencies. Often these files are dealing with large sums of money, large amounts of data, are

highly technical and are often linked to the dark web with obfuscation and anonymity a major driver.

The CACP E-Crimes Cyber Council (ECC) is a cyber advocacy and advisory team that is comprised of both law enforcement officers from municipal, provincial and federal organizations as well as business industry, academia, finance, legal and critical infrastructure cybercrime and cybersecurity experts. The team is led by law enforcement chair D/Cst. Shannon Parker with the Saskatoon Police Service and business industry chair Suzanne Grant CEO of CATA Alliance. The ECC meets regularly and is constantly identifying areas that officers are requiring educational support and resources in and for. Once areas are identified, the team either works on creating those resources for Officers or makes recommendations up the law enforcement chain that support or resources are required, and partnerships are made and collaboration begins.

In 2019 the ECC identified the need for all law enforcement Officers to have access to cryptocurrency training and resources, and made a formal recommendation of such. There was a real burgeoning of files and investigations containing

cryptocurrency and Officers had little to no direction. There was a need for digital forensics process to be in place and for

Officers to be aware of the proper way to deal with the short and long-term seizure, handling, storage and forfeiture of all virtual currencies.

Simultaneously, the RCMP was also seeing a rise in the criminal exploitation of cryptocurrency, as a means to move value and hide the source of funds. It was clear that their complex technology presented a wide range of unique challenges for law enforcement as it introduced new criminal schemes requiring sophisticated and technical investigative techniques. In response, in 2019, the RCMP appointed Sgt. Adrienne Vickery to the role of National Cryptocurrency Coordinator, with the goal to identify the tools, training and resources needed to support the RCMP's ability to investigate cryptocurrency-enabled crime.

One key component of this road to operational readiness, was the creation of the RCMP's national cryptocurrency working group, designed to build and maintain strong relationships, collaborate efforts and align initiatives between various RCMP specialized and investigative units across the

country. Through regular monthly teleconferences, the group engages in regular sharing of intelligence, expertise, discussions of emerging trends, and issues around the illicit use of cryptocurrency. The sharing of capabilities and tradecraft

*Cryptocurrencies are increasingly being exploited by the criminal element for the online purchase of illicit goods and services, fraud schemes, cybercrime, extortion, money laundering and terrorist financing.*

has contributed to an increase in operational readiness as the group leverages collective capabilities to support national investigative efforts. The expertise of this group has led to the development of national RCMP cryptocurrency policy, and a complementary Cryptocurrency toolkit designed for front-line investigators, which includes a selection of practical guides, information and templates to assist investigators through the identification, investigation, seizure and management of cryptocurrency assets.

Investigations involving cryptocurrencies can be complex and dynamic and the development of subject matter experts and specialized resources are essential to provide guidance and support to investigations. One such key type of resource, are the designated Blockchain tracing specialists. Unlike cash, which is completely traceless and anonymous, Blockchain technology captures most cryptocurrency transactions ever made on the respective Blockchain. This transparency provides opportunity for law enforcement to trace and follow the flow funds to

an extent that is not available in a traditional banking system. Through the assistance and support of the National Cybercrime Coordination Centre (NC3), the RCMP have equipped Blockchain tracing resources with specialized tracing

tools offered by private industry, which are used to analyze the Blockchain and to trace cryptocurrency transactions.

The RCMP Digital Forensic Section (DFS) plays a prominent role in the ability to seize illicit cryptocurrency assets. In-depth seizure guidelines, created by the RCMP's DFS unit in Montreal, dictate the procedures and processes for creating a government controlled-wallet, seizing control of the cryptocurrency, and the safe and secure management of the private keys and seed phrases. In order to minimize the risks involved with cryptocurrency transactions, each of the steps were developed according to three essential principles: security, simplicity and efficiency. The seizure process itself is technical and requires specialized equipment in order to ensure these objectives are fulfilled, and DFS will provide the guidance and equipment necessary to conduct the seizure.

Due to its unique properties, illicit cryptocurrency must be seized as soon as practicable to prevent loss as there is limited ability to control who may be in possession of the information providing access to that cryptocurrency. In order to mitigate this risk, the RCMP has equipped all DFS units across the country with designated seizure kits containing



the specialized equipment, so that DFS investigators are able to respond to requests for seizures quickly and efficiently.

When it comes to long-term management of seized cryptocurrency, the RCMP has crafted policy to direct them to be turned over to Seized Property Management Directorate until they are either returned or forfeited at the conclusion of criminal proceedings. To mitigate fiscal liability due to high changes in volatility, the RCMP and SPMD treat the cryptocurrency as a commodity, similar to a gold bar, rather than as a currency. As such, if the RCMP seize one Bitcoin, we will forfeit or return one Bitcoin, minus reasonable transaction fees.

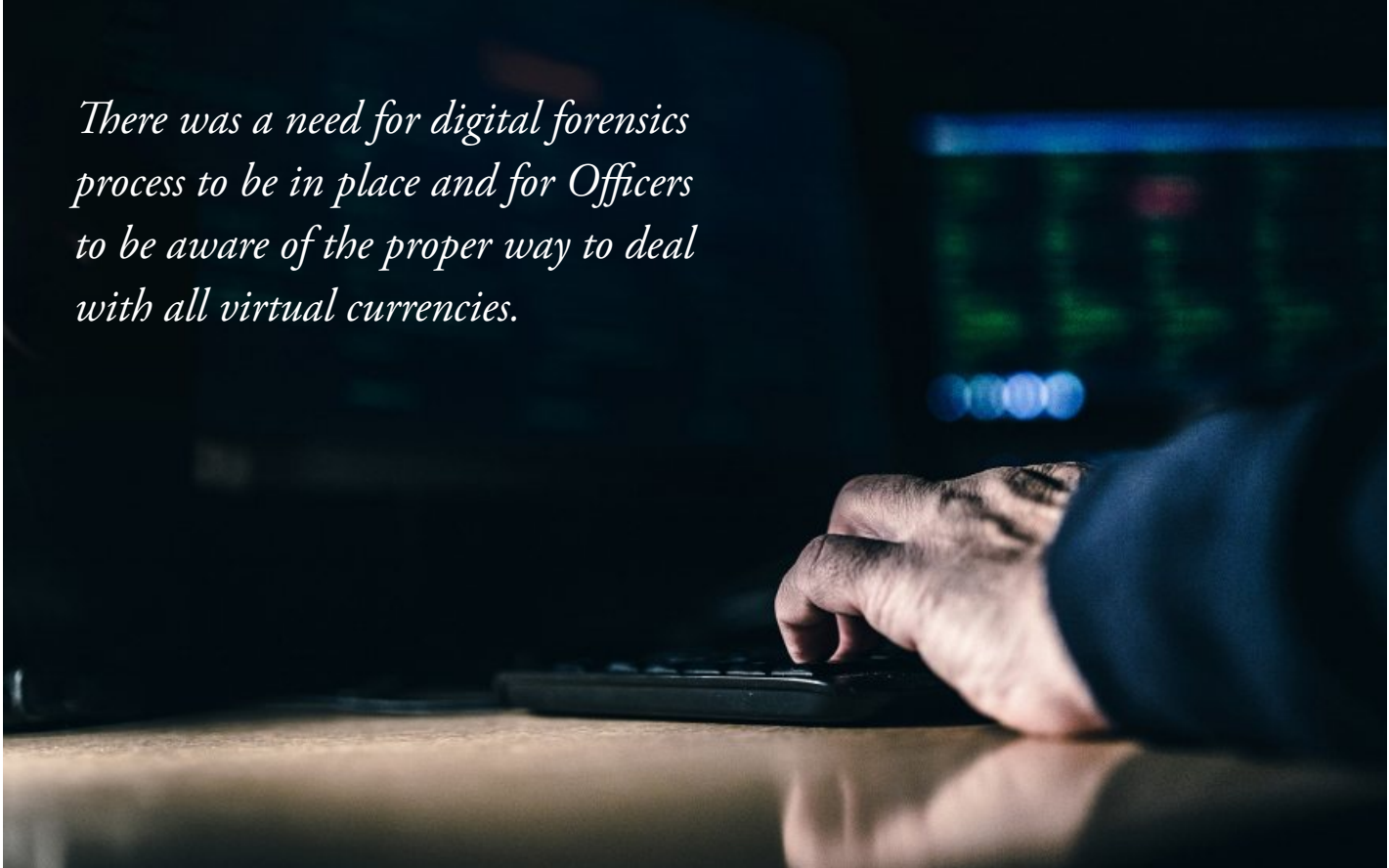
Training is fundamental to building the expertise and capacity to

understanding these complex investigations. In recent years, the RCMP has provided training to investigators and key government of Canada partner agencies through various national courses and workshops. Currently, the RCMP is looking at developing online training which will be available to all front-line investigators through the Canadian Police Knowledge Network (CPKN), which will educate on how to identify cryptocurrencies, examine how they can be used to facilitate illicit activity, and the requirements for search and seizure according to RCMP policies and procedures, and Canadian legislative parameters.

The strategy of the RCMP is to build operational capacity across the country by providing the tools and training needed to understand the

unique qualities of cryptocurrency and the investigative techniques needed to attribute the illicit cryptocurrency to a suspect. To further support this, the RCMP is engaging with E-Crimes Cyber Council and the CACP to share these internal policies and guidelines. By building overall national operational capacity to investigate cryptocurrency-enabled crime, law enforcement in Canada will have the greatest success of contributing to a safer Canada.

For further information or access to the RCMP's policies and guidelines, please contact D/Cst. Shannon Parker at [shannon.parker@police.saskatoon.sk.ca](mailto:shannon.parker@police.saskatoon.sk.ca) or Sgt. Adrienne Vickery at [CryptocurrencyNHQ-CryptomonnaieDG@rcmp-grc.gc.ca](mailto:CryptocurrencyNHQ-CryptomonnaieDG@rcmp-grc.gc.ca).



*There was a need for digital forensics process to be in place and for Officers to be aware of the proper way to deal with all virtual currencies.*

# BODY-WORN CAMERAS *and Mental Health*

## Examining the Benefits of Technology in a Police Setting

**T**he nature of the modern police service's role within the community has evolved, as are the issues that frontline officers have to contend with.

Increasingly over recent years, police officers are fulfilling the role of front-line responders to a growing number and variety of incidents. Officers' interactions with people suffering from mental illness and drug addiction issues are an ongoing concern for public safety.

Each of these interactions presents unique challenges, and the tactics that officers employ can vary dramatically depending on whether they are dealing with someone with depression compared to a subject that is suffering from schizophrenia or any other type of mental health crisis.

So, what can be done to better support the police officers that find themselves in this "new role" within Canada's health system?

### Expert help in the field

Though they are well-trained officers they are not mental health experts. Unfortunately, access to the expertise of qualified mental health professionals is not always available due to the proximity of an incident, lack of available mental health professionals, or concerns over their safety.

However, thanks to modern technology such as body-worn cameras combined with livestreaming, officers can now remotely access the expertise of mental health professionals in real-time, providing invaluable support at any time in any place for both the officer and the person under duress.

### Inspired technology for innovative policing

Axon's latest body-worn camera, the Axon Body 3 (AB3), is equipped with an LTE cellular chip similar to the ones found in cellphones. This allows officers wearing an AB3 to livestream audio and video directly from the frontline to a wide range of internal and external experts.

- Front-line officers fitted with Axon Body 3 cameras will be able to broadcast to trained mental health workers.
- Health experts can access a livestream of incidents remotely and assess situations in real-time from their mobile device or computer.
- Officers gain access to a wealth of expertise, providing invaluable guidance on the best course of action to help de-escalate and resolve any crisis as safely as possible.
- Footage can be recorded, providing a clear unbiased account of events for reporting purposes.
- This new technology can be combined with training, such as [Axon's empathy-based VR training](#) modules (developed in conjunction with mental health experts), to help build officers' critical thinking skills when responding to individuals who may be in crisis. Axon's body-worn cameras are already being used by [Canadian officers](#) in mental health scenarios. [Click here to find out more.](#)

### By the numbers

82% of Canadians favour officers being able to live stream during an intervention in order to receive additional support from experts, such as interpreters, crisis intervention teams and mental health specialists. *Axon survey, November 2020.*

Thanks to body-worn cameras, officers can now remotely access the expertise of mental health professionals in real-time, providing invaluable support at any time, in any place for both the officer and the person under duress.



