



CACOLE COMMUNIQUÉ

Canadian Association for Civilian Oversight of Law Enforcement
L'association Canadienne de surveillance civile du maintien de l'ordre

July 2006

President's Message

International Oversight

In May, a number of international delegates met in London to discuss the possibility of creating a network of international police oversight agencies.

Our preliminary discussions were very productive and informative and there was consensus on the benefits of creating a network for mutual support and for ongoing information exchange on best practices for police oversight.

We recognized that it was important to ensure as broad an international representation of countries involved in oversight as possible. As a result, the organizing committee agreed that our next meeting would be in Vancouver during the CACOLE conference (October 2-5) and that one whole day of the CACOLE conference would be dedicated exclusively to international topics and speakers. The Vancouver conference will, in essence, be a joint conference between the Canadian and International organizations represented. Every paid delegate registered for the 2006 CACOLE conference is also registered for the inaugural International conference.

We expect that there will be further issues discussed at that conference that will hopefully lead to the creation of the new international network – tentatively called the International Network of Independent Oversight of Police (INIOP) early in 2007.

CACOLE 2006 Conference

As you'll see from the summary Agenda on pages 4-5, the Conference Planning Committee has developed



Left to right (standing) -
Cormac Bakewell (IPCC-UK); Nivio Caixeta (Altus- Brazil); Al Hutchinson (OOC N. Ireland); Martin Kreutner (BIA -Vienna & EPAC); Nuala O'Loan (N. Ireland Police Ombudsman); Femke Hofstee (Altus - the Hague); Phil Eure (NACOLE - Washington); Gil Bourdoux - (Comite P - Brussels & EPAC);

Seated: left to right -
Eduardo Diaz (NACOLE - Miami-Dade County); Dirk Ryneveld QC (OPCC & CACOLE); John Wadham (IPCC-UK), Walter Peeters (Comite P - Brussels)

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another exciting agenda. We have been fortunate in attracting a roster of excellent speakers. Based on feedback from past conferences, each session will include time for questions from the floor. A Summary Agenda is included in this newsletter.

Don't forget to join us on Thursday afternoon, October 5th, for CACOLE's Annual General Meeting and Election of Officers. CACOLE members in good standing are eligible to stand for election as well as to vote at the meeting.

Conference Registrations & Accommodations

We have embarked on an ambitious marketing campaign with our colleagues in Canada and abroad, including those in the civilian oversight community and

in Ombudsman's offices. The early response to our outreach has been positive and we anticipate a large contingent of international delegates in Vancouver in October.

Be sure to send in your conference registration soon! Remember, too, that the CACOLE Board has also approved a new registration fee structure, which includes a Membership Reward fee of \$500 for registrations.

If there is anything we can do to facilitate your registration for the conference, please contact our Conference Coordinator, Luauna Selman, at 604-660-2385 (voice), 604-660-1223 (fax) or email her at conference@cacole.ca.

Vancouver, BC Conference Registration Rates – October 2-5, 2006

2006 Members - \$500 Canadian (registration received by September 8, 2006)

Non-Members - \$550 Canadian (registration received by September 8, 2006)

Late Registrations - \$600 Canadian (after September 8, 2006)

Students registered in full time studies in a secondary or post-secondary institution - **\$250.00** (registration received by September 8, 2006)

If you haven't sent in your individual or organization membership for 2006, why not fill out the form at the back of this newsletter and send it in along with your cheque, so that you and your colleagues can take advantage of the reduced rate?

A Conference registration form can be found on page 12 of this Communiqué for your convenience. Feel free to share the conference summary and registration for with your colleagues. Why not make plans to stay in Vancouver for a few more days of sightseeing on Canada's beautiful West Coast, either before the

CACOLE Conference begins or after it concludes on Thursday, October 5th?

Accommodations at the Marriott are sure to get snapped up quickly so call the Vancouver Marriott Pinnacle at 800-207-4150 to make your hotel reservations.

If registering at the Marriott by phone, advise them you are with CACOLE. If registering on-line, the Group Code is caccaca. The rate deadline for hotel registrations is September 10, 2006.

CACOLE Vice President Johanne Gauthier Receives Prestigious Award



In June 2006, Johanne Gauthier, General Counsel and Secretary of the Military Police Complaints Commission (MPCC), received the (Government of Canada) Public Service Award of Excellence in the Management Excellence category for her outstanding achievements over the past year.

