



Canadian Association for Civilian Oversight of Law Enforcement  
L'association Canadienne de surveillance civile du maintien de l'ordre  
August 2008

## Board of Directors - Executive 2008/2009

We are pleased to announce CACOLE's newly elected 2008/2009 Executive. As stated in CACOLE's Bylaws, an Annual General Meeting is held during each conference and now serving as President is Peter Tinsley. Formerly the Director of Ontario's Special Investigation Unit, Mr. Tinsley is now Chair of the Military Police Complaints Commission. Elected as Vice President is Tom Haney. Mr. Haney was Director of the Police Leadership Program at Dalhousie University, the CEO of Commissionaires Nova Scotia and CEO of the Nova Scotia Safety Council prior to being appointed to Director, Nova Scotia Police Complaints Commission. As Secretary, elected was John E. Phillips. Mr. Phillips has 30 years experience in criminal, civil and family law. Mr. Phillips has been a consultant for the Métis Nation of Alberta and a Senior Advisor for the Province in Métis relations and was appointed Chair; Law Enforcement Review Board in June of 2007. The Treasurer is Peter Seheult. Mr. Seheult served as a member of the New Brunswick Police Commission from 1995 to 2000, acting as Chair from 1998 to 2000. He later served a three year term as a member of the Military Police Complaints Commission. Mr. Seheult is once again the Chair of the New Brunswick Police Commission. Dirk Ryneveld, Q.C. will continue to act as CACOLE's liaison with INIOP. Mr. Ryneveld is the Police Complaint Commissioner of British Columbia. Robert Mitchell, Q.C. will remain on the Executive as Past President. Mr. Mitchell is the Chair of the Saskatchewan Public Complaints Commission. CACOLE's Executive Director continues to be Luana Selman.

## ANNOUNCEMENT

### CACOLE's 2009 Conference

Civilian Oversight of the Police  
Where is it Going - Where Should it  
be Going?

June 8, 9 and 10, 2009  
Ottawa Marriot Hotel  
100 Kent Street, Ottawa



### Inside This Issue

CACOLE has always prided itself in presenting a strong agenda addressing current issues facing those involved in, and affected by, civilian oversight. 2009 promises to be no exception. Please join us!

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**CACOLE CONFERENCE 2008**  
**Best Practices and Other Lessons in Oversight**



Delegates from Canada and around the world gather together to learn about the latest developments in civilian oversight of policing.

**CACOLE's 2008 Conference Report**

CACOLE's 2008 Conference Planning Committee committed to creating a topical and relevant agenda for the delegates travelling to Regina, Saskatchewan for CACOLE's 2008 Conference "Best Practices and Other Lessons in Oversight" June 16 to 18, 2008.

The Committee's dedication culminated into an event attended by delegates from across Canada and around the world.

As in years past, CACOLE was fortunate to attract a list of excellent speakers renowned for their experience and we are deeply indebted to them for their participation. Too numerous to mention; we refer you to the Conference Agenda and related documents posted on CACOLE's website, [www.cacole.ca](http://www.cacole.ca).

Most delegates found the conference sessions to be directly applicable to their work while

others appreciated the opportunity to enhance their knowledge of civilian oversight.

The extra-curricular activities were greatly appreciated as delegates were afforded the opportunity to interact with one another and forge working relationships.

We would be remiss if we did not recognize the contributions of former CACOLE President, Robert Mitchell, QC, Chair, Saskatchewan Public Complaints Commission, and his staff members, John A. Clarke, Director and Wendy McGough, who so ably assisted with coordination of the Regina event. CACOLE is also grateful for the generous financial support of the Government of Saskatchewan.

A pictorial overview of the conference highlights follows this report.

**Session: Comparative Models of Civilian Oversight – All Are Not Created Equal**



Left to Right: Julianne Dunbar, General Counsel, Military Police Complaints Commission; George V. Wright, Commissioner, Manitoba Law Enforcement Review Agency; Robert Mitchell, Q.C., Chair, Saskatchewan Public Complaints Commission; William MacDonald, Senior Investigative Analyst, BC Office of the Police Complaint Commissioner

**Session: Governance of Policing – Management or Oversight**



Left to Right: Murray Chitra, Chair, Ontario Civilian Commission on Police Services; Peter Tinsley, Chair, Military Police Complaints Commission

**Session: The Role of Oversight Bodies in Use of Force Issues**



Left to Right: Dr. Bill Beahen; Robert Mitchell, Q.C., Chair, Saskatchewan Public Complaints Commission

**Session: How Can the “Appropriate” Use of Force Be Determined?  
Who Makes the Call with Respect to the Use of Force Continuum?**



Left to Right: Chief Dale Larsen, Moose Jaw City; Cameron Ward, British Columbia Lawyer; Helen Banulescu, Executive Director, Commission for Public Complaints Against the RCMP