Vancouver police responded to nearly 5,000 calls for mental health-related problems in 2019 — more than double the number 10 years ago. *Vancouver Sun, August 2020.*

From March to June 2020, police across Canada experienced a sharp rise in mental health-related calls. Services responded to more calls related to general wellbeing (welfare) checks (+12%), domestic disturbances (+12%) and mental health-related incidents (+11%). *StatsCan September 2020.*

Estimates of the percentage of mentally disordered offenders currently in jails and prisons range from 15 to 40%. *Canadian Mental Health Association BC Division report, 2003.*

As much as 40% of police work is estimated to involve people in crisis or people experiencing a mental illness. *Canadian Mental Health Association BC Division report, 2003.*

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**Hitting  
Organized Crime  
where it hurts**

# CIVIL FORFEITURE

By: Melinda Murray

As most police officers in Canada are beginning to realize, civil forfeiture has become a critical tool in the fight against organized crime - being a vehicle to disgorge wealth and prosperity derived from unlawful activity. Going to jail is a consequence many offenders are willing to accept, but taking away their hard “earned” money is in their view unfair as it requires them to prove the legitimacy of their income and accumulation of assets. This shifting burden of proof can be tremendously problematic for those who choose unlawful means to accumulate wealth.

## The basics of civil forfeiture

Canada has both criminal and civil or *in rem* forfeiture. Criminal forfeiture is governed by the *Criminal Code*, and happens only after a criminal court has convicted an offender of a crime and only involves assets seized by the police. Civil forfeiture is governed by provincial civil forfeiture laws and can encompass any property proven to be an instrument or proceeds of criminal activity. The *Constitution Act, 1867* empowers the federal government to legislate criminal law and procedures under section 91(27), and the provincial governments to legislate civil law, particularly property and civil rights under section 92(13).<sup>1</sup> It is resulting from the delegated section 92 powers that the Provinces get the authority to create civil forfeiture laws.

Civil forfeiture in Canada has been in ongoing development since 2002 when legislation was first introduced in Ontario following the lead of Australia, Ireland, and South Africa. Since then, eight Provinces and

one Territory have established their own provincial based legislation and processes to recover proceeds of unlawful activity as well as property used to facilitate unlawful activity.<sup>2</sup> Each provincial statute is unique, though there tends to be some common features among them.

Canadian provinces tend to have two types of practices related to civil asset forfeiture: court based and an administrative procedure.<sup>3</sup> Regardless of which process is used, in all civil forfeiture jurisdictions forfeiture is premised upon *in rem* proceedings to show the property as being either an instrument of unlawful activity, or proceeds of unlawful activity. The term “*in rem*” can be confusing, but in essence it is a legal construct that means the government takes action directly against the property, as opposed to the owner or possessor, with a view of proving its illegality. Once the property is proven to be either an instrument or proceeds, the court is required to order forfeiture of the asset – unless it is not in the interests of justice.<sup>4</sup>

**The court based procedure** is initiated by the Government filing either an application or a statement of claim in the superior court of the specific jurisdiction. Unlike the criminal forfeiture process, the standard of proof in civil proceeding is based upon a balance of probabilities as opposed to the criminal – beyond a reasonable doubt threshold. The civil standard of proof is less onerous than the criminal standard. The owner of the property, and anyone else with an interest in it, can then defend against the claim. As with most civil cases, the process of litigating can be long and expensive.

1. *Constitution Act, 1867*, 30 & 31

2. Civil Forfeiture has been established in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Quebec, New Brunswick and Nova Scotia and Nunavut.

3. Administrative forfeiture is currently established in B.C., Alberta, Saskatchewan and Manitoba

4. Interests of Justice test has been subject to many court decisions, see: *British Columbia (Director of Civil Forfeiture) v. Wolff*, 2012 BCSC 100 and more recently *The Director of Criminal Property and Forfeiture v. Nguyen et. al*, 2021 MBCA 19.

**The administrative procedure** is more streamlined. It provides the ability for a government to initiate, and potentially conclude, the forfeiture procedure outside of the civil court. It begins by sending a notice to the property owner or those who may have an interest in the property, notifying them of the pending forfeiture based upon existing evidence. The onus then shifts to them to either declare an intention to challenge the forfeiture, or not. If they do not challenge the forfeiture, the property is automatically forfeited after an identified amount of time has passed.<sup>5</sup> If they do challenge, there is an established process – essentially, the onus falls to the government to decide whether to initiate the court process, or abandon the process in relation to the specific property. Administrative forfeiture begins as an administrative function rather than a court process – though it can ultimately go to the courts if necessary. The benefit to this approach is that it provides for the forfeiture of smaller, unclaimed assets, without the substantive cost and significant legal resources currently required to file within the court process. In Manitoba and other jurisdictions, administrative forfeiture can only be commenced in relation to personal property with a value of \$75,000 or less.

## Differences between the civil and criminal forfeiture

In contemplating civil forfeiture it is critical to understand the differences between the civil and criminal processes and when the decision can and should be made to choose one forfeiture stream over the other.

Essentially, the most significant difference between the two processes is that the criminal process focuses on individuals. Forfeiture of the property related to the



crimes that those individuals have committed is part of the sentencing process and the forfeiture being sought must be proven to be a proceed or instrument of the specific crime the individual committed.

The civil process by contrast relates only to the property and is not concerned with proving criminality of any person in particular – is the property being sought an instrument or proceed of unlawful activity? The civil process is not related to a criminal prosecution (although the same police reports are utilized) and has nothing to do with the identification, search, arrest, detention, charging, prosecution or conviction of any person. Rather, the civil process responds to the policy challenge of ensuring that wrongful proprietary gains are disgorged. The standard of proof through the civil process is the civil standard of “balance of probabilities”, and if the owner remains silent it is to his proprietary detriment. For the most part, civil proceedings against property may begin upon the conclusion of the police investigation as opposed to the criminal approach of seeking forfeiture upon conviction as part of sentencing.

5. In Manitoba the time to respond to an administrative forfeiture letter is 30 days, in B.C the designated time is 60days.

**The following is a simple side-by-side analysis of the two processes:**

CRIMINAL FORFEITURE	CIVIL FORFEITURE
Criminal process	Civil process
Targets Individual	Targets Property
Part of Sentencing Process	No conviction or charges required
Proof Beyond Reasonable Doubt	Balance of probabilities
Charter applies	Charter narrowly applies
Formula for Federal/ Provincial sharing	Funds injected back to Province for victims and public safety initiatives

With either process, the objective is the same: to make Canada an unwelcome place for those who profit from unlawful activity

To that end, Manitoba Justice has recently introduced Bill 58, *The Criminal Property Forfeiture Amendment Act* which proposes a number of key changes to provide the legal information-gathering tools and authority to identify and secure unlawful money before it can become untraceable and disappears. As Justice Minister Cameron Friesen has stated “Growing evidence shows that organized crime has too much opportunity to move proceeds of crime to avoid civil forfeiture”.

Under current law, civil forfeiture proceedings have to begin before a person may be required to answer questions about the property that is believed to be an instrument or proceeds of unlawful activity and before a court may make an order preventing the person from disposing of the property.

Bill 58 contains provisions that would allow the court to make two new types of orders before forfeiture proceedings begin; a preliminary preservation order that prevents a person from disposing of the property if the court is satisfied that there is a serious issue to be tried in forfeiture proceedings; and a preliminary disclosure order that requires a person to answer questions related to how they acquired property that is believed to be an instrument or proceeds of unlawful activity.



This second order, a preliminary disclosure order is akin to Unexplained Wealth Orders (UWO) which exists in some jurisdictions such as Australia, United Kingdom and Ireland. The concept is simple: criminals often don’t have legitimate sources of income and if they do, their assets and property surpass the levels of any legitimate sources.

When an individual is involved in criminal activity or a criminal organization, has no known sources of legitimate income or little legitimate income, yet can afford a substantial residential property, cottage, boats, cars and other significant assets, the Criminal Property Forfeiture Unit can apply to the court for an order to require that individual to provide explanations and evidence of the sources of income. If the explanations and legitimate sources do not adequately explain the wealth, the director could commence civil forfeiture proceedings to prove the assets are instruments or proceeds of unlawful activity.

The proposed amendments also clarify presumptions in the current Act and contain new presumptions including the following:

- The court is to presume, unless the contrary is proven, that cash found in close proximity to a controlled substance or bundled in a manner not consistent with standard banking practices is proceeds of unlawful activity;
- The court is to presume that a vehicle that is used to flee from a peace officer or contains a restricted



or prohibited firearm, a controlled substance in circumstances consistent with trafficking, a concealed compartment or equipment or devices related to trafficking in controlled substances is an instrument of unlawful activity; and

- The court is to presume, unless the contrary is proven, that property that was the subject of a preliminary disclosure order is liable to be forfeited if the person did not provide all the information required to be disclosed by court order.

One of the key amendments relates to the ability of the Director of Criminal Property Forfeiture to collect timely and detailed information from financial institutions about the person's account and dealings with the financial institution. This would assist in determining the amounts in the accounts and banking activity of an individual. This provision would be triggered when the director has reasonable grounds to suspect that property of a person is an instrument or proceeds of unlawful activity. The information would be used to determine whether to seek forfeiture of the property.

Finally, the amendments create offences if a person or corporation, such as financial institutions, knowingly provide false or misleading information or fails to comply with the requirements to provide information under the Act.

In furtherance of this initiative, the provincial government is also expanding the Criminal Property Forfeiture Unit to include two money laundering investigators and a senior accountant to provide the capacity to investigate money laundering activity with a view to initiating additional forfeiture proceedings to capture more ill-gotten gains from criminal organizations.

Bill 58, coupled with the expansion of the Criminal Property Forfeiture Unit are designed to further strengthen the fight against organized crime by ensuring criminal organizations are deprived of their unlawfully acquired property and profits.

In Manitoba, cash and proceeds from the sale of forfeited property are deposited in the Criminal Property Forfeiture Fund which are used to support initiatives focused on reducing and preventing crime, supporting programs and services that benefit victims of crime and promoting safer communities. All the forfeited proceeds remain in Manitoba for the benefit of Manitobans.

## CALL FOR NOMINATIONS

### 2021 Mental Health Service Award



The Manitoba Association of Chiefs of Police / HealthIM Mental Health Service Award honours an individual law enforcement member serving in the province of Manitoba who has made a difference in their community for those suffering from mental health challenges.

#### Nomination Criteria

1. Reducing stigma experienced by people with mental illness.
2. Providing support or care to people with mental illnesses, their families and/or caregivers.
3. Advocacy for issues related to mental health (including individual needs, family needs, service delivery and systemic issues.)
4. Dedication to elevating the profile of mental health awareness.
5. Advancing local knowledge in the area of mental illness/health research.
6. Through their tireless commitment and work has shown excellence in their service and support around mental health and addictions.

**For nominations email:**  
**[gschumacherMACP@winnipeg.ca](mailto:gschumacherMACP@winnipeg.ca)**

**Deadline: Thursday Sept. 30th, 2021**



# Upcoming Changes to Serious Incident Investigations in Manitoba

## A BRIEF LOOK

Zane Tessler, Executive Director, IIU, Manitoba Justice

On November 5, 2020, the province officially released the long-awaited public report of an independent review of the Police Services Act (PSA), provincial legislation that defines the roles and responsibilities of law enforcement agencies in Manitoba. The review examined the extent to which the PSA supports the professional, transparent and effective delivery of police services in Manitoba, which included:

- Literature and documentation review
- Legislative analysis
- Jurisdictional scan of similar legislation and policing, governance and oversight practises
- Stakeholder consultations
- Data reviews

The PSA defines the roles and responsibilities of the Manitoba government, the Manitoba Police Commission, the Independent Investigation Unit (IIU), municipal and First Nation police boards, municipal councils and police services and establishes the interrelationship between the various entities.

I became the province's inaugural Civilian Director of the IIU on March 5, 2013. It was my immediate directive to proceed with the development and constitution of the IIU into a fully functioning and operational unit. That directive commenced on the day of my appointment.

When the PSA was enacted, a provision was included that required the Minister of Justice to conduct a comprehensive review of the act within five years after it came into force.

A brief historical review of the PSA and, in particular, the IIU, would be in order.