Award Criteria

This category recognizes managers/ supervisors and/or groups who have achieved exceptional results through a demonstration of commitment

and dedication to their departmental goals and priorities with professionalism, integrity and strong ethical behaviour in their day-to-day work while applying sound human and financial resources management practices. The Public Service Award of Excellence recognizes values, ethics and excellence in seven categories: Outstanding Career, Management Excellence, Innovation, Excellence in Citizen-focused Service Delivery, Employment Equity and Diversity, Official Languages and Exemplary Contribution under Extraordinary Circumstances.

Background

As General Counsel and Secretary of the MPCC during an intense period of workforce adjustment, Ms. Gauthier was a strong and effective leader during the transition. Faced with such difficult challenges, Johanne led through excellence, tireless work, sensitivity to employees, and remarkable innovation. Thanks to her leadership and excellent skills in change management, the employees made it smoothly through what promised to be a difficult period.

Ms. Gauthier actively engaged union representatives, sought and implemented their suggestions, improved the working environment and satisfied many employee concerns. Indeed, her nomination for the award in management excellence was strongly supported by a union representative. The working environment and morale of employees has tangibly improved as a direct result of Ms. Gauthier's outstanding work. In addition, her communications initiatives strengthened the relationship between the Commission and the various Canadian Forces stakeholders.

As a result of Ms. Johanne Gauthier's leadership, determination, and sense of innovation, the Commission now provides better service to Canadians.

During this period, Ms. Gauthier also assumed the duties of Vice-President of the Canadian Association for Civilian Oversight of Law Enforcement, helping to raise the profile of the federal organizations that provide this type of service.

Congratulations, Johanne, on this well-deserved recognition!

Accountability, Balance & Civilian Oversight of the Military Police

The business of police oversight is one in which public accountability and transparency are rightly given considerable emphasis.

To this end, many police oversight agencies in Canada do make an effort to publicize their complaint decisions beyond their immediate audience (complainants, subject officers, affected police services and perhaps other key stakeholders). Indeed, some oversight bodies systematically publish their decisions, at least in part, as a service to future parties who may thereby access and utilize the agency's jurisprudence.

However, against these values of openness and transparency must be weighed the legitimate privacy rights of those involved in the complaints process. A question that the Military Police Complaints Commission (MPCC) has recently been considering is: to what extent parties to police complaints (the complainant and the subject police member) should be publicly identified beyond the immediate statutorily-prescribed recipients of its complaint reports?

The appropriate balance between accountability and transparency, on the one hand, and the legitimate privacy interests of the parties to a complaint may be a fine one. However, it is important that civilian oversight processes try to strike the right balance and do so in a principled way. Otherwise, one risks contributing to skepticism towards the oversight process by either complainants or subject officers, or both. Such skepticism can, in turn, adversely affect both confidence in, and cooperation with, civilian oversight of law enforcement.

As a first step in considering this issue, the MPCC recently undertook a survey of other police oversight agencies in Canada with a view to comparing its practices in this regard with the national norm. What it discovered is that there is no national norm on this issue.

Given that most, if not all, of the various jurisdictions have broadly similar privacy legislation limiting the disclosure of personal information, the disparity of practices that was noted seems surprising.

The MPCC itself generally does not include the names of the parties to complaints in its external publications. Summaries of the cases, without names, are posted on the MPCC's web-site and some are selected for inclusion in its annual reports. The cases are identified by file number only. The exception to this general rule is with respect to investigations or hearings which the Commission launches "in the public interest." In these cases – which represent a relatively small minority of the MPCC's caseload – the full text (subject to a few exceptions) of the Commission's final report on the complaint is posted on its web-site, along with the names of the parties to the complaint.

In the MPCC's survey of the practices of other Canadian police oversight agencies, ten other agencies were canvassed at the federal and provincial level. Half of these tended to include the names of both complainants and subject officers in the decisions and reports posted on their web-sites. Three oversight agencies generally did not include the names of the parties or used initials only. These three include the Commission for Public Complaints Against the RCMP, whose practices in this regard were essentially the same as the MPCC's. Two other bodies did not publish information on individual cases, either on their web-sites or in their annual reports

(however, there is no reason to attribute this to privacy concerns – budgetary constraints and internal resource-allocation priorities seem more likely factors).

