

Chapter 3 – Canada

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INTRODUCTION

Canada's asymmetric, decentralized approach to public security is characterized by a system of local control that is flexible enough to meet diverse demands, yet centralized enough to benefit from federal support in times of need. An equilibrium of de/centralized service delivery makes possible a relatively standardized albeit asymmetric service delivery in day-to-day operations and during times of disaster or emergency relief. The functionality of the Canadian public security model is premised on local engagement and accountability. Apolitical federal bureaucratic coordination encourages and supports national standards and provides surge capacity in times of crisis. This chapter begins by mapping the historical and constitutional roots of public security in Canada and surveying the institutional structure of the system, with an emphasis on the distribution of power and responsibility across three levels of government. It turns out that the theme of this volume, public security, is only part of the French Canadian but not the English Canadian vernacular and, in English, serves as a heuristic device instead: Canadians refer to "public safety" in English but *sécurité publique* in French (as distinct from *sûreté* which French Canadians associate with what in English is commonly known as community safety). Even though the use of the referent public security in the Canadian context may seem unfamiliar to the English Canadian reader, since this volume deals with anthropogenic issues of public security as distinct from naturogenic ones of public safety, the French connotation of the same phenomenon is more apt. The dualist power-sharing arrangement that emerged following Confederation gave rise to federal (shared-rule) control of *public security* and

territorial integrity with autonomous (self-rule) over local matters of individual and *community safety* largely relegated to the provinces, often delivered by municipalities as unitary appendages of the provinces. This is problematic in a country whose five largest cities are more populous and of greater economic import each than four of ten provinces. In this light, the final section discusses challenges of intergovernmental affairs and coordination posed by the multilevel provision of public security in Canada, notably the difficulties of shared sovereignty in security governance as manifest in coordinating priorities and of the disconnects that arise when much of the first-response capacity resides with municipal and local governments whereas jurisdictional authority is vested with provincial and federal authorities.

Canada has the world's second-largest landmass, the world's longest Maritime and land borders, four climate zones, and some of the largest temperature differentials in the world. Yet, at 3.71 people per square km (and only about 1 actual tax payer per square km) Canada is among the least-populated countries in the world. It also happens to border the United States, which puts Canada and its borders in a pretty unique security context. Canada is also among the world's most culturally diverse countries in the world. Canada, then, suffers from fiscal, human and organizational resource constraints to confront a disproportionately broad spectrum of high-impact, high-probability public-safety challenges (such as earthquakes, forest fires, floods, and snow emergencies). Public security challenges, by contrast, are modest yet can garner a significant profile, as the Vancouver Olympics (2010), the Pan-Am Games in Toronto (2015), the G8/G20 meetings (2010), the SARS episode (2003), the Vancouver (2011, 1994), Montreal (2010, 2008, 1993, 1986, 1955) and Edmonton (2006) hockey riots, and the Montreal student protests (2012) demonstrate. Canada also confronts gang violence, organized crime and associated smuggling of illicit good and smuggling of human beings, grievances by some part of

Canada's Aboriginal population that have at times resulted in violent protests and disregard for the rule of law by some sub-sections of the Aboriginal population, a full spectrum of terrorism threats, including financing and the attempted export of weapons to other parts of the world, as well as myriad cybersecurity threats. On the one hand, a country as large and disparate as Canada has little option but to decentralize public security. On the other hand, the federal government has to balance decentralization against the need to provide equitable security for citizens across this vast country, play a coordinating role, and to step up with surge capacity as needed. The result is a public security system whose costs are estimated to have increased substantially (Office of the Parliamentary Budget Officer 2013). According to a study conducted by the Fraser Institute, between 1986 and 2012 the costs of policing in Canada are estimated to have increased by 45.5% (Di Matteo, 2014). Some estimates place that cost even higher, doubling between 2001 and 2011 (Macdonald, 2011). The functionality of the public security system – and greatest challenge - hinges on decentralization, asymmetry, considerable fiscal autonomy, intergovernmental coordination and multilevel governance.

Asymmetry, in the context of federalism, is often associated with different degrees of legislative autonomy or independence among constituent units. In the case of public security in Canada, however, *de jure* powers are the same across provinces. Their exercise, implementation and administration, however, differ among provinces. Concomitantly, decentralization denotes not just a constitutional division of powers, but specifically a set of inviolable powers that the Constitution assigns to the provinces and that constitutional practice honours as such. Constitutionally, then, the policy and administrative provision of public security is an area where sovereignty is genuinely shared between the provincial and federal governments. By contrast, the relationship between provinces and municipalities is strictly one of devolution where local

self-rule is at the whim of the province. And although Aboriginal government is not enumerated as a constitutionally distinct level, some Aboriginal communities nonetheless enjoy some privileges of self-rule in the administration of public security. Pluralistic federalism is one way to refer to special recognition that sets select Aboriginal communities apart from the municipal, provincial and federal orders of government. The resulting amalgam of multilevel governance in the provision of public security is a unique way of ensuring comparable security outcomes across a range of communal priorities, interests, norms and values.

