



Communiqué

February 2006

President's Message

The Canadian Association for Civilian Oversight of Law Enforcement (CACOLE) is a national non-profit organization. Membership is open to individuals and agencies dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad. CACOLE members represent diverse organizations - municipal and provincial police boards and commissions, First Nations, provincial and federal oversight agencies, ombudsmen's offices, police associations and professional standards bureaus individuals as well as organizations in the justice, rights and advocacy agencies and representatives of community agencies and police services from Canada, the United States, Great Britain, Northern Ireland, Portugal and other European countries.

Please complete the attached membership form and send in a cheque for your 2006 membership in the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). The form can be found at the end of this newsletter. It is important for both you and your organization to belong to CACOLE and participate in its activities.

The twelve-month CACOLE membership (January to December 2006) costs \$150.00 for an individual and \$300.00 for an organization (covers multiple members). The funds generated from annual memberships sustain the ongoing administrative operations of CACOLE during the year, including maintaining a web site at www.cacole.ca and producing CACOLE's newsletter, Communiqué, the annual *Compendium of Oversight Agencies* in Canada and gives you access to a network of resources to respond to requests for information on oversight issues.

After Hurricane Wilma aborted the original plans for NACOLE, in Miami in November, it was re-scheduled for early December. NACOLE held a very successful conference and both your President and Vice-President, Johanne Gauthier, represented CACOLE's interests at the conference.

I was a presenter at the conference and also had an opportunity to encourage NACOLE attendees to come to our conference in Vancouver in October 2006. I was also encouraged that about forty delegates signed an interest sheet regarding the creation of ISCOLE. NACOLE'S new President, Barbara Attard has also expressed an interest in attending the CACOLE conference and in joining ISCOLE. You may recall that Barbara was a panel member at the 2002 Conference in Banff, Alberta.

I am confident that with so much interest expressed, the October 2006 Vancouver CACOLE conference will be one of the best-attended conferences to date. Please plan now (both in terms of time and budget) to attend this conference. You don't want to miss it!

Initial planning for the joint CACOLE/ISCOLE conference is presently scheduled to take place in London, England during May of this year. More information regarding details will be forthcoming in the Communiqué following the meeting.

This year looks to be an exciting one for CACOLE in Canada and internationally. Join CACOLE now and take an active role in our initiatives.

Dirk Ryneveld, QC

CACOLE CONFERENCE 2005

CACOLE'S tenth annual professional development conference - *Current Issues in Police Accountability* - was held in Montreal, Quebec from October 3-5, 2005. The event attracted over 120 Canadian and international delegates and speakers from diverse sectors of the policing, oversight and justice community.



Speakers included Jean McKenna, LLB, Huestis Ritch, Halifax, NS; Paul R. McKenna, LLB, Myers Weinberg LLC, Winnipeg, MB; Leona Tesar, Legal Advisor, Edmonton Police Service; Chief Edgar MacLeod, Cape Breton Regional Police Service; Me. Claude Simard, Commissaire à la Déontologie Policière; Al Hutchinson, Oversight Commissioner for Policing Reform/Northern Ireland; John Wadham, Deputy Chair, Independent Police Complaints Commission (GB); Philip K. Eure, Executive Director, Office of Police Complaints, Washington, DC; Nuala O'Loan, Police Ombudsman for Northern Ireland; Frederick Biro, Executive Director, Regional Municipality of Peel Police Services Board; Peter Fisher, Senior Advisor, Governance, Accountability and Community Safety, Aboriginal Policing Directorate, Public Safety and Emergency Preparedness Canada; Christine Hall, MD, MSc, FRCPC, Division Chief, Education, Calgary Health Region, University of Calgary; Hilary Homes, Campaigner, International Justice, Security and Human Rights / Africa & Europe, Amnesty

International Canada (Ontario); Yvan Delorme, Directeur du Service de police de la Ville de Montréal (SPVM); Mario Bilodeau, Président, Comité de déontologie policière (Québec).

We extend our gratitude to those who participated in the conference. We would be remiss if we did not recognize the contributions of Claude Simard, Commissaire à la déontologie policière and his staff who so ably assisted with coordination of the Montreal event. CACOLE is also grateful for the generous financial support of Police Services, Public Safety and Solicitor General, British Columbia, Police, Law Enforcement and Interoperability Branch, Department of Public Safety and Emergency Preparedness and the Ministry of Public Security (Quebec).

Feedback from our speakers and delegates was very positive and the 2006 conference planning group will build on their suggestions for future themes and speakers, including a greater focus on building workable stakeholder partnerships, addressing the challenges to civilian oversight and successful initiatives in other jurisdictions.