Despite the variety of approaches, at least one common theme did emerge from the survey: a clear correlation between the nature of the complaints process and the agency's practice with respect to the publication of names.

Every one of the five agencies that included complainants' and subjects' names in their published decisions administered a complaints process that was adjudicative in nature and necessarily involved public hearings as part of the decisional process. These agencies either themselves directly adjudicate on complaints or else have the power to refer cases to adjudicative hearings before independent decision-makers. Only one of the eight oversight agencies examined that operates in this type of environment specifically refrains from including the names of the parties to complaints in the decisions posted on its web-site (only initials are included).

Like the MPCC, the remaining three oversight bodies that do publish information on at least some individual cases, but mostly without names, mainly perform investigative and advisory roles, rather than pure adjudication.

A subsidiary issue which the MPCC sought to canvass was whether there was any time limit on the availability on agency web-sites of decisional information containing parties' names. While some agencies did archive decisions after some time for web-site management reasons, no oversight agency could be found which simply removed decisions after a certain period of time out of concern for the privacy of the parties. Thus where the agency's practice is to publish its decisions with the names of the parties, the tendency seems to be to keep this information accessible more or less indefinitely.

Further dialogue among CACOLE member agencies on these issues would likely be beneficial to all. The MPCC would be interested in furthering discussion within the Canadian civilian oversight of law enforcement community of the different publication practices of oversight agencies and their underlying principles and objectives.

David S. Goetz

Legal Counsel
Military Police Complaints Commission

Making Justice Visible, September 25th - 28th, 2006

The National Association for Civilian Oversight of Law Enforcement (NACOLE) invites you to the Twelfth Annual Conference, to be held at The Grove Hotel in Boise, Idaho. The conference will include sessions on *The Place of Civilian Oversight in Preventive Policing, Establishing Professional Standards, Policing Racial Bias, Rapid Resolution/ Service Quality Issues* and training sessions on Ethics, Forensic Pathology and Civilian Oversight Investigations. For more information, visit www.nacole.org or call 1-800-4NACOLE for further information.

Excerpt from a Report on the Meeting to Establish an International Oversight Network

Providing independent oversight of the police and other law enforcement agencies is a highly specialized activity. Discussing the challenges of such work has been challenging because often the only other similar organizations' are in other countries. However, although there are numerous models of independent oversight of policing discussing shared issues with representatives of civilian oversight agencies from other countries has been productive and informative.

During the 2004 and 2005 CACOLE conferences, considerable interest was expressed in forging closer working and information-sharing relationships with oversight agencies around the globe.

In early June, CACOLE President Dirk Ryneveld, QC met in London with a number of colleagues involved in civilian oversight around the world. The meeting, hosted by Deputy Chair John Wadham of the Independent Police Complaints Directorate for England and Wales, was the first step in the development of a formal international network of organizations involved in the oversight of policing.

The objective of the London meeting was to consider what would be involved in setting up the new group, what purpose an international network would have and how it could be structured.

Representatives at the London meeting ranged from those whose organizations had responsibility for oversight throughout their home country to those with jurisdiction over a single province/state or an individual police force within a country.

The mechanisms for conducting oversight of the police also vary, as do legislative mandates and jurisdictions over different bodies with policing duties and the powers and responsibilities of organizations that are overseen. Within this diversity of experiences, participants suggested an international network would have three key roles:

- knowing who else is out there, what they do, how they do it, and under what authority, and providing linkages among them an opportunity for member organizations to learn from one another's experiences, including managing staff working on highly traumatic incidents; balancing complainant and police officer rights;
- gaining perspectives on key areas such as use of force, restraints, anti-terrorism initiatives, working collaboratively to manage oversight of policing activities that cross borders
- promoting effective, independent oversight of policing –support for nations that are developing new oversight mechanisms; through sharing experiences work towards a set of common minimum standards.

In the long term, the network might also be a resource for operational work, for example, a source of experts who, through mutual agreement, could review investigations or in highly sensitive cases carry-out investigations under the authority of another organization.

Participants suggested the network could include any organization from any country that met key criteria of independence, case handling and oversight of policing powers.

