

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

CIVILIAN OVERSIGHT

Experience, Challenges & Opportunities



**Draft AGENDA
MAY 27 – 29, 2019
Toronto, Ontario**

CACOLE Program 2019 is brought to you by:

PROGRAM CHAIR:

Gerry McNeilly, Barrister & Solicitor (ON)

PROGRAM MEMBERS:

Ellen-Anne O'Donnell, 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)

Jennifer Forrest, Commissioner, Calgary Police Commission (AB)

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

Clayton Pecknold, Commissioner, Office of the Police Complaint Commission (BC)

Micheline Lahaie, Chairperson, Civilian Review and Complaints Commission for the RCMP (ON)

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

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

Lynn Chaplin, Acting Chair, New Brunswick Police Commission (NB)

Jennifer Smith, 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)

Sylvana Capogreco, Director, Office of the Independent Police Review Director (ON)

Joe Martino, Director, Special Investigations Unit (ON)

Thomas Jarmyn, Commissioner, Office of the Police Commissioner (PE)

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

Marc-André Dowd, Commissaire à la déontologie policière (QC)

Madeleine Giauque, Bureau des enquêtes indépendantes (QC)

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 Office of the Independent Police Review Director (OIPRD), staff from Special Investigations Unit (SIU) and staff from the Civilian Review and Complaints Commission for the RCMP (CRCC).

CONFERENCE SYNOPSIS

Civilian Oversight – Experience, Challenges & Opportunities

Conference Location:

Chelsea Toronto Hotel
Churchill Ballroom
33 Gerrard Street West
Toronto, Ontario

Early Registration Desk

Sunday, May 26, 2019

Windsor Room

5:00pm to 7:00pm

Regular Registration

Monday, May 27, 2019

Churchill Court

7:00am to 8:30am

Professional Development Conference

Monday, May 27, 2019, 8:30am to Wednesday, May 29, 2018, 12:30pm

Please contact your Law Society directly for information on CPD hours eligible for this conference.

CACOLE Annual General Meeting and Election of Officers

Monday, May 27, 2019

Churchill Ballroom

4:00pm – 5:30pm

Welcome Reception at Chelsea Hotel Toronto

Monday, May 27, 2019

Bb33 Bistro & Brasserie

5:30pm to 7:00pm

Board of Directors and Delegates Dinner*

Tuesday, May 28, 2019

Chelsea Toronto Hotel

Mountbatten Salon

6:00pm to 9:00pm

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

MONDAY, May 27, 2019

7:00 – 8:30 Conference Registration & Breakfast for Delegates

8:30 – 9:00 Welcome & Opening of Conference

Gerry McNeilly, Barrister & Solicitor
CACOLE President

Keynote Speaker: Honourable Justice Michael Tulloch
Ontario Court of Appeal

9:00 – 10:15 Post Traumatic Stress Disorder

This panel discussion will present the impact of PTSD beyond its effect on traditional first responders and offer insight into a unique approach to improving a self-reliant lifestyle for those living with the affliction.

Moderators: Felix Cacchione, Director
Nova Scotia Serious Incident Response Team

Phil Pitts, Manager/Senior Investigator
Office of the Police Commissioner

Panellists: Brian Brown
Retired Deputy Chief Coroner, New Brunswick

Retired Chief Jean Michael Blais
Halifax Regional Police Service

Justice Guy Cournoyer
Quebec Superior Court

10:15 – 10:30 Refreshment Break

10:30 – 12:00 Excited Delirium, CEWs, and Position Asphyxia

Excited Delirium, Positional Asphyxia, Conducted Energy Weapons and In-Custody Deaths – What is Going on out There and What do we Know?

Excited Delirium, Positional Asphyxia, Conducted Energy Weapons and In-Custody Deaths are often associated with or used to explain sudden deaths in custody. Excited Delirium has been considered a controversial diagnosis, with some saying it is nothing more than the legitimization of a pretext for police violence, despite it being recently recognized as a true medical emergency by the American College of Emergency Physicians. Positional Asphyxia is another concept used to explain in-custody deaths. But what is the science behind it? Learn more about what ExD, Positional Asphyxia and their association, or lack thereof, with CEWs.

Moderator: Sue Hughson, QC
Executive Director, Alberta Serious Incident Response Team (ASIRT)

Panellists: Honourable Judge Greg B. Lepp
Provincial Court of Alberta

Dr. Michael Pickup

12:00 – 1:00 Lunch provided by CACOLE

1:00 – 2:15 MMIWG – Indigenous Perspective

MMIWG – Indigenous Perspective – Impact on Civilian Oversight Across Canada.

Police agencies have been criticized for how they conduct investigations into missing and murdered Indigenous women and girls. Many Indigenous people believe systemic racism within the policing community plays a major role in how these matters are investigated. This panel will provide insight into police investigations into missing persons and sudden death investigations involving Indigenous people, the National Inquiry into the MMIWG review, and implications for civilian oversight.

Moderator: John Clarke
Executive Director, Saskatchewan Public Complaints Commission

Panellists: Rosemary Parker
Manager, Ontario Human Rights Commission

Brian Eyolfson
Commissioner, MMIWG

Christa Big Canoe
Lead Counsel, MMIWG

2:15 – 2:30 Refreshment Break

2:30 – 3:45 International Panel

A Caribbean Model for Oversight Meets the USA Model – Use of Force Policies and Its Enforcement.

This panel will look at oversight organizations from the Caribbean and the USA, the enforcement of use of force policies and compare best practices.

