



CACOLE CONFERENCE 2009

CIVILIAN OVERSIGHT OF LAW ENFORCEMENT WHERE IS IT GOING? WHERE SHOULD IT BE GOING?

JUNE 8 – 10, 2009
MARRIOTT OTTAWA HOTEL
OTTAWA, ONTARIO

PROGRAM CHAIR:

Peter Tinsley, Chair, Military Police Complaints Commission

PROGRAM COMMITTEE MEMBERS

Kimberly Armstrong, Executive Director, Policing and Community Safety Branch, Alberta Solicitor General and Public Security

Roy Berlinquette, Member, Military Police Complaints Commission

Bruce Brown, Deputy Commissioner, BC Office of the Police Complaint Commissioner

Nadine Cooper Mont, Commissioner, Nova Scotia Office of the Police Complaints Commissioner

Paul Cormier, Executive Officer, Ontario Special Investigations Unit

Erica McKim, Senior Policy Advisor, Strategic Policy and Research, Commission for Public Complaints against the RCMP

Gerry McNeilly, Ontario's Independent Police Review Director

Robert Mitchell, QC, Chair, Saskatchewan Public Complaints Commission

John Phillips, Chair, Alberta Law Enforcement Review Board

Lorraine Roche, Manager, Royal Newfoundland Constabulary Public Complaints Commission

Peter Seheult, Chair, New Brunswick Police Commission

Luauna Selman, Executive Director, CACOLE

Claude Simard, Commissaire à la déontologie policière du Québec

Wellington Staats, Chairperson, Six Nations Police Commission

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

CONFERENCE SYNOPSIS

Conference Location:

Ottawa Marriott Hotel
100 Kent Street
Ottawa, Ontario K1P 5R7 Canada
Phone: 1 613 238 1122
Toll-free: 1 800 853 8463

Conference Registration

Early Registration: Sunday, June 07, 2009
6:00 pm to 9:00 pm
Foyer of the Sussex Salon
and then please join Members of the Board for some Light Refreshments
in the Hospitality Suite – The Sussex Salon - 27th Floor

Regular Registration: Monday, June 08, 2009
07:30 am - 08:15 am
Registration Desk
Victoria Ballroom North
2nd Floor

Professional Development Conference

Monday, June 08, 2009, 08:15 am
to Wednesday, June 10, 2009, 12:30 pm
Victoria Ballroom North
2nd Floor

Opening Night Reception

Monday, June 08, 2009
The RCMP Musical Ride Reception Centre
5:00 pm to 7:00 pm
Cash Bar
(Transportation Provided)

Delegate Dinner and Cruise

Tuesday, June 9, 2009
5:00 pm to 8:00 pm
Miss Gatineau Paddle Wheeler
(Transportation Provided)

CACOLE Annual General Meeting and Election of Officers

Wednesday, June 10, 2009
1:30 pm – 2:30 pm
O'Conner Salon

The Board of Directors of CACOLE gratefully acknowledges:

The Military Police Complaints Commission for its generous donation and the time and efforts of the Commission's staff;

Heritage Canada for financial support of the Conference's bilingual program;

Supt. B. Whillans and members of the RCMP Musical Ride for support of the Opening Reception; and

Mr. Roy Berlinquette, Member of the MPCC and, CACOLE's Executive Director, Luauna Selman, for bringing this Conference Program from plan to reality.

MONDAY, JUNE 08, 2009

07.30 – 08.15

Conference Registration

08.15 – 09.00

Opening Remarks, Welcome, Introductions

09.00 – 10.30

Profiling of New Canadian Oversight Agencies

Alberta has recently created the Alberta Serious Incident Response Team, Ontario has just created the Office of the Independent Review Director and Prince Edward Island is in the process of creating a new oversight agency. What was the catalyst for the creation of these new agencies? What are their legislated powers? And, what is the state of their development?

Moderator:

Paul Cormier
Executive Officer
Special Investigations Unit
Province of Ontario

Panelists:

Clif Purvis Director Alberta Serious Incident Response Team Province of Alberta	Gerry McNeilly Director The Office of the Independent Police Review Director Province of Ontario	Gordon Garrison Manager Justice Policy Division Office of the Attorney General Province of Prince Edward Island
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10.30 – 10.45

Refreshment Break – Victoria Ballroom Foyer

10.45 – 12.15

The Use of Force Continuum

What role does it have? What role should it have?

A use of force continuum is a set of guidelines for law enforcement officials as to how much force may be used against a resisting subject. Over time they have come to be used, including by the courts, as a standard against which to measure what is “reasonable” in a given situation. As such, how and by whom should use of force continuums be authored and, as necessary, amended and what should be the prevailing criteria for the standards set.

Moderator:

John Phillips
Chair
Law Enforcement Review Board
Province of Alberta

Panelists:

James Drennan, PhD Dean School of Business and Technology Fleming College Province of Ontario	Deputy Chief Norm Lipinski Edmonton Police Service	Inspector Chris Butler Calgary Police Service
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12.15 – 01.15

Lunch – Join the Board of Directors
Merlot Restaurant
The Hotel’s rotating dining room
29th Floor

MONDAY, JUNE 08, 2009 con't.

