

December 10, 2019

Sent via Email: minjus@leg.gov.mb.ca

Honourable Cliff Cullen  
Minister of Justice and Attorney General  
Room 104 - 450 Broadway  
Winnipeg, MB R3C 0V8

**RE: Retail Council of Canada Meeting Follow-up**

Dear Minister Cullen,

On behalf of the Retail Council of Canada, our Manitoba members and the 67,000 Manitobans working in our stores, I would like to express our sincere appreciation for the productive discussion on the crime challenges facing the retail sector across the province.

As our members expressed, retail employees are facing increasingly violent and erratic theft activity in their stores, in part due to the rise of Organized Retail Crime, meth issues and helped along by stories highlighting “observe only” security policies designed to safeguard retail workers.

Last year an estimated \$200 million was shoplifted from Manitoba stores, a cost borne by Manitoba brick and mortar retailers and shoppers, and all of Manitobans through lost taxes. However, it’s the human cost that is of paramount concern to our members, as our workforce rightfully expresses anxiety as they witness or hear about violent retail crime featuring guns, machetes, clubs, bear spray and a range of other dangerous weapons.

**Investing in Safety and Crime Reduction:**

Manitoba retailers are not sitting idly, having invested millions of dollars collectively with the objective of increasing safety and reducing loss. Areas of focus have included changing store layouts and product display methods, enhancing in-house and external technology, providing staff training and incentives and substantial spending on third-party security coverage.

We also acknowledge that the Government of Manitoba has invested substantially in both addressing the root causes of retail crime, and safety initiatives that help create safer communities. We also look forward to actively participating in next phase of the Manitoba Police Commission consultation process, and rollout of the Downtown Safety Partnership.

**Community Wide Business Sector Collaboration:**

RCC values that Manitoba’s business associations, on behalf of their members, are united in a desire to work collaboratively on strategies and practical tools to enhance people safety. This includes hosting a multi-stakeholder round table event in early 2020 where Retail Council of Canada will partner with the Manitoba Chambers of Commerce, Winnipeg Chamber of Commerce, Canadian Federation of

Independent Business, Manitoba Hotel Association, and Manitoba Restaurant and Foodservices Association.

**Actional Opportunities:**

During our meeting we discussed five specific actionable opportunities that we hope will ignite further discussion with members of your Department. These include:

**Opportunity #1: Digital Privacy Act:**

Manitoba law enforcement and Manitoba’s retail loss prevention community are limited in their ability to collaborate through sharing data in a secure and confidential forum due to conflicting interpretations of what is permissible under the Federal Digital Privacy Act.

Edmonton, generally considered to have the best retail crime reduction strategies across Western Canada, is one of many regions across Canada that use secure software like RetailCOP, a credential validated tool that enhances communication and teamwork between police services and loss prevention experts.

Minister Cullen, we would welcome the opportunity to provide you or members of your team with a brief live look at RetailCOP and other software tools presently being utilized in other provinces. In the absence of consensus on how to interpret the Digital Privacy Act in Manitoba, data sharing is severely restricted within the loss prevention and law enforcement community.

Ultimately, we believe a Minister Memorandum that clarifies Manitoba’s interpretation of the Digital Privacy Act (Section 10 - d.1) to allow restricted access information sharing tools like RetailCOP, would ultimately allow for stronger cases being prepared, higher convictions and safer streets.

**Digital Privacy Act:**

(10) Subsection 7(3) of the Act is amended by adding the following after paragraph (d):

(d.1) made to another organization and is reasonable for the purposes of investigating a breach of an agreement or a contravention of the laws of Canada or a province that has been, is being or is about to be committed and it is reasonable to expect that disclosure with the knowledge or consent of the individual would compromise the investigation;

**Opportunity #2: Empower Lost Prevention Officers (LPO)**

It is proposed that Loss Prevention Officers (LPOs) that have completed a higher standard of training and certification level, would have the equivalent of mid-level peace officer powers.

This would include the ability to search criminal history, validate offender identify, and charge and either securely detain, or release offenders with an Appearance Notice if identity is confirmed. In some jurisdictions qualified LPOs have authorization to use handcuffs to secure high-risk individuals.

Based on other jurisdictions such as British Columbia, where these enhanced powers have been granted, higher qualified Loss Prevention Officers help expedite store level Loss Prevention processing issues (saving businesses time and cost), relieve pressure on front line law enforcement from having to respond, and ultimately improve reporting.

We welcome further discussions on this opportunity, where we would include additional insights and expertise to help advise you on national best practices being utilized in other regions.

### **Recommendation #3: Enhanced Relationship with Crown**

For retailers that have invested substantially in loss prevention and store safety, its extremely frustrating to see the same people come into our stores that have been previously arrested. This frustration is compounded by what seems to be little consequences to their criminal actions due to crowded courts, jails and competing areas of priority for the system.

While it is understood that retail may never be a priority, the Crown must have a significantly better level of understanding about the retail sector that ever-changing contacts cannot provide.

We applaud your government's decision to assign a dedicated prosecutor in support of your Liquor Mart business. In recognition of the magnitude of the incidents and entire industry, we recommend dedicating specific Crown resources to the broader retail sector. Ultimately dedicated personnel can gain a stronger understanding of retail crime, and ultimately be a more collaborative partner for the retail sector's front-line battle against crime.

### **Recommendation #4: Specialized Organized Retail Crime Resources:**

The work in other Canadian jurisdictions has left no doubt that Organized Crime is behind significant retail theft. Frequently the crime in the retail sector is tied into broader and substantially more violent crimes in a community.

Manitoba retailers believe law enforcement resources specializing in Organized Retail Crime should be created. As successfully witnessed, creating a special ORC Unit allows for more consistent and stronger communication between retail and law enforcement, and cooperative programs such as targeted blitzing of areas to arrest problem chronic offenders.

An Organized Retail Crime Unit would also allow Manitoba to be a more consistent contributor to Organized Crime investigations, uncovering where high target product is resold domestically and internationally, and for what more dangerous criminal activity the proceeds are funding.

### **Recommendation #5: Retailer Training and Education:**

We recommend the government work collaboratively with Manitoba's business associations on common crime risk reduction training for Manitoba small – medium sized businesses, helping create a stronger understanding of how to prevent loss, enhance safety and report crimes.

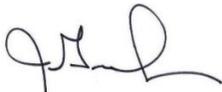
While larger businesses generally have the knowledge to take proactive steps, Manitoba's business associations recognize that most businesses lack clarity regarding what can and can't be done to secure their retail environments, train their staff and respond to shoplifting events. Additionally, ensuring better clarity related to areas including bag checks, profiling, posting and sharing of suspect information, chase policies., etc...) would be beneficial.

We welcome your participation as our coalition of business associations begin work in early 2020 on improving knowledge, and ultimately lower risk to people and products across the province.

### **Next Steps:**

Once again, thank you for the opportunity to begin this important conversation, and we look forward to having further discussions in the weeks ahead with you and your team as we come together to support community wide solutions.

Most Sincerely,



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cc: Retailers doing Business in Manitoba

Retail Council of Canada (RCC) has been the Voice of Retail in Manitoba since 1963, with members representing over two-thirds of Manitoba's \$12.7 billion in retail sales across the province. As Manitoba's largest private sector employer, more than 67,000 Manitobans currently work in retail.