

# *“Are we there yet? Reflections on 25 years of police governance”*

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Good afternoon. I always feel I am among friends when I attend a CAPG event. We began an association many years ago when the Canadian Police College launched its police governance workshops in Ottawa. I had the pleasure of designing those first workshops and then teaching them. Very soon, Jennifer Malloy connected and we began a fairly consistent interaction. I had the honour to work with both police services and a select group of boards and commissions on a bilateral basis.

However, my association with police governance, and all the nuance that is built into it, occurred much earlier, when I was Deputy Commissioner of Corrections, responsible for the Ontario Region. Of course, this included Toronto, at that time a very challenging area for Corrections Canada, what with a series of parolees misadventures and the crying need for more halfway house space and for us to work more closely with the Toronto Police Service, a relationship that sadly deteriorated. That put me in Toronto a lot, meeting police and other groups. I well remember one event, the nature of which has since evaporated from memory, but one that placed me on a dais wedged between then Chief McCormick, with whom I had just met and been regaled with his not so cordial views and the Chair of the Police Services Board, Susan Eng. On my other side was who else – Ms. Eng, with whom I subsequently met and got the other version of what was clearly a strained relationship. A rose between two thorns? The ham in the sandwich? I am unsure of either of those descriptions. It was more like I could just feel the vibrations and they did not feel to pleasant.

But I took one lesson from that, one that has been confirmed in the corporate and public sector governance research I have done: oversight has to be tough and demanding. However, it does not have to be personal. Further, for the organization being overseen, questioning the legitimacy of that very oversight or treating it as an annoyance does not work either.

In none of this do I claim to be an expert. I came to believe in the power of good governance and see many manifestations of it. I also came to believe that civilian oversight of policing is a unique thing, a special thing, that does great good for our society but that is also troubled by a lack of understanding of roles, a lack of clarity on the part of police about what it is to be governed and a very poor understanding in the public of the role of police oversight.

I also do not qualify as an advocate or champion of one particular viewpoint. I believe that, with notable and few exceptions, we have excellent police services in Canada. This is across the country. Even in the First Nations, we see examples of First Nation governments and people, facing unbelievable social, economic and stunningly obdurate bureaucratic odds, successfully putting in place First Nation led and culturally attuned police services. Our police services are evolving and adapting in a society that is changing in many ways. Working with you and with police executives over the past 12 years directly and, of course, throughout much of my government experience in criminal justice, I am impressed by how much has developed, improved and become more sophisticated in the police world. I fear, looking forward, that the pace is too slow for what lies ahead.

You have come a long way and should be proud, but the times are changing and the challenges are too. I think that your focus has to up the game of oversight to address the need for change.

Let's just start with a tiny retrospect. In doing so I do want to repeat what you know. What I want to touch on are certain elements that support by proposition to you today: you have come a long way, but the journey is never over. It is about to change dramatically and you need to think clearly about that. Just remember, anything I say here I say as a friend, not as a critic, not as an ideologue and certainly not as someone who has some kind of grudge to bear or right to wrong.

### **The Agenda up to Now**

I would suggest that in the past 25 years, individual boards and now your national organization as well as the provincial groups have been addressing, with varying degrees of success the following issues:

- **Legitimacy and Understanding:** The very creation of police oversight by provinces was an act of public policy whose origins are unclear. Further, this did not arise from a public outcry or a specific incident, although they probably precipitated some of the thinking. The case for this public policy is a good one. Having it understood by the players has been a challenge. Respecting the nature of that relationship is also a real challenge. You have individually and collectively been engaged in establishing your legitimacy with your police service, with your municipal councils and with the public. In many cases you have very well at this. In other cases, there are challenges. I am not here to assess your performance, but to suggest that a simple study of