In 2007, Manitoba's then-Attorney General commissioned the Taman Inquiry – a review of investigation, prosecution and justice services provided to the families in relation to the death of Crystal Taman. *The Report of the Taman Inquiry*, released on Oct. 6, 2008 included 14 recommendations. The province announced its intention to implement all recommendations, including:

*“That the Minister of Justice give consideration to creating a provincial special investigative unit, independent of all police enforcement agencies in Manitoba, for the purpose of investigating any alleged criminal activity of a member of a police service.”*

That recommendation led to the creation of the IIU. Interestingly, this was not the first time that a public inquiry called for the creation of an independent civilian oversight and investigation agency, as this concept was one of the main recommendations of the Aboriginal Justice Inquiry from 1991.

Following on the recommendations of the Taman and Aboriginal Justice Inquiries, reviews of best practices in other jurisdictions, and extensive consultations with key stakeholders, Manitoba introduced the PSA in 2009 to replace the aged and antiquated Provincial Police Act. The new act brought about important legislated changes and modernizations for policing in the province.

As noted, among the major changes in this new legislation was the establishment of Manitoba's first civilian-led IIU, mandated to conduct transparent and independent investigations of all serious incidents involving police. The IIU mandate, as set out in sections 65, 66, 73, 74 and 75 of the PSA, is:

65(1) *When a police officer is at the scene of an incident where it appears that*

*(a) the death of a person may have resulted from the actions of a police officer;*

*(b) a serious injury to a person may have resulted from the actions of a police officer; or*

*(c) a police officer may have contravened a prescribed provision of the Criminal Code (Canada) or a prescribed provision of another federal or provincial enactment...*

*the independent investigation unit is to be immediately notified, in accordance with prescribed procedures.*

65(2) *Notice must be given under subsection (1) even if the police officer involved in the incident was not on duty at the time of the incident.*

66(1) *When a police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have*

*(a) caused the death of a person;*

*(b) caused a serious injury to a person; or*

*(c) contravened a prescribed provision of the Criminal Code (Canada) or a prescribed provision of another federal or provincial enactment;*



*the police chief of the police service must, as soon as practicable, notify the independent investigation unit.*

*66(2) When a police service receives a formal complaint that a police officer*

- (a) caused the death of a person;*
- (b) caused a serious injury to a person; or*
- (c) has engaged in conduct that would constitute a contravention of a prescribed provision of the Criminal Code (Canada) or a prescribed provision of another federal or provincial enactment*

*the police chief of the police service must, as soon as practicable, notify the independent investigation unit.*

*66(3) Notice must be given under subsection (1) or (2) even if the police officer was not on duty at the time of the conduct in question.*

*66(4) When the independent investigation unit receives notice of an investigation or complaint under this section, one or more of its members must assume conduct of the investigation in accordance with directions from the civilian director.*

*73(1) A police chief must, as soon as practicable, notify the independent investigation unit*

- (a) when the police service receives a formal complaint that a police officer has engaged in conduct that constitutes a contravention of the Criminal Code (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c); or*
- (b) when the police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have contravened the Criminal Code (Canada) or any another federal or provincial enactment, other than the provisions prescribed under clause 65(1)(c).*

*73(2) At the request of the civilian director, the police chief must give the civilian director information about the complaint or investigation and the status of the police service's investigation.*

*73(3) When an investigation into a matter, referred to in subsection (1), has been completed, the police chief must provide the civilian director with the results of the investigation.*

*74 Upon the request of the civilian director, the police chief of a police service must allow a civilian monitor or a member of the independent investigation unit to monitor the progress of an investigation by the police service into a matter referred to in subsection 73(1).*

*75(1) The independent investigation unit may assume conduct of an investigation into a matter, referred to in subsection 73(1), if the civilian director considers it to be in the public interest to have the unit conduct the investigation.*

The IIU has the authority to investigate and provide oversight on all matters concerning the conduct of police in the province including First Nations, RCMP and municipal police forces. This independent agency is intended to provide stronger oversight and more transparent investigations into major incidents and criminal allegations involving police officers. It is my opinion that the IIU has the broadest mandate in the country, given the discretion accorded the civilian director to have the unit assume investigative jurisdiction over any matter he/she determines that the public interest demands an independent investigation.

The majority of the PSA provisions came into effect on June 12, 2012. The IIU provisions (found in Part 7 of the PSA) and regulations came into force on June 18, 2015, with the office become operational on June 19. As such, with the PSA in place as of 2015, the five-year review was to be initiated in 2020.

The independent review committee was task to conduct a detailed analysis of the PSA and associated statutes and regulations to determine:

- whether the PSA provides sufficient direction and authority to ensure adequate and effective policing;
- whether every stakeholder's roles and responsibilities are clearly defined in the PSA;
- oversight and accountability reforms;
- the creation of policing standards;
- enhanced police boards; and
- whether further amendments, updates and regulation are required to achieve those goals.

Every segment of policing in Manitoba was subject to review and analysis. As civilian director, I am focused on the IIU review, which included:

- an assessment of the oversight model;
- identifying legislative gaps that impede IIU from achieving its mandate;
- whether the IIU mandate should be expanded; and
- whether IIU should have a separate, stand alone statutory legislation.

The public report, entitled “*Independent Review of Manitoba Police Services Act*,” contained about 70 recommendations, ranging from minor amendments to the creation of new stand-alone legislation and comprehensive regulatory standards and oversight regimes.

The province announced that a team would be established to start implementing those recommendations. Among the first tasks of the implementation team was to proceed with the drafting of legislative amendments that would strengthen the IIU and address gaps in the current statute.

I have been asked to provide information and comment on the various recommendations and consequent amendments to the PSA. There are two provisos to this request:

1. My focus will be on those recommendations that are specific to the IIU. This is where my knowledge and expertise has flourished over the last eight years, so I feel comfortable discussing those specific proposals.
2. On March 9, 2021, the Manitoba government announced that the proposed draft amendments to the PSA would be held off to permit further and specific consultations to address systemic issues. Accordingly, further changes could occur with respect to the legislative amendments. In this case, it would be inappropriate to discuss the current drafted amendments at this time, because potential changes or redrafts may occur.

With that said, I have identified five key recommendations that can be conceptually discussed in detail, as they will be included in the upcoming legislation.

## **Duty to Comply**

In the IIU submission to the independent review committee, it was stated:

Currently, the IIU has no statutory authority to require compliance by a police officer with legislative mandate, nor the ability to enforce such compliance in a meaningful way. The current legislation lacks a clearly stated ‘duty to comply,’ binding police chiefs, police officers and services. The absence of this clearly-stated duty to comply may result in refusals to participate in interviews, timely production of relevant documents and full and frank disclosure. Should a police officer, affiliate or service choose not to cooperate with an IIU investigation, the IIU has no legislative authority to compel cooperation.

Unlike other provinces, the IIU governing statute and regulations did not have a specific statement or reference requiring ‘full cooperation’ by police officers in its investigations. While I would argue that a duty to comply and cooperate by police services and officers could be implied in the legislative scheme, with reference to common law principles and decisions (such as *Woods v. Schaeffer*, [2013] 3 SCR 1053), a codified statement would eliminate any uncertainties over the existence and consequent extent of this fundamental obligation. From police chiefs to front line officers, all would appreciate and acknowledge the need and requirement of full cooperation in these serious incident investigations. The inclusion of a specific reference to a duty to comply would correct an oversight when the PSA came into effect.

## **Extension of witness designation powers to civilian employees of Police Services**

Sworn police officers are not the sole employees of a police service. Civilian employees are utilized by police services in day-to-day operations, such as 911 operators, cadets, special constables, and central processing unit personnel who are responsible for prisoners, to name a few. As Justice Michael Tulloch, of the Ontario Court of Appeal, noted in his 2017 review of the Special Investigations Unit et al:

After all, these special constables and auxiliary members may have significant interactions with the public. And they perform duties that may make them, in the eyes of the public, indistinguishable from police. Finally, they work with the police and, as such, investigations by the police into their conduct may raise similar concerns about independence and bias. (The Tulloch Report (2017), at Clause 95)

There is a compelling and defining need to require cooperation of this class of police personnel with an independent investigation body to ensure that the search for answers is not denied access to all relevant information. Given the role played by these civilian members, full cooperation in police-related incidents is essentially and mandated.

## Discretionary Investigations

Section 73 (above) of the PSA deals with the role of the IIU in cases where police services have received a complaint that a police officer has engaged in conduct that constitutes a contravention of the Criminal Code, or any other federal or provincial enactment, other than death, serious injury or prescribed offences.

In its submission, the IIU identified issues with respect to section 73(1) (b), which stipulates that:

A police chief must, as soon as practicable, notify the Independent Investigation Unit when the police service is conducting an investigation into the conduct of a police officer and there is evidence that the officer may have contravened the Criminal Code (Canada), or any other federal or provincial enactment...

The problem with this phrasing is that agencies do not believe they have to report the matter to the IIU if they **do not conduct** (my emphasis) an investigation. Furthermore, there are issues with who determines, and on what standard, whether there is sufficient evidence to support a notification to IIU. There is a need to simplify the criteria and encourage transparency of the notification process. The opportunity to conduct a preliminary assessment without a defined threshold to be met or publicly identified or on the contrary, refuse to

conduct any preliminary assessment, therefore negating a notification to IIU, is a failure to the oversight process and must be eliminated. There is a public interest need to ensure that all serious incidents involving police are scrutinized and that there are valid reasons why a particular incident should not be subject to an independent investigation.

## Timing of Notifications

Under the PSA, there are two distinct timing obligations imposed on police services to notify IIU:

1. In circumstances under section 65(1), IIU is to be immediately notified of incident.
2. In all other matters (even where death or serious injury has occurred), IIU is to be notified *as soon as is practicable* (my emphasis).

The use of the phrase “as soon as is practicable” has resulted in inordinate delays in notifications, resulting in the loss of relevant evidence and memory. There does not appear to be a rationale for this difference and the IIU suggestion that the term ‘immediately’ be used in all circumstances was accepted.

## Definitions of Notes and Reports

There has been no greater issue facing IIU than the issue of disclosure of police file material, particularly when it comes to notes and reports and the privileges extended to subject officers. The independent review committee accepted the IIU submission that the concept of notes be narrowly defined as incident notes (the contemporaneous notes made by a police officer with respect to his or her involvement in, or observations of, an investigation, event, or occurrence). Again, codification of the concept provides more clarity to subject officers as to when the privilege not to be compelled to disclose notes.

There are other areas in the PSA that will be subject to amendments. Once the hold is lifted on these changes, I would be happy to offer my views on them.

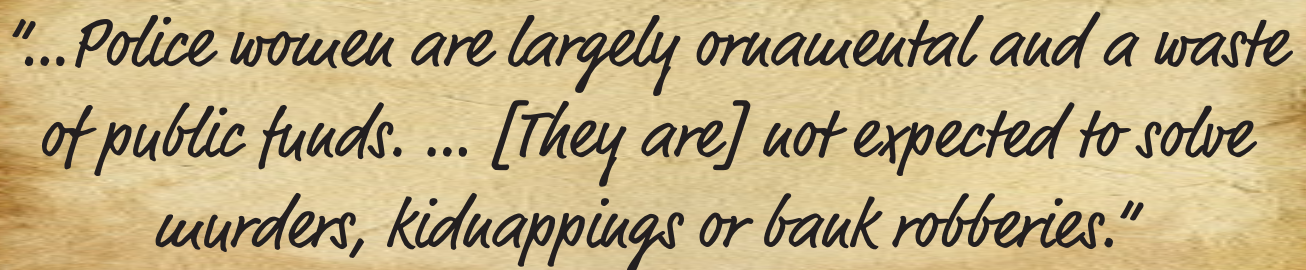


# POLICING IN WINNIPEG

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## A RETROSPECTIVE

By Kathy Antymis



*"...Police women are largely ornamental and a waste of public funds. ... [They are] not expected to solve murders, kidnappings or bank robberies."*

*Letter from Winnipeg Police Force Chief Constable George Smith, dated June 11th, 1942, addressed to Deputy Attorney General of Manitoba, John Allen<sup>1</sup>*

As the old saying goes, the only sure things in life are death, taxes and change; and the world of policing is not immune from this constant. Despite the twenty-six years difference, the world in 1916 when Mary Dunn joined the Winnipeg Police Force (WPF), was not unlike the world of 1942 when this letter was written. The world of today looks much different, and will not be the same a decade or two from now - many would call that progress.

Women first joined the WPF in 1916. Although they carried a badge, they were not issued a gun and their duties mostly consisted of dealing with victims that were women and children, or others in need of care. For roughly 40 years, perhaps due to archaic ideas similar to those expressed in this letter, their role remained the same and only two women were allowed to be employed by the WPF at any one time. In 1957, due to a societal shift allowing mixed gender beverage rooms, an additional two police women were brought on strength.