CONSTITUTIONAL AND HISTORICAL ROOTS

Constitutional Roots

The preamble of Article 91 of the British North America Act (BNA 1867) assigns the federal government with powers over Peace, Order and good Government (POGG). The article gives the federal government jurisdiction over criminal law, emergency management, national security, policy on violent crime and the political executive's prerogative over foreign and defence policy. By contrast, article 92 explicitly assigns matters that are "local" in nature to the jurisdiction of the provincial government: detention facilities, civil matters and natural disasters as well as the enforcement of laws made by the province. This arrangement is meant to preserve local solutions to local security issues.

In theory, articles 91 and 92 delineate jurisdictional boundaries; in practice, "the fundamental problem with the current regime is the absence of a clear and shared understanding of the roles and responsibilities of the various orders of government" in matters of public security (Federation of Canadian Municipalities, 2008: 5). Ambiguity means having to rely on

intergovernmental mechanisms to resolve the resulting conundrum: who pays and who delivers? The central government, for instance, has the legislative capacity to standardize certain security practices at the local level. Under Section 91, the Parliament of Canada has exclusive constitutional jurisdiction over criminal law, but the Legislative Assemblies of the provinces are responsible for the administration of justice. As a result, the federal government's ability to legislate in certain areas of public security is locally contested and controversial, especially in Quebec which has a more encompassing and expansive view of the role of the State than the liberal Lockean view of limited government intervention that prevails in the rest of Canada. Firearms legislation, for instance, which has been part of the Criminal Code of Canada since 1892, has long been considered by many a local matter (especially in rural and northern areas) and not one to be legislated federally.

While the core principles of the Canadian Constitution have remained largely unchanged since 1867, federal legislation has had to adapt. Canada's Anti-Terrorism Act and the Emergency Management Act are contemporary examples of the federal/provincial arrangement for sharing security responsibilities. The federal structure of disaster management recognizes the authority and capability of the provinces to deal with disasters unless the provincial government requests the assistance of the federal government or if the federal government believes that the disaster has national implications. Federal intervention is a function of these two conditions.

Historical roots

Following the terms of the Treaty of Washington in 1871, the withdrawal of British troops was imminent. In light of the need to take responsibility for its own defence, and new emerging threats to Canadian territorial integrity, Canada had a strong incentive to expedite unification between the regional colonial holdings. Instability in the US, in large part due to the Civil War,

threatened to spill over into Canada and Canadians were confronted with the very real possibility of an invasion from the US as part of America's manifest destiny doctrine. Raids by the radical Irish-Americans Fenian movement across the border into Canada caused a good deal of local concern and caused the ranks of the Canadian militia to swell, unifying and at the same time defining federal-local security cooperation (Haglund, 2008). Similarly, the creation of the North-west Mounted Police in 1873 was equally a response to violence incited by American whiskey traders in western Canada.

Lacking in a military tradition, the funds to pay for a military and faced with the impossible task of trying to secure the border between Canada and the United States, the Canadian government resorted to a system of shared responsibilities for local security. A system of public security was already in place in the form of local constabulary and militia. This ensured that the cost of public security was effectively "downloaded" to the provinces, at the same time, however, maintaining a legislative control over the powers being executed at these lower levels. This was not only politically expedient, but also a way to mitigate provincial concerns about federal encroachment – which have their roots in Ontario but would soon be shared by Quebec.

The mere establishment of an independent militia was viewed by Canadian statesmen at the time as an exercise in unifying the diverse interests of English and French Canada (Morton 1999). The Canadian militia model, based loosely on the organization of the American militia, created localized military units sensitive to such issues as language, religion, class and even traditional styles of uniform, while exercising centralized control. Having witnessed the deleterious effects of local militias under local control as assigned in the American constitution, in contrast to the United States, Canada centralized control of militias under the federal government. To discourage provinces from setting up their own militias, provincial entities,

including municipalities, were given relatively free rein to call upon their assistance in emergencies.¹ However, any response was always at the discretion of the federal executive power and the military. The unintended consequence is for provinces and/or municipalities to abdicate some responsibility, which the federal government tries to counteract by billing provinces when called upon to supplement emergency services.

Prior to Canadian Confederation in 1867, security, defined in large part by police and fire services that predated Confederation, was a community responsibility modeled after the English and French traditions brought to Canada from Europe. The federal government only took its initial foray into federal policing in 1868 with the creation of the Dominion Police Force. Initially it was composed of about a dozen men, whose primary responsibility was the protection of federal buildings in Ottawa. The mandate was later expanded to include the protection of other federal structures, such as naval shipyards. The Dominion Police was eventually absorbed into the Royal Canadian Mounted Police (RCMP) in 1920.

Canada's most notable federal police force, the RCMP, was established in 1873 in response to lawlessness and violence in Canada's western territories. Initially known as the North-west Mounted Police, the original plan for the force was to patrol the territory that includes the modern-day Canadian provinces of Manitoba, Saskatchewan and Alberta. The entry of Manitoba into Confederation in 1870, however, meant that the federal government no longer had the right to police that area. Instead a Manitoba provincial police force was established with funds provided by the federal government. Similarly, when Saskatchewan and Alberta entered Confederation as provinces in 1905, the now Royal Northwest Mounted Police provided policing services to the new provinces on a contractual basis. This arrangement lasted until 1916, when

¹ This long-standing practice was recently constrained when the federal government unilaterally changed the law. Henceforth, requests for aid to the civil power must come from the premier of a province.

both provinces established their own respective provincial police forces. By 1928, however, Saskatchewan had reverted back to the RCMP; Alberta followed suit in 1932 (Marquis, 1993). To this day, all provinces contract the RCMP to enforce provincial law (although some larger municipalities in these provinces have their own municipal forces that, for all intents and purposes, enjoy the same mandate as their provincial counterpart), except for Ontario and Quebec which have long had their own provincial police forces.² That is possible because policing per se (in contrast to the administration of criminal and other laws) is not actually regulated in the BNAA. Within a few years of Confederation both Ontario and Quebec had set up rudimentary policing structures at the provincial level that would eventually become the Ontario Provincial Police (OPP) and the Sûreté du Québec (SQ).

