



THE TORONTO POLICE MARINE UNIT

by Tim Lynch

WATERFRONT POLICING AND MARITIME SECURITY

The motto of Toronto's Harbour Square Park is "The world in one place." This phrase pertinently describes the diversity of people, activities and festivals celebrating Toronto's multicultural society in the restaurants, shops, concerts, exhibitions and parks that straddle Toronto City inner harbour. With the proliferation of high rise condominiums, the area is one of Canada's higher density residential locations. During the summer, the population expands by thousands as tourists flock to participate in the city's many festivities. On the water, marine traffic increases exponentially as boat owners manoeuvre around the inner harbour and Island wharfs. Harbour Square Park is a popular place to visit, relax and enjoy urban waterfront experi-

ences – from rowing on inland ponds to kayaking along the shoreline – while harbour tours and ferry services convey people to Toronto Island parkland.

Overseeing law and order in this vibrant, urban, waterfront community is the job of the Toronto Police Marine Unit (TPMU). With its impressive HQ at 259 Queen's Quay West, the Unit has sub-stations located at Bluffers Park, Center Island and Humber River. Responsible for maintaining law and order on the water, the Unit works in collaboration with the divisions of the Toronto Police that patrol the shoreline, creeks and rivers of the Greater Toronto Area as well as with marine police units in communities along the waterfront. Constable Tanya Policelli, a twenty four

year Toronto Police veteran, and with six years on the marine beat describes marine policing as "very rewarding; policing on water is different from community policing. The emphasis is on protection, safety and law enforcement. Persons on water are more inclined to recognize that a situation could arise unexpectedly when they need police support. Consequently, boaters and persons using the waterways tend to appreciate having the police around."

The largest expanse of fresh water in the world is crossed by the US/Canada border and has been known for many decades as the world's longest undefended border. How many also know that the *1818 Rush Bago Treaty* demilitarized the border between the U.S. and Canada?



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TORONTO'S WATERFRONT COMMUNITY POLICING

TPMU provides a year round first response service in search and rescue (SAR) including ice rescues in the winter. In addition to some small water craft, the unit uses 4 rigid-hull inflatable boats (RHIBs), 3 near-shore aluminum patrol vessels, and a large command boat primarily used for diving.

The Toronto Harbour Police, whose primary role was Search and Rescue on the water, amalgamated with the land-based Metropolitan Toronto Police Force in 1982 to become the TPMU. Proud of the 150-year legacy of policing in the Toronto Harbour area, Community Services Officer Constable Scott Cornett, a 34-year veteran with the Unit, remembers the challenges of this change. "The Harbour Police patrolled the harbour on the water; their role was primarily SAR. A land-based sister force of Port Police were armed and patrolled the land," he recalls. "Both forces had the same Chief; the Harbour Police had to receive side arms training at Ontario Police College in Aylmer and C.O. Bick College after amalgamation."

Today the Unit has 50 officers who are responsible for river and ice rescue calls on the Humber, Don and Rouge Rivers as well as responding to inland calls on ponds and creeks throughout Toronto. "At the time of amalgamation," notes Cornett, "the

Metropolitan Toronto Police Force had a six man unit policing the Toronto Islands. Today the Marine Unit polices the Island community of 735 permanent residents with four major yacht clubs. During the summer months when the daily population of the Islands parklands can expand by many thousands, the Community Response Unit (Cycle Patrol Police Officers from 52 Division) complements our Unit Officers. Also, we respond to issues arising at the Billy Bishop Island Airport."

TRAINING FOR MARINE POLICING

The marine unit prefers to bring seasoned officers with 10-15 years of "uptown" policing experience into its ranks. "This is not the place for a rookie," asserts TPMU's Sergeant Sean Griffiths. Recruits "have to be fit and able to withstand extreme circumstances – for example, they have to be able to lift their own weight out of the water. We operate on a four season basis with nine months on water and three months on ice; all personnel have to engage in ice rescue training in the winter."

Every officer has to be proficient and be re-certified annually in the unique attributes of each boat. Griffiths explains that it takes at least three years to be proficient on all vessels on the marine beat, which can create its

own set of challenges. "Unfortunately officers can be transferred [out of] the Unit after four years. Recognizing that the service has reasons for doing that, we try to maintain a pool of officers whom we believe have the aptitude for working in marine policing. There are relatively small numbers of female officers who apply to work at the Unit; we have four at present."