The late 1960s – early 1970s, saw another change in societal attitude towards women, resulting in the hiring of five more women in 1969, the removal of the title “police woman”, equality of pay, discarding height and weight requirements for recruits, a requirement for completion of the same training and to wear the same uniforms, as well as no cap on the number of women employed as “police officers”.<sup>2</sup>

Policing takes honesty, compassion, humility, a strength of body but also character, and a true desire to help your fellow “man”; to run into danger when others are running away. These are not traits specific to one gender. Women were finally accepted for the true meaningful contributions they could make to policing situations.

In 1975, the first three women of the Winnipeg Police Department (name changed in 1974) that had the honour of being considered equal to their male counterparts upon hire brought the total to 10 and led

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1, 2 and 3. Tammy Skrabek, Curator, Winnipeg Police Museum. [www.winnipegpolicemuseum.ca](http://www.winnipegpolicemuseum.ca)



the Winnipeg Free Press to run several articles over the years to highlight progression. They were issued similar uniforms, attended recruit class with male colleagues, and were assigned to patrol upon completion of training<sup>3</sup>, but not all things were roses. These women had to navigate challenges, to pick when it was worthy to stand and fight, and when they were willing to bend... and not in reference to their role on the streets. These women remember being assigned to a traffic car with their Patrol Sergeant in the back seat. They weren't issued boots with their uniforms but rather 1.5-inch heels and there were no locker room facilities; stations didn't get female locker rooms until the 1990s.

The first female promotion wasn't until in 1987, and subsequent "firsts" were made as women attained each and every rank, right up to Deputy Chief as recently as 2008. Big or small, there have been other *firsts* throughout the years, and each and every *first* opens the door for more; just like Mary opened the door for the approximately 325 women that followed her.

Today, the Winnipeg Police Service (name changed in 1995) is proud to not only acknowledge the past and present women of rank, but all those other firsts: from Detectives solving murders, kidnappings and bank robberies to those running the investigative units, to motorcycle operators, canine and forensic officers, Academy trainers, Crisis Negotiators, Underwater Recovery Search and Recovery divers, and most recently in 2017, Tactical Support Team members. That's not to say women officers are completely without challenges, because there are undoubtedly officers and politicians who would agree with the sentiments of the 1942 letter, even today. But today, our officers, male or female, are individuals, each with their own set of skills and weaknesses that they bring with them on every call to which they respond.

Neither Canada nor the WPS are perfect; but they may be considered better than some countries or other agencies, depending on your perspective. Women make up just over half of the Canadian population, yet continue to be underrepresented in political and professional leadership positions. Although Canada's federal cabinet is now evenly split between men and women, only 27% of the seats in the House of Commons belong to women; women comprise 19.5% of the board members for Canada's top 500 companies; and just 8.5% of the highest-paid positions in Canada's top







100 listed companies are held by women.<sup>4</sup> Likewise, the WPS has approximately 1360 sworn members, yet women comprise only 15% and hold only one of eight senior level management positions<sup>5</sup>. At its current rate, the world is expected to reach gender parity by 2120<sup>6</sup>; perhaps with the right efforts, a change in what is considered useful and what are considered ornaments, that can be reached sooner. There is still room for improvement.

What's not changing? The female police officer is here to stay... and that's a good thing.



4. Canadian Women's Foundation, The Facts about Women and Leadership in Canada, Retrieved from <https://canadianwomen.org/the-facts/women-and-leadership-in-canada/> on February 2, 2020

5. Determined from the WPS Seniority List on February 2, 2020

6. World Economic Forum, Global Gender Gap Report 2020, Geneva: Switzerland





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Deputy Chief Randy Lewis of the Brandon Police Service getting his first Covid-19 shot.







*“Unfortunately, doing everything right still does not guarantee success. Many reporters don’t understand policing, or, have formed their own implicit bias against police.”*

# Dealing with the Media

## How much goodwill is enough?

By Kelly Dehn



Kelly Dehn

Media relations experts often repeat this message: treat journalists as partners by maintaining good relationships with them in good times, so you can leverage those relationships in bad times.

That’s bad advice.

Considering reporters as “partners” completely disrespects the job they do in the first place. If their role is to expose, uncover, or inform the public, then to remain honest about what they do, no amount of goodwill should ever be a suggested approach in trying to influence media coverage of your organization. That only serves to compromise them, and you.

Rather, your approach should be built on the same building block everyday: providing trustworthy information. Lose that, and watch any relationship erode quickly.

Police agencies get criticized regularly. Sometimes those complaints don’t have merit. Sometimes they do. As a former managing editor in a major newsroom, I can tell you when the media receives complaints about police, many are dismissed as frivolous or irrelevant. But, the ones that appear legitimate, will be looked into, and questions will be asked.

Always respond as fully as possible. Questions being asked sometimes can’t be answered fully, maybe due to privacy concerns, investigative considerations, or operational tactics. Let the reporter know why you can’t answer a question, something which helps build that relationship those public relations experts talk about.

The one reason interviews should never be denied however, is when it comes to reputational harm of your organization. Those requests should be met head on. Either to accept a mistake, make an apology, correct misinformation (or disinformation), or dispute the allegation.







## THEY REACHED OUT AFTER THE OFFICE HAD CLOSED AND REQUIRED COMMENT BEFORE IT RE-OPENED

Never ignore the media's deadline pressures in hopes a story will just "go away." Ignoring interview requests will only ensure the story gets told without you, in a way that will likely be more critical. About 30 years ago, the Angus Reid Group published *The Canadian Media Review 1993*. It polled the top reporters and editors at major news organizations across Canada. It was published before the onset of social media, but one of the findings still resonates as loudly today: *Sluggish responses alienate journalists, who are too often left seething about an institution's inferior public or media relations practices at the same time as they are putting together a story about that very institution – a most unhealthy situation.*

Be aware that by not giving an interview, you are giving someone else the ability to speak for you. If the media has decided to make it a story, they will find someone else to comment, someone who may have an opposing view.

Unfortunately, doing everything right still does not guarantee success. Many reporters don't understand policing, or, have formed their own implicit bias against police. They should however, embody the principle of fairness.

The Canadian Association of Journalists has a robust Code of Ethics, which includes the following point: *We give people, companies or organizations that are publicly accused or criticized opportunity to respond before we publish those criticisms or accusations. We make a genuine and reasonable effort to contact them, and if they decline to comment, we say so.*

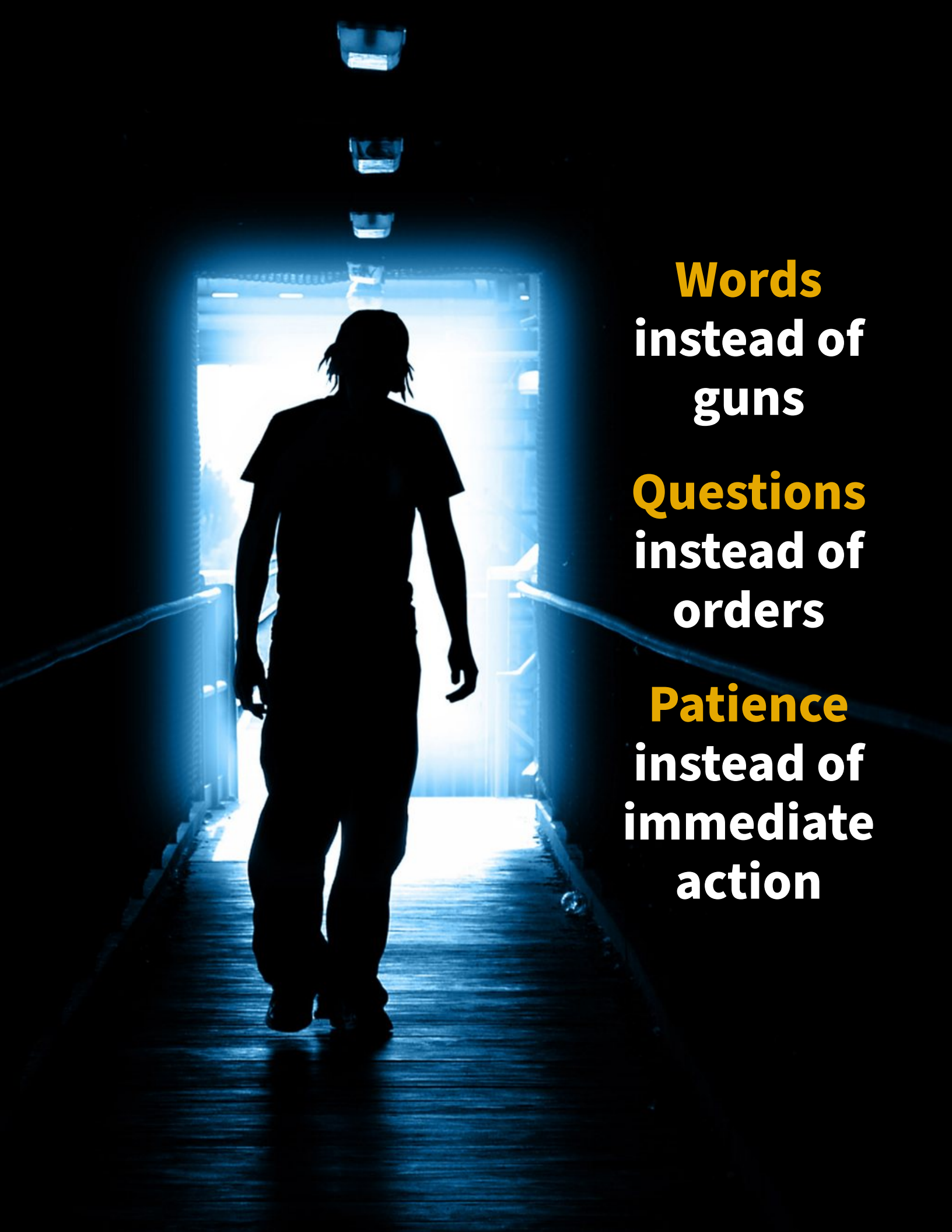
That's what makes this following example so frustrating. On July 13, 2016, a CBC national radio program produced

a segment on racism in policing in Canada. One participant in this roundtable discussion provided an example of how it existed within the Winnipeg Police Service. I take no issue with the fact the CBC chose to do this segment. But I was concerned over their *genuine and reasonable effort* to contact us for comment.

The segment was taped that day, and scheduled to be broadcast the next morning. They must have realized certain comments required some sort of response. So, late in the day, a producer emailed our office and left a voicemail requesting comment, even though we had already closed. The email stated: *I wanted to put this situation forward to you to be able to comment on it, if you wish. The broadcast is airing tomorrow and we could accept a statement or response until 6am Eastern Time.*

The only problem with 6am Eastern, is that it's 5am Central, a full two hours before our office opens. We didn't see the request until the deadline had passed, and the segment was well on its way to being broadcast across the country. At the very end of their segment, they said: *We asked Winnipeg Police to comment on some of what we talked about here today. We've not heard back.* There was no mention that they had reached out after the office had closed, and required comment before it re-opened—a significant omission in my mind.

I emailed back to say such a casual attempt to make contact was unfair. My concerns were disregarded. And it left me to wonder why anyone would want to deal with a partner like that.



**Words**  
instead of  
guns

**Questions**  
instead of  
orders

**Patience**  
instead of  
immediate  
action



# *Community Response Needed to Close* **SAFETY GAPS** **FOR MANITOBANS WITH INTELLECTUAL DISABILITIES**

By Janet Forbes, Executive Director Inclusion Winnipeg

**W**e are grateful for the opportunity to contribute to the Spring Newsletter for the Manitoba Association of Police Chiefs, and we hope that readers learn something new today about Manitobans with intellectual disabilities.

Historically, there were few, if any, laws in place to protect our most vulnerable citizens against crimes or mistreatment. People with intellectual disabilities were hidden from the community and crimes were swept under the rug. Fortunately, over the past six decades steady progress has been made in terms establishing laws to protect the rights of vulnerable people to live safely in the community. Unfortunately, setting these rights into law does not mean that people automatically live free of victimization. In fact, Manitobans with intellectual disabilities are more likely to be victimized, sexually assaulted, threatened, and exploited than any other citizen by a significant margin.