Asymmetry is a hallmark of Canadian federalism, including the provision of policing: A federal police force (the RCMP) that also provides police services to some provinces and urban areas on a contractual basis. Municipalities in Ontario and Quebec can contract with the province to provide police services at the municipal level in lieu of setting up their own police force (which is often attractive for smaller towns because for reasons that are beyond the scope of this paper). And although some Aboriginal reserves are policed by the RCMP, currently 168 service agreements underpin First Nations policing in 408 communities. This relationship with Aboriginal reserves is significant for our purposes since Aboriginal communities' ability to enjoy autonomy over some aspects of service delivery is a form of non-territorial, pluralistic federalism (Bauböck 2001; Karmis 2009) that stands in stark contrast to both universal and communitarian federal norms (see Introduction to this volume). About 77 per cent of Canadians live in

² By virtue of its name, the Royal Newfoundland Constabulary is often thought of as a provincial force. In practice, however, it is more akin to a supra-municipal force that polices Newfoundland's major urban communities: St. John's, Mount Pearl and the surrounding communities of the North East Avalon Peninsula, Corner Brook, Churchill Falls, and Labrador West, including Labrador City. The RCMP patrols the rest of the province.

communities served by municipal stand-alone police departments, 15 per cent in communities served by RCMP-contract members, 6.5 per cent in communities with served by province police forces, and 0.5 per cent in communities served by First Nations police.

Canada demonstrates that there is no prima facie reason for a symmetric approach to delivering policing and security. Canada's federal security arrangements are sufficiently flexible to allow for different approaches for different communities. That Ontario and Quebec have opted for their own provincial police forces is more than a historical artifact. They are the two largest provinces in the federation. Quebec, of course, also likes to think of itself as a distinct society and, as such, has a long history of trying to maximize its autonomy by means of services provided by the province. Yet, the structures of Quebec's provincial police service predate the advent of modern Quebec nationalism. The original reason for a provincial police force in Quebec was instrumental: A linguistic minority group is difficult to police if the police force in question is unable to communicate in the minority's vernacular. At its origins, the R.C.M.P. was a largely Anglophone forces and thus ill-suited to policing Francophones. To this day, some four million Quebec Francophones speak little or no English; consequently, French-language policing remains a necessity.

The same rationale applies to Ontario. Numerically, Ontario has the largest Francophone community outside of Quebec. Although immigration has diluted the proportion of Ontario's Francophone community over the years, in the latter half of the nineteenth century, there were large pockets of Ontario, especially along Ontario's border with Quebec as well as in Northern Ontario, that were almost exclusively French-speaking. So, Ontario needed a police service with the linguistic ability to police these communities. To this day, French remains a sought-after asset among applicants to the OPP, Ontario being the country's only province that maintains a

Ministry of Francophone Affairs. In sum, a territory's population size and its linguistic particularity drive policing asymmetry in the Canadian federation. A common lingua franca reduces the need for asymmetry of this sort.

Cultural and linguistic particularity is also the reason why some Aboriginal reserves enjoy the right and have chosen to police themselves. However, not all do. Some are just too small and/or have insufficient resources to support their own police service: having a community of a couple of hundred people police itself risks undermining basic Rule-of-Law principles of the impartial administration of justice. Others are too fractured to agree on whether and how local policing should be provided. Others yet face security challenges on a scale that a police service provided by the community would be overwhelmed and unable to cope. In other words, there are good instrumental reasons for asymmetry, both for and against the decentralized, asymmetric delivery of police services.

INSTITUTIONAL STRUCTURE

Canadian Public Security Apparatus

At the federal level, the primary mechanism by which the federal government discharges its operational security responsibilities is Public Safety Canada (PSC) (but called Sécurité Publique Canada in French) – created out of the former Department of the Solicitor General in the aftermath of 9/11 to centralize and coordinate what had hitherto been disparate organizations across various departments. Its mandate is to “keep Canadians safe from a range of risks such as natural disasters, crime and terrorism.” This mandate is achieved, according to PSC, by working and coordinating with other federal agencies, other levels of government, first responders,

community groups, the private sector and other countries. In addition to a (relatively small) departmental staff of about 1,000 civil servants, PSC is composed of five agencies: the Royal Canadian Mounted Police, the Canada Border Services Agency (CBSA), the Canadian Security and Intelligence Service (CSIS), the Correctional Service of Canada (CSC) and the Parole Board of Canada (PBC). Three review bodies also fall under the Public Safety portfolio: the Commission for Public Complaints against the RCMP, the Office of the Correctional Investigator and the RCMP External Review Committee.

The following chart illustrates the practical division of responsibilities imposed by the constitutional separation of federal and provincial powers. The subsequent section examines these divisions in greater detail to explain the roles of the federal and provincial governments in protecting Canada. Because these organizations are designed to be interoperable some overlap is inevitable in highlighting how these agencies are structured.

