

# “Securitizing” Canadian Policing: A New Policing Paradigm For the Post 9/11 Security State?

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*Abstract:* Since the terrorist attack of September 11, government-amplified security concerns have begun to transform the governance of policing and security in Canada. The recent “securitization” of public policing in Canada has reversed predicted late-modern policing trends by broadening the police mandate, expanding the police role, and increasing police power and resources – shifting policing from its distinct “public” policing tradition toward a more integrated security-based policing model. A variety of security-oriented policing philosophies and practices are now increasingly part of the public police response, suggesting that a new policing paradigm is emerging, one that is responding to the security and governance needs of the post 9/11 Canadian state. The development of increasingly expensive, expansive and integrated security and policing raises a number of public policy concerns, and requires a re-thinking of previous late-modern policing scenarios.

## Introduction

*Policing is being transformed and restructured in the modern world ... The key to the transformation is that policing, meaning the activity of making societies safe, is no longer carried out exclusively by governments. Indeed, it is an open question as to whether governments are even the primary providers. Gradually, almost imperceptibly, policing has been “multilateralized”: a host of nongovernmental groups have assumed responsibility for their own protection, and a host of nongovernmental agencies have undertaken to provide security services. Policing has entered a new era, an era characterized by a transformation in the governance of security. (2001: 1)*

*David Bayley and Clifford Shearing*

Before the shocking terrorist attacks of September 11, 2001 in New York, many political theorists were writing about the declining power and significance of the modern state and the neo-liberal rationalization of government services. Policing scholars, such as Bayley and Shearing, had, in similar fashion, also been “writing off” the public police as the dominant policing institution of the late-modern era. This decline was said to be indicated by the transformation of police authority and activities away from government (Bayley and Shearing, 1998, 2001), new late-modern challenges to police authority and monopoly (Reiner,

1992), an unachievable crime control mandate (Garland, 1996, 2001), the neo-liberal rationalization of police services (Murphy, 2002), competing forms of private and community policing (Johnston, 2000; Loader, 1999; Forst and Manning, 1999; Jones and Newburn, 1998, 2002), and the development of mixed public and private policing and security networks (Bayley and Shearing, 2001; Johnston, 2003). In sum, critical police scholarship questioned the ongoing viability, capacity and centrality of the public police as the central governance institution in the policing of late-modern societies. Public policing was in an inevitable transition to some kind of late-modern paradigm where the public police would have to “eliminate, limit, share, download and privatize” many of their various policing responsibilities and become “partners and nodes” in a new pluralistic, networked and multi-lateralized policing environment.

The unforeseen terrorist attacks in September of 2001 dramatically changed this policing scenario. The unprecedented terrorist threat to domestic or “homeland” security gave national governments and police a powerful new argument to restate the centrality and importance of their role in the provision of security. This article describes a number of significant security-based policing developments and discusses their impact on conventional policing and the predicted late-modern transformation. Based on these developments a new post 9/11 public policing paradigm is proposed that combines accelerated aspects of late-modern public policing with new security-oriented policing developments. Contrary to the “decline of state and police” predictions, this post 9/11 policing paradigm suggests a powerful and rapidly expanding role for both government and the public police in the governance of the new security state.

### **Societal Context: “Securitizing” Canada**

*There can be no greater role, no more important obligation for a government, than the protection and safety of its citizens. But as all Canadians know, we live in an increasingly interconnected, complex and often-dangerous world. The increase in terrorist acts and the threat of rapid, globalized spread of infectious disease all challenge our society and the sense of security that is so critical to our quality of life. Canadians understand this new reality. They know that the threats to security and public safety are not just the problems other nations face. We too are touched by and face similar challenges (2004: vii).*

*Public Safety and Emergency Preparedness Canada*

Security is not an objective condition, but the outcome of a specific social and political process (Williams, 2003). Security has no given and pre-existing meaning, but can be anything a powerful securitizing actor says it is, as it is essentially a social and inter-subjective construction (Taureck, 2006). “Securitization” describes a politically and socially-constructed process by which governments and the media present threats to national or state security in a highly dramatized and persuasive form of public discourse (Buzan, Waever, and de Wilde, 1998). Security threats to nation or state are always portrayed as serious, pervasive and existential, requiring special, extraordinary or exceptional societal and governmental responses. Threats to state security and sovereignty challenge the most powerful political values of modern liberal states (Agamben, 2005). Therefore, when things are deemed to be a threat to state security, this threat enables governments to rationalize, suspend, challenge and change long-established orders, conventions, rules, norms and laws. Thus, Taureck claims:

[B]y stating that a particular referent object is threatened in its existence, a securitizing actor claims a right to extraordinary measures to ensure the referent object’s survival. The issue is then moved out of the sphere of normal politics into the realm of emergency politics, where it can be dealt with swiftly and without the normal (democratic) rules and regulations of policy-making. (2006: 55)

A “securitized” environment is thus re-constituted or transformed in a way that makes it more governable and compatible with unquestionable security logic and values.

In the immediate period following 9/11, a highly politicized “insecurity discourse” emerged in Canada designed to educate and persuade Canadians to be supportive of a more aggressive national security agenda. Much of the initial public discourse was aimed at communicating the fragility and vulnerability of the Canadian state to both external and internal security threats. A media-amplified discourse questioned various traditional governance myths, such as Canada, the peaceable kingdom, the country of peace, order and good government, land of multi-cultural harmony and cultural diversity, and international peacekeeper. A new group of instant security experts filled the airwaves, TV screens and newspapers, warning and lecturing Canadians about their smug complacency, naive liberalism and false sense of security. They warned that Canada had become a hiding place for sleeper terrorist cells, a haven for illegal and smuggled immigrants, a source of illegal passports, a conduit for terrorist money-laundering and fund-raising, the creator of a dangerously liberal immigration system and the keeper of an

under-policed border which posed a security threat to its powerful neighbor, the United States.