## **Community Response Needed**

It will take a community response from organizations like Inclusion Winnipeg and the Manitoba Association of Police Chiefs to make Manitoba safe for all people including children and adults with intellectual disabilities. We know that law enforcement alone cannot make Manitoba safer. By working together, we can better understand that one response for one person may not be appropriate for the next person, and how each person brings their unique characteristics to a situation. We can better understand how to respond to people with communication disorders, people who are non-verbal or people with invisible disabilities. And we can improve our understanding as to how a typical response to a call would either help or harm an individual.

## **10 Facts Law Enforcement Needs to Know**

The ARC's National Center on Criminal Justice & Disability out of the United States serves as bridge between law enforcement and disability organizations produced a Tip Sheet for American Law enforcement

officers called, "10 Facts Law Enforcement Needs to Know". We have included a link to this resource or encourage you to google "ARC's National Center on Criminal Justice & Disability 10 Facts Law Enforcement Needs to Know". The sheet notes the need for specific training for American law enforcement about how to respond to people with intellectual disabilities.

[http://thearc.org/wp-content/uploads/2019/07/NCCJDTipSheet\\_LE-FINAL.pdf](http://thearc.org/wp-content/uploads/2019/07/NCCJDTipSheet_LE-FINAL.pdf)

## **Emergency Card Project**

People with disabilities do not have a label on their forehead and it can be a challenge to quickly identify their unique characteristics and how to respond appropriately. Therefore, the Emergency Card Project was developed as a resource to provide stakeholders with information to make their most informed decisions about their communication needs and desires in emergency situations. The tool and accompanying training materials provide people and their support networks with access to information about communication support options they may not have previously been aware of. It is anticipated that the use of the communication tool will improve interactions between people with intellectual disabilities and First Responders and thus make our community a safer place to live. The project came because of a partnership between the Canadian Centre on Disability Studies (Eviance) and Inclusion Winnipeg.

## **About Inclusion Winnipeg**

Inclusion Winnipeg is registered charity in existence since 1958 with the mission to enhance the lives of children and adults with intellectual disabilities, support families and advance human rights in the community.

Thank you for your public service and for allowing us the opportunity to share our thoughts with you. We look forward to working together with the Association of Police Chiefs and coming up with a community response to improve the safety for Manitobans with intellectual disabilities.



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“Simply put, this program was amazing. The instructors were top notch, all different but equally engaging. The case studies that were discussed, the syndicate work in class and the projects all built on the information that was taught. The fact that there were students from multitude backgrounds (not just policing) increased my understanding of the different issues. I have recommended to my supervisor that every executive in our organization should attend this course. I believe everyone would benefit.”

**Greg Hebert, Inspector, Brandon Police Service**



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The interruption of Special Olympics programming in March 2020 impacted Special Olympics athletes greatly; loss of friendships, loss of social networks and supports, and upsetting routines critical to personal development. Despite the ongoing Covid-19 pandemic, the commitment of the Manitoba Law Enforcement Torch Run never faltered, as they quickly pivoted to virtual and online versions of their annual fundraising events – The Truck Convoy for Special Olympics and the Polar Plunge.

Despite not being able to get together in person to raise funds and celebrate the achievements of athletes across the province, the Manitoba LETR was still able to raise over \$75,000 (and counting!) for Special Olympics athletes.



This year **all funds** generated from Law Enforcement Torch Run initiatives will be going towards the development of new online, virtual, and at-home opportunities to ensure Special Olympics athletes can continue to experience and benefit from the transformative power and joy of sport as they wait for their in-person programs to resume. This

exciting investment will not only fill the immediate gap of suspended programming but will add to Special Olympics Manitoba's offerings for years to come.

Thank you to all Manitoba Law Enforcement agencies for their continued support of Special Olympics Manitoba!

The advertisement has a blue sky background with clouds. At the top, it says "PROUD PARTNERS" in large black letters. Below this are the logos for "urban TACTICAL WINNIPEG" (a green square with a crosshair) and "MACP" (a red maple leaf with a white crosshair). In the center, the text reads "WE SUPPORT YOU! WE ARE PROUD TO PROVIDE THE ESSENTIAL GEAR YOU NEED!". At the bottom, there is a photo of a police car with its lights on. Overlaid on the bottom right is a black box with white text: "MANITOBA'S PREMIER TACTICAL STORE", "891 CENTURY ST. 204.989.1001", "ROUTE 90, JUST NORTH OF WELLINGTON", and "URBANTACTICAL.COM".

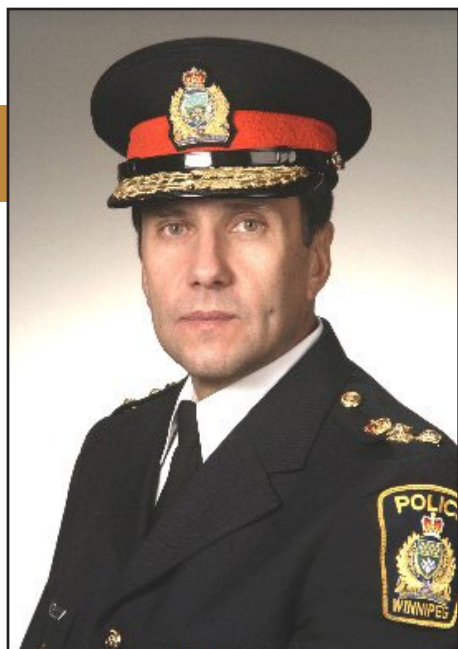
The top half of the block has a blue geometric pattern. Below it is the "argyle" logo, which consists of two blue diamonds forming a larger diamond shape, followed by the word "argyle" in a lowercase sans-serif font. Underneath the logo is the tagline "communicate with confidence". Further down, the text "Engagement, communication and reputation advisors" is displayed. At the bottom, the website "www.argylepr.com" is listed in blue. The bottom half of the block also features a blue geometric pattern.

# **Promote safety. Improve crisis outcomes. Effective oversight.**

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By Jack Ewatski



## POST CHIEF REFLECTIONS

*Why Not?*



Recently I came across a photograph taken on the day of my appointment to the role of Chief of Police and my first thought was; Wow...we all look so young! Then it struck me that over 22 years have passed since that day as I began to reflect on the many life enriching moments I have had since then.

When I think of the nine years when I had the honour to serve in that senior leadership role it often brings back mixed emotions. This includes the immense pride and joy of being part of an organization that is second to none, to the sadness that came from navigating through situations that shook the public's confidence due to real or perceived missteps.

Although I still had lots of fuel in the tank when I decided to step aside from my 34 year career I felt it was time to live a quieter existence. That was easier said than done, as the thought of endless leisure time is quite enticing until you actually experience it.

I spent the next couple of years looking for some form of undertaking where I could use what knowledge and skills I had developed over the years in a meaningful way. As well, I needed to push some personal boundaries in terms of entering into unfamiliar and uncomfortable environments.

One of those boundaries was related to distancing myself from those I loved by taking on opportunities outside my geographical comfort zone. Opportunities

and offers had come up but I dismissed them due to this reluctance until one evening, while on a walk with my partner Brigitte. As we discussed another opportunity, her simple question to me was "Why not Jack?" and, frankly, I could not answer it without sounding childlike.

Well it was not too long after that I learned from another former Chief that there was a global search being conducted to select a new senior leadership team for the Trinidad and Tobago Police Service. He suggested that I should apply. With Brigitte's words still ringing in my ears my immediate response was "why not?"

Remember the saying, be careful what you wish for? Fast forward a few months and I was being fitted for my uniform as a Deputy Commissioner of Police for the TTPS. I, as part of the new leadership team, was given the task of modernizing a 7,000+ member police service which was mired in inefficiencies, ineffective and corrupt practices and having a dismal 20% public confidence rating.





When asked about experiences and observations during my time in Trinidad I usually begin stating “I probably have just as many, if not more, interesting anecdotes from my 2 years there compared to my 34 in Winnipeg and if I ever wrote a book, the title would be *You Can’t Make This Stuff Up!*”

I do however temper my comments about my time in Trinidad as I have much affection for the good and decent people who live there and who deserve so much more in terms of safety and security than what is being provided to them.

When one door closes, another one opens and upon closing my Caribbean adventure door opportunity came knocking in the form of a job posting at Assiniboine Community College in Brandon.

Over the past 7 years, I have enjoyed being part of the ACC college community in different roles. What started out as part time instructing in their very successful Police Studies Program lead to being the training coordinator for the First Nation Safety Officer program under contract for Manitoba Justice.

This training program has provided entry level and advanced training to over 300 Indigenous women and men who are working in 45 First Nation communities throughout the province providing support to the police of jurisdiction and offering their community an extra layer of safety and security. I am proud to be part of the program and extremely proud of the FNSO’s who work in very challenging environments that most of us have never experienced.

The Covid pandemic has altered many of the plans we all have but for me it has also provided another opportunity due to the inability to travel and see the world. Being temporarily grounded I have taken on an expanded role with ACC as the Academic Chair, Public Safety. My role includes overseeing the soon to be rebranded Police Studies program, the Social Service Worker program and various contracted Public Safety training programs.

Being involved with ACC continues to provide me with the opportunity to use my experiences in a way that supports those who want a future in policing, public safety and human services. It also invigorates me every time I step onto campus seeing the enthusiasm of those who are on a learning journey that will take them in various directions.

I do not know what my next life chapter will look like but I am sure that whatever is presented will elicit my response of “why not?”

*(Jack Ewatski was the Chief of Police with the Winnipeg Police Service from 1998 – 2007).*



# RCMP *opens office in* SOUTH INDIAN LAKE

By Travis Poland



A new drive-in detachment model in South Indian Lake, Man. — about 300 kilometers northwest of Thompson — is addressing some of the challenges of remote policing.

A dirt road and a short ferry connect South Indian Lake to Leaf Rapids, which until October, was the nearest RCMP detachment. That drive took at least an hour and a half for officers conducting patrols and responding to service calls.

Now, RCMP have a full-time presence in the small, northern Manitoba community within the O-Pipon-Na-Piwin Cree Nation.

“Officers won’t have to do that drive two, three, four times a day,” says S/Sgt. Beryl Lewis with Manitoba North District RCMP. “Instead of driving, they’ll be able to sit and do their work or take statements and investigate their files.”

Sgt. Eric Descoteaux, who leads the new detachment, says less time on the road will be better for officers.

“The hours of driving can take its toll,” he says.

## **New connections**

The permanent police presence in South Indian Lake allows officers to build and maintain relationships with the community of about 1,000 people.

“We can now attend a call in minutes,” says Descoteaux. “People will be more inclined to call for help when they know it’s there.”

Instead of the long drive from Leaf Rapids, officers can make it from one side of the community to the other in about 10 minutes.

While the detachment is still new, changes are already being noticed.



“We’re getting more calls,” says Cst. Gerald McRae, who started in South Indian Lake at the end of summer.

“People are aware of the RCMP presence and that makes a big difference,” says Shirley Ducharme, Chief of the O-Pipon-Na-Piwin Cree Nation. “We’re addressing major issues like assaults, violence and impaired driving.”

Being in the area permanently opens up opportunities for more positive policing programs.

“We hope to arrange more community and youth outreach once we’re well established,” says McRae. “So far, the kids have been fans of the temporary tattoos we hand out.”

The new police office is welcomed by residents in South Indian Lake.

“They want us there and they’re helping us get this up and running,” says Lewis. “When we presented this idea to council, the whole roundtable clapped.”

The band council collected data on the number of calls, police response time and other details to make a case supporting the new detachment.

“We’ve been waiting a long time for this. A lot of work has had to happen,” says Ducharme. “We’ve worked together and shared a lot of ideas and resources.”

When officer housing posed a hurdle for the new office, the community stepped in to provide accommodations until a long-term solution is finalized.

## Rotate and recharge

Under the new drive-in detachment model, officers work eight days followed by six days off, letting them drive home to larger communities like Thompson. The rotation has officers in the community at all times and includes some overlap to ensure continued operations and services.

“We can recharge the batteries, spend quality time with families, and even have time for a small vacation,” says Descoteaux.

“They’ll get time off and come in fully rested and effective, which makes a better police officer,” adds Lewis.

The RCMP’s Leaf Rapids detachment is also transitioning to the drive-in detachment model. Previously, officers lived in the 550-person town while working there.

The drive-in model can benefit all of Manitoba North District RCMP. If there’s a critical incident in the region, officers living in Thompson during their time off can help out on overtime.

The new model also aims to make remote policing more attractive to RCMP officers.

