
CACOLE COMMUNIQUÉ

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

December 2010

President's Message

John Phillips
Chair, Alberta's Law Enforcement Review Board

I am honoured to have been elected CACOLE's President for 2011 and I look forward to working with a Board of Directors committed to developing current projects as well as expanding our focus as the issues surrounding civilian oversight evolve.

Serving as Vice President will be Peter Seheult, Chair, New Brunswick Police Commission. Mr. Seheult is a lawyer specializing in Arbitration, Mediation and Administrative Law. Mr. Seheult previously served as a member of the New Brunswick Police Commission from 1995 to 2000, acting as Chair from 1998 to 2000 and later completed a three year term as a member of the Military Police Complaints Commission.

Ian Scott will be CACOLE's Secretary. Ian Scott is the Director of Ontario's Special Investigations Unit. Called to the bar in 1983, he has worked as Crown and defence counsel, and both prosecuted and defended police officers for on duty homicide related matters. While in private practice, he conducted numerous internal disciplinary prosecutions, as well as represented police management on appeals to the former Ontario Civilian Commission on Police Services and to Divisional Court. He has written and lectured extensively on police oversight issues and is the author of the 2009 Police Services Act of Ontario – An Annotated Guide.

We welcome Nadine Cooper Mont as Treasurer. Nadine has served as Nova Scotia Police Complaints Commissioner since December of 2001. She studied at Dalhousie University, earning a Bachelor of Laws Degree, and a Masters Degree in Public Administration. She has extensive experience in public service, private business and in the community. Nadine was instrumental in the restructuring the Nova Scotia Police Commission and the Policing Services Division of the Department of Justice and implemented 46 of the recommendations that arose from the Donald Marshall Inquiry.

I am grateful that past president George V. Wright will continue to serve on CACOLE's board of directors. For the past twelve years George has served in various capacities including secretary and vice president. We were indeed fortunate to have him as President for the 2010 conference. His corporate knowledge of CACOLE has served the organization well and we are most appreciative of his dedication and untiring efforts. George has been with the Manitoba Department of Justice for 15 years serving in various capacities prior to his appointment as Commissioner of the Law Enforcement Review Agency in 1998. He retired from the Royal Canadian Mounted Police in 1995 with the rank of Staff Sergeant having served for 30 years.

While this issue is devoted to the 2010 Conference, I am pleased to announce the 2011 Conference will be in Canmore, Alberta in June, 2011. We look forward to seeing you there and will post any updates on our website.



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Past President's Message

George V. Wright

Commissioner Manitoba's Law Enforcement Review Agency

On my arrival at the Fredericton International Airport on Sunday, June 6, for the 2010 CACOLE conference, the New Brunswick Police Commission had everything well in hand! We were met by several commission and staff members as well as Staff Sergeant Danny Copp of the Fredericton Police Service Professional Standards Office. An honor guard dressed in Grenadier uniforms from the city of Fredericton's Tourist Bureau rounded out the welcoming committee. A chartered bus transported us to our hotel.

The 2010 Fredericton, New Brunswick CACOLE Conference held June 7 to June 9 was a resounding success! This was due to a great venue and an excellent agenda set by a committee who worked tirelessly to create an exceptional program centered on the theme "Civilian Oversight - Strengthening Public Confidence in Police."

The objective of the conference was to share knowledge and expertise, mutual understanding, professional development and information on best practices. CACOLE's 2010 Conference planning committee achieved this by setting an interesting agenda, identifying thought-provoking speakers and events that facilitated networking and learning. I am proud to have led such a dedicated team.

Peter Seheult, Chair of the New Brunswick Police Commission, Commission Vice-Chair Donald R. Butler and Commission members Anne-Marie Mullin, Bill Grimmer and Jim Laventure demonstrated great dedication and professionalism. As representatives of the host agency, they ensured that delegates had unique opportunities to share and learn from each other in an atmosphere that promoted the best that New Brunswick has to offer.

