
CACOLE COMMUNIQUÉ

Canadian Association for Civilian Oversight of Law Enforcement

L'association Canadienne de surveillance civile du maintien de l'ordre

June 2014

CACOLE CIVILIAN OVERSIGHT: Building Confidence and Trust

The 2014 Canadian Association for Civilian Oversight of Law Enforcement conference was held at the Grand Pacific Hotel in Victoria, British Columbia from May 5-7, 2014. The host of the event was Stan T. Lowe, Commissioner, Office of the Police Complaint Commissioner of British Columbia and President of CACOLE. The sold-out conference was attended by delegates from across Canada, the U.S., Hong Kong and Trinidad and Tobago.



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CONFERENCE IN REVIEW:

DAY 1: Monday, May 5, 2014

Conference Welcome and Opening Remarks

CACOLE President Stan Lowe welcomed the approximately 175 delegates to Victoria and after some opening remarks, introduced Darryl Plecas, the Parliamentary Secretary to the B.C. Minister of Justice and Attorney General for Crime Reduction who provided greetings on behalf of the Minister and the B.C. government.



Darryl Plecas, the Parliamentary Secretary to the B.C. Minister of Justice and Attorney General for Crime Reduction offers welcome remarks on behalf of the provincial government.

Media, Oversight and Policing

CACOLE President Stan Lowe moderated the first panel of the day, a lively “bear pit” session which had the panellists exchanging frank views on the reporting of police-related incidents and the fairness of the coverage from both the perspective of the police associations and the review bodies represented by Tom Stamatakis from the Canadian Police Association and Gerry McNeilly, Director of the Office of the Independent Police Review Director of Ontario. David Walmsley, Editor-in-Chief of the Globe and Mail, provided a candid assessment of the pressures of getting a story out, the ethical standards that apply, the use of “experts” by the media and the difficulty of getting access to subject officers to get their account of an event. While oversight agencies have a role to play in educating the public, they are bound by privacy and confidentiality requirements, and can be constrained in responding quickly to media pressure for information.



Panellists: (L-R): Gerry McNeilly, Director, Office of the Independent Police Review Director, David Walmsley, Editor-in-Chief, Globe and Mail, and Tom Stamatakis, President, Canadian Police Association.

Digital Video Evidence from Police Body Worn Cameras: How and How Much, Why and Why Not

Ronald J. MacDonald, Q.C., Director of the Nova Scotia Serious Incident Response Team, moderated a panel which provided a number of viewpoints on the pros and cons of body cameras. Dr. Mary Stratton has conducted a significant amount of research with the Edmonton Police Service and cautioned that the software is evolving, and that many issues arise around the management and storage of evidence recorded by these cameras. Training is important and there are costs associated with the use of this equipment. Tony Loparco, Director of Ontario's Special Investigations Unit, indicated that the availability of this type of evidence made his job easier, while Michael McEvoy, Deputy Commissioner of the B.C. Office of the Information and Privacy Commissioner suggested that the collection of information for law enforcement purposes was acceptable, but if the cameras are rolling all the time, this could amount to surveillance and could be deemed to be too broad in scope.



Panellists: (L-R): Tony Loparco, Director, Ontario Special Investigations Unit, Michael McEvoy, Deputy Commissioner, Office of the Information and Privacy Commissioner BC, and Dr. Mary Stratton, Research Analyst/Coordinator Edmonton Police Service.

International Perspectives on Oversight

CACOLE was delighted to have representatives from the U.S., Trinidad and Tobago and Hong Kong on the panel organized by David C. Gavsie, Associate Chair of the Ontario Civilian Police Commission. Brian Buchner, Special Investigator from the LA Board of Police Commissioners and President of NACOLE, Master Ralph Doyle, Deputy Director of the Trinidad and Tobago Police Complaints Authority and Daniel Mui, Deputy Secretary General of the Independent Police Complaints Council, Hong Kong, all provided interesting perspectives on oversight in their respective jurisdictions.



Panellists: (L-R): Brian Buchner, Special Investigator, Los Angeles Board of Police Commissioners & President, NACOLE, Daniel Mui, Deputy Secretary General, Independent Police Complaints Council, Hong Kong, Master Ralph Doyle, Deputy Director, Trinidad & Tobago Police Complaints Authority, and Moderator David Gavsie, Associate Chair, Ontario Civilian Police Commission.

