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equality lifts everyone

June 30, 2011

Commissioner Wally Oppal, Q.C.
#1402 – 808 Nelson Street
Vancouver, BC

VIA E-MAIL

Dear Commissioner Oppal:

RE: Peel Regional Police embedded with Inquiry staff

During the hearing of June 28, you mentioned that the Commission had three full time police officers seconded from the Peel Regional Police Department working with your office. Since then, our coalition has reviewed your Status Report #2 in which you go into detail about the role of these "volunteer" assistants.

We are deeply concerned that this arrangement with Peel Regional police seriously undermines both the actual and perceived independence of the Commission. We write to you on behalf of the coalition of Amnesty International Canada, Pivot Legal Society and the B.C. Civil Liberties Association to ask you to take immediate steps that will give the public confidence that this arrangement will not in any way impair the Commission's independence.

Given the nature of the concerns and the inherent problems in any arrangement which involves the police in investigating alleged wrongdoing by other police, our own view is that quite likely the only way to ensure public confidence is to end the secondment and obtain the policing expertise the Commission requires through other means.

At its core, this inquiry is about police responses to community concerns. Evidence of what is "business as usual" and what is "unusual business" should come on the stand, in public, and not from embedded police officers. To our knowledge, neither the Robert Dziekanski nor Frank Paul policing inquiries had full time seconded police "experts" observing and involved in the day-to-day activities of the Commission. In fact, both Commissions recommended strongly against police investigating police.

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Although the Peel Regional Police themselves are independent of the RCMP and Vancouver Police Department, the Peel Regional Police inescapably work with the RCMP regularly on issues of shared interest, for example, on issues of organized crime. There could easily be a public perception, therefore, that the Peel Police might seek to avoid developing a poor relationship with the RCMP, their partners in future crime investigation.

Further, if Peel Regional Police officers misconduct themselves in a criminal way, the RCMP may be called in to investigate that conduct. Again, the public would understandably be concerned that the Peel Police, anticipating any such future investigation of themselves or their colleagues, might shy away from being critical in their work with the Commission. In short, the perception of possible police conflicts of interest clearly outweighs the benefits of day-to-day assistance on policing matters for the Commission.

Unfortunately, there is not just a perceived conflict of interest in this matter. The Peel Police Department itself is in a direct conflict of interest with the RCMP. The RCMP are currently investigating two Peel Regional police officers who testified as Crown witnesses at the drug trial of convicted drug trafficking Peel Regional police officer Sheldon Cook, who himself was convicted as part of a separate RCMP investigation. That RCMP investigation had discovered eight bricks of fake cocaine used in a drug sting in Officer Cook's garage, thanks to a planted RCMP GPS tracking device.

The issues here are obvious, and we trust you see them immediately as well. Among many concerns, two are readily apparent:

- If charges are recommended to the Crown by the RCMP in Ontario following this second investigation, would the Peel Regional Police in your office treat the RCMP more harshly as a result?
- If charges are not recommended to the Crown by the RCMP in Ontario, could the decision not to charge be based on RCMP efforts to curry favour with the seconded Peel Regional officers in your office?

This issue arises in a wider context of serious national concern about the conduct of various members of the Peel Regional Police. The force was featured in an article in the Globe and Mail on June 27, 2011, with the lead: "For the second time in less than a month, a judge has set free someone charged by Peel Regional Police, and ruled that officers lied and intimidated suspects." According to the Globe and Mail reporter the Force "has no plans to investigate or discipline the rogue officers."

While we have no reason at all to question the integrity of the particular officers who have been seconded to the Commission, given these wider concerns, it is clear to us that even if the Commission could demonstrate that embedded police staff were an appropriate resource, it is quite simply not at all the right time for the Commission to enter into this sort of relationship with Peel Regional.

We certainly understand the need for your office to have access to some level of policing expertise. However, we query why this expertise does not come on the stand and instead comes behind the scenes; why this expertise is not called in on an as-needed basis rather than through the full-time presence of three police officers; why the experts chosen are from a force, some members of which are facing serious allegations of corruption, intimidation, lack of accountability and illegality; and why the experts chosen are from a force with multiple members currently being investigated by one of the key parties to this Inquiry.

Two recent articles on the Peel Regional Police are included for your reference. More are widely available. We urge you to act immediately on these concerns. It is crucial that the Commission be able to demonstrate to the public that this arrangement will not in any way undermine the Commission's independence. We do not see how that is likely possible by anything less than ending the secondment.

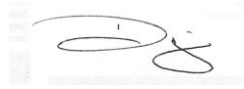
Thank you for your prompt attention to these concerns.

Yours truly,



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