Sharing hosting duties at the conference were the Commission's Executive Director, Pierre Beaudoin and Anik Cormier who volunteered her time to the Commission. Their commitment to addressing our delegates in English and French made everyone feel valued and appreciated.

The Commission's Associate Director, Pauline Philibert, assumed responsibility for organizing the delegate dinner. Her efforts gave delegates the perfect opportunity to network and forge working relationships. Assisting Ms. Philibert was Kelly Kelly, well known in Fredericton for her commitment to raising the city's profile.

New Brunswick Lieutenant Governor, the Honourable Graydon Nicholas, welcomed delegates to his home for the Government of New Brunswick's Evening Reception. Not only did he make new acquaintances but he was able to welcome an old friend, CACOLE Board Member Wellington Staats, Chair, Six Nations Police Commission.

I would like to express my gratitude to the Government of New Brunswick represented by the Honorable John W. Foran, Minister of Public Safety for the generous financial contribution given to our hosts the New Brunswick Police Commission in support of our annual professional development conference. Minister Foran took time out of his busy schedule to attend the Government of New Brunswick's Evening Reception and to meet with delegates. This afforded an opportunity for me to personally thank him on behalf of our board of directors, members and delegates.

There was considerable media buzz with the president, delegates and speakers in demand for interviews from reporters from local and national newspapers and broadcasters.

Our sincere thanks to all who participated in making this another very successful CACOLE conference.

Please visit www.cacole.ca for more complete coverage of agenda sessions and speakers presentations.

“Civilian Oversight – Strengthening Public Confidence in Police”



Serving as host for the conference was Peter Seheult, Chair, New Brunswick Police Commission (left). Welcoming our delegates to Canada's only official bilingual province was Bernard Richard, Ombudsman for the Province of New Brunswick (center). CACOLE's President, George V. Wright (right) performed the opening and closing remarks.



Panellists Peter A. Tinsley, Executive Director, Institute for Justice Sector Development (left), William MacDonald, Senior Investigative Analyst, BC Office of the Police Complaint Commissioner (center) and Gerry McNeilly, Independent Police Review Director, Province of Ontario (right) who performed both as a panellist and the moderator.

The panel “The Changing Landscape of Civilian Oversight of Police” examined aspects of police oversight in transition in Canada and internationally as they relate to the nature of review, the tools available for oversight, discipline and the avenues of adjudicative review. This panel also examined the changing nature of civilian oversight of police from the perspective of true independence and “civilian” composition.



Panellists Robert Falla, Senior Review Analyst, Commission for Public Complaints Against the RCMP (far left), Russell Silverstein, Barrister, Silverstein & Associate, Toronto, Ontario (mid left), J. Sandy Tse, Counsel, Attorney General of Ontario (mid right) and moderator Kevin Brosseau, Senior Director, Commission for Public Complaints Against the RCMP (far right).

The panel “Mr. Big”: Judicially Authorized but Ethical?” explored how police in Canada have frequently used the undercover technique whereby a fictitious criminal organization is created with the aim of inducing a confession from a suspect. Since the introduction of this technique, a variety of legal challenges have been mounted to the admissibility of confessions so obtained but virtually all have not been successful. This panel looked at the appropriateness and legality of the Mr. Big technique from the perspectives of Crown, defence and civilian oversight.



Panellists Stephen Kimber, the Rogers Communications Chair in Journalism, University of King's College in Halifax (far left), Dr. Michael Boudreau, Associate Professor & Chair, Department of Criminology & Criminal Justice, St. Thomas University, Fredericton, New Brunswick (mid left), Marie Adsett, Global Television (mid right) and moderator Nadine Cooper Mont, Nova Scotia Police Complaints Commissioner (far right).

The panel "Media's Perspective on Police and Public Confidence" observed how the media viewed its role and whether the media mirrored or shaped the public's opinion of police.