Proactive Training in Police Ethics

Prof. Stephan Maguire from Carleton University provided an update on his findings from his "Professionalism in Policing Project", a nation-wide study based on the results of a survey of police officers responding to ethics-based questions. Panellists Superintendent Kathy Grant and Inspector Darren Leggatt from the Calgary Police Service provided food for thought on creating a positive culture within a police organization by describing the success of their "Stay in the Game" program which promotes ethical decision-making by all

ranks, not just at the supervisory level. Moderator Catherine Light, currently Director of Investigations at the Manitoba Independent Investigations Unit, was recognized by the panellists for her initiative and hard work on the “Stay in the Game” program during her time at the Calgary Police Service.



Panellists: (L-R): Inspector Darren Leggatt, Calgary Police Service, Superintendent Kathy Grant, Calgary Police Service, Dr. Stephen Maguire, Executive Director, Organizational Values and Ethics Certificate Program, Carleton University, and Moderator Catherine Light, Director of Investigations, Manitoba Independent Investigations Unit.

CACOLE Annual General Meeting

Highlights of the meeting include approval of the new by-laws required under the Canada Not-for-Profit Corporations Act and the election of the following individuals as officers and members of the Executive Committee of the Association:

Mr. David Gavsie – President

Mr. Ian McPhail – Vice-President

Ms. Nadine Cooper Mont – Treasurer

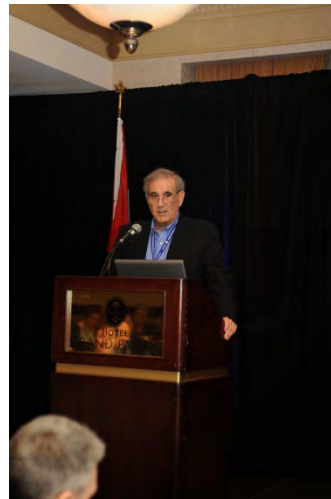
Mr. Zane Tessler – Secretary

Mr. Stan Lowe – Past President

Ms. Helen Banulescu – Director-at-large

Mr. Clif Purvis – Director-at-large

Mr. Gerry McNeilly – Director-at-large



Incoming CACOLE President David Gavsie, Associate Chair, Ontario Civilian Police Commission, announces the 2015 CACOLE Executive Committee.

Evening Reception at the Grand Pacific Hotel

Delegates had an opportunity to get together and continue their discussions at the end of Day 1.





DAY 2: Tuesday, May 6, 2014

Use of Force I: Divining the Line Between Reasonable and Excessive

Nadine Cooper Mont, Commissioner of the Nova Scotia Office of the Police Complaints Commissioner, moderated a panel with Ian Scott, former Director of the Ontario Special Investigations Unit and Ronald MacDonald, Director of the Nova Scotia Serious Incident Response Team. Mr. Scott discussed the Criminal Code sections and a number of cases relevant to the use of force. Mr. MacDonald raised the issue of the right to use force vs. the need to use force and used fact-based scenarios to illustrate that the use of force was not always the common sense approach for an officer to take.



Panellists: (L-R): Moderator Nadine Cooper Mont, Commissioner, Nova Scotia Office of the Police Complaints Commissioner, Ronald J. MacDonald Q.C., Director, Nova Scotia Serious Incident Response Team, and Ian Scott, former Director, Ontario Special Investigations Unit.

Use of Force II: Use of Force Experts in Court Proceedings

Tony Loparco, Director of the Ontario Special Investigations Unit moderated a panel which focused on the merits of using use of force experts in court proceedings. John McKay, of John McKay Consulting Inc., discussed his role as such an expert, the value that such testimony can provide and the rules of engagement in providing such expert advice. Ravi Hira, Q.C. of the

law firm Affleck, Hira and Burgoyne and Oleh Kuzma, Deputy Director, Legal Operations of the B.C. Ministry of Justice engaged in a spirited debate on the topic, from the perspectives of defence counsel and prosecutor.



Panellists: (L-R): Oleh Kuzma, Deputy Director, Legal Operations BC Ministry of Justice, Ravi R. Hira Q.C., Affleck, Hira & Burgoyne, John McKay, John McKay Consulting Inc., and Tony Loparco, Director, Ontario Special Investigations Unit.

Keynote Luncheon Speaker

CACOLE was honoured to have Robert Mitchell, Q.C., Chair of the Saskatchewan Public Complaints Commission as its keynote speaker. Mr. Mitchell went back to basics reflecting on the principles of Sir Robert Peel and their continuing significance and relevance for those with an interest in police oversight.



Luncheon Speaker Robert Mitchell Q.C., Chair, Saskatchewan Public Complaints Commission delivers his keynote address.