Table 3.1: Division of powers in the administration of security in Canada

	Federal Jurisdiction	Provincial Jurisdiction
Ministry	Public Safety Canada, Department of National Defence	Ministry of Community Safety and Correctional Services (Ontario)
Agencies	Royal Canadian Mounted Police, Correctional Services of Canada, Canadian Security Intelligence Services, Canadian Border Security	Correctional Services, Policing Services, Public Safety and Security, Fire Safety Commission, Ontario Parole Board

	Agency, Parole Board of Canada	
Mandates	Crime*, disaster assistance under certain conditions, Border Safety, National Security, Emergency Management and mitigation	Crime**, Provincial Fire Safety, disaster relief, hazard elimination, workplace safety, highway/transport safety

Federal Public Security Agencies and Enforcement

PSC is the primary federal ministry tasked with coordinating emergency management programs and policy. Its mandate is to protect critical infrastructure against natural or anthropogenic disasters that have national implications. To achieve that mandate, PSC performs two primary functions: delivering programs and developing policy.

PSC delivers programs in five distinct areas: emergency management, national security, law enforcement, corrections and crime prevention (Public Safety Canada 2013). Within each of these five core areas PSC has developed programs that are available for delivery at both the federal and the provincial levels, and in some cases to the general public and the private sector. For example, as part of the crime prevention priority, PSC has developed the National Crime Prevention Centre (NCPC), which supports targeted crime prevention initiatives and disseminates best practices knowledge. NCPC partners with federal, provincial and municipal governments, as well as community groups and the private sectors as part of their mandate.

Policy developed by PSC reflects its focus on the five core priorities. For example, related to the crime prevention priority and the NCPC is the National Crime Prevention Strategy

(NCPS). First implemented in 1998, the NCPS is administered by the National Crime Prevention Centre in collaboration with the provinces. The NCPS provides a framework for the reduction of criminal activity in Canada. PSC per se does not have the capacity to administer and deliver policy; for that, it relies on the five agencies that are housed within the department.

By virtue of spanning federal, provincial and municipal jurisdictions, the RCMP is arguably Canada's preeminent federal security agency. However there are also four other organizations of note. The Canadian Security and Intelligence Service (CSIS) is Canada's intelligence service, mandated with investigating and reporting on activities that may threaten the security of Canada. In addition, CSIS provides threat assessments to the government of Canada and to other federal agencies. CSIS operates in both a domestic and foreign capacity. Canada Border Services Agency (CBSA) is the agency responsible for ports of entry into Canada: include land border crossings, entry points at international air terminals and sea terminals. CBSA enforces entry requirements for individuals seeking to enter Canada, as well as trade regulations and agreements on goods entering the country. The Correctional Services of Canada (CSC) manages correctional facilities housing individuals with sentences of two or more years in a federal prison. As part of its mandate, CSC is responsible for programs designed to reduce recidivism, including a variety of retraining programs within prisons and communities. The Parole Board of Canada (PBC) is responsible for making decisions on the release of prisoners from federal detention. In provinces that do not have provincial prisons, the PBC also acts in a provincial capacity to release, deny or revoke parole.

At the federal level, the RCMP enforces federal statutes, for example: Customs Act, Excise Act, Radio and Telecommunications Act and the Corruption of Foreign Public Officials Act. Other federal statutes are also enforced by provincial and municipal police, such as the

Controlled Drugs and Substances Act and the Immigration and Refugee Protection Act. The RCMP also provide protective services to other federal departments as well as to domestic and foreign leaders. In addition, they provide specialized training, research, forensic, identification and informatics services to other law enforcement agencies.

In eight of Canada's ten provinces and all three territories, the RCMP is the provincial and territorial police of jurisdiction. The arrangement whereby a province can outsource to the RCMP police work that is constitutionally within provincial mandate is referred to as Contract Policing and, although performed by the same police service, is distinct from federal policing: the former is paid for by the province, the latter by the federal government. Police Service Agreements are negotiated and administered not with the RCMP directly, but through the Department of Public Works and Government Service Canada. Provinces have several incentives to relinquish police work to the federal sector. First, cost-sharing incentives have the provinces (and territories) pay 70 per cent of the RCMP budget in their boundaries while the federal government covers 30 per cent. Although there are no actual metrics to this effect, the share assumed by the federal government is meant to approximate the amount of time the RCMP spends on federal policing responsibilities while delivering provincial police services. Municipalities can also contract the RCMP; however, it is more expensive per capita for municipalities to contract the RCMP than for the provinces because the federal share has declined steadily from 50 per cent in 1976 to zero for all municipal RCMP contracts signed after 1992, although the federal government continues to cost-share 10-30 per cent of costs for municipal contracts signed prior to 1992 (Federation of Canadian Municipalities 2008: 17). Over the same period, however, demand for police services has increased substantially (Malm et

al. 2008) which means reductions in federal (and provincial) cost-sharing effectively amount to downloading.

