
**CANADIAN ASSOCIATION FOR CIVILIAN
OVERSIGHT OF LAW ENFORCEMENT**

CIVILIAN OVERSIGHT

Civilian Oversight – The Road Forward

Draft version #9



AGENDA

MAY 27 – 30, 2018

Winnipeg, Manitoba

CACOLE Program 2018 is brought to you by:

PROGRAM CHAIR:

Zane Tessler, Executive Director, Independent Investigations Unit (MB)

PROGRAM MEMBERS:

David Loukidelis QC, Chair, Law Enforcement Review Board (AB)

Sue Hughson, QC, Executive Director, Alberta Serious Incident Response Team (AB)

Karyn Popplestone, Manager, Law Enforcement and Oversight Branch (AB)

Tyler Shandro, Commissioner, Calgary Police Commission (AB)

Ronald J. MacDonald QC, Chief Civilian Director, Independent Investigations Office (BC)

Salman Azam, Chief Operating Officer, Chief Independent Investigations Office (BC)

Stan T. Lowe, Commissioner, Office of the Police Complaint Commission (BC)

Guy Bujold, Chair, Civilian Review and Complaints Commission for the RCMP

Hilary McCormack, Chairperson, Military Police Complaints Commission (ON)

Max Churley, Commissioner, Law Enforcement Review Agency (MB)

Zane Tessler, Executive Director, Independent Investigations Unit (MB)

Ron Cormier, Chair, New Brunswick Police Commission (NB)

Steve Roberge, Executive Director, New Brunswick Police Commission (NB)

Randy Doyle, Manager, Royal Newfoundland Constabulary Public Complaints Commission (NL)

Judith McPhee, QC, Commissioner, Nova Scotia Office of the Police Complaints Commissioner (NS)

Felix Cacchione, Director, Nova Scotia Serious Incident Response Team (NS)

Gerry McNeilly, Director, Office of the Independent Police Review Director (ON)

Tony Loparco, Director, Special Investigations Unit (ON)

Phil Pitts, Manager/Senior Investigator, PEI Office of the Police Commissioner (PE)

John A. Clarke, Executive Director, Saskatchewan Public Complaints Commission (SK)

Marc-Andre Dowd, Police Ethics Commissioner (QC)

Madeleine Giauquw, Directrice, Bureau des Enquêtes Indépendantes (QC)

Rick Peach, Executive Director, Saskatchewan Police Commission (SK)

W. Brent Cotter, Chair, Saskatchewan Public Complaints Commission (SK)

John Clarke, Executive Director, Saskatchewan Public Complaints Commission (SK)

Nadine Cooper-Mont, Accounting Manager (NS)

Roberta Ross, CACOLE Executive Director (ON)

WITH THE ASSISTANCE OF:

Staff of the Independent Investigations Unit and staff from the Civilian Review and Complaints Commission for the RCMP (CRCC)

CONFERENCE SYNOPSIS

Civilian Oversight – The Road Forward

Conference Location:

Fairmont Winnipeg

West Ballroom

2 Lombard Place,
Winnipeg, Manitoba

Early Registration Desk

Sunday, May 27, 2018

Wellington Ballroom

5:00pm to 7:00pm

Regular Registration

Monday, May 28, 2018

Lancaster Room

7:30am to 8:30am

Professional Development Conference

Monday, May 28, 2018, 8:30am to Wednesday, May 30, 2018, 12:00pm

CACOLE Annual General Meeting and Election of Officers

Monday, May 28, 2018

4:30pm

Provincial/Federal Heads of Oversight Meeting

Wednesday, May 30, 2018, 2:00pm to 4:00pm – members only

Location: **Independent Investigations Unit of Manitoba, 700 – 155 Carlton Street**

Welcome Reception at the Fairmont

Monday, May 28, 2018

East Ballroom

5:30pm to 7:00pm

Board of Directors and Delegates Dinner*

Tuesday, May 29, 2018

Canadian Museum for Human Rights

85 Israel Asper Way

Winnipeg, Manitoba R3C 0L5

5:30pm – 10:00pm

Booked for CACOLE as private event, also offering tours

****Note: Delegate guests are welcome to attend with pre-arrangement!***

MONDAY, May 28, 2018

7:30am – 8:30am **Conference Registration and Breakfast for Delegates** East Foyer

8:30am – 9:00am **Welcome and Opening of Conference** West Ballroom
Zane Tessler
President, CACOLE

Honourable Heather Stefanson Tuxedo
Minister of Justice and Attorney General

9:00am – 10:15am **Civilian Oversight and Corruption Investigations in Canada** West Ballroom

With some of the six civilian-led oversight investigative agencies in Canada being restricted to the investigation of police conduct that results in serious injury or death, the question becomes who is and who should be investigating alleged obstruction or corruption based offences. What should the priority be? What are the unique challenges of investigations related to abuse of power and breach of trust? Investigative examples reviewed.