Public insecurity was further reinforced by a critique of the lack of security-readiness of governments, and the reported limited capacity and effectiveness of its policing and security agencies and institutions. The largely unchallenged message by experts and various anonymous sources was that Canadian policing and security agencies could not be counted on to provide Canadians with adequate national security, as they had been allowed to fall into disrepair and neglect through government under-funding and budget cuts. Canadians were told that their military didn't have the equipment or manpower to fight a war, or even keep the peace, their navy and coast guard could not defend their unguarded sea coasts, their border security guards were unarmed and untrained, their security service didn't have enough spies, and the Royal Canadian Mounted Police's (R.C.M.P.) security policing capacity had been seriously compromised by years of harsh budget cuts. It is not surprising that a newly “securitized” Canadian public quickly accepted and supported a number of immediate and extraordinary fiscal, legal and institutional reforms said to be required in order to make Canada more secure.

Since the initial post 9/11 response, there has been a less dramatic, but nevertheless consistent message by governments and the media, that both external and internal security threats remain imminent, and that continued vigilance and extraordinary security measures are still required. Government ministers and security officials regularly state that Canada is a probable target for a 9/11 style terrorist attack, that terrorists are still doing business in Canada, and that we are partners in a global war on terrorism. A special Senate committee on national security provides regular bad news stories and reports with headlines about security failures, weakness, and security shortcomings<sup>1</sup>. The arrests of seventeen “home-grown terrorists” in Ontario in June 2006, were seen as validating national security concerns and reinforced demands for more powerful anti-terrorism and security responses<sup>2</sup>.

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<sup>1</sup> The melodramatic tone of this Senate committee work and its intent are clearly reflected in periodic reports chronicling Canada's many security weakness, with chapters titles such as “Unsafe Border Posts”, “Canada's Vulnerable Coasts”, “Canada's Toothless Coast Guard”, “Poor Threat Identification”, and “Dangerous Containers” (Standing Senate Committee on National Security and Defence, 2004).

<sup>2</sup> In June, 2006, seventeen young male Muslim suspects were arrested in Ontario and were charged with a variety of spectacular charges alleging a terrorist conspiracy, which included political kidnapping, beheading the prime minister, and bombing the parliament building and other possible targets. Their arrest was given wide media coverage and the

However, maintaining an ongoing state of national insecurity and unquestioning trust in the federal government’s security powers has proven to be difficult as we move into the fifth year since 9/11 and the lack of any realized security threat to Canada. In addition, the very public exposure of the role of security and policing in the Maher Arar case<sup>3</sup> graphically illustrated the potential for errors and abuses of unaccountable security-based powers. The recent lapsing of the post 9/11 anti-terrorism laws also suggests a shift in previous broad-based political and public support for security-based governance. As a result, political and public consensus on the need for extraordinary security legislation and police powers has now become a partisan political debate in which support for national security is argued to be contrary to due process and human rights concerns. The “politicization” of national security suggests that, in this current moment, it is losing its unique master status and ability to move public discussion “beyond or above” ordinary politics and critical public debate. Though new security and police powers legislation will be introduced again, it will be done in a less securitized and more critical context. However, the ongoing threat of international and national terrorism and the post 9/11 investment in security and policing will ensure that national and local security will remain an important new influence in the development of public policing in Canada and elsewhere.

### **Fiscal Context: Re-investing in Policing and Security**

During the period prior to 9/11, the “cost” of policing had become a serious fiscal problem for governments at all levels. Rapidly increasing policing costs and growing government deficits had resulted in eight years (1992-2000) of lean spending on public policing in Canada. This resulted in unprecedented reductions in both the actual number of police, and the ratio of police officers per capita (Statistics Canada, 2006). The

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cases have not yet come to trial. It is unclear how these cases will be tried, how public the proceedings will be, and what will be the final outcome. They remain, in theory, innocent until proven guilty, but public opinion appears to have accepted their arrest as evidence that domestic terrorism is real and a threat to local and national security.

<sup>3</sup> Maher Arar is a Canadian citizen of Middle Eastern background who was detained at the US border on the basis of security information supplied by the RCMP. He was “renditioned” to Syria by the US government where he was imprisoned and brutally tortured for a year. He was eventually released and cleared of all terrorist suspicions. Responding to public outrage, the Canadian government apologized and set up a Commission of Inquiry to understand what happened and how to avoid similar injustices in the future. Two reports have been released by the Commission revealing a great deal about security policing in Canada and its potential problems. (Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, 2006a, 2006b)

fiscal rationalization of public policing ended in 2000, and police funding patterns changed dramatically in 2001 as a new era of government investment in all forms of policing and security began. A special “security budget” allocated an extra 7.8 billion dollars over five years to fit an expanded concept of national security. In addition to the R.C.M.P., large funding increases were allocated to other established security agencies, including the Canadian Security Intelligence Service (C.S.I.S.), the Communication Security Establishment (C.S.E.), and Military Intelligence. Other institutions, not previously recognized as security agencies, were also given funding for new security functions or operations: the coast guard, the new border services agency, overseas immigration officers, public health, and emergency planning. Indeed, so much money was spent, on so many different agencies, for so many different security initiatives, that the federal auditor general conducted a special review of security spending and found (Office of the Auditor General of Canada, 2004), predictably, that the management and fiscal

Table 1  
Police Growth - Personnel and Expenditures

Year	Police Officers	Total Police Personnel	Police per 100,000 Population	Total Expenditure (thousands)	Yr Over Yr Change in Expenditure	Per Capita Cost
1990	56,034	75,293	202.3	\$5,247,646	12.0%	\$189
1991	56,768	76,208	202.5	\$5,426,887	3.4%	\$194
1992	56,992	77,051	200.9	\$5,716,833	5.3%	\$202
1993	56,901	76,857	198.4	\$5,790,165	1.3%	\$202
1994	55,859	75,351	192.6	\$5,783,656	-0.1%	\$199
1995	55,008	74,267	187.7	\$5,808,607	0.4%	\$198
1996	54,323	73,926	183.5	\$5,856,055	0.8%	\$198
1997	54,719	74,398	183.0	\$5,989,022	2.3%	\$200
1998	54,763	74,146	181.6	\$6,209,756	3.7%	\$206
1999	55,321	75,489	182.0	\$6,395,380	3.0%	\$210
2000	55,954	75,861	182.3	\$6,798,531	6.3%	\$222
<b>2001</b>	<b>57,076</b>	<b>77,058</b>	<b>184.0</b>	<b>\$7,269,977</b>	<b>6.9%</b>	<b>\$234</b>
2002	58,422	79,154	186.2	\$7,827,195	7.7%	\$249
2003	59,412	80,888	187.6	\$8,324,176	6.3%	\$263
2004	59,800	82,012	187.0	\$8,758,213	5.2%	\$274
2005	61,026	84,417	189.1	\$9,281,569	6.0%	\$288
2006	62,458	86,366	192.2	-	-	-

Source: Statistics Canada (2006)

governance of this new security and policing assemblage was in need of more oversight and managerial reform.