- this would show that good practice has been established and we – you – need to learn from this. Like so much else I will mention this is continuing. Just with the past six months, I had a conversation with a board member who was also a municipal councillor who clearly did not understand the legal basis of her role on the board, even with 2 years of membership behind her.
- **Policy and Guidance:** It is not hard to find good policy frameworks in place across the country. This has been a task for many, one that tread carefully around the extent of policy direction that a board can give. Well done and of great use to other boards. However, and this speaks to the next 25 years, too many of those policies lack accountability and performance metrics. Too many of those policies simply require of the Chief an attestation that he or she had done it, not how and with what concrete proof. Therefore, having policy is wonderful. They are but a Potemkin village without clear accountability, measurement and reporting back.
  - **Assessing the Chief:** Many Boards have developed excellent means to undertake Chief assessments. Once again, this is a challenge for any oversight body. I have only been able to look at some and have not actually seen any real assessments, so what follows is a bit general. Having such assessments, using them strategically is the next challenge. As I will note looking forward, I believe these instruments have to be closely tied to your strategic plans and policies, as well as the performance expectations you have of the Chief. As much work as these are, I personally oppose a trend in managerial thinking that say such assessments are not worthwhile, but only paper exercises that take up a lot of time. If they are treated with such contempt, that speaks to a poor use of a powerful tool, especially when legal formal oversight is involved.
  - **Supporting the Core Independence of Policing:** Boards have been called on in Canada in many instances to insulate the police service from various forms of interference. That is a legitimate role, rife with all kinds of risk and conflict. In spite of a continued media failure to appreciate the nature of police oversight, versus police complaints or investigations, you have done a great job.

### **The Times are Changing**

Looking back these 25 years, you have indeed come a long way. There should be considerable pride in what has been accomplished. However, like any oversight board, you have to be concerned with the bigger picture, the next think or, as one Board Chair of a large Canadian corporation said to me in my Conference Board research, “We as a Board have to be concerned with risks not just in the business but to the business.” Another also said, very wisely, “The greatest danger to a Board is when it falls in love with its own business plan.” I would suggest that it is even in greater danger, as some police boards are today, when it falls in love uncritically with the CEO’s business plan.

I do not need to tell you that change is afoot. But let's just parse that out a bit. Yes, there is tremendous budget pressure. But as many in government will tell you, and as Alok's excellent paper of several years ago stated so well, the budget pressures reflect a more significant question: are you getting the bang for the buck? I would suggest to you that there is a growing consensus that action is needed on budget control, better costing of services and a continual search for new ways of doing things. It behoves the board or commission to see this as a strategic challenge.

Another major development is the growth of big data accompanied by the exponential growth in business analytics. We see real leadership in the police community on this. Look to the case study we published at IPAC on the Edmonton Police Service experience. We know more. We link it more and we understand trends better. But, from a Board perspective, this represents a major shift. Why? First, is big data operational or policy? I feel uncomfortable even using these terms in that context. My point is that the growing analytical capacity of police services make them more knowable not only in a performance sense but also in a business process sense. And, not insignificantly, the growth in big data provides greater linkages to other parts of the community service systems, leading to greater integration and dependency.

Finally, without being too obvious, I would suggest that police services are going to be faced with more major incidents, either planned or unplanned, that require a concern for organizational resilience, cost and accountability. This is not just a Toronto problem. The ability of police services to respond to incidents but also retain their accountability, most notably to the oversight bodies that direct them, takes us back to the very reason boards and commission were created in the first place.

So, what to do about these challenges? First, let me say, I know perfectly well that I will not win an award for originality here. You are well seized of these issues. I cannot offer a full program nor would even pretend that I see one fully formed. I would like to speak to three issues:

- The continued discussion of operations versus policy,
- The business model and need for fundamental rethinking of police delivery, and
- You and your Chief.

### **Operations versus Policy**

The silliness over operations and policy has to stop. Morden did not settle this, but it surely exposed the falseness of the iron curtain that some would like to see. This is an excuse for poor accountability.

In 2007, Christopher Murphy and Paul McKenna wrote: "Governance, as accountability, will always be limited in its precise scope. This is, in part, to acknowledge, sustain, and circumscribe the notion of police operational independence.

This notion relates to the longstanding view that senior police executives (e.g., chiefs of police) should not be unduly constrained in making autonomous decisions about specific operational and tactical deployment, as well as, the day-to-day administration and management of police department resources. Therefore, while a civilian governing authority (e.g., a police services board, police commission, or committee of council) may have a robust and comprehensive role in terms of the strategic direction of a police service, including the recruitment and retention of a police chief (and other senior executive officers), the overall priorities pursued by the organization and budget approval, there is a variable understanding that operational matters remain the exclusive decision-making domain of the police themselves. There remains a complex and controversial tension between what precisely is included under the ambit of strategic direction and where operational decisions step into the realm of legitimate accountability." That is true as far as it goes. However, what I have observed in Canadian police governance would suggest that the question of this dichotomy has taken some very unhelpful twists and turns, most of which have created a timidity on the part of some Boards or Commissions to engage in meaningful dialogues with the Chief or serve their need for adequate information to judge even whether they should be involved.