Moderator: Sue Hughson

Panelists: TBA

10:15am – 10:30am **Refreshment Break** Midway Foyer

10:30am – 12:00pm **Bias free Policing** West Ballroom

This session will introduce participants to the concept of ‘Bias Awareness’.
It will address, among other things:

- Self-awareness, unconscious bias and the challenge of objectivity
- Different types of unconscious bias and how they may affect decision-making; and bias free investigations
- Strategies to reduce individuals from acting on their own biases

Moderator: Gerry McNeilly

Panelists: Dr. Christopher Taylor
Senior Policy Advisor, Ontario Inclusion, Diversity and Anti-Racism Directorate

Rosemary Parker
Manager, Strategic Planning, Transition and Systemic Reviews, OIPRD

12:00pm – 1:30pm **Lunch provided by CACOLE** East Foyer
Guest Speaker Honourable Heather Stefanson Tuxedo
Minister of Justice and Attorney General
Mitchell Lewis Award Presentation

As the focus of a criminal investigation, subject officers occupy a unique position that warrant a balancing of *Charter* protections with duties and responsibilities inherent with their particular peace officer status. The discussion will focus on the current state of the law and processes and what changes are necessary and required. This panel will discuss what is or is not a note and the lawful access to subject officer notes, reports and statements. The practice of re-designation of subject to witness or witness to subject will be addressed. The concept of legislative intent and certainty, duty, and naming protocols, among others, will also be examined.

Moderator: Zane Tessler and Sue Hughson

Panelists: Sue Hughson
Executive Director, Alberta Serious Incident Response Team

Zane Tessler
Executive Director, Independent Investigation Unit

Greg Gudelot
Legal Counsel, Alberta Serious Incident Response Team

Josh Weinstein
Defence Lawyer, Winnipeg

This panel will share best practices in oversight training from jurisdictions across Canada. It will cover:

- Meeting police standards for investigative standards and the application of major case management principles to oversight investigations
- Curriculum and partnerships that have been developed with professionals and educational institutions
- The need to professionalize the field of oversight, both criminal and administrative as the field continues to grow across Canada.

Moderator: Salman Azam

Panelists: TBA

TUESDAY, May 29, 2018

8:00am – 9:00am **Breakfast for Delegates** East Foyer

9:00am – 10:30am **Ethics** West Ballroom

As with all professions, law enforcement officers face a range of challenges in the ethical performance of their duties. One of the most challenging for all professions is the degree of loyalty to others, particularly one's colleagues, and the boundaries of that duty. Through a comparison with other professions and a consideration of this issue in the policing context, the presenters on this panel will explore the police officer's duty of loyalty and its legal and ethical boundaries.

Moderator: TBD

Panelists: Brent Cotter
Chair, Saskatchewan Public Complaints Commission

Chief Clive Weighill
Former Chief of the Saskatoon Police
Service and former President of the Canadian Association of
Chiefs of Police (CACP)

10:30am – 10:45am **Refreshment Break** Midway Foyer

10:45am – 12:00pm **From Complaint to Mediation/Resolution:
Engaging the Unlikely Resolver** West Ballroom

This session will provide workable approaches to engage both police officers and complainants in looking at alternative mechanisms to resolve complaints. Mediation and Alternative Dispute Resolution is a move away from the need to investigate complaints. Is this the future?

Moderator: Gerry McNeilly

Panelists: Margaret Corion
Senior Case Manager/Registrar
Office of the Independent Police Review Director (OIPRD)

Andrea Spindler
job title, Office of the Police Complaint Commissioner (OPCC)

Michael Mamo
Chief Operations Officer
Office of the Independent Police Review Director (OIPRD)

12:00pm – 1:00pm **Buffet Lunch – to be provided by CACOLE**

Panelists will provide their unique perspectives on issues related to police governance and accountability, as well as on some of the challenges around achieving effective civilian oversight of policing. David Asper will speak about the Winnipeg Police Board and the fundamental transformation it has been undergoing. He will discuss why the transformation was necessary as well as some of the key lessons learned to date.