In addition to federal policing expenditures, provincial and municipal governments also began in 2001 to significantly increase local police spending. Police administrative data indicate that, from 2000 to 2005, aggregate police spending in Canada grew from \$6.8 billion to \$9.3 billion in current dollars. This is an impressive 37% increase when compared to the 17% increase for the previous five year period (1995 – 2000). Not surprisingly, the number of total police personnel also increased, rising from 75,861 in 2000 to 84,417 in 2005. This 11% increase over the five years is even more impressive when compared to the previous ten year period (1990-2000), where growth was flat, as governments tried to limit and rationalize police expenditures.

When extraordinary security events like 9/11, or the recent Ontario terrorist arrests, are presented as real threats to the security of the nation-state, they provide a powerful reminder of the exclusive responsibility and capacity of governments to provide that security. Investing in more security policing allows governments to essentially invest in themselves and their unique governance role. So, while it is premature to suggest that security threats have reversed the late-modern drift towards “weak states and limited government”, it is clear that in this post 9/11 environment, investing in policing and security has not only enhanced the role of government, but also rejuvenated public policing as an expensive and expansive government enterprise.

### **Legal Context: Expanding Police Powers for National Security**

*National security is not a societal interest like any other ... It is an absolute necessity. Without it, all the other rights become theoretical. Without it, we wouldn't be here to discuss these questions today. I don't want to be alarmist, but without it, there is nothing else.” (Globe and Mail, June 15, 2006, 6)*

*Crown Counsel, Bernard Laprade, before the Supreme Court defending retention of security certificates*

Canadian police generally argue that police powers in the late-modern era have been contracting since the introduction of the Charter of Rights in 1982. The Charter enhanced the powers and rights of individuals vis-à-vis the police, established new and more restrictive legal and procedural limitations on police powers, and subjected the police to more stringent forms of public governance and legal review. While this

analysis and interpretation is debatable, most police and policing scholars would agree that the legislative response to the threat of terrorism has shifted this balance dramatically. The introduction of new police powers in Bill C-36 represented a significant expansion of police powers in Canada. In layman’s terms, the bill made it easier for public police to get search warrants, detain without charge, compel testimony, expand the scope of legal surveillance, establish “reasonable suspicion” instead of “reasonable belief” as grounds for police action, and create new private investigative hearings. Significantly, these extraordinary new legal powers were not restricted, as they are in England and the U.S., to special federal or national police, but were available to all Canadian public police officers at the federal, provincial and municipal level.

While there was considerable academic debate (Daniels, MacKlem and Roach, 2001) debate about the necessity and legality of these new powers, the expansion of police powers and the broadening of the police mandate was rationalized as a necessary response to the security threat posed by external and domestic terrorism. Though a lack of adequate police powers was not clearly demonstrated as being problematic, the federal government and police nevertheless argued that new police powers were a necessary part of the government’s response to terrorism. The crude but powerful security logic of “better safe than sorry” justified what would normally have been regarded as a dangerous and unprecedented government assault on Canadian civil liberties and democratic rights.

However, it is the operational implications of the new security mandate that makes new security-oriented policing powers problematic. Security as a policing objective, and broad security-oriented policing powers combine to expand “police discretion” in nature, scope and complexity. The challenge of identifying *potential* or *possible* threats to national security and the pressure to produce pre-emptively successful outcomes greatly increases the possibility and probability of operational mistakes, errors, and abuse. The connection between production pressures, broad discretion, and mistaken outcomes is well-established in conventional police research on wrongful convictions (Martin, 2001), and helps explain the “terrorism” arrests of twenty-three men in Toronto in 2003<sup>4</sup>. In addition, the covert nature of domestic terrorism forces police to rely on unusual security-oriented policing strategies such as the use of paid

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<sup>4</sup> In 2003, twenty-three men, all but one of whom was Pakistani, were arrested and charged with a variety of offences under the Terrorism Act. The R.C.M.P. believed they had uncovered an Al-Qaeda sleeper cell. Within two weeks, all allegations of terrorism had been dropped, but most were detained under the Immigration and Refugee Protection Act (BC-36) and subsequently deported.

community informants, extensive community surveillance, broad intelligence-gathering, targeted ethnic and religious profiling, and a preventative security-policing tactic called “threat disruption”. Disruption tactics include strategies such as interdiction, deportation, threatening interviews, or almost anything that would prevent a serious security event from happening. These preventative, and largely secretive, policing strategies are seen as more desirable and effective than conventional policing strategies that rely on victim complaint, verifiable evidence, and public arrest and trial. In a conventional policing context, these strategies would be seen as forms of harassment and intimidation and raise a number of serious ethical and legal issues. It was this use of “disruption” tactics in the name of national security that led to the removal of security intelligence functions from the R.C.M.P. and the creation of a separate civilian security and intelligence service (the Canadian Security Intelligence Service: C.S.I.S.), establishing the principle, if not the practice, of separating security and public policing in Canada.