“Working in these communities, you’re isolated, and it can affect your mental health,” says Descoteaux. “The drive-in model will provide more work-life balance.”



Mike Dumas, executive director of the O-Pipon-Na-Piwin Cree Nation, speaks to RCMP officers who work at the new detachment in South Indian Lake, Man. Credit: Serge Gouin, RCMP (Content and photo reprinted with the permission of the RCMP Gazette)





# TEAMWORK AND TRAINING SAVE MAN FROM ICY WATERS

By Travis Poland

Cst. Mark McTaggart credits his ice rescue training for helping him remain calm during the incident.

When RCMP Cst. Mark McTaggart went into the office to help a colleague with a case, he didn't expect to be crawling on thin ice later that morning. But police work isn't predictable.

"I wasn't scheduled to work until the night shift, but I was called in to assist with a file," says McTaggart. "I was about to head back home to get some rest."

Then came the call for a man spotted walking dangerously close to the fast-moving Saskatchewan River, which links Cedar Lake and Lake Winnipeg in Grand Rapids, Man. McTaggart jumped in a cruiser with a colleague to respond.

As he walked to the riverbank, McTaggart spotted the man on the ice near the shore when the scene took a turn for the worst and the man slipped into the river.

"You almost want to jump in and help him right away, but I took a second to breathe and assessed the situation," says McTaggart.

In 2019, McTaggart participated in the Manitoba RCMP's Ice Rescue Technician training, designed to teach officers the knowledge and skills to help someone struggling in icy water.

## On thin ice

After radioing his coworkers for help and dispatch for Emergency Medical Services, another officer rushed over with McTaggart's duty bag, where he keeps his ice rescue equipment.

McTaggart encouraged the man to swim towards the shoreline ice shelf and when two attempts at tossing rope to the man failed, McTaggart knew he had to venture onto the ice himself.

"He was getting tired and his head was starting to go under," says McTaggart, who also trained as a lifeguard in his youth.

He removed his duty vest and belt, tied a rope around his chest, and began walking onto the ice as the other RCMP officers on scene held the rope acting as anchors. As the ice got thinner, McTaggart began crawling, continuing to speak with the man to keep him calm.

“I could tell he was cold and his lips were turning blue. When I got to him, he said ‘please help me.’ I said I was going to but I need your help staying calm,” says McTaggart, estimating the man spent between five and 10 minutes in the frigid river.

Once out of the water, first responders helped the man into a waiting ambulance and whisked him to the nursing station down the street while McTaggart stepped into a warmed police car and drove to be assessed.

The man was treated for minor injuries and McTaggart was released after seeing a nurse.

McTaggart credits his training for helping him remain calm during the incident.

### Effective training

S/Sgt. Ben Sewell helped introduce the ice rescue training to the Manitoba RCMP in 2011 after working in a remote community and frequently travelling on winter roads over frozen lakes, rivers and swamps.

“I realized our members needed more advanced training for when they’re on or near ice to be able to respond to emergencies and also be able to rescue themselves if there was an accident,” says Sewell, noting that the province is home to more than 2,300 kilometers of winter roads.

The two-day training covers self-rescue techniques and in-water rescue techniques as well as rescue philosophy, emergency management and how to stay safe as a rescuer.

“It’s unique training and what happened in Grand Rapids is a good example showing this training is worth it,” says Sewell.

A dozen Manitoba RCMP officers take the training each year. More than 90 ice-rescue trained officers work in the Manitoba North District.

“It’s training you hope you never have to use, but when the situation arises it’s good to have,” says McTaggart.

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# REMEMBERING ANN COLFER & SYSTEMIC DISCRIMINATION

John Burchill, MACP Director At Large

As I began this article a number of events were converging at the same. International Women's Day was approaching; Black History Month had just concluded; Chief Danny Smyth issued a statement acknowledging that systemic racism existed in the public service; Bill 212 on *Training in Systemic Racism and Human Rights Act* was before Legislative Assembly; and Mayor Bowman announced that March 21 would begin the first ever Anti-Racism week in Winnipeg.

Putting all of these events into context I am reminded of how

Ann Colfer's fight against systemic discrimination in Ottawa in the late 1970's helped pave the way for many future police women and visible minority applicants across the country.

Since the 1970's Canadian society has become much more socially and ethnically diverse than at any previous time in our past. In the last century the role of women in our society has seen radical changes. They now work in virtually all areas of the workforce, and hold positions of responsibility and authority outside the home that would never

have been thinkable in the past. Although there had been remarkable changes in the workforce, the nation as a whole had been slow to accept women in certain stereotypical roles such as firefighters and police officers as evidenced in Kathy Antymis' article.

Until the *Manitoba Election Act* was amended in 1916,<sup>1</sup> no woman in Canada was allowed to vote in a provincial or federal election or even sit as a member of the Legislative Assembly even though they comprised half of the country's population. While most provinces

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1. *An Act to amend the Manitoba Election Act*, S.M. 1916, c. 36.



and the federal government were quick to follow Manitoba's lead, it was not until 1940 that women would win the right to vote in provincial elections or sit in the Legislative Assembly in Quebec.

Until 1930 women were not considered to be "*fit and qualified persons*" eligible for appointment to the Senate<sup>2</sup> and that same year the Quebec Legislature voted down a bill that would allow women to practice law in Quebec. The first female federal Cabinet Minister was not appointed until 1957, the first female R.C.M.P. officer was not appointed until 1974. It was not until 1982 that Justice Bertha Wilson was sworn in as Canada's first woman to sit on the Supreme Court. Even these advancements, however, were not felt equally by all women, as Indigenous, Black and women of colour did not experience equality and representation until much later.

Historically, women have not been well represented within the ranks of any police force. While the Winnipeg Police Force was one of the first police agencies in Canada to hire female constables when it appointed two officers in the waning days of 1916, the Police Commission did not authorize an increase in complement until 1957 when two more positions were added to increase the complement to four. The number of female officers increased again in 1968 to seven.

In the 58 years from 1916 to 1974, the Winnipeg Police Department only hired a total of 18 women. By 1980 there were 25 women on the force (or 2.4%). Today women

## Ann Colfer backed by inquiry 'Too small' for police, she may pound beat yet

By Anne McIntyre  
Journal Reporter

Ann Colfer, the 27-year-old woman refused a job with the Ottawa police force in 1977 because she is too small, may yet be pounding a beat in the city.

Colfer said Friday she is "really pleased" with the ruling of a provincial board of inquiry that found the force discriminated against her, ordering it either to abandon altogether or change the height and weight restrictions which caused her rejection.

She said she will let her application stand but is waiting to see what the force will do next.

"It (the ruling) was fantastic," Colfer said in an interview. "But now I've got to see if it has any effect. I am very committed to this thing but I think I'm turning into a cynic. I want to see if it's just a lot of words."

Colfer, whose five-foot 10-inch height and 146-pound weight did not meet the force's required five-foot 10-inch, 160-pound minimum, said she would leave her current job of selling industrial glass if accepted by the Ottawa police.

She has been working in Toronto and is being transferred to Montreal where she grew up, but Ottawa remains the city of her choice.

"The time has been a bit rough waiting but I understand my application has been advanced the 18 months it would have progressed if



ANN COLFER  
'really pleased'

I hadn't been refused," the university graduate said.

"Come on, there is a place on the force for women and I'm hoping this will clear the way."

Colfer, who studied law and sociology at university, said she has made no applications to other police forces.

"I like to be settled. I don't like the idea of being moved anywhere

and part of accepting a job with the OPP or RCMP is that you have to be prepared to move."

She said there was "not much chance" of her getting on with Metro Toronto police because they have a five-year waiting list for both men and women.

Her chances with Ottawa improved Thursday when Toronto law professor Peter Cumming, conducting the Ontario Human Rights Commission inquiry, found her rejection was based on discrimination because of the size requirement.

"I think the Ottawa police department thought I was a little bit strange to pursue it, but you don't have to be a rabid feminist to want to do a traditionally male job," she said.

Another Ottawa agency, the fire department, may be the next to change height and weight restrictions for job applicants.

Britannia Ward alderman Marlene Catterall is making inquiries on behalf of a male constituent concerning its five-foot nine-inch, 110-pound size requirement.

Fire chief Roy Duncan said the standard is not meant to be discriminatory but to ensure "there is enough bulk in a man to do the work."

Both Police Chief Thomas Welsh and Staff Superintendent Patrick Clark told the Cumming inquiry last July tall police officers are more effective than short ones.

comprise about 15% of the sworn officer complement of the Winnipeg Police, although, as noted above, it has not been felt equally by all women until more recently.

While the number of women represents only 15% of the entire force, it is still a dramatic change since 1980. In part, this increase in successful female applicants can be traced to the removal of several discriminatory barriers that once prevented many women from applying for police constable positions in Canada. One of the first

to challenge these discriminatory barriers was Ann Colfer in Ottawa.

At the time, the Ottawa Police imposed minimum height and weight requirements (5'10" and 160 lbs) on all police applicants. This requirement had the effect of denying virtually all women in Canada from serving as police officers as less than 1% of the female population met those criteria.<sup>3</sup>

Colfer filed a human rights complaint against the Ottawa Board of Police Commissioners challenging

2. Reference re Meaning of Word "Persons" in s. 24 of the B.N.A. Act [1928], S.C.R. 276.

3. The average height for a 19-year old female in Canada today is 5'5" (or 164.7 cm). See Average human height by country and accompanying footnotes. Online at [https://en.wikipedia.org/wiki/Average\\_human\\_height\\_by\\_country](https://en.wikipedia.org/wiki/Average_human_height_by_country)

their use of minimum height and weight requirements to disqualify otherwise suitable candidates. While the underlying assumption was that the standard was necessary for the safe and efficient performance of the work (a larger police officer was better equipped physically to deal with the criminal element), the Ontario Human Rights Tribunal concluded that there was no rational connection between the physical requirements in question and routine police duties and found their use to be a discriminatory practice.<sup>4</sup>

Since that time minimum height and weight (and age) requirements have been removed, and all police forces now require only that an applicant's height and weight be appropriate for their build and do not interfere with their ability to perform the duties of a police officer.<sup>5</sup>

Winnipeg was no different. Until City Council passed a motion in the early 1980s to remove the height and weight restrictions due to human rights concerns, police applicants had to be at least 5'10" and weigh a minimum of 160 pounds (in 1919 applicants were expected to be at least 5'11"). This standard was re-confirmed after the amalgamation of all the metro police departments in section 51 of the Winnipeg Police Commission By-law No 1, passed in October 1974. While section 51 did not distinguish between men and women, the practice of the Winnipeg Police was that women applicants had to be at least 5'5" and weigh 125 pounds.<sup>6</sup>

## Manitoba Human Rights Act

Similar to Ontario, the *Manitoba Human Rights Act*, originally passed in 1970, established the right of all citizens to be treated on the basis of their personal merit and to be afforded opportunities without influence of prejudice or negative stereotype.

Discrimination is defined as treating a person adversely without reasonable cause on the basis of characteristics that go to the root of who they are as a human being – their age, sex, ancestry, disability, sexual orientation or gender identity. That list serves to recognize that certain groups of people have historically been disadvantaged or had less access to employment, to services available to the public or to housing – and allows us to ensure that we provide equal opportunities to all Manitobans, regardless of any of those characteristics.

While height isn't a specified characteristic, it is considered under the ground of disability - which is interpreted broadly for discrimination purposes to include any real, or perceived condition that impacts a person's ability to take part in life on an equal level with others. It would also be considered as an analogous ground if the person alleging discrimination is from an insular and identifiable group that has been subjected to historical disadvantage to warrant protection from discrimination.

Height and other body characteristics may also fall under discrimination on the basis of sex or other characteristics, as we saw in the case of the Supreme Court decision involving Tawney Meiorin, a firefighter in the Province of British Columbia. Although she did her work well, she lost her job when the government adopted a minimum aerobic standard. The new standard measured the "maximal oxygen uptake", or the rate at which the body can take in oxygen, transport it to the muscles, and use it to produce energy.<sup>7</sup>

While the government argued the aerobic standard was necessary for the safe and efficient performance of the work, evidence presented at the hearing showed that as a result of physiological differences, most women have lower aerobic capacity than most men. Even with training, most women would never be able to increase their aerobic capacity to the level required by the aerobic standard, although training would allow most men to meet it.

Much like a minimum height and weight requirement for policing, the vast majority of Canadian women would not be able to meet the standard due to the different physiological differences between genders.