**Session: Civilian Oversight Regarding the Use of the Taser**



Left to Right: Brooke McNabb, Vice Chair, Commission for Public Complaints Against the RCMP; Dirk Ryneveld, QC, British Columbia Police Complaint Commissioner; Michael MacDonald, Director/Strategic Policy and Research, Commission for Public Complaints Against the RCMP

**Session: Multi-Jurisdictional Issues**



Left to Right: Kevin Brosseau, Senior Director Operations, Commission for Public Complaints Against the RCMP; Richard Evans, Chief Superintendent, RCMP; Cliff Purvis, Director, Alberta Serious Response Teams; Wayne Rideout, Superintendent, BC Integrated Homicide Team; Michael MacDonald, Director, Strategic Policy and Research, Commission for Public Complaints Against the RCMP

**Session: Civilian Oversight and the Media**



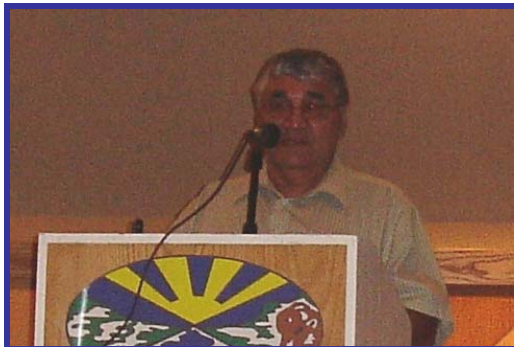
Left to Right: Brooke McNabb, Vice Chair, Commission for Public Complaints Against the RCMP; Gary Mason, Toronto Globe and Mail Vancouver Bureau; Gary Bass, Deputy Commissioner RCMP; George V. Wright, Commissioner, Manitoba Law Enforcement Review Agency

**Session: Police and Communities at Risk – What Oversight Bodies Should Know**



Left to Right: Inspector Adam Palmer, Vancouver Police Department, British Columbia; Kathleen Thompson, Co-Chair, Justice and Mental Health Committee, CMHA; Nadine Cooper Mont, Nova Scotia Police Complaints Commissioner

**Session: First Nations Issues – Treaty Rights and Obligations Respecting Justice**



Dan Bellegarde, Former First Vice-Chief Federation of Saskatchewan Indian Nations



Professor Danny Musqua, First Nations University of Canada

**Session: ½ Day of International Topics**



Left to Right: John Epp, Commissioner, Office of the Complaints Commissioner, Grand Cayman; Nicholas Long, Commissioner, Independent Police Complaints Commission, United Kingdom; The Honourable Justice Lowell Goddard, Chair, Independent Police Conduct Authority, New Zealand; Walter Peeters and Frank Schuermans, Advisors, Comité permanent de contrôle des services de police, Belgium

**Session: Measuring Performance in Oversight**



Left to Right: Edward N. (Tedd) Wood, Canada's Auditor General's Office; Al Hutchinson, Police Ombudsman for Northern Ireland; Kevin Brosseau, Senior Director, Commission for Public Complaints Against the RCMP

**Session: Dealing With The Code of Silence and the Blue Wall**



Left to Right: Dr. James Drennan, Dean, Business and Technology, Fleming College; Eeva White, Lawyer, Professional Standards Section, Calgary Police Service

**Session: Issues of Privacy**



Left to Right: Maurice Cloutier, Head of Legal Department, Commissaire à la déontologie policière (Québec) ; Julianne Dunbar, General Counsel, Military Police Complaints Commission; Nathalie Daigle, Office of the Privacy Commissioner of Canada

**The RCMP Heritage Museum provided an excellent forum for professional development and networking with representatives of the oversight community.**



Left to Right: John Clarke, Director, Saskatchewan Public Complaints Commission and Robert Mitchell, QC, Chair, Saskatchewan Public Complaints Commission



Left to Right: Brooke McNabb, Vice Chair, Commission for Public Complaints Against the RCMP and Nadine Cooper Mont, Nova Scotia Police Complaints Commissioner



Left to Right: Gerry McNeilly, Director, Ontario's Independent Police Review and William MacDonald, Senior Investigative Analyst, BC Office of the Police Complaint Commissioner



Left to Right: George Ma, Superintendent, Complaints Against Police Office, Hong Kong Police Force; Mark Hines, Independent Police Complaints Commission, United Kingdom; J.P. Ribeiro, Senior Superintendent Complaints Against Police Office Hong Kong Police Force



Left to Right: George V. Wright, Commissioner, Manitoba Law Enforcement Review Agency and Dr. Eduardo Diaz, Executive Director of the Independent Review Panel, Miami, Florida, USA