Second, it is an efficient way for the RCMP (and, indirectly the federal government) to establish a national presence (while offloading some of the cost to the provinces), to ensure a considerable degree of uniformity in service delivery without the federal government having to resort to complex intergovernmental negotiations as is the case in other policy areas of quasi joint jurisdiction, such as health, and, confronted with the ever-mounting complexity of investigations and prosecutions, to reduce vertical and horizontal collective-action problems by tackling cross-jurisdictional issues within a single organization. In addition to eight of ten provinces, the RCMP is the police of jurisdiction, in all 3 territories, 190 municipalities, 184 Aboriginal communities and 3 international airports.

Third, in the spirit of section 94 of the BNA, the arrangement amounts to provinces “opting in” to a federal program. The federal government has an incentive for avoid potential defections by locking provinces into long-term contracts (often of 20 years). This is attractive to provinces looking for certainty in the cost-structure of police service delivery that is much harder to obtain for provincial services it administers directly. The federal government also has an incentive to prevent defections by providing a high and consistent level of service. Consistent with data for police forces in other advanced industrialized liberal democracies, levels of trust and satisfaction with the service are high with 84% of Canadians reporting “trust and confidence” in the RCMP (Lunney 2012: 441). Nonetheless, in principle provinces are free to “opt out” and set up their own service, as Ontario and Quebec, with other provinces, notably more populous ones, having, at times, contemplated following suit for either financial or ideological reasons.

The other federal department that has a significant role in security is the Department of National Defence (DND). Strictly speaking the Canadian Armed Forces (CAF) has no jurisdiction over the day-to-day security of Canadian citizens and property. Its domestic role is to provide a surge capacity in the case of extreme emergencies when its role is restricted to aid-to-civil-power. Provinces can call on the CF when provincial resources are overwhelmed. Almost all deployments with which Canadians are familiar fall under one of the three forms of aid-to-the-civil-power deployments which come in response to an explicit request from one or more provinces to the federal government and are legally distinct from civil-order emergencies which allow federal government may deploy the CF domestically without provincial consent.

Table 3.2: A representative sample of division of power and labour in Canada in the field of public security

Jurisdiction	Investigate, Detect, Apprehend	Public Order	Competence	Oversight
Federal	<ul style="list-style-type: none"> • RCMP • CSIS • CBSA • CSEC • FINTRAC • Fisheries and Oceans • Environment Canada • Public Prosecution Service of Canada • Parks Canada • Coast Guard • Citizenship and Immigration • Transport Canada • National Transportation Safety Board • Passport Office • Canadian Human Rights Tribunal • CSC • DND (with respect to the CAF and its members) • Canada Revenue Agency • Agri-food and Agriculture Canada • Public Health Agency of Canada 	<ul style="list-style-type: none"> • RCMP • CAF 	<ul style="list-style-type: none"> • Criminal code • Customs and Excise • Criminal code legislation and enforcement • Immigration and refugees • Revenue and taxation • Environment • National parks • Fishers and Oceans • Transport • Incarceration (for criminal-code offences over 2 years) and probation • National defence • Emergency measures (in effect concurrent jurisdiction) 	<ul style="list-style-type: none"> • Parliament of Canada • RCMP Public Complaints Commission • Security Intelligence Review Committee • The Judiciary • Auditor General • Military Police Complaints Commission • Inspector General of Correctional Services • Information Commissioner • Privacy Commissioner • Public Sector Integrity Commissioner • Ombudsman for victims of crime
Provincial	<ul style="list-style-type: none"> • provincial police services (including the RCMP on matters of Contract Policing) • ministries of transport • security and exchange commissions • children's aid • provincial human rights commissions 	<ul style="list-style-type: none"> • provincial and First Nations police services • CAF 	<ul style="list-style-type: none"> • provincial criminal code legislation • criminal code enforcement • highway traffic acts • alcohol and tobacco • environment • family and children's services • property and civil rights • revenue and taxation • provincial offences 	<ul style="list-style-type: none"> • provincial assemblies/legislatures • Independent police special investigations units (Ontario, BC, Alberta) • police services boards • provincial human rights commissions • coroners offices • correctional services offices • victims of crimes offices • the judiciary • provincial auditors' general

Municipal	<ul style="list-style-type: none"> • Municipal police services (sometimes in the form of the RCMP or provincial police services) 	<ul style="list-style-type: none"> • local, Aboriginal and/or provincial police services 	<ul style="list-style-type: none"> • Criminal code • By-law enforcement 	<ul style="list-style-type: none"> • Municipal councils • Police services boards • The judiciary
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THE ADMINISTRATION OF PUBLIC SECURITY ACROSS SELECT PROVINCES

Like the federal government security apparatus, provincial security is marked by horizontal asymmetry in response to differing demands in each province. Since, provincially, the geographic and demographic scope is more limited than for the federal government, each province has developed legislation to suit its needs. Security agencies at the provincial level are too varied to examine comprehensively, but four representative cases are illustrative of the way decentralization in the administration of security affords provinces the autonomy to respond to localized issues while harnessing economies of scale through access to resources and knowledge at the federal level.

Ontario

Ontario’s security structure is not unlike that of the federal government in that it is marked by a division of labour across several agencies. Ontario’s Ministry of Community Safety and Correctional Services (MCSCS) fulfills three core tasks: correctional services are responsible for maintaining provincial jails (for sentences of less than two years), probation and the Ontario Parole Board; policing services coordinate the activities of the OPP and all municipal police forces in the province; public security is mandated with coordinating services between municipal fire and emergency services. In addition, public security provides programs and services to the public and private sectors.