Indeed, there is no country in the world where the *average* height of a 19-year old female is greater than 5'7" (174 cm). However there are at least 44 countries where the average

4. *Colfer v. Ottawa (City) Board of Commissioners of Police* (1979), (Ont. Bd. of Inq.) [unreported]. As Ann Colfer was 5'10", but only weighed 146 pounds, her application to join the Ottawa Police was rejected. See "'Too Small for Police,' She May Pound Beat Yet", *Ottawa Journal*, January 20, 1978, page 3.

5. Within 3 years of *Colfer* the Supreme Court of Canada affirmed a two prong test for determining whether an occupational requirement was *bona fide*. First, there must be an objective relationship between the standards required and the job in question. Second, the standards must have been imposed in good faith. See *Ontario (Human Rights Commission) v. Etobicoke (Borough)* [1982] 1 S.C.R. 202.

6. Personal communication with Sergeant Linda Kisil (retired), who was initially hired as a 19-year old clerk by the Winnipeg Police in 1973 and appointed a police constable in 1974. She was promoted the first female Sergeant in 1987 and spent time in Human Resources.

7. *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, [1999] 3 S.C.R. 3.



## PART III STANDARDS

### CONDITIONS OF APPOINTMENT AND SERVICE

**51. A candidate for appointment to the Department as a Police Constable shall:**

- (a) be a Canadian citizen by birth or naturalization, with consideration being given to others who possess the necessary qualifications,**
- (b) be over 20 and under 30 years of age,**
- (c) be at least 5'10" in height measured without shoes,**
- (d) weight not less than 160 pounds and proportionate to height, age and build,**
- (e) as a minimum have the equivalent of a complete grade eleven education or a grade twelve General Educational Development diploma, and produce evidence of such,**

*by an intentional desire to obstruct someone's potential, or whether it is the accidental by-product of innocently motivated practices or systems. If the barrier is affecting certain groups in a disproportionately negative way, it is a signal that the practices that lead to this adverse impact may be discriminatory. That is why it is important to look at the results of a system.... (at para. 34)*

While police boards and police departments may not be inherently racist, to Chief Smyth's point there were systems in place that created barriers to the recruitment and retention of individuals or groups of individuals that were the accidental by-product of innocently motivated practices or systems that affected groups of individuals in a disproportionately negative way.

Stated differently, discrimination can be the adverse effect of existing policies, systems and structures that we're designed without diverse populations in mind.

What might some of the barriers be today that affect women (or visible minority groups) from being successful applicants that appear on the surface to be innocently motivated practices (or even applying in the first place)? Looking at your unsuccessful applicants, are there any commonalities between them that could go to the root of who they are as a human being – their age, sex, ancestry, disability, sexual orientation or gender identity? Are your hiring criteria preventing these applicants from successfully being hired as officers? If there is, are these criteria reasonably justified?

male population is at least 5'10" (178 cm). Almost without exception these countries are European. Where they are not, they are current or former colonies of European nations such as Canada, Australia, New Zealand, Bermuda, and Antigua. The one exception being Lebanon.<sup>8</sup>

Countries with the shortest *average* height are generally from the African and Asian continents, in particular the Indian subcontinent countries of Bangladesh, Bhutan, India, Nepal, Pakistan, Sri Lanka, and the Maldives, where the average height of the entire population is less than 5'4" (5'6" for men and 5'1½" for women).<sup>9</sup>

### Systemic Discrimination

Excluding someone from the opportunity to take part in life on an equal level with others based on height alone would be systemic discrimination as it would virtually eliminate the majority of women from applying. It could be

considered systemic *racism* where it excluded virtually anyone from a visible minority community from applying.

The leading case on systemic discrimination remains the decision of the Supreme Court of Canada in *C.N.R. v. Canada (Human Rights Commission)*, [1987] 1 S.C.R. 1114 (better known as "Action Travail des Femmes"). In that case, the Court adopted the following description of systemic discrimination contained in the 1984 Report of the Commission on Equality in Employment by Rosalie Abella (now on the Supreme Court of Canada):

*Discrimination... means practices or attitudes that have, whether by design or impact, the effect of limiting an individual's or a group's right to the opportunities generally available because of attributed rather than actual characteristics... It is not a question of whether this discrimination is motivated*

<sup>8</sup> and <sup>9</sup>. See footnote 3.



Although Richard Power was not the first chief of police in Manitoba, he was arguably the province's original pioneer police chief. Hired on October 10, 1870, three years before the NWMP (the forerunner to the RCMP) came into existence, Richard was among the first constables appointed for the Province of Manitoba and the only Chief of Police who ever lived in the Red River Settlement prior to Confederation. He would also become the second Governor of the Provincial Jail after the death of his father in 1876.

Young for the position he filled, Richard was considered worthy of the Chief's position when he was appointed in 1874 and distinguished himself in a number of important cases in the Province's early history. The local newspapers described Richard as "*a fine looking man, magnificently proportioned, every inch a soldier with the courage that nothing could daunt*". He was also a Second Lieutenant in the Winnipeg Troop of Cavalry, formed in 1878, and his trade mark was a Cold 45 with a 9-inch barrel slung around his waist with enough cartridges to take on a small army. While the newspapers considered him a "*terror to evil doers*", his friends numbered in the hundreds. As Richard constituted the entire Manitoba Force for a time after the formation of the Winnipeg Police in February 1874, he was often responsible for making arrests and conducting investigations on his own, or with the assistance of town constables or duly appointed deputies.

Born in Portsmouth, Bristol, England in 1850 or 1851 to Michael Power, a Sergeant-Major in the 2<sup>nd</sup> Dragoon Guards (Queens Bays), and Annie Wallace Scott, a Scottish midwife or nurse, Richard came to North America with his parents and his older sister Annie in 1855. His father, having retired to pension after 25-years with the 2<sup>nd</sup> Dragoon Guards on June 27, 1854, took a position teaching swordsmanship and athletics in Memphis, Tennessee.

# RICHARD POWER DEATH OF MANITOBA'S PIONEER POLICE CHIEF

By John Burchill, MACP Director at Large

In 1866, after the conclusion of the U.S. Civil War, Michael packed up his family and headed back to British territory. By the end of the year his family was living at Fort Garry in the Red River Settlement where Michael worked for the Hudson's Bay Company under the Council of Assiniboia. Albeit retired, the settlement of loyal, well trained and disciplined soldiers bolstered the defence capability of the community as well as supplemented its economic development. Indeed, Michael's military pension in Fort Garry was similar to the salary of a company official in terms of the money it brought into the settlement.

Eventually the Power family moved to St. Charles where Michael obtained patent or title to Lot 96 on the north side of the Assiniboine River. Three kilometers east from the Power's river lot lived the Honourable James McKay on a sprawling homestead.



McKay was arguably one of the most prominent men in the Metis/Red River Settlement for most of his life. In 1867, prior to Confederation McKay was appointed to the Council of Assiniboia, the governing body of the Red River Settlement. He was later appointed to the Executive Offices and Commissioner of Indian Affairs of the Provisional Government of Assiniboia as well as Justice of the Peace and President of the Whitehorse Plains District Court in 1870.

In 1871, after the first provincial elections in Manitoba, McKay was sworn in by Lieutenant Governor Archibald to sit in the Legislative Council, or Upper House (senate) of the Legislature. McKay was also appointed Speaker of the Council from 1871-1874, and was appointed a member of the North-West Territories Council in 1873. These appointments were made in response to Métis demands for representation in the government. Because of his linguistic skills and cross-cultural background, McKay was also involved in the negotiations of Treaties 1, 2 and 3, and served as a government commissioner for Treaties 5 and 6, covering all of Manitoba and the central parts of Saskatchewan and Alberta today.

James McKay had three children of his own, as well as an adopted daughter named Augusta from the Santee Dakota Nation, who had fled to the Red River Settlement with her mother after the Dakota or Sioux Uprising in the fall of 1862.

With the formation of Manitoba on July 15, 1870 and the arrival of Lieutenant-Governor Adams Archibald in September, an appeal was made for young men from the community to apply as constables

# APPOINTMENTS.

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## PROVINCE OF MANITOBA.

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{ GOVERNMENT HOUSE,  
*Fort Garry, February 6, 1874.*

His Honor the Lieutenant-Governor  
has been pleased to make the following  
appointments :

To be Jailer for New Jail :  
**Michael Power.**

To be Chief Constable for the Province :  
**Richard Power.**

The Provincial Police Force heretofore existing will be disbanded from and after the First of March next.

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for a provincial police force. Richard was one of the first nine civilians appointed to the force on October 10, 1870.

Michael Power, for his own service to the community was sworn in as an Assessor for the County of Selkirk and then as a Justice of the Peace on September 8, 1871. On February 6, 1874 he was sworn in as the first Governor (Gaoler) of the Provincial Jail in Manitoba. Michael remained the Governor of the Provincial Jail until December 9, 1876 when he passed away. He was buried with military honours at the St. Charles Cemetery next to their homestead.

On October 25, 1872 Richard was appointed Deputy Chief of Police. With the departure of Chief dePlainval, Richard was officially appointed Chief of Police on February 6, 1874, although he had been acting in that position since the departure of de Plainval on April 1, 1873.

With the official swearing-in of one hundred and fifty members of the North-West Mounted Police (NWMP) and the Incorporation of the City of Winnipeg, there was little need for a Provincial Police force. Although the NWMP were not the police of jurisdiction for Manitoba, being stationed at Lower Fort Garry



effectively resulted in the reduction of the Provincial Police to just one man when Winnipeg formed its own small police department on February 28, 1874.

Besides his role as Chief of Police, Richard would also take on his father's duties as Governor of the Provincial Jail for almost two years until a replacement was found on February 11, 1878. Richard was also appointed License Inspector for Manitoba on September 25, 1874 and Gunpowder Inspector for Winnipeg and the County of Selkirk on May 14, 1877. He gave up both positions on August 6 and July 25, 1877 respectively as his roles of police chief, gaoler, husband and father became busier.

After Richard was appointed Chief of Police he married Augusta McKay at the St. Charles Church on April 7, 1874. On November 15, 1875 Richard and Augusta had a daughter -- Mary Adelaide Power. The couple had two more children, Michael Richard Thomas Power, born 1878, and Marguerite Alexandra Power, born 1879, however neither survived beyond their first few years of life. Marguerite was buried in St. Charles Cemetery in 1880 and likely David Thomas was as well.

In the January 31, 1878 budget discussions Alphone Martin, MLA for Ste. Agathe stated *"speak[ing] of the salary of the Chief Constable, who only got \$958. If there was a man who deserved a high salary it was that official, as his duties were dangerous as well as onerous, being liable to be called upon to expose his life at any time"*. Indeed, during his career Richard escaped death twice; once in September 1874 when he was shot at by Frank (Edward)

Martin as he attempted to arrest him in Scratching River (Morris); and again in September 1879 when Edward Daniels tried to shoot him in Kildonan but his gun misfired.

Richard's good fortune ran out in July 1880 when dealing with Michael Carroll, frontier "hard case" who had been in and out of jail most of his life, having served time in Eastern Canada for numerous robberies and prison breaks. Carroll's vocation brought him to Manitoba and subsequently to Richard's attention when he was advised that Carroll was wanted for highway robbery in Rat Portage (now Kenora). Richard arrested Carroll and returned him to Rat Portage with the assistance of a CPR detective on July 3, 1880.

Richard and CPR officer left on the Cross Lake train for Rat Portage and subsequently turned Carroll over to the Rat Portage officials for trial. At the time of his arrest Carroll swore publicly that he would drown the Rat Portage officer while crossing Lake of the Woods, even if he drowned himself in the attempt. Those words were to prove prophetic in less than three weeks.

The trip went off without incident and Carroll was tried and convicted before Magistrate James Westropp Brereton on July 7, 1880. However due to Carroll's history of prior escapes Magistrate Brereton sentenced Carroll to serve his 12-month sentence at the Provincial Jail in Winnipeg, believing it offered better security than the one in Port Arthur (now Thunder Bay). Carroll was returned to Winnipeg on July 9, 1880.

On the morning of July 22, 1880, Carroll was taken out of the Provincial Jail and sent out to the

government offices on Main Street with three other prisoners to cut wood. With only one guard sent to watch over the four prisoners, the inevitable happened and Carroll escaped from the job site. Before the lone jailor could secure the rest of his prisoners and summon help, Carroll managed to cross the Red River on the newly laid railroad foundations and headed south along the tracks towards Emerson.