Moderator Helen Banulescu, Executive Director, Commission for Public Complaints Against the RCMP (left) presents panellists, Alex Neve, Amnesty International (left), Kevin Brosseau, Senior Director, Commission for Public Complaints Against the RCMP (center) and Inspector Kelly Keith, Atlantic Police Academy (right).

The panel "Tasers as a Policing Tool: Lightning Rods or Life Savers?" analyzed the current state of police policies and public confidence in this area from the perspectives of the police, civilian oversight, and human rights.

Speaker Joseph Martino, Counsel, Ontario's Special Investigations Unit (left) is introduced by Ian Scott, Director, Ontario's Special Investigation Unit (right).

In *R. v. McNeil* [2009] 1 S.C.R. 66, the Supreme Court of Canada clarified the disclosure obligations of prosecuting Crown counsel and investigating agencies to the defence in criminal cases. Materials previously thought to be available to the defence only on application to the court may now fall within the ambit of the Crown's "first party disclosure package". The decision has obvious and widespread ramifications for police services, but what are its implications for police oversight agencies? CACOLE was most fortunate to have Mr. Martino share a most learned paper on the subject.



Panellists Chief Barry MacKnight, Fredericton Police Department, New Brunswick (far left), Deputy Chief Chris McNeil, Halifax Police Department, Nova Scotia (mid left), Joel E. Pink, QC, Barrister & Solicitor, Nova Scotia (mid right) and moderator Peter Seheult, Chair, New Brunswick Police Commission (far right).

The panel "Police Perspective on Civilian Oversight" presented how those subject to civilian oversight view the process and how they think it can be changed for the better.





CACOLE was most gratified to present as our Keynote Luncheon Speaker Art Vertlieb, QC, Commission Counsel to the Braidwood Inquiry (left). George V. Wright, President, CACOLE, performed the introductions (right).

Art Vertlieb, QC, is one of British Columbia's most distinguished lawyers. A renowned trial advocate, he has worked tirelessly to improve BC's legal profession, helping found the Trial Lawyers Association of BC in 1980 and the Lawyers Assistance Program in 1989, among countless other efforts. For all of his work, Art was named a Queen's Counsel member in 2001, a designation granted by the provincial Attorney General to recognize lawyers for exceptional achievement and contribution.

In 2008, Art was named Commission Counsel of the Braidwood Commission, an organization formed by the Government of BC to investigate the future role of conducted energy weapons in the province, as well as the death of Robert Dziekanski at Vancouver International Airport.



Frank L. Graves, President, EKOS (left) is introduced by George V. Wright, President, CACOLE (right). This session "How Do Members of the Public View Civilian Oversight in Canada?" presented the study EKOS designed on behalf of CACOLE to gauge the public's opinion on civilian oversight in Canada.

EKOS' public policy group is unparalleled in Canada and has led some of the national media to refer to them as Canada's "most influential" pollsters.



Panellists Jamie Robertson, Community Outreach Services, Commission for Public Complaints Against the RCMP (far left), Jasbir Brar, Outreach Coordinator, Ontario's Special Investigations Unit (mid left) Allison Hawkins, Manager, Communications and Outreach, Ontario's Office of the Independent Police Review Director (mid right) and moderator, Kim Armstrong, Executive Director of the Law Enforcement and Oversight Branch, Alberta Solicitor General and Public Security (far right).

The panel "Outreach – Stakeholder Engagement" reviewed who the stakeholders are in civilian oversight of law enforcement and how to best create relationships.



Panellists Thomas J. Burke, Q.C., MLA, Fredericton-Nashwaaksis (far left), Chief Noah Augustine (mid left) join co-moderators Wellington Staats, Chair, Six Nations Police Commission (mid right) and John A. Clarke, Director, Saskatchewan Public Complaints Commission (far right).

The panel "Barriers of Aboriginal Communities to Civilian Police Oversight" focussed on how to engage members of Aboriginal Communities in the complaints process.



