



Communiqué

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

October 2004

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PRESIDENT'S MESSAGE

I am pleased to introduce the 2004/5 Board of Directors for CACOLE. Their names are listed on the left and you can find more information about them and their agencies on our web site.

The 2004 CACOLE professional development conference was held in Toronto, Ontario from June 24-27th. A roster of exceptional speakers graciously shared their perspectives with over 115 Canadian and international delegates. I would be remiss if I did not thank the panel members, CACOLE's members and delegates, for their participation.

Moving the conference date from the customary fall schedule was done as part of an initiative to increase access to the event for individuals and

organizations from the local community. Consistent with that, the agenda for Friday included a variety of community-focused topics. We are gratified that all in attendance were engaged in the session topics and in lively exchanges with panelists.

On the international front, the CACOLE Board of Directors held an inaugural meeting with representatives from Great Britain, Northern Ireland, Portugal and the United States, to commence deliberations on the merits of establishing an international association of agencies involved in civilian oversight.

There was overwhelming support for this initiatives and in the coming months, we will continue our discus-

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4.	CACOLE Welcomes District Chief W. Phillips to the Board

NS Police Commission Partners in Police Ethics Initiative

The Nova Scotia Police Commission partnered with Dalhousie University and co-hosted a presentation on police ethics.

Deputy Chief Michael Berkow of the Los Angeles Police Department, a person considered a specialist on this topic, was the featured presenter for the session held at the Westin Hotel, Halifax on September 20, 2004. Deputy Berkow is an excellent speaker and his comments

were very well received by the more than 80 delegates in attendance.

With the recent spate of police misconduct allegations that have occurred in Toronto, Vancouver and other areas across the country, The Police Commission thought it would be prudent if the subject was discussed in an open forum by all policing stakeholders. The time and effort expended in recognizing the

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... President's Message

sions on how to enhance our working relationships and information sharing networks. Although our agencies have different names and legislated mandates, our focus is the same—enhancing community confidence in law enforcement through accountability frameworks supported by strong civilian oversight.

In future, we aim to have an international component in all of our conferences. CACOLE's Past President, Paul Monty, will continue to lead the international initiative. Our Board members have been active on the international oversight scene for some time, participating in conferences or meetings in South Africa, Northern Ireland, Great Britain and the United States. Former CACOLE Vice President Peter Tinsley and I will be taking part in an international conference in Portugal in November and George Wright, CACOLE Vice President and Paul Monty will be making presentations at the upcoming NACOLE Conference in Chicago.

One of CACOLE's longstanding members, Elton R. Gritzfeld, QC, Police Complaints Investigator for Saskatchewan, recently celebrated the 50th anniversary of his call to the bar. Elton has had a distinguished career in his home province and has served as a Bencher of the Law Society of Saskatchewan, President of the Society and was elected a Fellow of the American College of Trial Lawyers. Elton has recently experienced some health challenges and we wish him a speedy recovery.

Dirk Ryneveld, QC

CACOLE has inaugurated discussions to establish an association of international oversight organizations.

Board members are taking an increasingly active role in international oversight events.

... Nova Scotia Police Commission

problem and taking preventative measures before a scandal is well spent. The seminars were attended by senior police officers and professional standards investigators of both the municipal police forces and R.C.M.P , members of police oversight boards and commissions, officials and consultants from the provincial Department of Justice, officials from the provincial Ombudsman's office and officials from the Atlantic Police Academy. Mr. Douglas J. Keefe, QC, the Deputy Minister of Justice, opened the session. Costs were being shared by the Police Commission and Dalhousie University allowing for no registration or attendance fee for those attending.

Practical Guide for Interaction Between Police Officers And Civilians During The Period of the Olympic Games, Hellenic Republic, Ministry of Public Order, Greek Ombudsman, July 2004

...This Guide resulted from the friendly collaboration of the Greek Ombudsman with ELAS (the Greek Police), in the context of the wider effort by the Ministry of Public Order to highlight and establish standards of practical and good behavior for the Greek police officers.

It is not an attempt to advise police officers about the way they should perform their duties. Rather, it is an attempt to provide a useful tool for every police officer officially involved in security for this international athletic event, so that he/she understands better his/her obligations while interacting with civilians, which obligations derive from applicable Greek and international laws. That is why this practical guide draws its material from the presidential decrees which provide the pertinent framework for ELAS (the Greek Police), the European Code of Police Ethics by the Council of Europe, the International Human Rights Standards for Law Enforcement which the United Nations has adopted, the reports of the Greek Ombudsman, as well as from internationally recognized good practices used by foreign police forces.

Civilians often ask police for information, directions, and other types of assistance. These requests are a sign of trust by civilians in the Hellenic Police, and the police must preserve that trust, not betray it. The manner in which officers respond to those requests plays a large role in determining how civilians perceive not only the police, but also their employer, the state.

It is the duty of the Hellenic Police to respond to all requests with courtesy and to do so while avoiding biases toward members of any social groups. For a foreign visitor, a request to a police officer for information may well be the visitor's most important interaction with a government official. That interaction will shape the visitor's views of Greece and its people. Police officers who interact with the public with courtesy and professionalism generate positive feelings about police and the state.

See www.synigoros.gr/docs/astinomia_en.pdf

NACOLE CONFERENCE 2003 REPORT

George V. Wright, Commissioner, Law Enforcement Review Agency (Manitoba)



The National Association for Civilian Oversight of Law Enforcement (NACOLE) in the United States was established in May 1995. NACOLE supports information-sharing among the oversight community and the general public through conferences, newsletters, training and dissemination of news and academic articles. CACOLE and NACOLE have formed an alliance to facilitate networking and communications among member organizations across North America.