*Mark Hines
Policy Assistant
Independent Police Complaints Commission
(IPCC)*

Canadian Association for Civilian Oversight of Law Enforcement



CONFERENCE 2006 – SUMMARY AGENDA

CIVILIAN OVERSIGHT – STRIKING THE RIGHT BALANCE

Conference registration: starts Sunday, October 1st from 4 – 6 pm

Professional Development: Monday October 2 at 8:30 am to Wednesday October 4 at 4:30 pm

International Oversight Meeting: Thursday, October 5 from 9:30 am – 12 noon

CACOLE Annual General Meeting & Election of Officers: Thursday, October 5 from 12:30 – 3 pm

Conference Location: Marriott Vancouver Pinnacle Downtown. Conference rate is \$149.00 CDN per night.

1128 West Hastings Street , Vancouver, British Columbia V6E 4R5 Canada
Phone: 1 604 684 1128 Fax: 1 604 298 1128 Toll-Free: 800 207 4150

Delegates and speakers are responsible for making their own travel and accommodation arrangements.

Conference Registration Fee Schedule

Members - \$500 Canadian (Membership Reward)

Non-Members - \$550 Canadian**

** After September 8, 2006, the Late Registration fee will be \$600 Canadian

Students registered in full time studies at a secondary or post-secondary institution - \$250.00 (before September 8, 2006)

We regret that we do NOT accept credit cards.

Please send your registration form and payment in Canadian Funds to: Luauna Selman, CACOLE Conference Coordinator, c/o CACOLE CONFERENCE 2006, Box 48941, 595 Burrard Street , Vancouver, BC V7X 1A8

Note: Please email conference@cacole.ca if you require a receipt *in advance* of requisitioning payment for your registration.

Professional development sessions begin at 8:30 a.m. each day. Attire is business casual.

Monday, October 2, 2006

Conference Opening - Welcome & Introductions

Dirk Ryneveld, QC, President, CACOLE; Police Complaints Commissioner, BC
His Worship, Sam Sullivan, Mayor of Vancouver and Chair of the Vancouver Police Board

Perspectives on National Standards for Oversight of Policing in Canada:

Moderator: Dirk Ryneveld, QC, Police Complaint Commissioner, BC
Paul Kennedy, Chair, Commission for Public Complaints Against the RCMP (CPC), Ottawa, Ontario

Reviews of Complaints Processes in Saskatchewan and Alberta:

Moderator: Donna Shelley, QC, Chair, Law Enforcement Review Board (Alberta)
The Honourable Doug Moen, Deputy Minister of Justice and Deputy Attorney General, Saskatchewan Justice
Patricia Tolppanen, Executive Director, Calgary Police Commission

Complaints Against the Police - Survey of Police Association Perspectives:

Moderator: Robert Mitchell, QC, Saskatchewan Police Complaints Investigator
David Griffin, Executive Officer. The Canadian Professional Police Association (CPPA)

Top 10 Challenges Facing Professional Standards Sections within Canadian Law Enforcement Agencies:

Kimberly Armstrong, LLB, i/c, Professional Standards, Edmonton Police Service

The Overseen – The Military Police Experience:

Moderator: Johanne Gauthier, General Counsel and Secretary, Military Police Complaints Commission
Deputy Provost Marshal, Professional Standards. Lt. Col Tim Grubb

Opening Reception

Please join the Board of Directors and members of CACOLE, invited guests and conference delegates for a congenial evening of networking, music and light refreshments. Cash bar. Then you're on your own to explore the sights and sounds of Vancouver.

Tuesday, October 3, 2006

International Oversight Network Steering Committee: Update

Moderator: Dirk Ryneveld, QC, President, CACOLE, British Columbia Police Complaints Commissioner

John Wadham, Deputy Chair, IPCC

Martin Kreutner, Co-Chair, European Police Anti-Corruption Committee (EPAC)

Minimum Standards for Civilian Oversight & Adaptable Models:

Nuala O'Loan, Police Ombudsman Northern Ireland

Update on Oversight in Developing Countries

ALTUS - The Police Station Visit Project:

Femke Hofstee, Director, ALTUS

Foreign Nationals and Oversight – The Impact of cultural differences, language & religion.