Panellists Clif Purvis, Director, Alberta Serious Incident Response Team (far left), Ian Scott, Director, Ontario's Special Investigation Unit (mid left), Jim Coupland, Senior Director of Investigations, Police Ombudsman for Northern Ireland (mid right) and George Wright, Commissioner, Manitoba's Law Enforcement Review Agency (far right).

The panel "Issues in Criminal Investigations in an Oversight Role" addressed some of the issues encountered while meeting the challenge of effective oversight.



Panellists George Wright, Chair, Manitoba's Law Enforcement Review Agency (far left), Paul Stetson, Manager, Office of Prince Edward Island's Police Commissioner (mid left), John McNeill, Police Complaints Commissioner for Scotland (mid right) and moderator, John Phillips, Chair, Alberta's Law Enforcement Review Board (far right).

The panel "Increasing Public Confidence in Police Complaints – New Kids on the Block" reviewed what is new and what is upcoming in their respective agencies.

Behind the Scenes

The Canadian Association for Civilian Oversight of Law Enforcement is most grateful to Peter Seheult, Chair, New Brunswick Police Commission, members of his staff and volunteers for hosting CACOLE's 2010 Conference in the beautiful Province of New Brunswick. Derservedly proud of their province they went out of their way to ensure that delegates felt welcome.



Above, Peter Seheult, Chair, New Brunswick Police Commission and his wife take a moment to relax at Old Government House during the Province of New Brunswick's Evening Reception.



S/Sgt. Daniel R. Copp of the Fredericton Police Service (center) met delegates at the airport and acted as liaison between delegates and Lieutenant Governor Graydon Nicholas during the Evening Reception.



Kelly Kelly (left) with great enthusiasm offered spouses accompanying delegates walking tours of Fredericton. The Commission's Associate Director, Pauline Philibert, (right) made certain delegates experienced a traditional New Brunswick dinner of the finest eastern lobster against a backdrop of lively entertainment.



Anik Cormier generously volunteered her time to assist the Commission's Executive Director, Pierre Beaudoin, with hosting duties during the conference.

The Government of New Brunswick's Evening Reception



Delegates were welcomed to Old Government House by Dick Paul (White Wolf) of Kingsclear First Nation and his drum circle from Wulastukv Elementary School. Kingsclear First Nation is a Maliseet community located west of the City of Fredericton, New Brunswick.



Lieutenant Governor Graydon Nicholas was so pleased to have the children there representing his culture that as an added bonus he made an impromptu visit to the school the following day to cement their relationship to Government House.



CACOLE Board Member Wellington Staats, Chair, Six Nations Police Commission and New Brunswick Lieutenant Governor, the Honourable Graydon Nicholas, were afforded the opportunity to renew an old friendship.



CACOLE delegates are called to gather to be officially welcomed to Old Government House.



Lieutenant Governor Graydon Nicholas welcomes CACOLE Delegates to his residence "Old Government House.



Peter Seheult, Chair, New Brunswick Police Commission thanks Lieutenant Governor Nicholas on behalf of CACOLE for hosting the Province of New Brunswick's Reception.



The Honourable John W. Foran, Minister of Public Safety, represented the Government of New Brunswick at the Government of New Brunswick's Evening Reception.



Peter Seheult, Chair, New Brunswick Police Commission expresses his gratitude to Minister Foran, for his and the Government of New Brunswick's generous support of CACOLE annual professional development conference.



Lieutenant Governor Nicholas with Morton Zakaria, Board of Immigrant Organizations in Oslo, Norway



Lieutenant Governor Nicholas meets international delegates Chief Inspector Louis Hon-Ming Chan and Chief Inspector Leonard Hok-Hon Ma of the Complaints and Internal Investigations Branch, Hong Kong Police.



Tom Collins, Analyst, Office of the BC Police Complaint Commissioner and his wife enjoy a few moments with Lieutenant Governor Nicholas.