A small Working Group of CACOLE members will be meeting in Toronto on February 16th to develop the theme and agenda topics for the next conference. This year, we have a new email address for conference

communications. Feel free to email us at conference@cacole.ca after March 1st with your suggestions for conference sessions and speakers! CACOLE's email address for general administration matters remains info@cacole.ca.

2006 CACOLE Conference

The next CACOLE Conference, scheduled from **October 2-5, 2006** in Vancouver, British Columbia, will be held at the Marriott Vancouver Pinnacle Downtown. The Annual General Meeting will also take place at that time.

Conference Registration Changes

Members of CACOLE will continue to be able to register for the full conference for the modest rate of \$500.

However, the registration fee schedule has changed for non-members. Non-member conference registrations will cost \$600.00, but non-members will be entitled to a discount of \$50.00 if they register up to September 8 2006. Of particular interest to delegates is that we anticipate holding a joint conference with the

International Society for Civilian Oversight of Law Enforcement (ISCOLE) in Vancouver this year.

Based on feedback from the 2005 conference, we expect that international representatives in civilian oversight agencies around the world will be very interested in attending. Matters of mutual interest in the field of oversight will be highlighted during the joint conference in October. We also look forward to electing the first ISCOLE Board of Directors, broadening the scope of the international initiative and determining the site for the next ISCOLE conference in 2007.

There is significant interest in ISCOLE and we anticipate delegates attending from Europe, Asia, Australia, Africa and across North America.

MARK THESE DATES IN YOUR CALENDAR: October 2-5, 2006, Vancouver, BC

CACOLE Research and Writing Program

In early 2004, CACOLE launched a *Research and Writing Program* with a grant valued at \$5000. The Research and Writing Committee, co-chaired by Joseph Martino, Counsel for the Special Investigations Unit (Ontario) and Johanne Gauthier, General Counsel and Secretary, Military Police Complaints Commission, widely distributed a call for papers involving advanced academic research and writing relating to the area of criminal justice or social policy development. The research had to result in a new and original piece of work on any topic relevant to civilian oversight of law enforcement in Canada. Submission was open to all universities and colleges as well as individuals, organizations and other recognized groups working in the area of criminal justice or social policy development.

In October, we were pleased to announce that the successful candidate was Sonya Ferrara, Field Officer, Children's Section, Office of the Ombudsman, Nova Scotia. Sonya conducted research over several years and developed a paper entitled: "Making the case for youth rights training: a study of incarcerated youth and police personnel's attitudes on youth rights". Her paper, presented at the 2005 CACOLE Conference, explored whether the existence of the Ombudsman's Office has an impact on how personnel in police lock-ups carry out their work, with a particular emphasis on the treatment of youth. Using the Ombudsman's youth rights training initiative which was piloted in June 2000 and January 2001, the research project also examined whether or not this training affected the way police treated incarcerated youth. The research paper can be found under *Past Events, Conference 2005* at www.cacole.ca.

CACOLE Welcomes

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

Mr. Kennedy received his B.A. from Loyola College of Montreal in 1969 and his L.L.B. from the University of Western Ontario in 1972. He joined the Toronto Regional Office of the Federal Department of Justice as a criminal prosecutor in 1974.

During a 25 year career with the Justice Department, Mr. Kennedy held a number of increasingly important positions including roles as General Counsel for the Canadian Security Intelligence Service and Senior General Counsel in the Federal Prosecution Service.

In November of 1998 Mr. Kennedy was appointed as Senior Assistant Deputy Minister for the then Department of the Solicitor General. He was responsible for providing expert advice and support to the Minister in relation to law enforcement and national security matters. In May of 2004, following the creation of Public Safety and Emergency Preparedness Canada, Mr. Kennedy was appointed as Senior Assistant Deputy Minister with responsibility for national security and emergency preparedness, a position that he held until his retirement in May of 2005.

During his 31 years of public service, Mr. Kennedy has played a leadership role in the public safety arena both domestically and internationally. From 1997 to 2005 he was the Canadian Co-Chair of the Canada - U.S. Cross Border Crime Forum, the Chair of the Canadian National Co-ordinating Committee on Organized Crime, Chair of the Assistant Deputy Ministers Committee on Public Safety and Chair of the Inter-American Drug Abuse Commission of the Organization of the American States.

Brooke McNabb, Vice Chair, Commission for Public Complaints Against the RCMP

Brooke McNabb served as Vice Chair of the CPC from May 2003 to August 2004. He is a lawyer with diverse experience as a television producer and host, a litigation lawyer in private practice, a mediator and arbitrator, and a professor of Conflict Resolution Studies.

He is a member of the Law Society of Upper Canada, the Canadian Bar Association, the Arbitration and Mediation Institute of Manitoba. His education background includes a BA from the University of Winnipeg, where he was awarded the Gold Medal in Conflict Resolution Studies, an LL.B from the University of Ottawa Law School and an LL.M. in Alternate Dispute Resolution from Osgood Hall Law School.

