



CACOLE
Canadian Association for
Civilian Oversight of
Law Enforcement

ACSCMO
L'Association Canadienne
de Surveillance Civile du
Maintien de l'Ordre



CACOLE CONFERENCE 2011

CIVILIAN OVERSIGHT

ARE WE MAKING A DIFFERENCE?

MAY 30 – JUNE 01, 2011
RADISSON HOTEL & CONFERENCE CENTRE
CANMORE, ALBERTA

PROGRAM CHAIR:

John Phillips, Chair, Alberta Law Enforcement Review Board

PROGRAM MEMBERS:

Helen Banulescu, Executive Director, Commission for Public Complaints Against the RCMP
Nadine Cooper Mont, Commissioner, Nova Scotia Office of the Police Complaints Commissioner
Stan T. Lowe, Commissioner, British Columbia Office of the Police Complaint Commissioner
Gerry McNeilly, Province of Ontario's Independent Police Review Director
Robert Mitchell, QC, Chair, Saskatchewan Public Complaints Commission
John A. Clarke Executive Director Saskatchewan Public Complaints Commission
Alok Mukherjee, Chair, Toronto Police Services Board
Clifton Purvis, Director, Alberta Serious Incident Response Team
Kimberly Armstrong, Former Executive Director, Law Enforcement and Oversight Branch
Lorraine Roche, Manager, Royal Newfoundland Constabulary Public Complaints Commission
Ian Scott, Director, Ontario's Special Investigations Unit
Paul Stetson, Manager/Senior Investigator, PEI Office of the Police Commissioner
Peter Seheult, Chair, New Brunswick Police Commission
Glenn Stannard, Chair, Military Police Complaints Commission
Claude Simard, Commissaire à la déontologie policière du Québec
George V. Wright, Commissioner, Manitoba Law Enforcement Review Agency
Sarah Sarich, Alberta Law Enforcement Review Board
Wendy Moshuk, CACOLE Executive Director

WITH THE ASSISTANCE OF:

Barb Newton, Alberta Law Enforcement Review Board
Diana Filice, Alberta Law Enforcement Review Board
Kate McDerby, Commission for Public Complaints Against the RCMP
Lynn Crawford, Alberta Serious Incident Response Team
Marnie Walker, Manitoba Law Enforcement Review Agency
Mingbo Ma, Commission for Public Complaints Against the RCMP

CONFERENCE SYNOPSIS

Conference Location:

Radisson Hotel and Conference Centre
511 Bow Valley Trail
Canmore, Alberta T1W 1N7

Note: all Conference activities are held at the Radisson Hotel and Conference Centre

Additional Hotel Accommodations:

Grande Rockies Resort
901 Mountain Street
Canmore, Alberta T1W 0C9

Conference Registration:

Early Registration: Sunday, May 29, 2011
6:00 pm to 9:00 pm
Registration Desk

Regular Registration: Monday, May 30, 2011
08:00 am - 08:45 am
Registration Desk

Professional Development Conference

Monday, May 30, 2011, 09:00 am
to Wednesday, June 01, 2011, 12:45 pm

Board of Directors' Evening Reception

Monday, May 30, 2011
Radisson Hotel and Conference Centre

Delegate Dinner

Tuesday, May 31, 2011
Boundary Ranch, Kananaskis

CACOLE Annual General Meeting and Election of Officers

Tuesday, May 31, 2011
8:00 am to 8:45 am

MONDAY, May 30, 2011

07.45 – 08.45 Breakfast for Delegates and Guests

08.00 – 08.45 Conference Registration

09.00 – 09.30 Opening Remarks, Welcome, Introductions

John Phillips, President
CACOLE

Brad Pickering, Deputy Solicitor General
Deputy Minister of Public Security
Province of Alberta

09.30 – 10.30 Oversight – Making a Difference or Not? – Canadian Viewpoint

Are civilian oversight bodies nothing more than window-dressing? Do police forces take their recommendations seriously? Why is the fallback position in the face of a serious policing incident oftentimes a call for a public inquiry – is there a lack of public confidence? This panel will discuss whether civilian oversight bodies are making a difference from a review body, police and NGO perspective.

Moderator:

Helen Banulescu, Executive Director
Commission for Public Complaints Against the RCMP

Panelists:

Nathalie Des Rosiers, General Counsel
Canadian Civil Liberties Association

Paul E. Kennedy, Former Chair
Commission for Public Complaints Against the RCMP

Peter M. German, Deputy Commissioner West
Royal Canadian Mounted Police

10.30 – 10.45 Refreshment Break

10.45 – 11.45 Civilian Oversight – Making a Difference or Not? – International Viewpoint

The distinguished international delegates on this panel will describe the effect of the presence of independent civilian oversight of law enforcement in their respective jurisdictions, its acceptance by citizens and its future direction. Law Professor and distinguished panelist from Mainland China, Ms. Li Zhe will deliver her paper entitled "Civilian Oversight of the Police in Mainland China".