The OPP designs and delivers training to First Nations police services in Ontario, conducts Aboriginal awareness training for OPP officers, administers Provincial Liaison teams – a full-time bridge-building organization to link in with First Nations communities -- and provides them with access to support services, such as identification, criminal investigation and, in some cases, dispatch. The OPP also has an Aboriginal policing bureau that administers policing for about a dozen and a half aboriginal communities who have not exercised a self-directed policing agreement pursuant to the Ontario First Nations Policing Agreement (OPP, 2013). While Ontario’s First Nations policing program is managed by the OPP (because under section 54 of Ontario’s Police Services Act only the Commissioner of the OPP can appoint First Nations constables), most Aboriginal communities never actually see an OPP officer because they have their own police services, officers, uniforms and equipment. Not only is this force representative of the communities it serves, but specialized training ensures that each officer is sensitive to Aboriginal issues. Ontario’s decentralized and asymmetric policing has become key to mitigating and defusing the volatile, complicated and tense security relationship between the provincial government and many local Aboriginal communities.

Although a clear division of responsibility appears to exist between the federal and provincial governments in the security realm, cooperation and coordination in day-to-day operations is the norm. In some cases, such as the unit that investigate violent crime in prisons, the arrangement is formalized by an agreement. In other instances, such as investigations of organized crime groups, the arrangement is ad hoc. In both instances, leadership and funding is determined on a case-by-case basis.

Quebec

Sécurité Publique Québec (SPQ), and its provincial police force the Sûreté du Québec (SQ), is similar to Ontario's MCSCS in its focus on crime prevention, fire safety, emergency preparedness and correctional services, but its language of service is French. The SPQ provides programs and policy guidance to other provincial agencies, municipalities, the public and to the private sector. Like Ontario, Quebec has formal and ad hoc financial and manpower arrangements among police agencies operating in the province. For example, police agencies from three levels of government formally cooperated on an investigative project Project Colisée, a three-year investigation that eventually led to the downfall of the Rizzuto Crime family in Montreal (Montreal Gazette 2008).

Manitoba

Unlike Ontario and Quebec, the province of Manitoba does not have a centralized ministry for public security and emergency management. Manitoba has a Department of Justice and a Department of Infrastructure. Manitoba also does not have a provincial police force per se. Instead, it contracts the RCMP to police smaller communities and in rural areas. Larger urban areas, such as Winnipeg and Brandon, and even some of the smaller rural communities, have opted for their own municipal police forces. This allows smaller communities to maintain local control over community policing.

In the past, Manitoba has had to draw disproportionately from federal emergency resources. However, this is not because Manitoba has addressed security challenges inadequately. Rather, Manitoba's demographic distribution makes emergency evacuation difficult. For example, in the summer of 2007 Manitoba registered 11 tornados, one of which reached F5 intensity. Manitoba's sparsely populated rural areas worked to its advantage in this instance, as these tornados did not touch down in densely populated areas. By contrast,

Manitoba has long been plagued by seasonal flooding. The Red River flood of 1997 was among the most severe of Manitoba's flood emergencies. Seven thousand military personnel were deployed over the course of 36 days to relocate over 25,000 evacuees; over 1,000 homes were lost (Province of Manitoba 2013). In response, Manitoba established comprehensive flood controls that during the 2009 flood prevented C\$10 billion in damage (Henstra and MacBean 2005; Province of Manitoba). As the case of Manitoba suggests, even provinces with fewer resources enjoy the full protection of the provincial and federal government.

British Columbia

Security in the province of British Columbia is part of the portfolio held by the Minister of Justice. This portfolio includes traditional areas, such as policing, emergency management and prisons, as well as child protection services, industry licensing, court services and motor vehicles. British Columbia is an anomaly in policing. Most police services in British Columbia are contracted with the RCMP. In BC, the RCMP covers provincial policing, 61 urban areas, 11 municipalities and administers one First Nations police force. In addition, as elsewhere in Canada, the RCMP also investigates federal crimes.

To reduce the public health risks associated with intravenous drug use, the province of BC has opened a needle-exchange program in Vancouver which has become a destination of choice for many IV drug users. The program, which goes by the name Insite, provides safe, clean needles to reduce the spread of illness related to IV drug use. Insite is extraordinarily unpopular with the Canada's federal government, which has attempted on several occasions to close down the clinics. Still, the RCMP works with provincial organizations to achieve provincial goals.

The examples of Ontario, Quebec, Manitoba, and British Columbia demonstrate that the provision of security across Canada is asymmetric. This asymmetry extends beyond resources to differences in culture, climate and language. Canada is not spared the archetypal security issues that confront other federal polities: drug use and income disparity, natural disaster and violent domestic terrorist attacks. Decentralization is part and parcel of a federal strategy to approach to crime and disaster management in a way that is sensitive to the local needs. This decentralization of responsibility is matched by a decentralization of resources, without which it would not be possible for provinces to realize their responsibilities and exercise their autonomy.

INTERGOVERNMENTAL RELATIONS AND COORDINATION

The principal challenge in the delivery of public security is a Canadian federal system marked by shared, not pooled, sovereignty. Under shared sovereignty, institutions coordinate but remain separate under their respective areas of jurisdiction. Pooling sovereignty, contrast, would mean building common institutions that subsume different areas of jurisdiction. Although the RCMP appears to exude features of pooled sovereignty, even its attributes of shared sovereignty remain problematic.