This expansion of the police mandate through security, and the additions of extra policing powers would be less troublesome if there had also been a corresponding growth in public and political governance capacity. For example, the new police powers granted in Bill C-36, were granted to all police officers, not just the R.C.M.P., and are not reviewed by any national agency or federal court, but only by provincial attorneys-general (Friedland, 2001). In other instances, additional security powers such as investigative hearings, preventive detention and security certificates are reviewed privately by judges instead of being open to public scrutiny through court review. Even before 9/11 the effectiveness of established accountability mechanisms for both C.S.I.S. and the R.C.M.P. had been the subject of some criticism (Mitrovica, 2002). Since 9/11, the accountability of the R.C.M.P.’s expanded security policing operations has become even more problematic. Both the R.C.M.P. Public Complaints Commissioner and the federal Auditor-General have complained publicly about being unable to monitor the R.C.M.P.’s new security policing activities<sup>5</sup>. The Arar Commission reports (Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher

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<sup>5</sup> Former RCMP Complaints Commissioner, Shirley Heafey, in her submission to the Arar Inquiry, commented: “The constraints imposed on the CPC [Commission for Public Complaints Against the R.C.M.P.] include an inability to access all relevant information and the need for a complaint to base a review, investigation or hearing. Since 1988, changes in the way the RCMP police this country have only magnified the limits hampering the CPC’s ability to review RCMP conduct. Intelligence-led policing, integrated policing and a re-emergence by the RCMP in the field of national security activities have only served to highlight the CPC’s pre-existing limitations.” (Heafey, 2005)

Arar, 2006 a, 2006b) make it clear that a lack of effective internal and external accountability for the RCMP’s security-related policing activities contributed to the problems revealed in the Arar case. The Commission devotes the entire last report to recommending new and more powerful forms of public and legal accountability and oversight. Though the future of additional security policing powers remains uncertain, and more accountability for R.C.M.P. security policing may be forthcoming, the post 9/11 shift in legal culture from individual “due process protections” to state “security protection” will remain a focus of tension and debate for public policing in the years to come.

### **The Policing Context: Securitizing the Public Policing Mandate**

The addition of security responsibilities to the conventional crime control mandate of the public police is a historically significant and largely ignored post 9/11 policing development. This was done in Canada by granting all public police additional new security powers and by including the national and local police in a vague, but evolving, role in national security. An examination of the distinctive historical, philosophical, and operational differences between security and public policing suggests that adding security to the public policing function is not only a significant departure from policing tradition in Canada, but also the basis for a new and potentially problematic domestic policing paradigm.

Historically, security policing is a form of state or “high” policing (Brodeur, 1983). Police derive their authority directly from government and operate as an agency of government. Domestic security provides security police with a broad governance mandate, one that often legitimates exceptional “secret” policing activities – meaning police activities that don’t require public consent, or are not open to the usual forms of public or legal scrutiny and accountability (Monjardent, 1995). This secretive and government-controlled “continental policing model” was explicitly rejected in England by Peel who opted instead for a “public consent” policing model that would be more compatible with its developing public democracy (Lundman, 1980). Peel’s famous policing principles articulate this public police ideal in various ways such as “the police are the public and the public are the police”, clearly linking police authority and responsibility to public consent and not government fiat (Reith, 1975). To overcome deep public mistrust of government and elite coercive authority, Peel’s new police were to be uniformed, visible, law-bound and publicly accountable. Being subject to the rule of law and criminal procedure meant that police power was to be defined, contained,

and accountable. In short, the public police, as opposed to state security police, had clearly defined public policing goals, were publicly dependent, legally-bound and were subject to various forms of public and legal review.

Thus, the conventional contemporary police mandate of crime control through law enforcement, while still broad and flexible, is at least definable and limited in both substance and scope. The criminal law defines what is actionable and limits and proscribes what the police can and can't do. As result, much police activity is reactive, a response to public or victim request and shared socio-legal definitions or norms (Mastrofski, 1983). When police act formally, it usually results in a public and legally-framed response or outcome, such as a referral, warning, charge or arrest, and the courts and other public and political governance bodies can review these activities and judge their outcomes. Thus, much of the conventional public police mandate is socially definable, legally regulated, and publicly accountable.

However, when security is added to the public policing mandate it creates a far more abstract, malleable and flexible policing mandate. Security as a vague and difficult to define objective is open to broad interpretation, manipulation and discretion (Manning, 2002; Zedner, 2003). Achieving security is uncertain and requires that police shift from a legally limited and reactive crime control mode to a more anticipatory, proactive and preventive security policing mode. Police must re-orient their operations from responding to real events or actions to trying to predict and prevent them from happening or moving from “probable” to “possible” cause. Security policing has been described by the former Director of C.S.I.S., Ward Elcock, as “preventative and information-oriented”:

At its best, it occurs before violent events occur, in order to equip police and other authorities to deal with them. Information is gathered from people who are not compelled by law to divulge it. Intelligence officers have a much less clearly defined role, which works best in a highly centralized management structure. They are interested in the linkages and associations of people who may never commit a criminal act – people who consort with others who may be a direct threat to interests of the state.” (quoted in The Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar 2006a: 313)

Adding national security to conventional police responsibilities also encourages the blurring of security and crime control boundaries. “Security creep” breaks down the boundaries between risk and crime,

between terrorism and conventional crime and between probable and possible events. When a policing object is securitized, or transformed from a criminal to a security risk, it becomes more accessible and subject to the special or extra resources and powers afforded security policing. There have been a number of post 9/11 examples of “security creep”: the federal government’s Privacy Commissioner publicly rebuked the government for seeking plane passenger lists in order to make criminal records grounds for airport detentions, interrogation and exclusion; the Montreal police repeatedly tried to have the Hells Angels classified as terrorist groups in order to expedite easier security based arrests; the federal government deported a well known anti-Semitic racist as a national security threat; and a Halifax women was recently threatened by the RCMP with five years in jail for proposing in a private email to spit on the prime minister.

Another example of security creep is illustrated by the RCMP’s expanded involvement in national security policing, after 9-11. While, in theory, the RCMP are responsible only for law enforcement aspects of national security, the operational reality appears to be more complex, as law enforcement activities and functions are often related and overlap with the security intelligence functions of C.S.I.S. The suspicion that the post 9/11 growth and expansion of the R.C.M.P. security policing function might be affecting previous distinctions and boundaries between policing and security was made explicit in a number of the submissions to the Arar Commission, and the Commission’s first report (2006a). Citing questionable R.C.M.P. security decisions, and activities that blurred established legal and political distinctions between public policing and security policing, the Report’s very first recommendation addressed this issue. Recommendation No 1 states, “the RCMP should ensure that its activities in matters relating to national security are properly within its mandate as a law enforcement agency.” (2006a: 312)

In summary, the securitized policing response to the new domestic terrorist threat in Canada has been to combine in various ways the responsibilities and strategies of security policing with public policing. As a result, it has created new a set of expectations and problems for both the public police, and the public they police.