THE DIVE TEAM

With such a large waterfront to serve, the city recognized the need to respond accordingly. TPMU's Dive Site Supervisor, Constable Patrick McLeod, a 26-year police veteran with 12 years on the Toronto Police Dive Team, is fully aware of the importance of police divers. "Besides finding human remains that end up in the water, evidence (like guns, knives, cars, etc.) needs to be found to accomplish a successful prosecution. A professional police dive team can be assigned to find anything of a criminal nature that has to be recovered from a water environment. All dive team members are Marine Unit Officers first, responsible for search and rescue and law enforce-

ment on the water, with the dive component as an added responsibility.”

Surface supplied diving (using an air hose from the vessel and where the crew stays in constant communication, monitoring the conditions, and providing back-up when necessary) is the most efficient for depths under 100 feet. McLeod notes that “a diver on surface supply can conduct a longer search than on scuba equipment.” However, if the diver must exceed 100 feet depth, a decompression chamber must be on site. Another option for extreme depths is to deploy a remote operating vessel (ROV) with a remotely operated underwater camera. “In scuba diving the diver carries his air supply equipment but can only stay submerged for a limited time. Our scuba diving capabilities are more employable when we want to check out ponds and rivers. We can search large areas of lake bottom, when the visibility is permissible, by towing two scuba dive officers along on a specially designed board.”

COMMERCIAL SHIPPING IN TORONTO

To the east of the Toronto Island Ferry Terminal is Toronto Port, a commercial enterprise that moves over 2 million tons of cargo in and out of Toronto every year – mostly bulk goods such as aggregate, cement, sugar, and steel. This translates to about 85 ships including Lakers and Ocean-goers visiting the port annually. With the building boom, cargos like aggregate and cement are critical to the city’s growth. An aggregate manufacturer right on the lake can load directly onto the ship and the cargo is transported to Toronto, replacing the need for fleets of trucks clogging up Ontario highways and polluting the environment.

Commercial aspects of Toronto Port and the Island Airport are overseen by the Toronto Port Authority. Like most waterfront cities, urbanization is closing in around Toronto’s Port. Angus Armstrong, Harbour Master and Chief of Security for the Toronto Port Authority says, “The challenge is determining how to make ports functional and still live with the resident urbanites besides us. We are going to see about \$4 billion being invested in the port land along the eastern shoreline of Toronto over the next 30 years. As one of the major stakeholders in the neighbourhood, the Port Authority has to be at the table making sure we are able to work with our partners

to ensure that they, with the residents, are able to live right beside the Port.”

Explaining the relationship between provincial and federal legislation, Armstrong says “Everything to do with movement on the water is a federal responsibility. Below the surface you get into environmental issues – what we call ‘logs, frogs and bogs’ – involving the Ministry of Natural Resources. Some provinces take much more interest in their waterways than others. Quebec is extremely involved in the St. Lawrence Seaway; Ontario looks at the waterways as a federal responsibility.”

The International Shipping and Ports Security (ISPS) Code was created through the International Maritime Organization (IMO) following 9/11. Ports and shipping lines around the world wanting to do business with the U.S. have to comply with the ISPS Code. In Canada this Code is governed by Transport Canada. “For a ship to be brought up against the dock, there are security parameters in place; boardings are recorded and the ship must retain records. Canada participates in ISPS to demonstrate that its ports are secure; the goal is to make ports more like airports. Port Security Guards control all aspects of port entry. As a consequence of ISPS, we know who comes and goes. We have cameras and all kinds of surveillance systems. These security systems have provided us with good inventory control and less loss,” Armstrong says.

THE WORST CASE SCENARIO

When asked what the worst case scenario is from a security perspective, Armstrong was unwavering in his response. “Terrorists moving through our port. The one thing we are very sensitive to is America’s perception of Canada: that we are weak on security. The ISPS Code is administered the same here as in the United States. The worst case scenario would be that something or someone went through here into the U.S. and caused some sort of a terrorist situation. That would immediately limit our ability to move goods.”

He stresses that this is a whole-of-Canada concern. “The Americans need to feel confident that goods moving into the U.S. from ports in Halifax and Montreal, or Prince Rupert and Vancouver are checked at entry and have secured transportation corridors going through Canada to the US. If we check all cargo at port of entry then it

should go right across the border without being re-checked. We are looking for that free flow across the border. Such arrangements are part of the *Free Trade Act*, but are being updated through the February 2011 “Beyond the Border” declaration by the Prime Minister of Canada and the President of the United States.”

A POST 911 WORLD

The consequences of 9/11 on the TPMU’s modus operandi have been positive in re-defining working relationships between Canadian and U.S. law enforcement, says Sergeant Eric Goodwin. “The cooperation between us and our foreign counterparts has been incredible in the partnerships that have been developed since that incident, with greater good of both our countries. We meet with our American counterparts on a routine basis and share what information we can.”