Left to Right: Louis Belanger, Member, Military Police Complaints Commission; Mrs. Berlinquette; Roy Berlinquette, Member, Military Police Complaints Commission; and Peter Tinsley, Chair, Military Police Complaints Commission

**Robert Mitchell, QC, Chair, Saskatchewan Public Complaints Commission hosts the President's Dinner for Board Members and international guests. We are very grateful for his leadership and hospitality.**





**Treaty 4 in beautiful Fort Qu'Appelle provided a scenic backdrop for our First Nations Sessions. Later in the day delegates partook in a dinner of buffalo and some after-dinner entertainment provided by the Elk Whistle Singers and Dancers.**



Left to Right: Wellington Staats, Chairperson, Six Nations Police Commission; Robert Mitchell, Chair, Saskatchewan Public Complaints Commission; Professor Danny Musqua, First Nations University of Canada; Dan Bellegarde, Former First Vice-Chief Federation of Saskatchewan Indian Nations; Charlene Bomberry Administrative Assistant/FNPGA and Six Nations Police Commission



## Canadian News

### Ontario's Independent Police Review Director



The Province of Ontario appointed Gerry McNeilly as Director of Ontario's new independent police review system established by the [Independent Police Review Act, 2007](#).

The creation of the Office of the Independent Police Review Director was part of the Ontario government's response to former Chief Justice Patrick LeSage's 2005 report on the police complaints system in Ontario.

Under the new system, the Independent Police Review Director will lead a new civilian organization to handle public complaints about municipal and provincial police in Ontario. This will allow for independent, civilian review at three important stages:

- The Director and his or her officials will be responsible for the intake and initial screening of public complaints about the police. Frivolous, vexatious or otherwise inappropriate complaints would be weeded out.
- Once screened, the Director will decide who would investigate. The Director will have the ability to investigate where appropriate, or refer it to the subject police service, or another police service.
- Following substantiation, if it is not resolved informally, the chief of police would make decisions about discipline. The Director will review these decisions.

Gerry McNeilly has spent the past nine years as Executive Director of Legal Aid Manitoba, a quasi-independent body reporting to the provincial Department of Justice. He oversaw a \$22 million budget and supervised a staff of 170, including lawyers.

Prior to that, he served for four years as the Chair of the Board of Inquiry for the Human Rights Tribunal - now the Human Rights Tribunal of Ontario. McNeilly helped transform the Human Rights Tribunal from an *ad hoc* organization to a standing tribunal, which involved developing rules, procedures, and processes as well as hiring and training adjudicators and mediators.

He obtained his Bachelor of Arts from York University and his LLB from Queen's University Law School.

### Alberta Government Creates New Agency



Clifton Purvis, a crown prosecutor from Alberta Justice has been chosen to lead a new unit, The Alberta Serious Incident Response Team (ASIRT). ASIRT has jurisdiction over all sworn police officers in the Province of Alberta. Their

mandate is to investigate incidents or complaints involving serious injury or death of any person, and matters of a serious or sensitive nature, that may have resulted from the actions of a police officer. They are governed by Section 46.1 of the [Police Act](#).

The Alberta Serious Incident Response Team has been operating since January 1, 2008. ASIRT will be made up of two investigative units. One will be based in Edmonton to cover northern Alberta while the other will be in Calgary to investigate incidents in southern Alberta. Each team will have six investigators, a staff sergeant and administrative support staff. Investigators will be current police officers or civilians with investigative experience (including former police officers, Canadian military investigators, or Canada Customs investigators).

Clifton Purvis, a crown prosecutor for 17 years, has been seconded as the civilian director of ASIRT for the next two years.

## **Paul Kennedy, Chair, Commission for Public Complaints Against the RCMP Submits Final Conducted Energy Weapon Report to Public Safety**

On June 18, 2008, Mr. Kennedy made public his [Final Report Concerning the RCMP's Use of the Conducted Energy Weapon \(CEW\)](#), commonly known as the Taser, following a request made by the Minister of Public Safety Stockwell Day on November 20, 2007.

The Final Report included 12 recommendations for immediate implementation. It followed an [Interim Report](#) that the Commission provided to Minister Day on December 11, 2007.

"Our recommendations are designed to hold the RCMP publicly accountable for its use of a weapon that has caused considerable apprehension among Canadians, and to control usage creep," said Mr. Kennedy. "The Commission is not calling for a moratorium."

The primary finding is that the quality of data in the RCMP national CEW database is so poor that RCMP policy shifts following the 2001 introduction of the weapon cannot be factually supported. Seemingly, these small policy changes have led to major operational consequences.

Due to the significant public policy debate occurring over CEW use by the police in Canada, the Report is premised on the notion that CEW use must be situated within the principle of proportionality: that the amount of force used should bear some reasonable relationship to the threat a police officer is facing and its impact upon public safety.

