Office of
the Police Commissioner

Prince Edward Island

2013

Annual Report of the Police Commissioner

Office of the Police Commissioner
PO Box 427 Charlottetown PEI C1A 7K7

Toll Free: (877) 541-7204
www.policecommissioner.pe.ca

Annual Report of the Police Commissioner for 2013

The office of the Police Commissioner (OPC) consists of Commissioner Hon. Gerard Mitchell, Deputy Commissioner Mr Roy Ridlington, and Manager/Senior Investigator Mr Paul Stetson.

The OPC deals with Requests for Review under Part VII and Complaints under Part VIII of the ***Police Act***.[all references within to sections (s.) or subsections (ss.) are to the ***Police Act***]

Section 19 of the ***Police Act*** requires the Police Commissioner to file an annual report for the preceding calendar year with the Attorney General within six months after the end of each calendar year. This is the report for the calendar year 2013.

Information Required by ss. 19(1)(a)-(e)

During the year 2013:

1. The Police Commissioner received two requests under s. 28 for review of a decision of a chief officer concerning complaints about the conduct of members of a police department. Both requests were investigated and dismissed by the manager/investigator of the OPC .

2. The Police Commissioner received no requests under s. 28 for review of any decision of the Director of the Atlantic Police Academy concerning complaints about instructing officers.

3. The Police Commissioner received one complaint under s. 35 concerning the conduct of a chief officer. The complaint was informally resolved by the manager/investigator to the satisfaction of the parties.

4. The Police Commissioner received no complaints under s.35 concerning the conduct of the Director of the Atlantic Police Academy.

4.The police Commissioner received no complaints under s. 35 concerning the conduct of a security police officer.

5. The Police Commissioner did not have to make any decisions under s.32(8) or 43(8).

6. The manager of the OPC opened 26 assistance files. These relate to various individuals and organizations who raised a variety of issues or questions about policing on Prince Edward Island. The manager gave these individuals and organizations such assistance, advice, and direction as was appropriate in the circumstances.

7. The OPC is a member of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). The OPC hosted the 2013 annual national convention of CACOLE from May 26 to 29, 2013 at the Rodd Charlottetown Hotel. The conference was very successful. Approximately 100 delegates attended. They came from all across Canada and from countries outside Canada. A copy of the program agenda is included at the end of this report.

8. The Office of the Police Commissioner has published and circulated a booklet of Questions and Answers dealing with complaints under Part VII and Part VIII of the PEI Police Act.

Outline of Expenditures pursuant to s. 19(1)(f)

An outline of the expenditures incurred by the Police Commissioner in carrying out his functions under the ***Police Act*** during the calendar year 2013 is attached to this report as "Appendix A".

Recommendations

1.I renew the recommended I made last year that the ***Police Act*** be amended to provide that complaints under Parts VII be made to the Police Commissioner who will then forward the complaint to the appropriate chief officer. The reasons for this recommendation are: (1) the public find it confusing that the Police Commissioner cannot receive their complaints against police; (2) some people are timid about having to file their complaint at the police department where the officer being complained about works [they don't realize they can mail it]; (3) the change would enable the Office of the Police Commissioner to be aware at all times of the complaints that are in the system; and (4) in most other jurisdictions complaints against police are initially filed with the office of the relevant civilian oversight body.

2. It is also recommended that legislative changes to ss.40(1) and ss. 43(5)(g) suggested at page 5 of the **2010 Annual Report of the Police Commissioner** be implemented.