While tactical and operational cooperation has improved substantially in the wake of a series of focusing events, including 9/11, the SARS epidemic, the Vancouver Olympics and the G8/G20, the system is plagued by a lack of intergovernmental coordination on strategic priorities and goals (Lunney 2012: 438-439). The federal government's position is that a single arrangement is workable for all the constituent entities despite different demands by the provinces (Lunney 2012: 436). Across the ten provinces the respective ministers of public security (or its

approximate functional equivalent in the form of public or community safety) are responsible for setting the objectives, priorities and goals for the provincial police service. Federal priorities, by contrast, are reported by *the* federal minister for public safety (sécurité publique) to Parliament as part of the federal strategic priorities. The resulting disconnect between federal and provincial priorities has some provinces considering setting up their own provincial police forces (cf. Alberta Agenda 2013). In effect, provinces have little input into the operation and management of the RCMP (Lunney 2012: 442). Policing contracts between the RCMP and the provinces allow the provincial authorities to request and participate in program review. Recent example of federal-provincial coordination in this field include the establishment of Alberta's Serious Incident Response Team (ASIRT) (Alberta Views 2013) and British Columbia's civilian-led Independent Investigation's Office (IIO) that conducts criminal investigations into incidents that involve B.C. police officers and result in death or serious harm. That effort would have been nugatory had it not included the RCMP since no other province has more sworn RCMP members in absolute and relative terms: with over 6,000 of the RCMP's 19,000 operational members posted to B.C., the RCMP accounts for almost two-thirds of police officers in BC.

Disconnects are not limited to federal-provincial priorities; they are also prevalent in local-provincial and local-federal priorities, thereby drawing attention to the difficulty in operationalizing pluralist federalism, especially with regard to local Aboriginal communities. Repeated crisis in Aboriginal communities have galvanized national attention, such as Oka (1993), Gustafsen Lake (1995), Ipperwash (1995), Kashechewan (2005-2006), Caledonia (2006) and Attawapiskat (2011) and drawn attention to the issues of democratic oversight. Bureaucracies can exacerbate these disconnects when they pursue their own interests that may well be at odds with the governments they supposedly serve (Lindsay, 2009). The RCMP's

infamously rocky relationship with the ministerial portfolio of the former Department of the Solicitor General and its successor, Public Safety Canada, is an *exemple par excellence* (d’Ombraïn 1999). The picture that emerges is one of a multilevel government system where different levels of government, their bureaucracies, and local communities have different values, interests, preferences and priorities that cause them to pursue competing, contradictory or irreconcilable strategies.

These multilevel governance tensions are particularly apparent in controversies over the allocation of resources. Provincial governments can be reticent to spend on security and emergency infrastructure as it tends to be a low priority for voters who often fail to recognize the importance of preventative measures. Multilevel governance tensions can thus undermine the timely implementation of crime and disaster management legislation. Conversely, federal expenditures may be mismatched with local values and priorities. Canada hosting the G20 Summit in 2010 at the cost of C\$1.2 billion exemplifies the distrust and legitimacy issues conjured up by federal security spending that is misaligned with local expectations and priorities, and the implementation of security measures and mechanisms that run afoul of local preferences. The Auditor General’s report on the costs associated with the G-20 summit only served to confirm the preoccupation by citizens and opposition parties with wasteful spending in the security sector.

The case of the G20 is just one illustration of the problems created by a federal system that constitutionally excludes municipalities from the federal-provincial structure of disaster and security management by treating them as appendages of the provinces instead. As a result of Canada’s discursive focus on the primacy of federal-provincial relations, first responders end up being deprived of voice and resources (Juillet and Koji 2013). While the first-response capacity

is largely vested with local communities – in 2006, municipalities paid 56.6 per cent of Canada’s total policing expenditures and provided 65.8 per cent of Canada’s police officers (including contracted provincial or RCMP officers), provinces provided 24.5 per cent of officers (including provincial contract policing), and the federal government, by means of the RCMP, 9.7% (Federation of Canadian Municipalities 2008: 4, 13) the top-down flow of funds does not necessarily correspond to their needs and realities.

The marginalization of municipal governments from the federal-provincial nexus also has an impact on standardizing emergency management at the local and/or provincial levels. Local governments, especially smaller ones, often have to rely disproportionately on volunteer first responders as their first line of defence (Ferrier 2008). In addition, emergency management mandates are often fragmented among other ministries or agencies, such as transport, wildlife and utilities. The ensuing horizontal and vertical coordination issues can pose a problem, especially with volunteer first responders and private sector partners such as utilities and transportation companies, where training and compliance with standards is a function of money, cooperation and volunteer time.

Further challenges for public security in the Canadian federation loom on the horizon. Many of these challenges will be asymmetric in origin, delivery and impact (Leuprecht, Hataley and Nossal 2012), climate change first and foremost among them. Throughout sparsely populated Northern Canada passageways are opening up in Arctic ice, thus raising the spectre of having to police Arctic sovereignty more effectively and providing security, defence and emergency services across a large swath of land that is scarcely populated, inhospitable and far afield from military bases and the location of other security assets. Likewise, meteorological trends promise to become more severe and unpredictable as storms once reserved for tropical

climates threaten Canadian coastal cities. Financial trends suggest that income disparities will continue to grow, potentially fuelling popular discontent and regional instability. Moreover, the prevailing terrorist threat can only be met by an intergovernmental crime and emergency management system capable of responding promptly and resiliently. The compound effect of these developments will require not only improved intergovernmental cooperation, but also the judicious application of lessons learned by federal allies. Yet, neither provinces nor municipalities have the requisite financial, organizational and leadership resources; these are vested with the federal government which has proven reticent to get involved for fear of protruding into provincial jurisdiction. The result is a collective-action problem that municipalities and provinces cannot overcome by themselves but on which the federal government is reticent to lead.