Moderator: Gerry McNeilly, Barrister & Solicitor
President, CACOLE

Panellists: Brian Corr
President, NACOLE

David West
Director, Police Complaints Authority, Trinidad and Tobago

Terrance F. Williams
Commissioner, Independent Commission of Investigations (INDECOM)

4:00 – 5:30 CACOLE Annual General Meeting and Election of Officers

5:30 – 7:00 Welcome Reception
Cash Bar

TUESDAY, May 28, 2019

7:00 – 8:30 Breakfast for Delegates

9:00 – 10:30 Cannabis ‘A New Reality’

This panel will discuss the new reality legalizing of Cannabis and its effect on policing and police oversight in a wide ranging Bear Pit question and answer session.

Moderator: Gerry McNeilly, Barrister & Solicitor
President, CACOLE

Panellists: David Walmsley
Editor-In-Chief, Globe and Mail

Jason Fraser
General Counsel, York Regional Police Service

Tom Stamatakis
President of the Canadian Police Association (CPA), President of the
British Columbia Police Association (BCPA)

Bruce A. MacFarlane, Q.C.
Lawyer

10:30 – 10:45 Refreshment Break

10:45 – 12:00 Police Use of Video Technology: Limitations & Prospects

In contemporary police work, video technology is used in surveillance operations, booking and cell block areas, interview rooms and police vehicles. In recent years, police services have started to evaluate the use of body-worn cameras as an integrated part of their police officers' uniform and kit.

Dr. Greg Brown will synthesize the empirical research on police use of video technology and highlight lessons learned from police services in Canada and around the world. Dr. Randy Lippert will focus on human rights (including privacy rights) issues, function creep, elasticity, and liability as they relate to police use of video technology (including body worn cameras and automatic licence plate recognition) and surveillance.

Moderator: Michelaine Lahaie
Chairperson, Civilian Review & Complaints Commission for the RCMP

Panellists: Dr. Greg Brown
SSHRC Postdoctoral Research Fellow, Osgoode Hall Law School,
York University

Dr. Randy K. Lippert
Professor of Criminology, University of Windsor

12:00 – 1:00 New this year- Lunch – on your own
(please see conference agenda for suggestions)

1:00 – 2:15 De-Escalation and Strip Searches

The most serious way in which police can infringe upon a citizen's liberty, physical integrity and dignity is through use of force and strip-searches. Unfortunately strip searches are sometimes necessary. However, police and citizens would like to see these episodes kept to a minimum. The concept of 'de-escalation' training has useful lessons for all of us. For example, the actions taken by a Toronto constable during a van attack that killed 10 people received world-wide recognition. In 2001, the Supreme Court of Canada, with its decision in *R.v. Golden* gave clear and careful direction on when and how strip searches can lawfully be conducted. This panel will examine the most recent case law on these fast-evolving issues, including a discussion of lessons learned.

Moderator: Hillary McCormack
Chairperson, Military Police Complaints Commission

Panellists: Dr. Greg Brown
SSHRC Postdoctoral Research Fellow, Osgoode Hall Law School,
York University

2:15 - 2:30 Refreshment Break

2:30 - 4:00 Independence

One of the fundamental principles guiding civilian oversight of law enforcement is the independence. This principle, common to all bodies obligated to investigate, make administrative or judicial findings and report to the public on their work, is that their work be free of outside influences that can compromise effective oversight. This panel will examine the importance of independence for agencies that conduct civilian oversight of law enforcement and the ways it can be enshrined in law and secured in practice.

Moderator: W. Brent Cotter
Chair, Saskatchewan Public Complaints Commission

Panellists: David Lukedelis, Q.C.
Lawyer

Bruce A. MacFarlane, Q.C.
Lawyer

4:00 - 4:15 Group Photo

6:00 – 9:00 Board of Directors and Delegates Dinner
Mitchell Lewis Award Presentation

WEDNESDAY, May 29, 2019

7:00 – 8:30 Breakfast for Delegates

9:00 – 10:30 Media

Oversight and the Media: How's that Going?

Civilian oversight organizations regularly deal with files and investigations that are significant public interest matters and therefore attract a lot of media attention. Given the need for transparency in the oversight world, the media can be an important ally in disseminating information to the public. This panel will feature both media and oversight representation, and discuss useful approaches to dealing with media inquiries, reacting to negative stories, and developing positive relationships with the media. The panel will also debate current issues that relate to the tension between investigational needs and privacy, and the public's right to know.

Moderators: Ron MacDonald
Chief Civilian Director, Independent Investigations Office

Marc-André Dowd
Commissaire

Panellists: David Fraser
Lawyer

Tony Keller
Editorial Page Editor, Globe and Mail

10:30 – 10:45 Refreshment Break

10:45 – 12:00 Bias Free Part Two

At last year's conference, Kike Ojo, a leading practitioner in diversity, equity and inclusion, sought to deepen our conversation about bias. She asked us to think about how biases are experienced in our work and by whom. Kike used her signature Boys on Boxes process to illustrate how dominant ideas about various groups are produced, normalized, reproduced and internalized, and finally how those ideas show up in our work. Kike argues that our work is about equity – the elimination of disproportionality and disparities between groups and this year she asks about our uptake of equity as a goal and outcome. This session/workshop will include an interview style conversation with a leader within our sector who will reflect upon the uptake – the enablers and the impediments.

Moderator: Ronald MacDonald
Chief Civilian Director, Independent Investigations Office

Panellist: Kike Ojo
Consultant

12:00 Closing Remarks and announcement of 2020 Conference location
Gerry McNeilly, President and Ron MacDonald, Vice-President