Catherine Ebbs, Chair, RCMP External Review Committee

Ms. Ebbs is a fully bilingual lawyer, member of the Bar of Saskatchewan since 1984. Until 1989, she was in private practice in Saskatchewan, and specialized in civil and criminal (both Crown and defence) litigation. From 1989 to 2003, Ms. Ebbs was a full-time decision-maker with the National Parole Board of Canada, and was the head of the NPB's Appeal Division from 1993 to 2003.

Prior to being appointed Chair, Ms. Ebbs served the Committee as Legal Counsel and Executive Director and Senior Counsel. She is a graduate of Carleton University and the University of Ottawa, and in 2004, obtained her Master of Laws degree with a specialization in Constitutional Law from Osgoode Hall Law School. In addition to her duties as Chair, Ms. Ebbs is a resource for the federal Tribunal Member Training Program.

Civilian Oversight News

2005 NACOLE Conference

The annual NACOLE Conference, themed “Oversight is Everybody’s Business” was held in Miami, Florida from December 11-14, 2005. Over 250 delegates and speakers were in attendance. Session topics included: When Good Cops Lie: The Police Code of Silence & Moral Courage, Use of Force, Ethics in Policing & Civilian Oversight, Community Dialogue – Building Public Trust, Oversight Models: Monitor & Auditor/ Boards & Commissions, Oversight and Risk Management: Safety and Savings and Dialogue on International Oversight.

CACOLE President Dirk Ryneveld was a member of the Dialogue panel, and he reports that there was an extensive discussion of oversight models in various jurisdictions. Based on the high level of interest shown to date, we are moving ahead with scheduling a more comprehensive international component in October. Feel free to contact CACOLE at info@cacole.ca with your thoughts.

Congratulations to the newly elected NACOLE executive and members of the Board of Directors:

Executive Board:

President - Barbara Attard
President Elect - Pierce Murphy
Secretary - Charles Reynolds
Treasurer - Dante Goss
Past President - Malvina Monteiro

Board Members at Large:

Kelvyn Anderson
Eduardo Diaz
Phil Eure
Robin Lolar
Richard Rosenthal
Carol Scott

International Conference on Police Accountability and the Quality of Oversight: Global Trends in National Context

The Altus Global Alliance sponsored a conference in The Hague, the Netherlands on October 2005 19-21, 2005. The conference examined a developing set of global norms and standards that can help police commanders, parliamentary committees, ombudsmen, human rights commissions, journalists, and civil society organizations navigate through local and regional political change.

Teams from the Netherlands, Brazil, Chile, India, Latvia, Malaysia, Nigeria, Russia, Mexico and the United States as well as participants from Greece, Canada, Portugal, Kenya, South Africa, Uganda and the United Kingdom discussed practical experience, challenges, successes, needs, and future plans of their institutions.

The Greek Ombudsman or Le Mediateur de la Republique Hellenique

The Ombudsman, an independent administrative authority established under Act 2477/97 (Official Gazette 59/A/97), has as its mission to mediate between citizens and the public sector services, as defined in Act 2477/97, as this applies every time, for the protection of the rights of the citizens, the combat of mal-administration, and the observance of the laws.

The work of the Authority is supported by Senior and Junior Investigators.

The Ombudsman undertakes to investigate a case following a signed complaint submitted to the Offices of the Authority or sent by mail, fax or electronic mail. In case the interested person does not know writing, in the place of the signature he/she may place a mark, certified by the Authority or other public authority. The interested person may request that his/her name and other personal details are not communicated to the public sector service against which

the complaint is lodged. If the investigation of the case is not possible without his/her name being disclosed he/she is informed accordingly. In such a case the investigation may not proceed without the consent of the interested person.

Upper House in Jamaica OKs police oversight body

THE SENATE has passed legislation aimed at establishing an independent civilian body to scrutinise the Jamaica Constabulary Force (JCF), the Island Constabulary Force and the District Constables.

Seattle: On January 9, 2006, Sheriff Sue Rahr announced that a blue-ribbon commission will be formed to review the system of internal investigations and officer discipline within the King County Sheriff's office. Citizen members will be included.

An excerpt from: Raising the Social Capital of Policing and Nations: How Can Professional Policing & Civilian Oversight Weaken the Circle of Violence?

By Professor Errol P. Mendes - Director, Human Rights Research and Education Centre, University of Ottawa, Canada & Professor of Law; Editor-in-Chief, National Journal of Constitutional Law; Tribunal Member, Canadian Human Rights Tribunal.

In this final part of the paper, I want to focus on how the international network of civilian oversight of law enforcement agencies, embodied in organisations such as (the former) IACOLE, and international donor agencies can cooperate with countries around the world to raise the social capital of policing and indeed of the nations themselves.