CASE STUDIES

Cornwall Regional Task Force (CRTF)

The CRTF demonstrates the capacity of the Canadian federal system to respond to local/regional security concerns through the partnering of resources at three levels of government, while at the same time ensuring that all agencies involved continue to operate within the legislative restrictions under which they would normally operate. Contrary to ad hoc arrangements, the CRTF distinguishes itself by virtue of being formalized and long-term.

The CRTF is mandated to rein in the smuggling of contraband through the Cornwall area, an area known to be a high density drug trafficking area and of particular significance to

American law enforcement partners. Specifically, it is mandated with enforcing the Customs and Excise Acts, Controlled Drugs and Substances Act, the Immigration and Refugee Protection Act, as well as Criminal Code offences in eastern Ontario, along the St. Lawrence River to the Quebec border (the Akwesasne Mohawk territory and surrounding area).³ These ends are achieved through extensive integration and coordination with a variety of federal and sub-national public security agencies including: CBSA, OPP, New York State Police and US Immigration and Customs Enforcement and the RCMP. However the task force itself primarily works with the CBSA, OPP, the Ontario Ministry of Revenue's special investigations branch and the Cornwall Police. The CRTF has successfully created working public security partnerships across all levels of the Canadian law enforcement landscape, as well as with American law enforcement.

The CRTF is a joint task force formed in April 2010 and coordinated by the RCMP comprised of 46 officers and 6 civilian staff members (RCMP, 2011). The original intention behind the formation of this task force was to stem the spread of illegal tobacco sales/consumption in the region; however the current TF is far more multi-functional. The CRTF operates under a formal Memorandum of Understanding (MOU) that clearly states the roles, responsibilities and associated costs for all member agencies, and, therefore, levels of government, involved in the task force. Members share a common enforcement mandate, but are restricted in the operational abilities by their respective internal policies and directives. In other words, the CRTF is a

³ The Akwesasne territory is not only governed by federal and provincial laws, but it falls under Native American (Mohawk) jurisdiction as well. This creates regulatory challenges for law enforcement, primarily since several federal law enforcement agencies have insisted that this reserve, which straddles the border between Canada and the United States, is rife with contraband and black market. In 2011 there were 682 police officers per 100000 and a Crime Severity Index of 132.5 (almost twice the index of Canada's most populated city, Toronto).

working relationship, however, each of its members are responsible to the specific policies and rules under which their organization operates.

CONCLUSION

The relationship between public security and the Canadian federal systems is best described as decentralized and asymmetric. Other than delegating the maintenance of law and order to the provinces, the Canadian Constitution says relatively little about security. This flexibility may well be both the greatest strength and the greatest weakness of the system, making it possible to adapt to hazards and corresponding needs, while leaving the federal and provincial governments considerable discretion. The result is a hierarchy that leaves municipalities little control over their first responders (Federation of Canadian Municipalities 2008; Mukherjee 2011).

Provinces enjoy substantial autonomy since they have some clearly enumerated areas of jurisdiction, have autonomy over much of their tax revenue, have access to many of the same revenues as the federal government, and receive substantial equalization and other transfers that are mostly unconditional. The same is not true for the relationship between province and municipalities. The unitary dimension of that relationship makes it tempting for provinces to offload responsibility to the municipal level (or, for the federal government, to the province which promptly proceeds to offload to municipalities) without necessarily providing the requisite funding to accompany new requirements: “This results in diversion of scarce resources away from core municipal roles [...] into areas of clear federal jurisdiction, such as maritime interdiction and enforcement, cyber crime, drug investigations, non-returnable warrants, border security, national security and counterterrorism” (Federation of Canadian Municipalities 2008: 5,

14-16). Moreover, specific requirements associated with unfunded mandates cause municipalities to concentrate their efforts on specific risks instead of an all-hazards approach, which is likely to yield greater security payoffs (Henstra 2003, 2010).

The shortcomings found in Canada are not unique, but are found in other federal countries as well. So, why does the Canadian system work relatively well? Is it because the system is decentralized and asymmetric? Or is this more reflective of a federation whose constituent units have the constitutional autonomy, financial means and consequent capacity to address public security issues adequately and the strength of a liberal democratic political culture that respects the rule of law and encourages compliance and volunteerism? Canadian security issues are as diverse as the country is large. The Canadian system works well because it empowers provinces and localities to respond to and meet local needs by means of an ad hoc arrangement of paid employees and volunteers, complemented by surge support from the federal level. The system works, owing to a combination of confidence, capacity and autonomy for local levels of government to reflect and respond to local values, preferences, interests and priorities, and a strong political culture that balances shared-rule in the form of a strong commitment to the rule of law with self-rule in the form of a concomitant engagement by Canadian “publics” to take ownership of “their” security.

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