01.15 – 2:45

Oversight of Law Enforcement – Should Civilian Oversight Agencies be Restricted to Oversight of “Police”?

“Law enforcement” is a term that has been used to describe either an organization that enforces the laws of one or more governing bodies or an organization that actively and directly assists in the enforcement of laws. The term encompasses special constables, sheriffs, border security officers, etc. who are employed by municipal, provincial or federal governments. Furthermore there is a growing industry of private security/policing. Is independent oversight necessary over these law enforcement sectors and if so who should have jurisdiction?

Moderator:

Claude Simard
Police Ethics Commissioner
Province of Quebec

Panelists:

Robert Lafrenière Associate Deputy Minister Direction générale des affaires policieres Ministère de la Sécurité publique Province of Québec	Sylvain Ayotte Director Internal Audit, Investigations and Inspection of Police Forces Province of Quebec
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02.45 – 03.00

Refreshment Break – Victoria Ballroom Foyer

03.00 – 04.00

Independent Oversight - Past, Present, Future

Justice Linden was the first Police Complaints Commissioner for Metropolitan Toronto and Chairman of the Police Complaints Board. His long and illustrious career affords him the ability to address the beginnings of oversight in Canada to where he thinks it should be heading. Justice Linden has witnessed, and been responsible for, many positive changes to best practices as they relate to policing and police oversight. As Commissioner for the Ipperwash Inquiry many of his key recommendations have had a direct impact on how Ontario's provincial police respond to the First Nations and Aboriginal Communities.

Keynote Speaker:

Justice Sidney B. Linden
Conflict of Interest Commissioner
Province of Ontario

Introduction:

Gerry McNeilly
Director
Independent Police Review Director
Province of Ontario

05:00 – 07:00

Opening Night Reception



A 15 minute scenic bus ride through the area where the Prime Minister's and Governor General's residences are located as well as embassy residences will take the delegates to and from the hotel.

Please join our host agency, the Military Police Complaints Commission, for a congenial evening of networking and light refreshments at the RCMP Musical Ride Reception Centre. The Information Centre is an attractive facility promoting historical information about the RCMP. We have arranged to have their gift shop remain open for our delegates' pleasure. The conference group photograph will take place at this time. Cash bar.



Tour the stables and then have your picture taken with a member of the Musical Ride and his horse!

TUESDAY, JUNE 9, 2009

08.45 – 09.45

What is the Impact of a More Litigious Society on Police Oversight?

Some in our communities are advocating that Complainants should bypass the complaint process and move directly to litigation in the courts. Why is this happening and how should civilian oversight agencies react?

Moderator:

Nadine Cooper Mont
Commissioner
Office of the Police Complaints Commissioner
Province of Nova Scotia

Panelists:

Jean McKenna
Barrister & Solicitor
Ritch Durnford Law Firm
Halifax, Nova Scotia

Julian Falconer
Barrister & Solicitor
Falconer Charney LLP
Toronto, Ontario

Jennifer Freund
Senior Advisor
Policy and Communications
Calgary Police Commission

09.45 – 10.45

The Exercise of Statutory Discretion

Legislated powers allow oversight agencies to make a great variety of judgment calls such as the dismissal of complaints that are frivolous, vexatious or made in bad faith. The materials presented in this session will explore issues related to the exercise of statutory discretion including the legal standard for such decision making, the requirement for reasons, the sufficiency of reasons and the evolving standard to be applied in judicial review of the decision, if challenged.

Moderator:

Gerry McNeilly
Director
Independent Police Review Director
Province of Ontario

Panelists:

Professor Lorne Sossin
Faculty of Law
University of Toronto

Tom Bell
Counsel
Ontario Civilian Commission on Policing
Services
Ministry of the Solicitor General
Province of Ontario

R. Lester Jesudason
Blois Nickerson & Bryson
Halifax, Nova Scotia
Chair, Nova Scotia Police Review Board

10.45 – 11.00

Refreshment Break – Victoria Ballroom Foyer

11.00 – 12.00

Service Delivery in the Context of Mental Illness

People with mental health issues have many interactions with police as they are usually the first responders to a call. When someone with mental health issues is dissatisfied with the service they receive and want to complain, the process may be overwhelming. How can the complaint process be made more effective for these individuals?

Moderator:

Erica McKim
Senior Policy Advisor - Strategic Policy and Research
Commission for Public Complaints against the RCMP

Panelists:

Lorraine Blommaert
Team Leader, National Intake Office
Commission for Public Complaints
Against the RCMP

Dr. Dorothy Cotton
Psychologist
Correctional Services Canada
Regional Treatment Center

Dr. Helen Ward
Clinical Director of the Forensic
Service
Champlain of the Integrated Forensic
Program
Royal Ottawa Health Unit

TUESDAY, JUNE 9, 2009 con't.

