



Public and Police at Risk with Incomplete Monitoring System

By Brian Tyrrell and Genevieve Jones, COPKA

Citizens have a right, even if they have committed a crime, to be held in safe conditions while in custody. Police officers have a right to work in an environment free of false accusations. These rights are at risk due to lack of effective audio-visual (A/V) monitoring within the Killaloe OPP detachment buildings.

When someone claims to have been assaulted by an officer while in custody, it comes down to the word of the officer(s) versus the word of the citizen, unless there is A/V evidence to prove what happened. The same problem exists when an officer claims to have been assaulted by a citizen.

“Video and audio taping of the interaction between police and the detained individual just makes so much sense, it's really a 'no-brainer' (...) It can serve to protect all concerned, and can become compelling evidence for court proceedings later on, if need be. Ultimately, I would think it would reduce the number of matters requiring trial, once the video is reviewed by the opposing parties and assuming the quality of the audio visual recording is half-way decent.

- Michael G. March, B.A., LL.B.

Criminal & Civil Litigation, Pembroke

“The beauty of the video being released is you don't need lawyers or the acting chief of police to tell you what it shows. You can see for yourself.” – *Mark Ertel, criminal lawyer for Roxanne Carr, from Ottawa Citizen article July 29/11, “Carr: Alleges Police Were ‘Punishing’ Her”*

COPKA works to improve the relationship between the Killaloe OPP and the public they serve. Our process is to give the local OPP the first chance to resolve an issue. If that is not successful, we bring the issue to the attention of the township councils, the media, community stakeholders and if necessary, higher levels of the OPP and government.

- **Aug 2008:** COPKA received a complaint that a man had been beaten and tasered while in custody in a Killaloe OPP holding cell. The man's lawyer would not take action as there was no video evidence available. COPKA researched the issue and found that other detachments had A/V coverage of their holding cells. At the Killaloe detachment there was no A/V recording at all.

- **October 2008:** COPKA raised the issue with the Killaloe OPP and councilors from townships throughout the detachment. COPKA requested motion-sensitive recording devices to be installed throughout areas of public contact in the detachment buildings. The Killaloe OPP response was to justify their use of force in the holding cell incident, and to assure COPKA that they would install recording devices by March 2009.
- **March 2009:** The Killaloe OPP installed manually activated recorders on all three holding cells. This meant that if an incident occurred, the officers would have to stop what they are doing, and turn on the recorder to provide evidence. At this time the OPP informed COPKA that they were planning an upgrade to automatic equipment in compliance with provincial standards.
- **October 2009:** By this time the OPP had installed fully automated, motion sensitive recording for the holding cells and garage. Now if an incident occurs in these areas, a digital copy is available to citizens and police for evidence. However, the hallways, interview room and breathalyzer room were left without coverage. COPKA has since received 1 written and 3 verbal complaints from citizens describing assaults by police in these areas. Without an A/V record, these complaints could not be effectively pursued.
- **Sept 2010:** COPKA contacted OPP Headquarters in Orillia asking for the time of completion for full A/V coverage within the Killaloe detachment buildings. We sent copies of our request to 17 criminal justice stakeholders, including the Killaloe OPP and their police association; local Crown Attorneys, judges and lawyers; municipal, provincial and federal politicians and the Canadian Civil Liberties Association. Many of these groups added their support to COPKA's initiative. The OPP responded that "the OPP and the Government have identified this project as a priority" and that full coverage would be completed in 2011.
- **March 2011:** In response to a follow up letter, the OPP contacted COPKA, effectively reversing their position and indicating that the upgrade had been shelved indefinitely.

"... video footage can be beneficial when events that take place in a police detachment are called into question, thus enhancing police accountability as well as public confidence in police. This remains the CCLA's position today. Therefore, the CCLA regrets to learn about the OPP's decision to temporarily put the Monitoring Conversion Initiative on hold."

- *Y. Y. Brandon Chen, Canadian Civil Liberties Association*

As long as there are gaps in the A/V monitoring system, we will continue to see complaints of abuse. If these are true, police are abusing their position with impunity. If the complaints are false, the reputation of our officers is being seriously damaged in the community. Full A/V coverage of the detachment buildings is necessary to protect both

the public and the police. COPKA continues to call for this upgrade through the Commissioner of the OPP and the justice stakeholders mentioned above.

What you can do:

Write to your local and provincial representatives, your newspapers and the OPP and voice your opinion on this issue. More information including a sample letter and contact information is available at COPKA's website, www.copka.ca or by phoning 613-757-3104.