Aboriginal Perspectives on the Civilian Oversight of Police

As the moderator of this panel, Clif Purvis, Executive Director of the Alberta Serious Incidents Response Team, launched the discussion with an overview of his experience and lessons learned from his working relationship with First Nations representatives, underscoring the importance being open and listening to his interlocutors. Ron Hepperle, Director of First Nations Policing with the Government of Alberta, provided a detailed report on the Tripartite Agreement, the funding responsibilities and the need for a strong governance mechanism. Chief Robert Louie, of the Westbank First Nation, provided his perspective on police oversight, the benefits of continuous involvement with the community, the merits of adopting a preventative approach and the need to deal with complaints quickly when they arise.



Panellists (L-R): Ron Hepperle, Director, First Nations Policing Government of Alberta, Chief Robert Louie, Westbank First Nation, and Moderator Clifton Purvis, Director, Alberta Serious Incident Response Team.

same issue – can we continue to support this model, particularly in light of the pre-occupation with the economics of policing at all levels of government? Assistant Commissioner Craig MacMillan, the RCMP Professional Integrity Officer, described the negative effect of the multiplicity of oversight processes on policing organizations and individual officers. Issues such as the feasibility of combining criminal and professional standards processes, as well as the value of coroners' inquests, were raised and debated.



Panellists (L-R): Craig MacMillan, Assistant Commissioner Professional Integrity Officer, RCMP, Steven M. Boorne, Barrister & Solicitor, and Moderator Ian McPhail, Q.C., Interim Chair Commission for Public Complaints Against the RCMP.

The Burden of Oversight

Ian McPhail, Interim Chair of the Commission for Public Complaints Against the RCMP, moderated a discussion on the cost of oversight to the criminal justice system. While not disputing the need for effective oversight, lawyer Steven Bourne raised questions about the affordability of different oversight bodies examining the

Board of Directors' and Delegates' Dinner

At the conclusion of Day 2, Stan Lowe hosted a wonderful dinner at the Grand Pacific Hotel. It was an evening of good food, great company and soulful music by Jim Byrnes and his musicians.

The dinner also marked the occasion of a heartfelt tribute to Robert Mitchell provided by John Clarke, his Executive Director, in the wake of Mr. Mitchell's upcoming retirement as Chair of the Saskatchewan Public Complaints Commission. Mr. Mitchell has had a long and distinguished public service career, and served as a Cabinet Minister in various portfolios for the Government of Saskatchewan, including as Minister of Justice and Attorney General. CACOLE has had the benefit of Mr. Mitchell's experience, wise counsel and terrific sense of humour for many years, and his participation as a Board member will be greatly missed.















DAY 3: Wednesday, May 7, 2014

Early Resolution Processes

Gerry McNeilly, Director, Office of the Independent Police Review Director, launched the panel discussion with a presentation on how his office undertakes customer service resolution and more formal mediation processes. Rollie Woods, Deputy Police Complaint Commissioner, Office of the Police Complaint Commissioner of British Columbia and Ken Cormier, Manager of Investigations, Office of the Independent Police Review Director expanded on their respective offices' approaches to informal resolution and mediation processes and provided anecdotes from their interactions with complainants to underscore the advantages of resolving complaints informally where feasible.



Panelists (L-R): Rollie Woods, Deputy Police Complaint Commissioner, Office of the Police Complaint Commissioner of British Columbia, Ken Cormier, Manager of Investigations, Office of the Independent Police Review Director, and Moderator Gerry McNeilly, Director, Office of the Independent Police Review Director.

Who Should Prosecute the Police?

Glenn Stannard, Chair of the Military Police Complaints Commission, moderated a dynamic discussion of who should preside over professional misconduct proceedings and the perception of an institutional basis in favour of police when public complaints against police are investigated by other police. Morris Elbers, President, ELBS Inc.

and a retired Superintendent from the OPP, discussed his experience and work ethic as an adjudicator dealing with misconduct proceedings. Doug King, a lawyer with Pivot Legal Society, argued forcefully that within his client group, the perception that police were being given the benefit of the doubt was unavoidable and that it would be preferable to have civilians processing complaints files.



Panelists (L_R): Douglas King, Staff Lawyer, Pivot Legal Society, Morris Elbers, President, ELBS Inc. and Moderator Glenn Stannard, Chair, Military Police Complaints Commission.

Closing Remarks

David Gavsie, CACOLE's incoming president provided closing remarks thanking all of the speakers, moderators and delegates, and confirmed that the next CACOLE conference will be held in Ottawa in May 2015.



Incoming president David Gavsie announces the location for CACOLE 2015.

BEHIND THE SCENES