12.00 – 01.30 – Victoria Ballroom South

Keynote Speaker Luncheon

The Honourable Roger Salhany, Commissioner of the Taman Commission of Inquiry (Manitoba)

There is a diverse range of oversight forums utilized by governments around the world in their quest for openness and transparency when seeking answers after things go horribly wrong. Crystal Taman was killed in an automobile collision north of Winnipeg, Manitoba on February 25, 2005 and the subsequent police investigation and prosecution left many unanswered questions. The Province of Manitoba appointed former Ontario Superior Court Justice the Honourable Roger Salhany as Commissioner to conduct an inquiry into this tragic event. The Globe and Mail described Justice Salhany's fact finding as being *"thorough, convincing and damning. Rarely has the thin blue line – the police code of self-protecting silence – been so manifest and clear for all to see."*

Introduction:

George Wright
Commissioner
Law Enforcement Review Agency
Province of Manitoba

01.30 – 02.30

Information is the lifeblood of the investigative process. Can Independent Oversight of Law Enforcement Be Effective in an Era of Competing Claims of Privacy, Privilege and National Security?

Panel 1 – Incoming Information

During the course of performing an oversight agency's role information is sought from many different sources. More and more often claims of privacy, privilege and even national security are raised as reasons for non cooperation. How can these competing interests be managed? How should they be resolved?

Moderator:

Bruce Brown
Deputy Police Complaint Commissioner
Province of British Columbia

Panelists:

Vern White Chief of Police Ottawa Police Service Province of Ontario	Joseph Martino Legal Counsel Special Investigations Unit Province of Ontario	Paul J.J. Cavalluzzo Senior Partner Cavalluzzo, Hayes, Shilton, McIntyre and Cornish, LLP Barristers & Solicitors
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02.30 – 02.45

Refreshment Break – Victoria Ballroom Foyer

02.45 – 04.15

Panel 2 – Outgoing Information

Transparency and public accountability are a couple of the essential hallmarks of effective civilian oversight. In this age of privacy, privilege and national security concerns, what is the proper balance between these often competing interests?

Moderator:

Peter Tinsley
Chair
Military Police Complaints Commission

Panelists:

Julian Falconer Falconer Charney LLP Barristers at Law Toronto, Ontario	Charles Momy President Canadian Police Association	Chantal Bernier Assistant Privacy Commissioner Office of the Privacy Commissioner of Canada
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6.00 – 9.00

Delegate Dinner and Cruise



Join the Board of Directors for a 3-hour dinner cruise on the majestic Ottawa River. The Ottawa River is a natural border between the Provinces of Ontario and Quebec; slow-moving with delta-like qualities. Around every bend is a historic site just waiting to be rediscovered. View Parliament Hill, the Museum of Civilization or other world class sites while relaxing with your fellow delegates on a fully staffed boat!



WEDNESDAY, JUNE 10, 2009

08.45 – 10.15

The Public Acceptance of and New Demands for Oversight in the International Context

The distinguished international delegates on this panel will describe the current state and future direction of independent oversight of law enforcement in their respective jurisdictions.

Moderator:

John Phillips,
Chair
Law Enforcement Review Board
Province of Alberta

Panelists:

Justice Lowell Goddard
Chair
Bob Grinstead
Investigator
Independent Police Conduct Authority
New Zealand

Michael Strong
Director
Office of Police Integrity
Australia

Superintendent Albert Ho
Chief Inspector Derek Lui
Complaints Against Police Office
Hong Kong

10.30 – 12.00

Police Integration

The RCMP and the United States Coast Guard have been participating in a project called "Ship Rider" wherein the RCMP are travelling on United States Coast Guard boats on projects of mutual interest. Legislation is being considered which would allow American police officers to operate in Canada in conjunction with Canadian police forces. What are the implications for civilian oversight on this ultimate integration? Have plans been put in place to ensure effective oversight?

Moderator:

Robert Mitchell
Chair
Public Complaints Commission
Province of Saskatchewan

Panelists:

Al Hutchinson
Police Ombudsman
Northern Ireland

Ian Atkins
Assistant Commissioner
Royal Canadian Mounted Police

12.00 – 12.15

Closing Conference Remarks

Peter Tinsley
Chair
Military Police Complaints Commission
President
CACOLE

12.30 – 01.30

Lunch – Delegates on their own

01.30 - 02.30

CACOLE's Annual General Meeting - O'Conner Salon

All members are encouraged to attend.

Important Notice

The Standard of Proof – An Update

This paper will be tabled at the conference and copies will be available.

In October 2008, the Supreme Court of Canada released its unanimous decision in *F.H. v. McDougall*, an appeal from B.C. in a law suit regarding historical sexual and physical abuse in the Indian Residential School system. This judgment constitutes a decisive restatement of the common law regarding the applicable standard of proof in civil and, by extension, administrative proceedings, including police discipline cases. As the issue of standard of proof had recently been addressed at the 2007 CACOLE Conference in Halifax in a paper submitted by the Military Police Complaints Commission, and authored by Commission Legal Counsel, David Goetz, a brief update to the 2007 paper revisiting the issue in light of the *McDougall* decision has been produced for this year's conference.