### **Political Context: the Governance of Local Policing Through Security**

The recent expansion of federal government interest in influencing local policing for national security purposes complicates the historical political

independence of local policing. While the political independence of the police is variously understood and practiced, constabulary-based police powers have historically provided police with a measure of operational autonomy within which they can operate without direct political control or partisan interference (Stenning, 2005). Security agencies, such as C.S.E. and C.S.I.S., operate under direct ministerial authority and allow considerable political involvement in their activities (Kennedy, 2005). Traditional notions of public policing as a politically independent local public service are hard to sustain in times of state crisis and national insecurity. Not surprisingly, after 9/11 the federal governments in Canada and the U.S. developed various strategies to enhance their influence and power over local policing.

First, the federal government radically re-conceptualized and re-organized the governance of all national policing and security in Canada. A national security policy was proclaimed which provided a federal vision of national security that called for more integrated national policing and security. To facilitate this, a new uber security ministry called “Public Safety and Emergency Preparedness Canada” (P.S.E.P.C.) was created to combine and coordinate various existing and newly-created agencies and departments involved in security governance. P.S.E.P.C. manages the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, the Communications Security Establishment, the Canada Border Services Agency, and other agencies with public safety functions, such as Emergency Preparedness Canada and Health Canada. Under the political direction of a powerful new cabinet minister, P.S.E.P.C., like its American U.S. Homeland Security counterpart, is designed to bring about more effective security governance through more explicit political direction and the central co-ordination of the diverse activities of various national and local policing and security agencies.

This new governance configuration and the compelling power of national security will inevitably mean the exercise of more direct political influence over policing and security at both the national and local level. Though policing in Canada is a municipal and provincial responsibility, the R.C.M.P. does “contract” policing in over two hundred municipalities and nine provinces. The new logic of national security has enhanced the federal government’s support for the R.C.M.P.’s contract-policing functions throughout Canada, and diminished previous trends to establish provincial or municipal police. A broad national distribution of federal, provincial and municipal R.C.M.P. enables the federal government to have, in effect, a “national” police service throughout the country. This national R.C.M.P. configuration has become important since 9/11 as means for promoting and co-ordinating federal government

policing and security policies and priorities and linking the national to the local. A nationally distributed R.C.M.P. allows for a stronger, centrally governed, “national” policing policy and structure, one better prepared to deal with national policing and security issues. The so called “integration” of local and regional police into a national policing and intelligence system, coordinated by the R.C.M.P., provides a governance structure for more effective crisis-based national policing and security. For countries like Canada and the U.S., expanding the governance role of national governments through security co-ordination and the integration of local and national policing reverses late-modern policing trends towards police decentralization, diversity and pluralization.

### **The Community Context: Securitizing Community Policing**

For the last twenty years “community policing” has been the dominant model of western public policing. However, the post 9/11 security crisis has changed policing priorities and public discourse, providing a rationale for reformulating it as a security policing strategy. The security crisis of 9/11 transformed some urban communities into security problems for local police, changing communities from partners to suspects, from crime problems to security problems, and from communities *at risk* to communities *of risk*. The apparently ordinary domestic lifestyles of either “imported or home grown” terrorists, and a lack of reliable community information, make all citizens, in some ethnic communities, either potential suspects or informants. The “community as security problem” thus becomes a legitimate space for security policing operations such as disruptions, surveillance, informants, and various forms of social penetration. This “enemy within” logic invariably distances local police from the community, increases mutual suspicion, and undermines previous trust-based relationships established through community policing strategies.

The securitization of suspect communities provides a powerful new rationale for using community policing as a security strategy. Since 9/11 a number of U.S. government agencies and police spokespersons have been aggressively advocating and supporting the use of local community policing as a security policing strategy. Community policing and homeland security are directly linked and suspect communities are viewed as a vital source of security information and intelligence in the domestic war on terrorism. Local police are encouraged to develop policing strategies that use community contacts, groups, and relationships for intelligence, surveillance and self-policing. Suspect communities are pressured to demonstrate their loyalties by watching,

calling and sharing information on suspicious neighbors, friends and activities. Self-policing is promoted by encouraging the community to report on the suspicious activities or views of community members. It is *as if* the surveillance gaze of the “neighborhood watch” is twisted from watching strangers to watching neighbours.

While using local community policing for national security purposes may be desirable from a security perspective, the heavy handed use of local police to meet national security goals may also subvert community trust and undermine and destroy established local policing relationships, further alienating marginalized community members. Security tactics, such as the extensive police use of highly paid community informants, prompted considerable community criticisms in the recent Ontario “terrorist” arrests. National security pressures to identify and deport illegal immigrants as potential security threats has also forced local police in Canada and the U.S. to choose how to balance national security concerns about illegal immigrants as potential terrorists, against their domestic interests as a local police service with suspect citizens and communities (Thatcher, 2005). The Toronto police, instead of reporting illegal immigrants for possible deportation as security risks, have adopted a “don’t ask and don’t tell” policy in dealing with immigrants without legal status, in order to encourage them to report crime or security information, and provide police service for crime victims. So while anti-terrorism provides a strong rationale for securitizing local community policing, its adoption as a security policing strategy runs the risk of undermining existing and often fragile police relationships with suspect communities and discrediting community policing as a viable model for local policing in diverse communities.

### **The Operational Context: Securitizing Police Activities**

While the social, political and legal impact of security on public policing can be extrapolated from police history, theory and policy, its impact on actual police work is harder to discern. Because recent empirical research on police work in Canada is lacking and because security policing activities are largely secretive, we must rely on limited published research, and indicators from current reported policy and practice. Despite this limited methodology it is possible to extrapolate some significant post 9/11 developments in police operations.