_____ _____

Date

Hon. Gerard Mitchell
Police Commissioner

Appendix A

Office of the Police Commissioner				
Summary of Actual Expenses for the period January 1 - December 31, 2013				
Account #	Account Name	Jan 1 - Mar 31, 2013	Apr 1 - Dec 31, 2013	Total - Jan 1 - Dec 31, 2013
100-3010	Advertising	$ -	$ -	$ -
100-3020	Benefits	$ 252.66	$ 780.12	$ 1,032.78
100-3080	CACOLE Conference 2013	$ -	$ 6,205.37	$ 6,205.37
100-3110	Cleaning	$ -	$ -	$ -
100-3120	Commissioners	$ 3,382.50	$ 10,871.78	$ 14,254.28
100-3190	Computer Equipment & Supplies	$ -	$ -	$ -
100-3200	Computer Maintenance	$ -	$ -	$ -
100-3260	Furniture & Equipment	$ -	$ -	$ -
100-3280	Insurance	$ -	$ -	$ -
100-3370	Memberships	$ 715.75	$ -	$ 715.75
100-3380	Office	$ 922.34	$ 2,520.42	$ 3,442.76
100-3400	Postage	$ 27.40	$ 332.00	$ 359.40
100-3410	Printed Supplies	$ 658.34	$ 149.56	$ 807.90
100-3440	Professional Fees	$ 2,100.00	$ 6,300.00	$ 8,400.00
100-3460	Publications	$ -	$ 83.06	$ 83.06
100-3480	Rent	$ 5,281.98	$ 15,845.94	$ 21,127.92
100-3500	Salaries	$ 9,600.00	$ 34,932.50	$ 44,532.50
100-3600	Telephone	$ 776.71	$ 2,352.23	$ 3,128.94
100-3700	Travel - Local	$ 2,453.68	$ 226.77	$ 2,680.45
100-3750	Travel - Out of Province	$ -	$ 479.77	$ 479.77
	TOTAL EXPENSES	**$ 26,171.36**	**$ 81,079.52**	**$ 107,250.88**

CANADIAN ASSOCIATION FOR CIVILIAN OVERSIGHT OF LAW ENFORCEMENT

CIVILIAN OVERSIGHT: PROMOTING ACCOUNTABILITY, INDEPENDENCE and TRANSPARENCY

PROGRAM AGENDA

MAY 27, 28th AND 29th, 2013

Charlottetown, Prince Edward Island

CACOLE Program 2013 is brought to you by:

PROGRAM CHAIR:

Ian Scott, Chair, Special Investigations Unit (Ontario)

PROGRAM MEMBERS:

Helen Banulescu, Executive Director, Commission for Public Complaints Against the RCMP
Pierre Beaudoin, Executive Director, New Brunswick Police Commission
Max Churley, Investigator, Manitoba Law Enforcement Review Agency
John A. Clarke, Executive Director, Saskatchewan Public Complaints Commission
Nadine Cooper Mont, Commissioner, Nova Scotia Office of the Police Complaints Commissioner
Richard Evans, Senior Director Operations, Commission for Public Complaints Against the RCMP
David Gavsie, Associate Chair, Ontario Civilian Police Commission
Stan T. Lowe, Commissioner, British Columbia Office of the Police Complaint Commissioner
Gerry McNeilly, Director, Office of the Independent Police Review Director (Ontario)
Mark Neufeld, Assistant Director, Alberta Serious Incident Response Team
Clifton Purvis, Acting Assistant Deputy Minister, Alberta Justice and Solicitor General
Claude Simard, Commissioner, Commissaire à la déontologie policière du Québec
Me. Louise Papineau, Counsel, Office of the Quebec Police Ethics Commissioner
Paul Stetson, Manager/Senior Investigator, PEI Office of the Police Commissioner
Robert Mitchell QC, Chair, Saskatchewan Public Complaints Commission
Jasbir Brar, CACOLE Executive Director

WITH THE ASSISTANCE OF:

Kate McDerby, Commission for Public Complaints Against the RCMP
Maureen Lamothe, Commission for Public Complaints Against the RCMP
Mingbo Ma, Commission for Public Complaints Against the RCMP
Julie Baksh, Special Investigations Unit (Ontario)

PRELIMINARY CONFERENCE SYNOPSIS

Conference Location:
The Rodd Charlottetown
75 Kent Street
PO Box 159
Charlottetown, PEI
Canada C1A 7K4

Conference Registration and Reception:

Delegates and guests are invited for an informal gathering in Hospitality Rooms # 504 and 505
Sunday, May 26, 2013, from 5:00 to 9:00pm

Early Registration Desk
Sunday, May 26, 2013, from 5:00pm to 7:00pm
Rodd Charlottetown Lobby

Regular Registration: Monday, May 27, 2013, 7:30 am to Wednesday, May 29, 2013 12:00 pm
Rodd Charlottetown Lobby

Professional Development Conference
Monday, May 27, 2013, 08:30 am to Wednesday, May 29, 2013, 12:00 pm
In the Georgian Ballroom

