



CACOLE CONFERENCE 2010

CIVILIAN OVERSIGHT STRENGTHENING PUBLIC CONFIDENCE IN POLICE

“The most important weapon in the arsenal of the police force is public support”.

“The ability of the police to perform their duties is dependent upon public approval of police actions”.²

JUNE 7 – 9, 2010
DELTA FREDERICTON HOTEL
FREDERICTON, NEW BRUNSWICK

PROGRAM CHAIR:

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

PROGRAM MEMBERS

Kimberly Armstrong, Executive Director of the Law Enforcement and Oversight Branch, Alberta Solicitor General and Public Security

Helen Banulescu, Executive Director, Commission for Public Complaints Against the RCMP

Glenn Stannard, Chair, Military Police Complaints Commission

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

Stan T. Lowe, Commissioner, British Columbia Office of the Police Complaints Commissioner

Gerry McNeilly, Independent Police Review Director, Province of Ontario

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

Ian Scott, Director, Ontario's Special Investigations Unit

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

WITH THE ASSISTANCE OF:

Pierre Beaudoin, Executive Director, New Brunswick Police Commission

Kevin Brosseau, Senior Director, Commission for Public Complaints Against the RCMP

John A. Clarke, Director, Saskatchewan Public Complaints Commission

Joseph Martino, Counsel, Ontario's Special Investigations Unit

Pauline Philibert, Associate Director, New Brunswick Police Commission

Retired British Columbia Appeal Court Justice Thomas R. Braidwood, QC, head of the Braidwood Inquiry, in introducing his Phase 1 report, quoted Paul Kennedy, Chair of the Commission for Public Complaints Against the RCMP:

² Sir Robert Peel, known as the father of modern policing, he developed the Peelian Principles which defined the ethical requirements police officers must follow in order to be effective.

CONFERENCE SYNOPSIS

Conference Location Delta Fredericton Hotel
225 Woodstock Road
Fredericton, New Brunswick E3B 2H8
Toll-Free: 1-888-462-8800

Conference Registration

Early Registration: Sunday, June 06, 2010
06.00 pm to 09.00 pm
Hotel Lobby

Regular Registration: Monday, June 07, 2010
07.30 am – 08.15 am
Registration Desk
Grand Ballroom C&D
Located on 1st Floor of Hotel

Professional Development Conference

Monday, June 07, 2010, 08.15 am
to Wednesday, June 09, 2010, 12.15 pm
Grand Ballroom C&D
Located on 1st Floor of Hotel

Delegate Dinner

Monday, June 07, 2010
05.00 pm to 08.00 pm
Conference Hotel

Government of New Brunswick's Evening Reception

Tuesday, June 08, 2010
Lieutenant Governor's Residence
05.00 pm to 07.00 pm
51 Woodstock Road (Adjacent to Hotel)

CACOLE Annual General Meeting and Election of Officers

Tuesday, June 08, 2010
08.00 am to 08.45 am
Governor's Ballroom - Located on 1st Floor of Hotel

The Board of Directors of CACOLE gratefully acknowledges:

The Honourable Graydon Nicholas

Member of the Maliseet First Nation and New Brunswick's Lieutenant-Governor, for hosting the Government of New Brunswick's Evening Reception at his residence, Old Government House.

The Government of New Brunswick

For their generous support of CACOLE's 2010 Professional Development Conference.

New Brunswick Police Commission

Peter Seheult, Chair, New Brunswick Police Commission and his dedicated staff for whose efforts on behalf of CACOLE have ensured our delegates will be able to experience the uniqueness of Canada's only officially bilingual province.

07.30 – 08.15

Conference Registration

08.15 – 09.00

Opening Remarks, Welcome, Introductions

George V. Wright
President, CACOLE

Bernard Richard
Ombudsman for the Province of New
Brunswick

Peter Seheult
Chair
New Brunswick Police Commission

09.00 – 10.30

The Changing Landscape of Civilian Oversight of Police

The issues related to police oversight continue to attract intense media scrutiny and form the basis of important discussion amongst Canadians. Lawmakers in Ontario and British Columbia have recently passed new and innovative Legislation as a response to public concern, directed at improving public confidence in the oversight of police. The landscape of police oversight is constantly changing and evolving nationally and internationally.

This panel will examine 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 will also examine the changing nature of civilian oversight of police from the perspective of true independence and "civilian" composition.