Some of the trends that I have observed are:

- Chiefs who use the operational line in the sand to not share information or seek Board guidance, basing the claim on their views, with no real evidence to support it and daring the Board to push the matter.
- A general acceptance, such as we see in the quotation that I just cited, to suggest that there is a clear distinction between policy and operations that judgement can readily be drawn. In truth – and I have been involved in one considerable amount of policy-making and policy operationalizing – these lines blur. It continues to strike me that Board have a fundamental duty to understand the operational implications of the policy they make and, even more importantly, the policy implications of the operational decisions that get made. Just as Chiefs need to resist legitimate incursions into their need to exercise operational control - and the Board should insist that they do- so too the Board cannot exercise its legislated mandate to oversee policing in a community bereft of the information and control it needs to exercise. I see this particularly when major new technologies are introduced or major foreseen events are planned.
- I see Boards tackling these issues on a continuous basis. What worries me is that they are looking for a definitive answer. There is none. This so-called divide is changeable. What is strategic one day is operational another and visa versa.

You have come a long way on this one, but still, as is evidenced almost too frequently event today, have a long way to go. Boards are facing pressures and end-runs from politicians to cut costs, fix things and carry out their own priorities. There remains much mischief afoot on this issue.

## **Business Model**

The very business model of policing is collapsing on its own weight. So is a lot of the rest of public service too. But any board or chief who think they can have straight line exponential growth have to smarten up. Look at health care not just for the crisis that cost explosions create but more recently to the heroic and increasingly successful efforts to contain costs through process reengineering, system reform and breaking down traditional barriers such as the unsustainable role of the doctor as the centre of all things medical. Does this sound like a uniformed sworn officer.

I would suggest that Boards need to demand reviews, information and processes that lead to real change. I would suggest that we have models, such as health care and a full range in the private sector, pointing to useful (as long as you contain them) process such as LEAN, that, applied to policing, can point to different ways to do things. What concerns me is that Boards not only have to demand them of the Chief but also realize that, should they not get what they feel they need, they have to consider whether they have the right Chief. Is there a link to the performance review? Is there a link to the Chief's pay? Who, in these processes, is the client? While any fundamental change process must be fully internalized in any organization, it may take some real effort to ensure that you have the right leadership to do it. That also means that you have to lead.

## **Do You Have the Chief You Need?**

One thing has been most heartening from the front of the classroom is observing the rapid change in the executive police cadre. This has been more than a generational shift. What I have observed are a number of positive trends that make me hopeful for the future that is full of challenge for police executives:

- The education level is definitely on the rise, with many police officers of senior ranks seeking out professional degrees to broaden their perspective.
- In the class, I have witnessed a growing awareness of what one might call the bigger picture, be that the social nature of policing, the economic implications of policing or the need to better collaborate and interact with the community.
- We are seeing more women in command roles. It is still not enough and it has to continue but there is movement.

I am going to tip my hat to the Police Commissions and Board that have taken their key decision-making role in choosing the Chief very seriously. We have many examples that are heartening. Keep it up. A concern I that have, however, is that I have also seen some Boards forget that the Chief is their employee once he or she gets the job. The Chief's role in our communities is a big one. Often the personality is a big one. Nonetheless, the Chief remains nothing more than a senior public servant with very clear lines of accountability to the Board.

If I would advise one thing it is that each Board here begin to think about its chief and ask two questions:

- Is this Chief ready to take the direction the Board has to give, based on whatever information – operational or policy – it needs?
- Is this Chief ready to take on the traditional policing business model, create new ways of thinking and actually implement them?

If the answer is no, then you need a new Chief. You also need to carefully think of your next chief. If you simply see internal succession as the answer without actually assessing whether the next chief can positively respond to the two questions, you are letting your current chief name his successor. You need to think seriously about alternatives, about change and about attitude.

You are in the process across this country of a change in police leadership. You really have to concern yourself that, with the fundamental shifts in the business that are afoot, that you not simply carry on as usual. For, the reality is that the usual is increasingly unusual. I wish well in all this. Governance is tough work. We are well positioned for the challenges, but it is still tough work.