CACOLE Annual General Meeting and Election of Officers
Monday May 27, 2013
4:15pm – 5:30pm
In the Provinces Room

Welcome Reception at the Confederation Centre
Monday May 27, 2013
6:00pm – 8:30pm
145 Richmond St
Charlottetown, PEI
C1A 1J1

Board of Directors' and Delegates' Dinner
Tuesday May 28, 2013
The Rodd Charlottetown
6:00 – 8:00pm
In the Georgian Ballroom

Note: Delegate guests are welcome to attend with prearrangement

MONDAY, May 27, 2013

07:30 – 08:30 Conference Registration & Breakfast for Delegates

08:30 – 08:45 Welcome and Introduction by Ian Scott, President CACOLE

08:45 – 09:00 Conference Opening and Remarks
Premier Robert Ghiz

09:00 – 10:15 Professionalism, Accountability and Transparency in Policing

Public demand for accountability in policing cannot be satisfied unless police are transparent and open about how they mitigate ethical risk and foster professionalism of their members. Dr. Stephen Maguire will present his findings from the Professionalism in Policing Project; a national study which looks at programs and practices that have a positive impact on professionalism.

Moderator:
Richard Evans, Senior Director Operations
Commission for Public Complaints Against the RCMP

Panellist:
Dr. Stephen Maguire, Director Organizational Values and Ethics Certificate Program, Carleton University

10:15 – 10:30 Refreshment Break in the Georgian Terrace

10:30 – 12:00 Police Misconduct: A Question of Perspective

This interactive session invites delegates to vote on the appropriateness of a police action as captured in an incident video. Delegates will vote on their initial perception of the video, followed by the panel presenting their individual perspectives. A final opportunity to re-vote will be provided to delegates with the aim to capture any possible shift in perspective.

Moderators:
Pierre Beaudoin, Executive Director
New Brunswick Police Commission

Me. Louise Papineau, Counsel
Office of the Quebec Police Ethics Commissioner

Panellists:
William G. Reid, Chief, Saint John Police Force

Dr. Jean Sauvageau, Department of Criminology and Criminal Justice, St. Thomas University

Robert M. Stoney, CD (Major-*retired*)
Vice-Chair, New Brunswick Police Commission

David J. Roberts, Managing Partner
Pink Larkin Lawyers

Sally Pitt, Reporter
CBC News

12:00 – 1:30 Keynote Luncheon Speaker
Hon. Wally Oppal, Q.C.

Introduction:
Stan Lowe, Commissioner
British Columbia Office of the Police Commissioner

Lunch provided by CACOLE in the Victorian Room

1:30 – 2:45 International Perspectives on Oversight – A View from Latin America and Asia

This year, the international panel focuses on the policing and oversight experience from Brazil and Hong Kong.

Moderator:
Ian Scott, Director, Special Investigations Unit

Panellists:
Cherry Chan, Legal Advisor
Hong Kong Independent Police Complaints Council

Marina Menezes, Senior Analyst
International Centre for the Prevention of Crime

2.45 – 3.00 Refreshment Break in the Georgian Terrace

3:00 – 4:00 First Nations Policing: Challenges in Oversight

Effective and efficient oversight processes are critical to quality, professional policing that engenders the public's trust and support. This panel will look at the specific opportunities and challenges inherent in achieving effective oversight of police in First Nations settings.

Moderator:
Mark Neufeld, Assistant Director, ASIRT

Panellists:
Lee Boyd, Chief
Blood Tribe Police Service

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

4:15 – 5:30 CACOLE Annual General Meeting and Election of Officers

6:00 – 8:30 Evening Reception at the Confederation Centre

TUESDAY, May 28, 2013

08:00 – 09:00 Breakfast for Delegates

09:00 – 10:30 Surveillance of Policing and Civilian Journalism - The evolving impact on Oversight Agencies and the Media.

Public surveillance and recording of incidents involving law enforcement and members of the public is on the rise. Electronic surveillance continues to serve as both a shield and sword in terms of examining the conduct of law enforcement and the public. It creates new issues for the work of oversight agencies and mainstream media. This panel will examine a number of issues selected from this emerging area and some of the ethical issues that are raised.