Key recommendations in the Final Report include:

- That the conducted energy weapon be classified as an "impact weapon" and its use be allowed only in situations where an individual is "combative" or posing a risk of "death or grievous bodily harm", including individuals appearing to be experiencing the condition(s) of excited delirium;
- That the RCMP immediately instruct its members who deploy a conducted

energy weapon on a subject to seek immediate medical attention for the subject in all circumstances;

- That the RCMP immediately restrict the use of the conducted energy weapon to the following members: Rank of Corporal or above in urban<sup>1</sup> settings, and Constables with at least five (5) years of operational experience who are posted to detachments in rural<sup>2</sup> settings;
- That the RCMP publicly release the requested Quarterly and Annual Reports concerning the RCMP's use of the conducted energy weapon.

Mr. Kennedy's Final Report is complementary to his ongoing Chair-Initiated Complaint into RCMP actions surrounding the in-custody death of Robert Dziekanski at the Vancouver International Airport on October 14, 2007.

The Report's executive summary and 12 recommendations are available on the CPC website at [www.cpc-cpp.gc.ca](http://www.cpc-cpp.gc.ca). The full document is available upon request via email at [org@cpc-cpp.gc.ca](mailto:org@cpc-cpp.gc.ca) or by contacting the Commission representatives listed below. It is also now available on the [CPC Website](#).

## International News



### **Dirk Ryneveld, QC CACOLE's Liaison to INIOP 2008 Report**

The INIOP Steering Committee met at the CACOLE conference in Regina, Canada in June 2008 at a luncheon meeting hosted by the British

Columbia Police Complaint Commissioner. The meeting was well attended by approximately 20 international conference attendees who were briefed by the current secretariat, Nicholas Long of the IPCC, respecting steps taken since the meeting in San Jose in October 2007.

The delegates were encouraged to hear that there were ongoing plans to formally launch INIOP in the near future. Technical difficulties with determining a "home office" with access to banking for the organization were discussed and possible resolutions suggested. There was renewed enthusiastic support expressed for the creation of INIOP along with the hope that INIOP would soon have an official constitution and membership. We now appear to have representation and expressions of interest in membership from all continents and official launching of INIOP looks promising for the near future.

In the meantime, pending the ability to host our own INIOP conference, the Steering Committee proposes to continue to avail itself of the hospitality offered by other oversight associations such as CACOLE and NACOLE whereby international attendees at such conferences will present international speakers on international topics.

Stay tuned for further updates as your Steering Committee plans for coming events.

### **Congratulations to an Old Friend**



Dame Nuala O'Loan is the former Police Ombudsman for Northern Ireland, responsible for the investigation of all complaints against the police. She served as Police Ombudsman from 1999 until the end of her term on 5 November 2007.

She was appointed Dame Commander of the Order of the British Empire (DBE) on 29 December 2007 in the 2008 New Year Honours.

On 19 February 2008, O'Loan was appointed by the Irish Government as special envoy in Timor-Leste (East Timor). Foreign Affairs Minister Dermot Ahern announced the appointment of O'Loan during a two-day visit to the country.

CACOLE is grateful to Dame O'Loan for her generosity of spirit and wishes to congratulate her on the honour bestowed upon her by the British Empire in recognition of her public service. Further we wish her well in her new appointment as special envoy to Timor-Leste.

## New Police Ombudsman for Northern Ireland



Al Hutchinson became Police Ombudsman for Northern Ireland on 6<sup>th</sup> November 2007.

The Northern Ireland Police Ombudsman provides an independent, impartial police complaints system for the people and police under the Police (Northern Ireland) Act 1998 and 2000. The Police Ombudsman reports on his work through an Annual Report which refers to the complaints he has dealt with during the previous year. The Police Ombudsman can write a report on anything he thinks the Secretary of State should know about, in the public interest. The Police Ombudsman will carry out any necessary research or

report on any matter as asked by the Secretary of State.

The Northern Ireland Police Ombudsman cannot investigate an officer's conduct that has already led to criminal or disciplinary action, unless there is new evidence that was not available at the time of the original investigation. Nor can he investigate complaints that are "out of time"; investigate complaints about an off-duty officer, unless the fact that he or she is a police officer is relevant to the complaint; or investigate complaints about traffic wardens or other civilian employees of the police.

Originally from Canada, Mr. Hutchinson is a graduate of Carleton University in Ottawa and of Queen's University in Belfast, where he obtained an MBA.

He served 34 years in the Royal Canadian Mounted Police (RCMP), rising through the ranks to become Assistant Commissioner and the Commanding Officer responsible for "O" Division (Ontario). In addition to the recently completed six years of oversight of the policing reforms within Northern Ireland, his RCMP experience in a variety of policing functions throughout Canada provides background experience for many of the major issues central to policing management in Northern Ireland.