CACOLE Board Members Gerry McNeilly, Ontario's Police Review Director, Ian Scott, Director, Ontario's Special Investigations Unit and Jasbir Brar, Outreach Coordinator, Ontario's Special Investigations Unit meet Lieutenant Governor Nicholas.



Thomas Steenvoorden, Office of the BC Police Complaint Commissioner and CACOLE Board Member, Clif Purvis, Director, Alberta Serious Incident Response Team.



CACOLE Board Members John Phillips, Chair, Alberta's Law Enforcement Review Board, Robert Mitchell, Chair, Saskatchewan's Public Complaints Commission and Wellington Staats, Chair, Six Nations Police Commission.



Ian McPhail, Interim Chair, Commission for Public Complaints Against the RCMP and Ian Scott, Director, Ontario's Special Investigations Unit.



Gerard Mitchell, Commissioner, PEI's Police Commissioner, his wife and Anik Cormier take a moment to relax.

CACOLE Conference 2010 Delegate Dinner

The Board of Directors recognizes how committed our delegates are to expanding their knowledge of oversight. The delegate dinner provided the perfect opportunity for Board Members, speakers and delegates to get to know one another in an informal manner. The entertainment of Peter Pacey's Entertainers and the fine eastern lobster provided the perfect backdrop.





NATIONAL NEWS

Braidwood Inquiry Final Reports Released



The two-stage inquiry was conducted by retired Court of Appeal of British Columbia and Court of Appeal of the Yukon Territory Justice The Honourable Thomas R. Braidwood, Q.C.

The first commission of inquiry was a "study" commission to report on the use of conducted energy weapons (Tasers) in British Columbia, and to make recommendations respecting their appropriate use. Retired British Columbia Appeal Court Justice Thomas R. Braidwood, QC, made 19 recommendations to the provincial government regarding the appropriate use of conducted energy weapons (tasers) by law enforcement agencies in the province.

The second commission of inquiry was a "hearing and study" commission to provide the Dziekanski family and the public with a complete record of the circumstances of Mr. Robert Dziekanski's death during his interaction with members of the RCMP at the Vancouver International Airport and to make recommendations the Commissioner considered necessary and appropriate. Retired British Columbia Appeal Court Justice Thomas R. Braidwood, QC, released his Phase 2 Report, finding that the use of the conducted energy weapon on Robert Dziekanski was not justified.



Art Vertlieb, QC, acted as Commission Counsel during both phases of the inquiry.

Please note that The Braidwood Commissions of Inquiry have closed their office and the website is now static and will remain accessible for a few months only at <http://www.braidwoodinquiry.ca/report/>.

AGENCY NEWS

Commission for Public Complaints Against the RCMP

CACOLE congratulates Ian McPhail, Q.C. on his interim appointment as Chair, Commission for Public Complaints Against the RCMP.

Ian McPhail, QC, attended Bishop's University in Quebec for his Bachelor of Arts degree and accomplished his Bachelor of Laws degree at Osgoode Hall Law School in Toronto. He was appointed a federal Queen's Counsel in 1992.



In 1999, Mr. McPhail put his private practice on hold at McPhail Law to serve on the boards of various organizations where he worked to protect the public interest. He has served as Chair of the Environmental Review Tribunal, Chair of the Alcohol & Gaming Commission of Ontario, and Acting Chair of the Ontario Educational Communications Authority (TV Ontario). Among his many community activities, Mr. McPhail took on the positions of Vice-President of the Toronto Chinese Community Services Association, and President of the Cabbagetown South Community Association.

He was a recipient of the Ontario Bicentennial Medal as recognition of his achievements.

Mr. McPhail returned to his private law practice in 2004. He was appointed as interim Chair on January 18, 2010.

Military Police Complaints Commission



CACOLE congratulates Glenn Stannard on his appointment as Chairperson of the Military Police Complaints Commission. Mr. Stannard has been a member of the MPCC since September 12, 2007.