The first step would be the development of "humble dialogues" between established practitioners of police accountability, including those from internal police disciplinary review systems, and police and government officials from countries that may be interested in police accountability systems.

Where possible "the uniforms" should talk to each other. Progressive Police leaders from countries that have effective accountability systems could show the long term social capital of police accountability and alternative methods of policing. Champions in the police institutions and potential oversight agencies who show desire for change and professionalism in policing should be nurtured.

Second, the idea of civilian oversight and accountability systems should be introduced to key governmental and other policy makers in the partner countries. There should not be too hard a push for immediate adoption

of civilian oversight agencies as it may be totally unrealistic given how deep the impunity and corruption problems may be in the police and security forces. However, introducing the ideas of civilian oversight could effect speedier internal reforms to police forces and strengthening of internal review mechanisms.

As has been noted, the experience of Canadian civilian oversight agencies has shown that even effective accountability systems do not necessarily opt for purely civilian oversight. As discussed above, most oversight systems in Canada stipulate that the police conduct the initial investigation of police misconduct, thereby encouraging police leadership to be responsive to community concerns and, if successful thereby increasing self-imposed accountability to local communities. The Canadian experience has also shown that the transparency of the internal police system is critical to public confidence and accountability. The injection of an appeal to a civilian oversight system if the citizen or community is not satisfied, acts as a social capital check on self-imposed accountability and professionalism of police forces. This is further augmented if the civilian oversight agency has the power to initiate complaints and review police practices and procedures for systemic problems and potential systemic solutions.

Please review the complete report at: http://www.cdp-hrc.uottawa.ca/publicat/social_capital.html#N_1_

REMEMBER TO SEND IN YOUR CACOLE 2006 MEMBERSHIP!

The Importance of CACOLE Membership

During the coming 12 months, CACOLE Board members will continue to participate in speaking engagements, consultations with governments and information sessions in Canada and abroad, a testament to the growing public and organizational awareness of the benefits of civilian oversight. We will be updating and expanding the *Compendium of Oversight Agencies in Canada* to ensure that it is a useful, up-to-date resource. We will publish four issues of the newsletter *Communiqué* and increase the number of scholarly references, documents and links of interest posted on our web site. We will have the web site translated into French, to facilitate access to this useful resource, and we will solicit additional content in French. As mentioned earlier, with the input and support of our delegates and in cooperation with our oversight colleagues, the CACOLE Board of Directors has embarked on an initiative to establish the International Society for Civilian Oversight of Law Enforcement (ISCOLE). One of our objectives will be to expand the network of international oversight agencies for the purposes of supporting the growth of civilian oversight capacity, information exchange, development of oversight projects and sharing best practices.

CACOLE is the only organization of its kind in Canada and CACOLE members benefit from being part of a national and international community of professionals, regulators and supporters of police governance and civilian oversight of law enforcement. Join the supporters of civilian oversight in North America and around the world as a member of CACOLE.

In addition to a reduced registration cost at the annual conference, benefits of membership include the opportunity to:

- participate on the Board of Directors and working committees, as well as in meetings with key government decision makers, national stakeholder groups and representatives of other oversight organizations,
- provide input to and receive benefits from professional development conferences and briefings with officials at all levels,
- enjoy ready access to resources such as peer-to-peer information sharing and problem solving within the CACOLE network in Canada and abroad,
- financially support a unique Canadian organization focused on improving civilian oversight of law enforcement for all stakeholders in the process.

CACOLE members and conference delegates are leaders in the field of civilian oversight. Their energy and commitment have helped build CACOLE from its inception in 1996 to an international presence in the civilian oversight field. We are most appreciative of those who are already members of CACOLE and we look forward to welcoming new members!

Kindly complete the attached Membership Form for each prospective member and send your cheque or money order to our Executive Director at the address listed on the membership application form.

Please take a few minutes to share this newsletter with your colleagues.

We'd like to hear from you, so send us an email or telephone any of the members of the Board of Directors with your suggestions and comments.



The Canadian Association for Civilian Oversight of Law Enforcement
L'association Canadienne de Surveillance Civile du Maintien de l'ordre

Application for Membership

January – December 2006

Title _____ Name: _____

Organization: _____

Name and Title of Organization Head: _____

Organization Mailing Address: PO Box _____

Street: _____

City: _____ Province/State: _____

Postal code _____

Telephone: () _____ Fax: () _____

E-Mail address: _____

Web site: _____

Invoice required: yes Membership applied for: Regular Associate

Individual (\$150.00) Organization (\$300.00)

Thank you for your support! Please complete the application form (one for each member). Send a cheque, bank draft or money order payable in Canadian funds to:

CACOLE Membership 2006
c/o Hyacinthe Miller
CACOLE Executive Director
Box 52, Sharon, Ontario, Canada. L0G 1V0