Moderator:

Gerry McNeilly
Independent Police Review Director
Province of Ontario

Panelists:

Gerry McNeilly
Independent Police Review Director
Province of Ontario

Peter A. Tinsley
Executive Director
Institute for Justice Sector Development

William MacDonald
Senior Investigative Analyst
BC Office of the Police Complaint
Commissioner

10.30 – 10.45

Refreshment Break – Governor's Ballroom Foyer

10.45 – 12.00

"Mr. Big": Judicially Authorized but Ethical?

The 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 will discuss the appropriateness and legality of the Mr. Big technique from the perspectives of Crown, defence and civilian oversight.

Moderator:

Kevin Brosseau
Senior Director
Commission for Public Complaints Against the RCMP

Panelists:

Robert Falla
Senior Review Analyst
Commission for Public Complaints Against the
RCMP

J. Sandy Tse
Counsel
Attorney General of Ontario

Russell Silverstein
Barrister
Silverstein & Associate
Toronto, Ontario

12.00 – 01.00

Lunch – Buffet Lunch for Delegates - Governor's Ballroom

01.00 – 02.15

Media's Perspective on Police and Public Confidence

How does the media view its role? Does the media mirror or shape the public opinion of police?

Moderator:

Nadine Cooper Mont
Nova Scotia Police Complaints Commissioner

Panelists:

Stephen Kimber
The Rogers Communications Chair in Journalism
University of King's College in Halifax

Dr. Michael Boudreau
Associate Professor & Chair
Department of Criminology & Criminal
Justice
St. Thomas University, Fredericton NB

Marie Adsett
Global Television

02.15 – 02.30

Refreshment Break - Governor's Ballroom Foyer

02.30 – 04.00

Police Perspective on Civilian Oversight

What positives and negatives do those subject to civilian oversight see? How do they think it can be changed for the better?

Moderator:

Peter Seheult
Chair
New Brunswick Police Commission

Panelists:

Chief Barry MacKnight
Fredericton Police Department
New Brunswick

Deputy Chief Chris McNeil
Halifax Police Department
Nova Scotia

Joel E. Pink, QC
Barrister & Solicitor
Nova Scotia

05.00 – 08.00

Delegate Dinner

The Province of New Brunswick and our host agency, the New Brunswick Police Commission, invite you to a traditional New Brunswick Kitchen Party! Dress casually and get ready for some old-time fiddling while feasting on New Brunswick's world famous lobster!

TUESDAY, JUNE 8, 2010

08.00 – 08.45 – Governor's Ballroom

Annual General Meeting – All welcome to attend.

09.00 – 10.30

Tasers as a Policing Tool: Lightening Rods or Life Savers?

The use of the conducted energy weapon (Taser) by the police continues to be an issue affecting the public's confidence in the police. The manner in which Taser usage is assessed will depend on the point of view of the various players involved. This panel will examine the current state of police policies and public confidence in this area from the perspectives of the police, civilian oversight, and human rights. The goal is to build an appreciation of the variety of issues raised by this weapon, including where opinions overlap or diverge, depending on the role and interests of the player.

Moderator:

Helen Banulescu
Executive Director
Commission for Public Complaints Against the RCMP

Panelists:

Kevin Brosseau
Senior Director
Commission for Public Complaints Against the RCMP

Inspector Kelly Keith
Atlantic Police Academy

Alex Neve
Amnesty International

10.30 – 10.45

Refreshment Break - Governor's Ballroom Foyer

10.45 – 11.45

The Impact of the McNeil Decision - Paper

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? The speaker will address this question, with particular reference to the experience of the Special Investigations Unit in Ontario.

Introduction:

Ian Scott
Director
Ontario's Special Investigation Unit

Speaker:

Joseph Martino
Counsel
Ontario's Special Investigations Unit

11.45 – 01.30 – Grand Ballrooms C&D

Keynote Speaker Luncheon

Commission Counsel to the Braidwood Inquiry, Art Vertlieb, will discuss various aspects of the Inquiry, from his unique perspective.

Introduction:

Stan T. Lowe
British Columbia Police Complaint Commissioner

Speaker:

Art Vertlieb, QC
Commission Counsel
Braidwood Enquiry

01.30 – 02.30

How Do Members of the Public View Civilian Oversight in Canada?