*(a) Risky Policing and Policing Risk*

Risk and security are fundamentally linked social constructs. Security-oriented policing activities are mobilized by real or perceived security risks. Prior to 9/11 some policing scholars, notably Ericson and Haggerty, were already arguing that conventional policing in the late-modern era had become less focused on crime control and more focused on the surveillance and management of risk. In their 1997 book, *Policing the Risk Society*, the authors contend that Canadian policing had begun to shift its emphasis from preventing and responding to crime, to the policing of broadly defined “risk populations” through various surveillance, information and risk-based strategies, calculations and analysis. While a novel hypothesis in 1997, risk rhetoric and risk logic now increasingly dominate policing discourse and practice. Police routinely claim they do risk assessment, risk management and risk analysis. The risk of terrorism, more than the risk of crime, provides police with a new rationale for the aggressive collection, integration and analysis of security information.

But risk analysis is risky. Security-based risk analysis requires the collection of broad information from a variety of sources and involves a highly *interpreted* and predictive form of analysis. The variety and range of information collected, the scope of the analysis, the predictive nature of the exercise and the uncertainty of the outcome produces a high probability of error. When conventional crime-control policing shifts to risk-oriented security policing it goes from responding to and acting on publicly and legally defined violations and violators, to the more nebulous and discretionary goals of monitoring, managing and anticipating possible security threats or risks. “Better safe than sorry”, a security-based risk logic, produces justifiable errors and mistakes. The arrest of “possible” terrorists are made on the basis of “limited” information, “potential” terrorists are targeted for surveillance based on unconfirmed sources, a terrorist “suspect” is handed over to foreign police for interrogation, and suspects with “possible” links to terrorists can be denied entry or citizenship. Ericson suggests these are some of the demonstrated costs of trying to manage the risk of terrorism:

While many risk-management regimes have great success in this regard, others come with extraordinary costs in terms of restricting freedom and perpetuating harmful consequences. Terrorism risk management post-9/11 is a case in point, to the extent that it has victimized those who have been wrongly incarcerated, transported, or more subtly excluded, and to the extent that it has victimized everyone through invasion of privacy, restriction of liberty, and compulsory spending on physical security infrastructures at the expense of health,

education, and welfare sources of security. The risk management of everything can consume future resources excessively, thereby closing off options for the future. (2006: 354)

While more research is required to assess the extent, impact and cost of security-based risk logic on public policing, since 9/11 policing risk has become an even more prominent rationale for both routine crime and new national security policing tasks.

*(b) Surveillance Policing*

*There is real risk that as the logic of anti-terrorism permeates all aspects of law enforcement and public safety, large scale systems of surveillance will increasingly erode privacy rights in Canada, without critical assessment where it is appropriate to draw the line. (2005: 2)*

*Jennifer Stoddard, Privacy Commissioner of Canada*

One of the key distinguishing characteristics of late-modern western societies is increasing state reliance on surveillance as a means for domestic population management. Foucault (1977) argues that modern states have moved public governance away from using “exceptional discipline” such as arrest, punishment, and prison, to more generalized and diffuse forms of state, mutual and self-surveillance. Lyon (2003) suggests that the rise of the current “Surveillance Society” is marked by increased government and private demands for management and market information provided through increasingly normalized and pervasive forms of human, technological and data surveillance.

The 9/11 terrorist attack provided a window of opportunity to validate and mobilize the necessary legal and financial resources required to expand existing surveillance technologies and practices (Lyons, 2002). It also provides the political rationalization to transform what had been previously described by Haggerty and Ericson (2000) as a “surveillant assemblage”, a loosely linked, limited, and decentralized network of public and private surveillance agencies into an increasingly coordinated, integrated and centrally governed *system* of surveillance. The resulting increase in the capacity and power of government to access, collect, analyze and coordinate varied public and private systems of surveillance and intelligence, coupled with advances in surveillance and information technologies has given governments and police greatly expanded surveillance capacity (Haggerty and Gazso, 2005). New surveillance resources, legal powers and technologies have been allocated to a broad

range of government agencies such as the C.S.E., the R.C.M.P., and C.S.I.S., National Defense, Transport Canada, the Coast Guard, the Canada Border Security Agency, and Health Canada. Municipal police, especially in large urban cities like Montreal, Toronto and Vancouver, are under increasing pressure to provide better local intelligence on suspects or suspect groups in their communities, and have created new domestic intelligence and surveillance units to do the work. Smaller local police services as participants in national security information networks must now have at least the capacity to provide occasional local domestic intelligence upon request.

This development is significant because, until recently, support for public and police surveillance in Canada had been relatively restrained. For example, police attempts to extend their technical surveillance powers had been repeatedly rejected by the courts and public opinion, and privacy legislation had limited the spread of CCTV surveillance cameras in public places. Canadians, in general, have seen increasing surveillance as a threat to personal privacy. But the response to 9/11 and recent terrorist arrests have provided a powerful new rationale for overcoming privacy concerns. Canada’s new national security policy has made increased and improved security intelligence a national priority, one requiring a significantly expanded surveillance capacity. Though the current federal privacy commissioner (Kennedy, 2005) warned that the Anti-Terrorism Act greatly expanded police surveillance powers, weakened legal constraints, and reduced public accountability and transparency, it appears to be a price that the current government and much of the public are willing to pay for the promise of more national security. In the meantime, to meet expanding demands for more information and intelligence, police at all levels must invest more time and resources in keeping an increasing number of the Canadian population under surveillance.

*(c) Intelligence-led policing*

The recent popularity of Intelligence-Led Policing (ILP) in government and policing circles is not surprising. In theory, ILP emphasizes aggressive information-gathering and analysis as a basis for selective police action (Gill, 2000). Canada’s national security policy identifies improved security intelligence as the central pillar of its national security strategy, dedicating an entire chapter to its promotion. In particular, the report argues for enhanced security capabilities and the creation of a Threat Assessment Center for more effective integration and analysis of the information provided by multiple policing and security agencies. While ILP was already an established neo-liberal managerial policing

reform (McGuire, 2000), since 9/11, it has rapidly replaced community policing as the new policing rationale and strategy for many Canadian police services. Instead of community as a partner in policing, it becomes a problem, and a source of intelligence and, as result, a possible target of police action. The R.C.M.P. has declared ILP as one of its major organizational priorities, and a number of major municipal police services refer to it as their new operational philosophy (Deukmedjian, 2006). Shifting the discourse of “community” to the more resonant tropes of “intelligence, information, and risk” suggests that it is now security, not crime, that increasingly rationalizes modern policing. The irresistible combination of neo-liberal rationality, managerial promise, and professional, scientific validation is reassuring in a risk-averse environment. ILP also resonates with traditional police values, as it is police-based, offers a less restricted police role, is operationally aggressive, is pro-active and discretionary, and is less accountable.