It was my pleasure to represent CACOLE at the ninth annual NACOLE conference in September 21-24, 2003 in Los Angeles, California. The over 150 delegates included practitioners, researchers, police officials, civic leaders, educators, business people,

elected officials, union activists, attorneys, and religious leaders.

The professional development conference also provided opportunities for delegates to network and engage in invigorating discussions.

The theme, "**Tools For Success - Tools For Justice**" was chosen to explore the implications of challenges for civilian oversight agencies in the United States, such as lack of political support, budget reductions, policing in a post 9/11 environment and other dimensions of policing and oversight.

Sessions included: *Civilian Review: Basic Tools for Oversight of Disciplinary Cases*, *Force and Excessive Force: When Words Fail*, *Justice Post 9/11: Intelligence Gathering, Racial Profiling, Demonstrations and First Amendment*

Issues, Insight on A Serious Police Misconduct Case: Oakland "Riders", *Mediation in Oversight: A Means for Changing Behavior and Interviewing Tough Witnesses*, *Success in Civilian Oversight: Best Practices and Strategies to Counter Resistance and Judging Credibility*, and *Force Applied: Case Study*.

Several Canadian oversight agencies provided brochures, annual reports and other material for distribution and this material was well received by delegates.

On behalf of CACOLE, I extended congratulations to President Malvina Montiero and conference emcee Robert Aaronson or an excellent conference .

NACOLE information is available on their web site at www.nacole.org



FYI — Oakland Police Unions Sue over Public Hearings

In late July, Oakland became the latest California city where police unions have sued to stop public civilian review boards' investigative hearings, claiming that the hearings violate officers' right to keep personnel records confidential. Police in Berkeley have pursued similar litigation, as they have in nearby Richmond, where the police union has attempted to close the Richmond Police Commission's public case hearings.

The lawsuits come after two California 4th District Court of Appeals decisions. In 2002, the Court upheld a lower court in *San Diego Police Officers Association v. City of San Diego Civil Service Commission*, which ruled that because officer personnel records are confidential, review boards and departments where officers are employed "may not freely disclose these records at public disciplinary appeal hearings if the affected officer asserts an objection."

In *Charles Davis v. City of San Diego*, upheld by the same court in March 2003, the City sought—and failed—to overturn a lower court's order that the City refrain from publicly releasing certain Citizens' Review Board on Police Practices reports.

In the second case, the reports discussed investigative findings and departmental determinations after a fatal officer-involved shooting. The lower court agreed with the plaintiffs that the reports were personnel records, the public release of which would be an unlawful disclosure.

The appellate court affirmed: San Diego was "statutorily precluded from voluntarily disclosing those reports to the public." The City contended the Board's reports did not refer to officers' names but rather to dates and internal affairs numbers. The County of San Diego Citizens' Law Enforcement Review Board said in its 2003 Annual Report that while it was not a party in either case, the "symbiosis of the two court decisions" and pressure from the San Diego Deputy Sheriffs' Association convinced it to hold closed case hearings and to stop publicly issuing its investigative reports as a precautionary measure.

See also: <http://www.sdcounty.ca.gov/clerb/index.html>

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Former Complaints Investigator Retires; New Police Complaints Investigator Appointed in Saskatchewan

Under The Police Act, 1990, The Complaints Investigator is an independent civilian who reviews public complaints about municipal police services.

Elton Gritzfeld, QC, retired from his position as Police Complaints Investigator in Saskatchewan in July. Mr. Gritzfeld recently celebrated the golden anniversary of his call to the bar of Saskatchewan. Elton was a founding member of CACOLE and was recognized at the June conference by the Board of Directors and members of CACOLE for his longstanding commitment to and support for civilian oversight in Canada. We wish Elton a long and enjoyable retirement from private practice and civilian oversight .

Former Saskatchewan Justice Minister Robert W. Mitchell, Q.C., originally appointed Mr. Gritzfeld as Police Investigator 11 years ago. Mr. Mitchell will take on a new role as Police Complaints Investigator for Saskatchewan. We welcome him to the civilian oversight community and to CACOLE.

The Saskatchewan Department of Justice has scheduled a review of the existing public complaints process. They will consult with the Métis Nation in Saskatchewan, the Federation of Saskatchewan Indian Nations, the Saskatchewan Association of Chiefs of Police and the Saskatchewan Federation of Police Officers.

CACOLE Board Welcomes New Member: District Chief William Phillips

William Phillips is a Mohawk from the Akwesasne Mohawk Reservation which borders the state of New York and the province of Quebec.

Currently, Mr. Phillips is District Chief of TsiSnaihne, representing the Mohawk Council of Akwesasne and the community on the Canadian portion of the reserve. He serves as Chairperson for the Akwesasne Mohawk Police Commission. Along with his political duties, he has portfolios in Justice and Public Safety while serving his term.

As well as being First Nations/Aboriginal representative to CACOLE's Board of Directors, William is a member of the Police Governance Authority Committee, the National Native American

Law Enforcement Association and the Canadian Association for Civilian Oversight of Law Enforcement.

Mr. Phillips served on active duty with the United States Marine Corps, from 1971 to 1974 and received an honourable discharge. He was also a member of the New York State Army National Guard from 1983 to 1989.

His police career started as a Malone Village Patrolman in Malone, New York and then as a Tribal Police Officer in Akwesasne, New York. He switched careers to work at a federal correctional institution, the Ray Brook Bureau of Prisons in Ray Brook, New York. He retired in 2003, after twenty three years of service.