Mr. Stannard served with the Windsor Police Service for 37 years, prior to his retirement. During this time, he was promoted through the ranks and has worked in all divisions of the service. In August 1995, he was promoted to Deputy Chief of Police, Administration. His dedication to the city and its citizens was recognized in 1999 with his appointment as its Chief of Police. Mr. Stannard is also a past President of the Ontario Association of Chiefs of Police.

In 2003, he was invested into the Order of Merit of the Police Forces by the Governor General and received the Queen's Jubilee Award in 2005.

Prince Edward Island's Office of the Police Commissioner



Paul Stetson, Manager and Investigator, PEI's Office of the Police Commissioner, will represent his office on CACOLE's Board of Directors.

Mr. Stetson has a great deal of experience in investigation and management. He spent 31 years in policing with the RCMP, many of them

in positions of leadership and command. Since 1996, he has been the co-ordinator and program manager for P.E.I. Crime Stoppers.

The Office of the Police Commissioner, created under the new Police Act, has a mandate to review decisions of municipal or community police chiefs and the director of the Atlantic Police Academy regarding complaints from the public about the conduct of officers under their command. It also has a mandate to deal with complaints from the public about unprofessional conduct by police chiefs, security police officers and the director of the Atlantic Police Academy. However, the office has no mandate to deal with complaints against RCMP officers.

BOARD RECOGNITIONS



Paul Kennedy

CACOLE's Board of Directors gratefully acknowledges Mr. Paul Kennedy's many years of service to the Canadian Civilian Oversight of Law Enforcement Community.

During his more than 33 years of public service, Mr. Kennedy played a leadership role in the public safety arena both domestically and internationally.

Mr. Kennedy served as Chair of the Commission for Public Complaints Against the RCMP from 2005 – 2010 and during that time CACOLE gained from his wisdom and practical approach to challenges over the years.

It was a pleasure working with Mr. Kennedy and CACOLE wishes him every success in his future endeavors.

Peter A. Tinsley



CACOLE's Board of Directors is profoundly grateful and appreciative of Mr. Peter Tinsley's valuable contributions both as an active Board member and as Past President.

Mr. Tinsley served a four year term as the Chairperson of the Military Police Complaints Commission during which time CACOLE benefited from vast experience in civilian oversight of law enforcement.

In the professional context, Mr. Tinsley has spoken frequently, both within Canada and internationally, on matters related to the Rule of Law and civilian oversight of security forces. Such presentations have been made in Nicaragua, Guatemala, El Salvador, Cuba, Romania, Brazil, Northern Ireland, Kosovo and Portugal.

CACOLE is certain that the commitment to the public interest will be well served in Mr. Tinsley's new position as Executive Director for the Institute for Justice Sector Development.

NACOLE Conference 2010

**John Phillips
President, CACOLE**

On September 20-23, 2010 I had the pleasure, as President of CACOLE, to attend the 16th Annual NACOLE Conference held in Seattle, Washington. The National Association for Civilian Oversight of Law Enforcement is the American counterpart to CACOLE. It was established in 1995 and works to bring together individuals and agencies working to establish or improve oversight of police officers in the United States.

The theme this year was "Promoting Excellence". The more than 200 delegates attended a wide variety of presentations from panels on the policing of demonstrations and the designing of policy intended to reduce police misconduct to speakers on Arizona's new laws regarding illegal immigrants. The head of the Civil Rights Division of the U.S. Justice Department spoke on the initiatives of the U.S. government to promote greater police accountability.

I met with new and past members of the NACOLE executive. We confirmed our desire to work together where we can to further develop the relationship between our two organizations. In the past we have coordinated the timing of our conferences to avoid timing overlaps and waive the membership fees for each organization to join the other. I was provided the opportunity, on behalf of CACOLE and our 2011 Conference to be held next May in Canmore, Alberta, to address a few gatherings of the NACOLE executive and with international delegates from South Africa to Norway.

NACOLE's 17th Annual Conference will be held in New Orleans September 12-15, 2011.