Though criminal intelligence and security intelligence are distinctive policing functions, done by different agencies, security-oriented intelligence-gathering and analysis does not need to meet the same legal and evidentiary requirements as criminal intelligence, and requires less certainty, reliability, and accuracy. However, in practice, they are often inter-related and use similar strategies and methods. The potential corruption of criminal intelligence by security intelligence-gathering was identified in the Arar Commission’s report as potentially problematic:

The RCMP’s new orientation to intelligence-led policing does not mean that the Force’s functions extend or should extend beyond its law enforcement mandate. Any information collected by the RCMP should be used to direct legitimate police action to preservation of the peace, prevention of crime and the investigation and prosecution of crime. (2006a: 315)

Whether ILP can actually maintain clear distinctions between security and policing, and deliver on its promise of more effective policing and security remains to be seen, but its rhetorical value resonates powerfully in this age of insecurity, and validates the trend to broader domestic intelligence-gathering and analysis.

*(d) Integrated Policing*

While late-modern policing has been characterized by service rationalization, pluralization, privatization, and fragmentation, scholars (Shearing, 2005; Dupont, 2004) have also emphasized the development of national and international policing and security networks. In response

to the increasingly mobile, global and transnational nature of crime, and now terrorism, policing networks are said to link various forms of public, private and political police into complex collaborative working relationships.

Before 9/11, public policing in Canada was primarily crime-focused and loosely integrated at a national level. Integrated policing and security networks were still in an embryonic stage of development, characterized by conflicting agency mandates, power struggles and jurisdictional turf wars that limited co-operation and collaboration (Sheptyki, 1995, 2002). It took plausible terrorist threats to national security to provide the impetus to overcome these traditional technical, legal, bureaucratic and jurisdictional differences. Policing and security integration is one of the central components of Canada’s national security policy. In this major policy statement (Public Safety and Emergency Preparedness Canada, 2004), the federal government advocates a variety of measures to “fully integrate” diverse government departments, systems, agencies and the private sector into one integrated security system. Policing integration is also identified in the RCMP’s 2005 Strategic Plan, which cites “the development of an integrated policing model operating at all levels and in all locations, supporting broad information-sharing, joint national security enforcement teams, integrated border teams, and joint intelligence and analysis teams.”

Integrated policing reinforces and facilitates the blurring of public and security policing as police and security agencies are part of the same policing network, sharing information, engaging in joint operations and pursuing overlapping policing and security objectives. Integrated policing is not simply a technical, organizational, or communications arrangement, it is a rationale for combining or coordinating different policing and security agencies, each with its own interests, values and practices. It tries to blend them into one compatible policing network. Integration requires that police agencies and security services with quite different political goals, institutional competencies, legal limits and professional standards share information, coordinate activities and act jointly. Established historical, political and legal differences in policy, law, rights and due process protections must often be subordinated by the needs of the network, and the demands of reciprocity and partnership. This problem is clearly illustrated in the Maher Arar case where the R.C.M.P., as part of their international information-sharing obligations, passed on unreliable or incomplete information about Arar, a Canadian citizen, to U.S. border security police. Different risk tolerance, information standards and security practices resulted in Arar being identified as a terrorist suspect by U.S. security, and he was sent to Syria where he was brutally tortured. The Arar case illustrates the potential

danger of integrating national policing and intelligence agencies which have different legal values, procedural standards and security mandates. The Arar case also highlights the importance of developing effective forms of internal, public and political governance for this new type of distributed and de-centered policing operation. Though integrated policing may increase policing and security effectiveness, it also increases the potential for error and abuse. Given the importance of the reliability and integrity of information, an integrated, multi-sited policing and security environment raises serious questions about the adequacy of conventional institutional governance and public accountability mechanisms. While the more fragmented, pluralistic, domestic policing environment of pre 9/11 was perhaps less efficient and effective, it was arguably more governable and democratic.

*(e) Rationalizing Core Policing*

In the ten years prior to 2001, Canadian police had already begun a process of rationalizing some costly non-core policing services leaving them increasingly to various forms of self, community or private policing (Murphy 2002). The need to limit and prioritize essential police services has become even more serious with the addition of costly security obligations, especially in urban centers like Toronto, Montreal and Vancouver. While police services like the R.C.M.P. and the Ontario Provincial Police (O.P.P.) have received extra funding to cover the cost of additional security personnel, technology and operations, most municipal or local police services have received little, if any, federal funding, despite their participation in national security networks and joint policing exercises. This new security resource demand will exacerbate the pressures to cut and limit local police services. In the U.S., shifting federal funding from local community policing programs to new homeland or national security priorities and programs has left many municipal police services in serious financial crisis and forced them to reduce community-oriented local police services. Recent increases in American crime rates have been partially blamed on this shift in federal funding away from local policing. In Canada, large urban police forces have had to re-direct some of their limited resources in order to develop new security or anti-terrorist capacities as security or anti-terrorist units are expensive to establish and maintain<sup>6</sup>. The cost in time and resources

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<sup>6</sup> A newspaper report on the recent creation of a new anti-terrorism unit by Vancouver police offered the following comment: “The Vancouver Police Department’s anti-terrorism unit could be a costly budget item for an organization that’s always short of cash. The month old unit only has four people but policing and security expert Leo Knight says it could still cost a million dollars a year just for personnel costs plus more

for things like intelligence-gathering, surveillance, risk analysis, emergency technology and special security training must inevitably come from regular local policing budgets. So, despite generally rising investment in policing, new security responsibilities and costs will inevitably exacerbate the rationalization of non-essential or core public policing services and contribute to the more general process of public service deterioration, diversification and privatization.