Moderators:

John Phillips, Chair
Alberta Law Enforcement Review Board

Panelists:

Li Zhe, Assistant Professor,
Faculty of Law
University of Macau, PR of China

Mark A. Gissiner
Police Auditor
City of Eugene, Oregon

11.45 – 01.00 Lunch for Delegates

01.00 – 2.30 What Constitutes Misconduct?

What constitutes misconduct?

The profession of policing is held to a high standard by the public it serves. Conduct which may involve potential Charter breaches or contravention of department policies and directives do not necessarily constitute misconduct.....or do they?

This informative session will examine those categories where the issue of whether misconduct has been proven is not so readily apparent. The panel will examine hypothetical scenarios created to generate lively debate with those in attendance and reflect the divided opinion on the issue of misconduct. The audience will be invited to participate in this provocative session and weigh in on the issues.

Moderator:

Stan T. Lowe, Commissioner
British Columbia Office of the Police Complaint Commissioner

Panelists:

John Heaney,
Heenan Blaikie, Victoria, British Columbia

Tom Engel,
Engel Brubaker, Edmonton, Alberta

02.30 – 02.45 Refreshment Break

02.45 – 03.45 Civilianization of Internal Affairs – Is This a Good or Bad Idea?

This panel will explore the different approaches to the investigation into the conduct of police in Canada. Is the civilianization of this important role achievable or desirable? Which direction should police and oversight agencies go? This important issue will be debated by an expert panel.

Moderator:

Clifton Purvis, Director
Alberta Serious Incident Response Team

Panelists:

Inspector Mark Neufeld,
Edmonton Police Service
Professional Standards Branch

David F. Younggren, Q.C.,
Dunphy Best Blocksom LLP

**05.00 – 07.00 Board of Director's Opening Night Reception
Sponsored by the Government of Alberta
Radisson Hotel and Conference Centre**

TUESDAY, May 31, 2011

07:00 – 08:00 Breakfast for Delegates and Guests

**08:00 – 08:45 Annual General Meeting
Everyone welcome to attend.**

**9:00 – 10:30 Aboriginal Policing – An Environmental Scan
Urban Relations
Indigenous Peoples**

Given the diversity and unique standing of Aboriginal communities in Canada, the geographical remoteness of many communities and the special efforts to be made to address policing and complaint oversight of these communities, this session will look at the current and different models of aboriginal policing, their effectiveness and oversight and will make suggestions on best practices for integrating civilian oversight and aboriginal policing through education, training, outreach and collaborations.

Moderator:

Gerry McNeilly, Police Review Director
Office of the Independent Police Review Director
Province of Ontario

Panelists:

Sylvana Capogreco, Senior Counsel
Office of the Independent Police Review Director
Province of Ontario

Grand Chief Ron Evans
Assembly of Manitoba Chiefs

Dave Whitlow, Deputy Chief Anishinabek
and former Chief of Rama Police

10:30 – 10:45 Refreshment Break

**10:45 – 11:45 Policing and Civilian Oversight – Dealing with Mental Health
Issues**

Moderator:

Peter Seheult, Q.C, Chair
New Brunswick Police Commission

Panelists:

Members of Edmonton's Police and Crisis Team (PACT):

Megan Antymis, B.Sc. Nursing

Constable Don McFaull

The rapidly growing number of interactions between citizens suffering from mental illness and police not only places a heavy burden on police forces but also results in difficult and demanding issues for those charged with civilian oversight of complaints arising from those situations.

This panel will feature the ground breaking work of Edmonton's Police and Crisis Team (PACT) which partners a police constable with a registered nurse, registered psychiatric nurse or social worker to provide on-site assessments and intervention for people with psychiatric problems who are in a crisis. The nurse and the police officer work as a team in assessing, managing and deciding on the most appropriate action.

PACT works as an adjunct to the Capital Health's Crisis Response Team that operates a crisis line 24/7 to assist those suffering from a mental health crisis. The Team is utilized as per the circumstances of each case.

11:45 – 01:30 – Keynote Speaker Luncheon - Policing of the 2010 G20 Summit in Toronto

As leaders from around the world gathered in Toronto for the G20 Summit in June 2010, an estimated 10,000 protestors and an even greater number of police officers took to the streets. By the end of the weekend, police had made more than 1,000 arrests and many people were accusing them of "police brutality" and civil rights abuses. Ontario's Office of the Independent Police Review Director received over 350 complaints regarding policing at the G20 and is currently conducting a review that examines the systemic issues related to the temporary prisoner holding facility during the G20. Independent Police Review Director, Gerry McNeilly will present a preliminary view of what his systemic review has uncovered so far, and discuss his template and methodology for conducting systemic reviews.