EKOS is one of the most recognized and respected names in public opinion research in Canada. EKOS designed a study on behalf of CACOLE to gauge the public's opinion on civilian oversight in Canada. Get ready for a straightforward, strategic insight into issues on the public agenda. 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.

Introduction:

George V. Wright
President, CACOLE

Speaker:

Frank L. Graves
President, EKOS

02.30 – 02.45

Refreshment Break - Governor's Ballroom Foyer

2.45 – 03.45

Outreach – Stakeholder Engagement

Who are our stakeholders and how best can we create relationships?

Moderator:

Kimberly Armstrong
Executive Director of the Law Enforcement and Oversight Branch
Alberta Solicitor General and Public Security

Panelists:

Allison Hawkins
Manager, Communications and Outreach
Ontario's Office of the Independent Police Review Director

Jasbir Brar
Outreach Coordinator
Ontario's Special Investigations Unit

Jamie Robertson
Community Outreach Services
Commission for Public Complaints Against the RCMP

03.45 – 04.45

Barriers of Aboriginal Communities to Civilian Police Oversight

Studies have shown that members of the Aboriginal Community have a higher representation concerning interaction with police. However, the Aboriginal Community has the lowest rate of complaints with oversight agencies. Does this mean that every interaction is a positive one or does it mean that oversight agencies are failing to create trusting relationships?

Co-Moderators:

Wellington Staats
Chair
Six Nations Police Commission

John A. Clarke
Director
Saskatchewan Public Complaints Commission

Panelists:

Chief Noah Augustine
New Brunswick

Hon. Thomas (T.J.) Burke MLA
Fredericton – Nashwaaksis

Chief of Police Ralph Martin
Balcarres, Saskatchewan

05.00 – 07.00

Government of New Brunswick's Evening Reception - Old Government House

CACOLE is extremely grateful to Graydon Nicholas, a member of the Maliseet First Nation and New Brunswick's Lieutenant-Governor, for hosting our Reception at his residence, Old Government House. Delegates simply have to cross the garden path to enter the completely restored mansion that has in the past played host to the Royal Family and visiting dignitaries

08.45 – 10.15

Issues in Criminal Investigations in an Oversight Role

Public concern over allegations of serious police misconduct was the catalyst for some jurisdictions to create agencies whose mandate it 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. These civilian agencies, external to a police force, conduct criminal investigations into the conduct of police officers to ensure accountability, thereby engendering increased public confidence. Some recurring themes for these agencies are: what is the appropriate mix of police officers/civilian investigators? Should police association lawyers be advising officers before they write up their notes? This panel of international experts will address these issues and others they have encountered, in their attempt to meet the challenge of effective oversight.

Moderator:

George V. Wright
Commissioner
Law Enforcement Review Agency
Province of Manitoba

Panelists:

Jim Coupland
Senior Director of Investigations
Police Ombudsman for Northern Ireland

Clif Purvis
Director
Alberta Serious Incident Response Team

Ian Scott
Director
Ontario's Special Investigations Unit

10.15 – 10.30

Refreshment Break - Governor's Ballroom Foyer

10.30 – 12.00

Increasing Public Confidence in Police Complaints – The New Kids on the Block

The Public Complaints Commissioner for Scotland provides a national overview of standards and consistency in complaint handling by all police organisations in Scotland. Formed in 2007, this process encompasses over 17,000 police members. What challenges face civilian oversight in Scotland?

Prince Edward Island's Police Commissioner is an independent statutory office mandated to investigate and resolve public complaints of unprofessional conduct against municipal police. As Prince Edward Island's first Police Commissioner, how are the police and the public responding to this new oversight mechanism?

Manitoba introduced a new *Police Services Act* that would include an independent police investigative unit that covers RCMP, municipal or First Nations police officers involved in an incident resulting in death or serious injury, and certain offences prescribed by regulation. The new unit is to be led by a civilian director. How is this to be implemented?

Moderator:

John Phillips
Chair
Law Enforcement Review Board
Province of Alberta

Panelists:

John McNeill
Police Complaints Commissioner for Scotland

Gerard Mitchell
Police Commissioner
Prince Edward Island

Glen Lewis
Senior Policy Analyst
Policy Development and Analysis
Manitoba Justice

12.00 – 12.15

Closing Conference Remarks

George V. Wright
Commissioner
Manitoba Law Enforcement Review Agency
President
CACOLE