There are, of course, challenges related to managing such information, and Sergeant Goodwin notes that Canada has been “moving towards a balance of responsibility to enforce the laws that uphold the Charter of Rights with regard to a person’s freedom of movement.” Intelligence web policing is a concept that involves “police services at all levels and jurisdiction of authority to work together with all levels of the community to establish intelligence information that we can act upon [without interrupting] the lives of law abiding citizens.” Some information can be shared or vetted, and other information can be shared but not acted upon without the authority of the original issuer of that information. “The acquisition and ownership of data and possibly of putting a name to a face in a legal



context in this environment is incredibly complex,” notes Goodwin. “Consequently we are always guarded as to what information should be shared. The cooperation between Canada and the U.S. has been beneficial. If an incident were to happen today, I believe that our response would be far more effective.”

TPMU also focuses on supporting the RCMP and the Canadian Border Services Agency (CBSA) to ensure border integrity. Recognizing that the RCMP does not have a mandate to protect Canadian ports, Goodwin explains that “under the *Public Services Act of Ontario*, the municipal police are required to respond to any emergency as first responders. If we determine the situation is a matter of national security then, automatically, the RCMP continues the response and will further investigate the matter. The intelligence services are set up such that we serve to gather information which is sent to our intelligence branch in Toronto Police where it is vetted accordingly. If thought appropriate, the information is forwarded on to other levels of authority. Our intelligence people are in direct contact with RCMP intelligence.”

POLICING TORONTO'S PORTION OF THE US/CANADA BORDER

The world's largest inland freshwater corridor is divided by the Canada/U.S. maritime border, which stretches through the Great Lakes and St. Lawrence Seaway from the Gulf of the St. Lawrence to Thunder Bay. Although marine activities south of Toronto are primarily recreational, the area is relatively well policed and would present challenges for vessels attempting to cross the border surreptitiously. By contrast, the Thousand Islands areas have significant issues of illicit transfer of contraband and aboriginal property rights.

Canadian maritime policing duties along the Canada/U.S. border are under the command of the RCMP. Provincial and municipal police marine units such as TPMU work in partnership with them. There are also strong working alliances with the US Coast Guard (USCG).

Legislation governing Canadian federal departments prevents the sharing of information with outside agencies, including other government departments. However, this can be counterproductive when it comes to national security. Considering this from a maritime security context, the federal government created the Interdepartmental Marine Security Working Group (IMSWG), which is comprised of 17 federal departments and agencies and is chaired by Transport Canada. IMSWG oversees three Marine Security Operation Centres (MSOCs) on

the Pacific and Atlantic Coasts and in the Great Lakes St Lawrence Seaway (GLSLS) region. The MSOCs facilitate information sharing among federal departments at an operational level, in support of a coordinated Government of Canada intelligence response to thwart potential maritime threats. TPMU is an active participant in the Great Lake's MSOC, along with federal departments like the RCMP.

The USCG is a part of the US military and also functions as a federal maritime police force with full law enforcement responsibilities on land and water. The Canadian Coast Guard (CCG), on the other hand, is a civilian organization that does not perform any “guarding” duties; its personnel are not armed and cannot be put in harm's way. The Canadian approach towards coastal defence is to segregate maritime and SAR duties of the CCG from the law enforcement duties of the RCMP. While Canadians are comfortable with this style of government, is it optimal in a post 9/11 world?

The TPMU is integrated with the CCG and shares a first response, search and rescue (SAR) heritage. Maritime security concerns around crime and terrorism on Lake Ontario are addressed through the Maritime Security Enforcement Team (MSET). The Team is comprised of RCMP, TPMU and OPP officers. “We currently share vessels with the RCMP and the CCG, but these arrangements will be changing in the New Year with the arrival of the Hero Class vessels,” says TPMU Staff Sergeant Greg Macdonald. “The interactions of these officers are coordinated through a memorandum of understanding stating the responsibilities of each participant and how they coordinate their



View from the Water Front.
Royal Canadian Mounted Police /
Canada Coast Guard Marine Unit.





The infamous wire mesh fence built for the G20 Summit in Toronto.

PHOTO: GARY WOOD

duties. The Team is part of an Intelligence network into which we feed information and from which we receive alerts about areas of the lake and/or vessels where we may need to apply extra diligence. We patrol along the Canadian side of the border and work in close relationship with the USCG to monitor vessels that cross the border and we exchange information about ‘vessels of interest’ approaching each other’s shore.”