Richard, who had been ill during the day, was informed of the escape. He immediately saddled a horse and with one of his officers he headed south along the tracks in pursuit of Carroll. About ten miles south of Winnipeg Richard discovered Carroll hiding in a haystack, his feet bloodied and bruised (his jailor had taken his shoes from him before cutting wood to prevent or lessen the likelihood of his escape). Carroll was placed under arrest, secured in handcuffs and returned to Winnipeg along the tracks by handcar.

At about 11:30 p.m., the trio arrived in St. Boniface only to find that the ferry across the Red River had shut down for the night. As a result Richard summoned a small night boat owner to assist them in crossing the river. Richard was the first to enter to boat, and when he turned to assist Carroll into the boat, Carroll jumped down onto the gunwale hit Power on the head with his manacled hands, and upset the boat, throwing both himself and Richard into the river. Neither man rose to the surface. After a three hour search Richard's body was recovered nearby.

Carroll's body was recovered almost 12 hours later, downriver towards Selkirk by two of Richard's men. The two officers put Carroll's body



in a coffin and took it to Brookside Cemetery where it was buried in plot 01-0037-0. It will never be known if Carroll tipped the boat intentionally, however he had previously threatened to drown another police officer who tried to return him to jail - even if he perished himself.

Richard's body was subsequently brought to the Provincial Court House where it stayed until funeral ceremonies were held on Sunday, July 25, 1880. The funeral was one of the largest ever to take place in Winnipeg (up to that time), with the funeral procession consisting of members of the Winnipeg Field Battery, the Winnipeg Infantry Company, the Manitoba Militia, the Winnipeg Troop of Cavalry, members of government and the City and Provincial Police Forces. The procession wound through the streets of Winnipeg and after funeral services were held at St. Mary's Church, Richard's body was marched to the St. Charles Cemetery where he was buried with military honours next to his father.

Richard left behind his mother, two brothers, two sisters, a wife and two small children. Fortunately for his family Richard had a \$3000.00 life insurance policy (\$75,000 with inflation in 2020) which would have

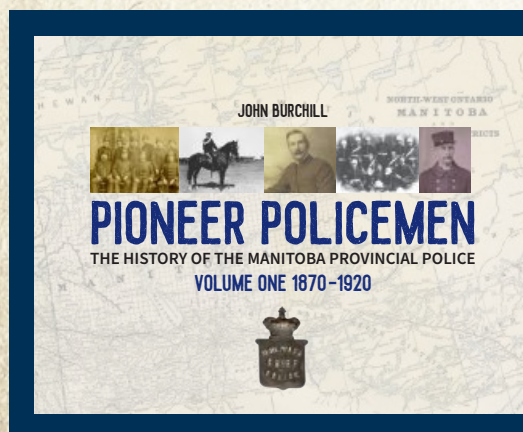


left his family relatively comfortable.

Richard died while serving the people of Manitoba. He was one of the first police officers ever appointed in this province. He served with the Manitoba Provincial Police for nearly 10 years, 6 as their Chief and almost two years as the provincial Gaoler. He also served with honours in the Winnipeg Troop of Cavalry. However, on visiting the St. Charles Cemetery, I found there nothing to record his passing except the columns in a 140 year old newspaper. Through the assistance of the Manitoba Association Chiefs

of Police and the Minister of Justice, Criminal Property Forfeiture Fund, this was corrected in 2020 with the placement of a headstone beside his fathers, signifying his service on the 150th Anniversary of the Province and his appointment as a police constable -- Lest we forget.

More on Richard Power and the Manitoba Provincial Police can be found in the book: *Pioneer Policemen, the History of the Manitoba Provincial Police, Vol. 1 (1870-1920)*.



## Pioneer Policemen

*The History of the Manitoba Provincial Police Volume 1 (1870 to 1920)*

**John Burchill**

2020. Formed in 1870 the Manitoba Mounted Constabulary was the first police force in Western Canada formed after Confederation. It remained in existence until 1932 when at the height of the Great Depression it was absorbed into the RCMP. Broken into two volumes, this book chronicles the 150 year history of these pioneer policemen for the first time from its inception in 1870 until 1920.



# SPECIALTY VEHICLES

## An Essential Part of Remote Policing

By Travis Poland



*RCMP officers in Thompson and Gillam, Man., use a special road-rail truck called a high-rail to reach remote regions. Credit: Serge Gouin, RCMP (Content and photo reprinted with the permission of the RCMP Gazette)*

When RCMP officers need to reach remote communities, sometimes a police cruiser doesn't cut it.

In Gods Lake Narrows, Man., where the RCMP detachment serves communities spread across a large, northern Manitoba lake, police use boats daily until the winter freeze-up.

While RCMP marine units provide operational support in coastal areas, Gods Lake Narrows requires its boats for day-to-day policing and getting officers from point A to B.

The detachment serves Gods River on the north shore of the large lake, more than 40 kilometers away as the crow flies. The trip can take an hour if waters are calm — which is rare — and police have four different boats to address different operational and weather concerns.

“We have to do a risk assessment depending on the weather and depending on the service call. We need to have those options,” says Sgt. Dennis Silliker, the non-commissioned officer in charge of the detachment.

The lake is an essential part of life in the communities that rely on it for fishing and transportation. Frequent boating in the community means police have to be on the water, too.

“We’ve had impaired investigations on boats, we’ve been able to pull people over, and we’ve been able to do enforcement,” says Silliker. “We encourage our officers to get to know the lake the best they can.”

When the lake freezes, police use the ice roads and snowmobiles, and because of the remote location, it isn’t unusual for officers to take a plane or helicopter to isolated communities.

## Riding the rails

While railways are vital for linking passengers and cargo to northern communities, police also use the tracks.

RCMP in Thompson and Gillam, MB, use a special road-rail truck, commonly called a high-rail, to reach remote regions.

Officers drop an extra set of wheels designed to keep the truck on the tracks and drive along the railway as if it’s a highway. Speed is limited to 40 km/h but, if flights aren’t available, it’s the only option.

Outside of the winter-road season, typically January to March, Thompson RCMP use their rail trucks to respond to calls and patrol Thicket Portage and Pikwitonei, rural settlements with populations of 100 to 150.

“There’s no real easy way to get to the communities, but rail seems to be the most reliable option,” says Cst. Ted Weiss with the Thompson RCMP.

Weiss says while service calls to the communities are limited, police do conduct patrols.

## An island detachment

At the RCMP’s Island Lake detachment, alternatives to the police cruiser are essential. The police station sits on an island and officers patrol a handful of lakeside communities about 275 kilometers east of Winnipeg.

The detachment uses boats, snowmobiles, all-terrain vehicles (ATVs) and a side-by-side utility vehicle to complete its daily policing tasks.

Officers can ride, fly in on a helicopter or drive on ice roads to reach their destinations. If they commute with an ATV or snowmobile instead of a truck, full-sized RCMP vehicles are ready to use at each community.

“When we can begin travelling to the other communities on the snowmobile or the ATV, that allows us to provide around-the-clock service,” says Sgt. Michel Pelletier, who leads the Island Lake detachment. “We’re not at the mercy of flight times and the helicopter, which can’t fly at night.”

During the spring and fall, when ice is too thin to ride on and too thick to boat through, the detachment can charter a local hovercraft. The vessel floats on a cushion of air on top of broken ice and open water.

“Every day we can use different modes of transportation,” says Pelletier. “Depending on the weather and depending on the time of year, how we get around is dictated by Mother Nature.”



Manitoba Minister Of Justice and Attorney General

# EXCELLENCE IN LAW ENFORCEMENT MEDAL

*Call for nominations coming soon.*





**To  
Commute  
or Not to  
Commute**

**That Is  
(often)  
the  
Question**

As many of us approach retirement we are often faced with choices around what to do with our pension plan. The income tax and pension regulations can be quite complex and often conflict with each other. In this article, we examine some of the typical choices and considerations in this very important decision facing pension plan members.

There are two fundamental types of pension plans provided by employers; a defined contribution pension plan or a defined benefit pension plan:

## **DEFINED CONTRIBUTION PENSION PLAN**

- Contributions are defined and funded by you and the employer.
- Like a Registered Retirement Savings Plan (“RRSP”), the retirement income available to you will be dependent on the contributions and the investment returns earned by the account. The investment returns accrue solely to your benefit – the investment risks are borne solely by you as well.

### **At retirement, you typically have two options:**

- i. Transfer the balance to a Locked-in Retirement Account (“LIRA”), a portion may be transferable to your RRSP.

If you need to start receiving retirement income, you can convert all or a portion of your LIRA to a Life Income Fund (“LIF”). A LIF has both a

maximum and minimum yearly payment to you. LIRAs must be converted to LIFs as early as the year in which you turn 55, but no later than age 71.

- ii. Purchase a life annuity. This is an insurance contract that provides for an income payable to you for life.

## DEFINED BENEFIT PENSION

- This pension plan provides a defined benefit pension payable for your lifetime.
- Typically, both you and the employer contribute during your period of employment. The contributions can change from time to time in order to ensure funding of the defined benefit for all members of the pension plan.
- The investment returns are shared amongst the pension members as a group and the employer. The investment risks are shared across the same group.
- The “payout” available follows a formula that takes into account years of service and most recent average earnings – typically 5 years.
- Typically, full pension benefits will be achieved after a minimum number of years of service and reaching a certain age. Often the combination of the two (age and service) must equal 80 – often called the Rule of 80.

- ii. Commute your pension and forego your right to a lifetime income by accepting a one-time lump sum transfer of the commuted value to a LIRA. It is likely that a portion will need to be paid in cash and will be taxable to you in the year received. If you need to start receiving retirement income you can convert all or a portion of your LIRA to a LIF as explained in the Defined Contribution Pension section.

The options available to defined contribution pension plan members are fairly straight forward. The accumulated amount provides for access to an income in retirement not unlike an RRSP account.

The choices available to an employee who has earned full pension benefits through a defined benefit pension plan can be more complex; the most material choice being the consideration of opting for a lump sum or commuted value over the receipt of a secure lifetime income.

On first impression, commuted values for defined benefit pension plans can seem enormous. On the surface, the initial instinct is often to “take the money and run”. The reality is that there are no “do overs” in making the decision and it requires careful consideration of many factors – both qualitative and quantitative.

### At retirement, you have two options:

- i. Receive a pension payment (typically monthly) for the rest of your life, and typically a percentage to your spouse, if you pass away before them. The pension can commence when you reach the requirements for age and years of service or in many cases can be deferred to a later age (with an increase in the pension amount).



## QUESTIONS TO BE CONSIDERED INCLUDE:

- Is there longevity in your family's gene pool?
- Are you already struggling with health issues?
- Beyond your spouse, do you have dependents who still rely on your financial support?
- Will you keep working? If so, for how long and what will you earn?
- How will your lifestyle costs change in retirement?
- Does your spouse work? How long will they work, and are they also a part of a pension plan, and what type of plan is it?
- Have you saved for retirement outside of your pension plan?
- Do your group benefits change if you commute your pension plan?
- Do you want to leave a legacy (money) for your children?
- Do you have debt that you still need to pay off in retirement?
- How many pensions do you have and what have you done with them in the past?
- If you commute, how much will you receive as a taxable cash benefit, and how much can you roll into a locked-in retirement account?
- Is your defined benefit indexed to inflation?
- Do you have large purchases in your future that you've saved for, or not?
- What is your investment risk tolerance and how will you invest the commuted value of your pension?
- And there's more...

Understanding your overall financial puzzle is key to the decision to commute, or not to commute, your defined benefit pension plan.

Should you need or want help in order to make the right decision, there are professionals available to help you work through these questions and to piece together your financial puzzle. Most will help you do what's right for you, but even so, there is a direct conflict of interest as many are only paid if you decide to commute your pension to their investment platform. Understanding what, if any, fiduciary duty they have to you is equally as important as asking for their help.

You have worked for decades to earn your pension benefits. The decision that you make now about your pension options will impact you for the rest of your life. Take time, hit pause, seek objective advice and make a considered, fact-based decision.

*Paul Bruch-Wiens is a Private Wealth Manager with Quadrant Private Wealth. Paul holds the professional designation of Certified Financial Planner in addition to holding a Bachelor of Commerce Honours degree with a major in Accounting. You can learn more about Paul and Quadrant Private Wealth at [www.quadrantprivate.com](http://www.quadrantprivate.com).*



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