Moderator:
Stan Lowe, Commissioner
British Columbia Office of the Police Commissioner

Panellists:
Gerry McNeilly, Director
Office of the Independent Police Review Director

David Walmsley, Director of News Content
CBC

10:30 – 10:45 Refreshment Break in the Georgian Terrace

10:45 – 12:00 Independence in Civilian-Led Investigations of Police

As part of a qualitative research project, Sgt. Kevin Kunetzki examined the question of how civilian oversight agencies can ensure the greatest independence from the police and government. Sgt. Kunetzki will share the results of his research along with his conclusions and recommendations on this thought-provoking topic which goes to the heart of the credibility of civilian oversight.

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

Panellist:
Sgt. Kevin Kunetzki, Detachment Commander
RCMP Beaumont Detachment, Alberta

12:00 – 1:30 Keynote Luncheon Speaker
Hon. Gerard Mitchell, Commissioner
Office of the Police Commissioner (PEI)

Introduction:
Paul Stetson, Manager/Senior Investigator
Office of the Police Commissioner (PEI)

Lunch provided by CACOLE in the Victorian Room

1:30 – 2:45 Ethics, Honesty & McNeil Implications

This panel will examine the ethical and honesty implications in a police service. It will discuss the decision to categorize misconduct issues, and how that process impacts upon disciplinary and criminal investigations.

Moderator:
Clifton Purvis, Acting Assistant Deputy Minister
Alberta Justice and Solicitor General

Panellists:
David Loukidelis, Chair
Alberta Law Enforcement Review Board

Joseph Martino, Counsel
Ontario Special Investigations Unit

Mark Neufeld, Assistant Director
Alberta Serious Incident Response Team

2:45 – 3:00 Refreshment Break in the Georgian Terrace

3:00 – 4:00 Improving the Independence and Effectiveness of Ontario's Special Investigations Unit.

From his four plus years of experience as Director of Ontario's Special Investigations Unit, Ian Scott shares some insights into making the Unit more effective in facilitating public confidence in police oversight

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

Panellist:
Ian Scott, Director
Ontario Special Investigations Unit

4:15 – 4:30 Group Photo
Rodd Charlottetown, entrance steps

6:00 – 8:00 Board of Directors and Delegate Dinner/PEI Kitchen Party at the Rodd Charlottetown

WEDNESDAY, May 29, 2013

08:00 – 08:30 Breakfast for Delegates

08:30 – 10:00 The Evolution of Civilian Oversight

This panel will provide a historical summary of civilian oversight in Canada, explore civilian oversight's positive impact on a major municipal police service, and discuss the importance of maintaining independent civilian oversight in the coming years. (Past, Present, & Future)

Moderator:
Robert Mitchell QC, Chair
Saskatchewan Public Complaints Commission

Panellists:
George Wright, Commissioner
Law Enforcement Review Agency (Manitoba)

Clive Weighill, Chief
Saskatoon Police Service

Craig MacMillan, Assistant Commissioner
Professional Integrity Officer, RCMP

10:00 – 10:15 Refreshment Break in the Georgian Terrace

10:15 – 11:30 Civilian Oversight: Perspectives from Two New Players in Civilian Oversight

This panel will review the creation of the Serious Incident Response Team in Nova Scotia and the Independent Investigations Office in BC over the last year, sharing their experiences in establishing these teams. The panel will provide information useful for other teams soon to be established, and also provide their perspective on issues relevant to independent investigative teams in general.

Moderator:
David Gavsie, Associate Chair
Ontario Civilian Police Commission

Panellists:
Ronald J. MacDonald, Q.C., Director
Nova Scotia Serious Incident Response Team

Richard Rosenthal, Chief Civilian Director
Independent Investigations Office (BC)

11:30 – 11:45 Concluding Remarks from Ian Scott, CACOLE President

CACOLE Conference 2014 Announcement

11:45 – 12:00 Program Evaluation Circulated for Completion

12:00 Conference 2013 Concludes

Continuing Professional Development

** Attendance at this conference may be applied toward Continuing Professional Development (CPD) for lawyers in some provinces.

For example, it can count for up to 9 substantive hours toward CPD in Ontario (but not professionalism hours or new member requirement)