Muslim Terrorist Targeting:

Philip Eure, Executive Director, Office of Police Complaints (Washington, DC)

Eduardo Diaz, PhD, Director, Miami-Dade Independent Review Panel, Miami, Florida

Nuala O'Loan, Police Ombudsman Northern Ireland

John Wadham, Deputy Chair, Independent Police Complaints Commission (England & Wales)

The Forum for Preventing Deaths in Custody - A Report on an initiative linking the police, prisons, psychiatric hospitals with oversight bodies:

Stephen Shaw, Prisons and Probation Ombudsman for England and Wales

Join us in the CACOLE Hospitality Room and network with your colleagues and conference speakers

Wednesday, October 4, 2006

Reforming the Police Complaints Process in Ontario – Bill 103:

Moderator: Peter Tinsley, Chair, Military Police Complaints Commission
The Honourable Michael Bryant, Attorney General of Ontario

Accessibility & Communications Issues Relating to First Nations:

Moderator: George Wright, Commissioner, Law Enforcement Review Agency (Manitoba)

The Social Context of Police Use of Force: An Analysis of Data from Ontario's Special Investigations Unit:

Moderator: Joseph Martino, Counsel, Special Investigations Unit (Ontario)
Scot Wortley, PhD, Associate Professor, Centre of Criminology, University of Toronto

Police Response to Persons with Mental Illnesses:

Claude Simard, Commissaire à la déontologie policière
Building Capacity: Mental Health and Police Project in British Columbia – Lessons Learned, Lessons to be Shared - Centre for Addiction and Mental Health, BC

Mediation, ADR and Restorative Justice:

Moderator: Garry Mumford Director (retired), Nova Scotia Police Commission
Lisa DeLong, LLB, Masters Degree in Law candidate, Dalhousie University
Gerry McNeilly, LLB, Executive Director and Chief Executive Officer, Legal Aid Manitoba

Communities, Civilian Oversight and the Search for Balance:

Moderator: Lorraine Roche, Manager, Royal Newfoundland Constabulary Police Complaint Commission
Joanne St. Lewis, Assistant Professor of Law, University of Ottawa, Faculty of Law, Common Law Section

Join us in the CACOLE Hospitality Room and network with your colleagues and conference speakers

Thursday, October 5, 2006

International Oversight Initiative (9:30 – noon)

Status report on the establishment of an international network for police oversight and monitoring bodies; Inaugural meeting

CACOLE Annual General Meeting and Election of Officers (12:30 – 3:00 pm)

A light lunch will be served.

- Business arising from the last meeting
- Election of Officers
- Proposals for location of 2007 CACOLE Conference
- Other business



CIVILIAN OVERSIGHT - STRIKING THE RIGHT BALANCE

Vancouver Marriott Pinnacle Downtown
 1128 West Hastings Street
 Vancouver, British Columbia, Canada V6E 4R5
 Phone: 1 604 684 1128 Fax: 1 604 298 1128 Toll-free: 800 207 4150

Note: Delegates and speakers are responsible for their own travel and accommodations arrangements

If registering at the Marriott by phone please inform them you are with CACOLE. If registering on-line at the Marriott, the Group Code is caccaca. Hotel Registration deadline: Sept. 10, 2006

CACOLE Conference 2006 - Registration Form

Conference Registration: Please complete one (1) Registration Form for each delegate.

Check one

We regret that we do NOT accept credit cards.

Please send your payments in Canadian funds.

CACOLE member : \$500.00

Cheque Money Order

Regular registration (non-member): \$550.00

Please send your registration form and payment to:
 CACOLE CONFERENCE 2006

Full registration (after Sept. 8, 2006): \$600.00

Box 48941
 595 Burrard Street
 Vancouver, BC V7X 1A8

Full-time Student registration: \$250.00

Attn: Luauna Selman
 CACOLE Conference Coordinator

Note: Please email conference@cacole.ca if you require a receipt *in advance* of requisitioning payment for your registration.

Title (Ms., S/Sgt., Dr.):

Name of delegate:

Position title:

Agency/Organization/Unit:

Full Mailing Address:

PO Box:

Postal Code:

Telephone number:

Fax number:

Email address:

Organization web site:

Administrative contact name, telephone number and email:

Invoice required in advance: Yes: No:

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: _____

Mailing Address: _____

Telephone: () _____ Facsimile: () _____

E-Mail address: _____

Web site: _____

Title and Name of Organization Head: _____

Membership applied for:

Regular (e.g., member or staff of civilian oversight agency)

Associate (professional standards, legal profession, supporter of civilian oversight, etc.)

Individual (\$150.00)

Organization (discount for multiple conference registrations) (\$300.00)

Receipt required:

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

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

905-478-7370 (voice)

905-478-7371 (fax)

cacoleadmin@rogers.com