The CCG will soon get three new 140 ft, Hero Class, Mid-Shore Patrol Vessels (MSPV) to be deployed for the Great Lakes. They will be equipped with two RHIBs for interdiction and boarding requirements. Coast Guard personnel will crew the vessels and be responsible for safety and overall maintenance. However, “all law enforcement duties, such as the interception of fast moving suspect vessels, would be conducted from a RHIB launched from the MSPV and manned by RCMP and law enforcement partners. Only routine side arms will be carried on the MSET Vessels by attending police officers,” confirms Sergeant Larry Campbell, Marine Security Enforcement Team, Niagara RCMP Detachment.

LAW ENFORCEMENT DIFFERENCES

The success of the cross border relationship between Canada and U.S. has evolved from a mutual respect for each other’s sovereignty and laws. One area where both societies are distinctly different is in the area of gun ownership. It is illegal for any American, including American law enforcement officers, to enter into Canadian territory with a gun unless they have the proper documentation in place. Furthermore, law enforcement officers on either side of the border have not been able to pursue and arrest criminals that cross over the international border. This is particularly problematic in the maritime environment where criminals use fast moving vessels.

There are significant differences in law enforcement practices between the U.S. and Canada. Canada has a national police force,

the RCMP, which is responsible for ensuring compliance with Canadian federal legislation concerning customs, immigration, border security, and other issues. The U.S. has federal law enforcement practitioners in several departments, including Border Patrol, Immigration Customs Enforcement (ICE), USCG, and agencies such as the Bureau of Alcohol, Tobacco, Firearms and Explosives.

Since 2004, Canadian and American governments have worked on a series of pilot programs to facilitate more effective working relationships between their respective law enforcement officers. Officially designated “Integrated Cross-border Maritime Law Enforcement Operations”, the shorter and more descriptive title is the “Shiprider” Program.

In Canadian waters, vessels designated as Canada-U.S. Shiprider vessels have a member of the USCG on board and are able to enter U.S. waters to enforce U.S. laws under the supervision of the USCG member. Likewise, designated USCG vessels have an RCMP officer on board and are able to enter Canadian waters to enforce Canadian laws under the supervision of the RCMP officer.

Describing how the Program could evolve in the future, RCMP Chief Superintendent Joe Oliver, Director General of Border Integrity, acknowledges that “the Shiprider Program is more applicable in areas where the US/Canada border provides the geography that facilitates cross border criminal collusion in support of smuggling opportunities like the Pacific Coastline, the Detroit River and the Thousand Islands area. All such areas will likely be served by the Shiprider Program in keeping with any new requirements arising from the February 2011 US/Canada ‘Beyond the Border’ Declaration. In areas such as south of Toronto, MSET will continue to be part of the security infrastructure on the Canadian side of the border that is needed to monitor movement of marine vessels between both countries.”

DISCUSSION

The TPMU is a Canadian benchmark for defining waterfront policing, recognizing the need for continuity between land and water policing. Many jurisdictional obstacles in the marine setting have been assimilated into the provincial justice system.

From a maritime security perspective, Toronto is as much a border city in 2012 as it was in 1812 when the Americans launched a maritime force to invade Canada – the 1818 *Rush Bagot Treaty* from that war defined the Great Lakes as a “demilitarized zone.”

That said, the USCG is part of the US military. Differences in US and Canada around armament appear in the USCG’s use of 7.62 mm machine guns on its Cutters compared with the RCMP reliance on regulation police side arms on the new vessels. During 2004 Treaty negotiations, Canada reserved the right to arm its vessels, which is reportedly being considered.

Compliance with the ISPS Code by all Canadian ports and the ships passing through them provides assurance to Americans that terrorists are not likely to infiltrate the US through Canada’s commercial maritime traffic. The recreational vessels on the Great Lake are estimated to be around six million on the US side and one million on the Canadian side. Balancing an individual’s right to freedom of movement with the need to collect intelligence presents new enforcement and security challenges for both countries in this marine environment.

The major threats to national security are: transnational organized crime, political activists and anarchists, religious extremists, and cyber criminals. Globally, such threats require geopolitical forces to evolve from the “Iron Curtain” mindset to a “Mesh Curtain” security frame of reference, and these changes are redefining relationships between law enforcement and the military.

Marine policing in Toronto has evolved through the sharing of responsibilities among the federal, provincial and municipal levels of government. TPMU’s legislative frame of reference and maritime tradition complements the Canadian government’s separation of CCG navigational maritime duties from the RCMP’s law enforcement role. These arrangements illustrate how Canada finds compromise in achieving “peace, order and good government.” **S**

Tim Lynch is a FrontLine maritime security correspondent based in Toronto. Send comments to tim@infolyнк.ca