*(f) Americanized Policing*

For Canadians, sleeping beside an elephant has always been difficult. Since 9/11, sleeping beside an *insecure* and *nervous* elephant has made it even more so. The pressure to adopt more aggressive domestic security policies has come primarily from the United States. Since 9/11, there has been extensive pressure on Canadian governments to “harmonize” domestic and foreign security-related policies and practices. Pressure to “harden” national security is motivated by a widely held U.S. belief that Canada’s liberal immigration and border policies pose a real security threat to the United States. The recent Ontario terrorist arrests have reinforced this belief and brought forth serious suggestions from some U.S. senators that Canada should suspend its suspect immigration programs entirely, and that the U.S.-Canadian border be closed. This is the political context within which current Canadian security and policing policy is developing.

At the police level, there has been extensive collaboration and joint U.S./Canadian security policing efforts and personnel exchanges. A steady stream of American police and security experts have been in Canada lecturing, advising and training Canadian police on security and policing issues and techniques<sup>7</sup>. In addition, police and security personnel on both sides of the border work together in numerous formal

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for high tech equipment. However Knight says it’s not much when you consider the overall police budget is \$161 million and the cost of keeping secure is priceless. ‘The events on the weekend in Toronto and events over the last few years show we have to watch the enemy within as well.’ (Globe and Mail: June 5, 2006)

<sup>7</sup> A particularly graphic example was evidenced by a newspaper article last year titled, “Get Tougher on Terrorism, FBI Director Tells Canada.” The article notes that: “FBI Director, Robert Mueller, yesterday urged Canada to keep classified information classified, keep intelligence flowing south and toughen antiterrorism laws – or else, he said, Canada risks becoming a ‘haven’ for extremists who could strike at the United States ... The director spoke to reporters at a policing conference *in Toronto for graduates of the Federal Bureau of Investigation’s National Academy. Canada’s top law enforcers, many of whom have taken courses at the academy in Quantico, Va.,* are using the conference to network with the FBI and one another.” (Freeze, 2006), italics added

and informal arrangements, on joint tasks forces, special working groups, and so on. As a result of these exchanges and joint efforts, security rationales, models, strategies, techniques and technology adopted by Canadian policing often draw heavily on American expertise and experience. Our history of copying or adopting prevailing American policing models or strategies, and calling them our own, is explained, on one hand, by U.S. willingness to aggressively invest and export their policing technologies and ideologies and, on the other, by the curious lack of support for indigenous Canadian policing innovation, research and policy (Murphy 1999). Though attempts are being made to develop a uniquely “Canadian” security response, the lack of an established research, development and educational infrastructure means that American analysis and solutions, by default, tend to dominate Canadian policing and security responses. So, while harmonization and co-operation with the U.S. on policing and security is, perhaps, necessary, an Americanized response does not reflect our growing national, cultural and political differences and the dissimilar nature of the terrorist security threat to Canada.

## **Conclusion**

Perceived and real threats to Canada’s national security have dramatically enhanced the role and influence of government through the provision of state security. This is evidenced by a new national security policy, significantly increased security and policing expenditures, new security-oriented ministries and agencies, and policies and programs aimed at the expansion, co-ordination and integration of all national policing and security activities. Securitized government and governance has also significantly changed public policing in Canada. Reversing a late-modern decline, the police in Canada have become a more powerful public institution enhanced by new security responsibilities, expanded legal powers and increased resources. Previously established distinctions between state security and public policing have become blurred as public police participate in nationally integrated policing and security networks and adopt security-oriented policing strategies. Canadian police and security agencies are now actively involved in various forms of inter-agency co-operation, coordinated working relationships, joint task forces, and the sharing and integration of information and intelligence.

These post 9/11 developments are changing the traditional nature and predicted direction of late-modern policing. Instead of an increasingly fragmented and diversified public police, the new security crisis has revitalized the argument for the integration of public policing, in general,

and security policing, in particular. Instead of working with a limited crime control mandate, police now have an expanding crime and security policing mandate. Instead of diminishing legal powers, police have more legal powers with limited public scrutiny. Instead of being junior partners in multi-lateralized policing networks, the public police are at the center of increasingly integrated, police-governed, security and policing networks. This shift from a historically distinct, crime focused, decentralized, multi-jurisdictional, operationally fragmented, public policing environment to a centrally-governed, integrated, networked policing and security system is a development that can only be explained by the power and exceptional nature of terrorism as a perceived threat to the security of the nation state.

Security responsibilities and anti-terrorist policing functions have opened up the historically limited, consent-based model of public policing to the new possibilities and problems of state security policing philosophies and functions. Collectively, these ideological, structural, and operational changes suggest the gradual development of a new, post 9/11 policing paradigm, one that is a hybrid of both security and crime-control policing. The convergence between national security and domestic policing is still evolving, and its final configuration remains incomplete. However, its ongoing evolution should be a cause for both concern and scrutiny as long-established public policing principles are compromised for the uncertain promise of domestic security (Almeida and Porret, 2004).

Finally, what do these new policing developments say about the late-modern policing scenario developed before 9/11? Based on the available evidence to date, the answer is mixed. The predicted declining influence and power of the public police has been reversed by the new terrorist threats to domestic security. In response, a securitized and insecure public, and opportunistic governments, have re-discovered and re-invested in public policing. As a result, the public police in Canada have grown in size, power and importance. On the other hand, predictions about the shifting configuration of late-modern policing through the development of extensive policing networks and increasing reliance on surveillance, intelligence and risk-driven technologies and strategies appears to have been rationalized and accelerated by security fears.

Unless there is a significant terrorist incident in Canada, the post 9/11 securitization of policing and other aspects of government may have reached the end of its current transformation. While the power of security may wax and wane over time and the actual threat may turn out to be less than predicted, the impact of post 9/11 securitization on policing and security in Canada will remain largely intact, its ideology established, its

infrastructure in place and its capacity enhanced, ready to respond to the next round of national insecurity.

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