Introduction:

John Phillips, President
CACOLE

Speaker:

Gerry McNeilly, Police Review Director
Office of the Independent Police Review Director
Province of Ontario

**1:30 – 02:30 The Intersection between Administrative Tribunal and Criminal
Investigations**

Given the growing development of SIU type bodies across the country, this panel focuses on the issues surrounding the intersection of the criminal investigation of a police officer with the police complaint and discipline process. By reference to two Ontario case studies each of which took around ten years to work through the criminal and disciplinary systems Ian Scott will discuss the issue of resolving allegations of serious police misconduct so that police management, the public and the subject officer may receive a final answer in a timely fashion.

In the federal context, there is a statutory bright line between the public complaint and discipline processes, and in turn between both administrative processes and criminal investigations. Although each area may borrow from and inform the others, no formal intersection exists. It may alternately be argued that such an intersection would provide more comprehensive public accounting of a police officer for his or her actions, or the compartmentalization is the only way in which procedural fairness and the integrity of each system may be preserved. Drawing on his experiences with each system, Richard Evans will explore the reasons for which federal legislation does not contemplate intersection and assess the adequacy of the current mechanism for meeting the goals of police oversight.

Moderator:

Nadine Cooper Mont, Commissioner
Nova Scotia Office of the Police Complaints Commissioner

Panelists:

Ian Scott, Director
Special Investigations Unit Province of Ontario

Richard Evans, Senior Director
Commission for Public Complaints Against the RCMP

2:30 – 02:45 Refreshment Break

02:45 – 03:45 Quality of Investigations

Generally, the public is becoming increasingly skeptical about anyone investigating themselves. Policing is no exception. An investigation into incidents or issues involving the police will not be credible unless it is – and is seen to be – thorough and objective. This presentation will set out a methodology for assessing the quality of an investigation into police conduct regardless of who actually conducts it.

Moderator:

John Phillips, Chair
Alberta Law Enforcement Review Board

Speaker:

Gareth Jones, Director
Special Ombudsman Response Team (SORT)
Office of the Ombudsman of Ontario

**06:30 – 08:30 CACOLE Board of Directors' Delegate Dinner
Boundary Ranch, Kananaskis**

WEDNESDAY, JUNE 01, 2011

07.30 – 08.30 Breakfast for Delegates and Guests

08.30 – 09.30 Canadian Forces Provost Marshal

The Canadian Forces Military Police contribute to the effectiveness and readiness of the Canadian Forces (CF) and the Department of National Defence through the provision of professional police, security and operational support services worldwide. The CF Military Police Group Commander and CF Provost Marshal (CFPM), Colonel Tim Grubb as the Chief of Police has a broad jurisdictional base, involving CF operations domestically and internationally. To address the demand for policing, he has over 2,000 military personnel and civilian staff deployed to more than 90 establishments across Canada and abroad.

Like other police services, the Military Police are held to a high standard of professional conduct, specifically through their own *Military Police Professional Code of Conduct* and through a complaints process detailed at part IV of the *National Defence Act*. Military Police in the performance of their Military Police duties and functions are subject to both Professional Standards investigation by the office of the CFPM, and to civilian oversight in the form of the Military Police Complaints Commission.

Moderator:

Glenn Stannard, Chair
Military Police Complaints Commission

Panelists:

Colonel Tim Grubb
Canadian Forces Provost Marshal

Julianne Dunbar, General Counsel
Military Police Complaints Commission

**09.30 – 11.30 Noble Cause Corruption
aka The Thin Blue Line aka The Blue Code of Silence**

RCMP Staff Sergeant Steve Walker was assigned to investigate complaints concerning the management of RCMP Pension & Insurance Funds. His presentation will focus on the issue of "Noble Cause Corruption" that he claims permeated RCMP Senior Management and the misguided belief that 'the end justifies the means'. His presentation will include recommendations on how policing organizations can eliminate *Noble Cause Corruption* aka *The Thin Blue Line* aka *The Blue Code of Silence*.

Moderator:

Paul Stetson, Manager/Senior Investigator,
Office of the Police Commissioner
Prince Edward Island

Speaker:

Staff Sergeant Steve Walker,
Royal Canadian Mounted Police

10.15 – 10.30 Refreshment Break

11.30 – 12.30 Quebec Police Ethics Code

The *Quebec Police Ethics Code* has been in force since September 1st, 1990. In celebration of its twentieth anniversary, this panel will provide a "summary evaluation" of the Quebec police ethics system.

Le Code de déontologie des policiers du Québec est en vigueur depuis le 1^{er} septembre 1990. A l'occasion de son 20^e anniversaire, ce comité fournira une « évaluation sommaire » du système déontologique policier au Québec.

Moderator:

Ian Scott, Director
Ontario's Special Investigations Unit

Panelists:

Me André Fiset, Lawyer
Avocat - Castiglio & Associés, Montréal, Québec.

Paul Monty, Ancien Commissaire à la déontologie policière de Québec
Former Commissioner of the Québec Police Ethics Commission

12.30 – 12.45 Closing Conference Remarks

John Phillips, President, CACOLE