In her presentation, Tammy Landau will highlight that policing in Ontario is, yet again, experiencing a groundswell of challenges in accountability, governance and, in particular, legitimacy. Much of this is expressed through questioning the bodies that police the police. While there have recently been significant reforms, such as *The Safer Ontario Act*, we must ask ourselves if our expectations for truly accountable, democratic policing can ever be met or whether the essential nature of public policing in Canada is at odds with this outcome.

British Columbia has witnessed several Commissions of Inquiry into Policing over the past 20 years that have contributed significantly to the evolution of police regulatory oversight. While many recommendations have resulted in very positive change in BC, challenges continue to exist including the fact that the RCMP through contract provide policing to the majority of municipalities of varying sizes and has different accountability structures than municipal police. Against this backdrop, Clayton Pecknold's presentation will underscore that aligning local expectations and needs with provincial and national priorities is a significant issue that often results in conflict. Navigating these conflicts to deliver adequate and effective policing across RCMP and Municipal Policing jurisdictions is sometimes more art than science.

Moderator: Guy Bujold

Panelists: David Asper
Chair, Winnipeg Police Services Board

Dr. Michael Kempa
Interim Chair, Department of Criminology, University of Ottawa

Clayton Pecknold
Assistant Deputy Minister & Director of Police Services,
Policing and Security Branch, Ministry of Justice, British Columbia

This annual international panel includes participants from Jamaica, Trinidad and Tobago and the United States of America. Each panelist will provide their own unique perspective as it relates to the development of oversight in their respective countries, the unique challenges that exist for both policing and oversight, and what the future holds in terms of any oversight reform.

Moderator: Zane Tessler

Panelists: Erica Simon
Legal Officer, Legal Reform Department, Jamaica

David West
Job title, Police Complaints Authority, Trinidad & Tobago

Brian Corr
President, NACOLE

4:00pm - 4:30pm **Group Photo**

5:30pm **Board of Directors and Delegates Dinner**
Canadian Museum for Human Rights
85 Israel Asper Way
Winnipeg, Manitoba

Booked for CACOLE as private event, also offering tours after dinner

WEDNESDAY, May 30, 2018

8:00am – 9:00am **Breakfast for Delegates** East Ballroom

9:00am – 10:30am **People in Crisis and Policing - From East to West** West Ballroom

This panel will look at relationships and issues around police, people in crisis and mental health systems. It will also explore and provide insight into the effects of policing on Indigenous people in crisis. The panel will also examine the projects of two police services: Vancouver and Toronto, and their approaches to this growing and complex issue.

Moderator: Gerry McNeilly

Panelists: Inspector Chris Boddy
 Toronto Police Service

 Staff Sergeant Randy Fincham
 Vancouver Police Service

 Sergeant Jim Prasobsin
 Vancouver Police Service

10:30am – 10:45am **Refreshment Break** Midway Foyer

10:45am – 12:00pm **Use of Force Experts** West Ballroom

Use of force expert reports are often a part of many oversight investigations in this country. They have also found their way into Crown files as they consider issues relating to the probability of conviction. There are some who take the position that these opinions are critical to allowing investigators to fully understand the background to police actions. Then there are those who suggest that the issues generally only involve an examination of the reasonableness of the police action, which does not require expert opinion. This panel will attempt to bring some clarity to this area, by reviewing the law surrounding the use of expert opinion, when it is and is not admissible, what areas of investigation benefit from such evidence and which do not, and how such opinions can impact investigations both negatively and positively. The Panel will bring together differing opinions offering a consideration of the topic from various viewpoints.

Moderator: Ron MacDonald

Panelists: Tony Laparco
 Director, Special Investigations Unit, Ontario

 Jessica Patterson
 Crown Counsel, Crown Law Division

 Inspector Chris Butler
 Calgary Police Service

12:00pm – 12:15pm **Concluding Remarks** West Ballroom
Zane Tessler

12:15pm **Announcement of Toronto for 2019 – Gerry McNeilly**
2018 CACOLE Conference Concludes

1:00pm – 5:00pm **Federal/Provincial Heads of Oversight meeting – members only**
- Updates and reports from Steering Committees
Independent Investigations Unit of Manitoba
700 – 155 Carlton Street