



December 24, 2012

Re: Professional Standards Committee McNeil Study

At the request of the CACP Board of Directors, the CACP Professional Standards Committee (PSC) undertook to study and gain an understanding of the different approaches being taken across Canada to manage the impact of Supreme Court of Canada's "McNeil Decision". The PSC engaged the services of Public Safety Innovation Inc. to conduct this study through an online survey. Forty-eight agencies participated in the survey representing 43.6% of agencies that are members of the CACP.

On November 24, 2012 the Co-Chair of the PSC, D/Chief Downie presented the final report of the McNeil Decision Online Survey Project to the Board of Directors. This report documents the results of the study; explains some of the impacts of the McNeil decision, and presented recommendations to assist Police Chiefs in developing policies and practices to effectively address issues arising from McNeil.

The report addresses seven key areas of interest including *Processes; Positions Involved; Policy & Guidelines; Legislation, Case Law & Agreements; Data Management; Organizational Impacts; and, Training, Education, & Information*. Following this are ten conclusions and recommendations for consideration of the CACP membership.

The PSC has found that many of the responding organizations have demonstrated a solid grasp of the impact and requirements of the McNeil decision and already have policies and practices in place to manage McNeil within their organizations. Other organizations have had limited experience with McNeil and to date have little or no policy or practices in place.

Of interest was the lack of consistency in approaches - across the country, between police organizations within provinces, and even between police organizations within small regions. While complete consistency is not required, and inconsistencies will naturally exist due to different provincial laws and agreements with local Crown prosecutors, gaps were noted that may need to be addressed. This report is intended to provide information which will allow police agencies to align their practices where appropriate within regions, and to ensure an appropriate level of compliance with the disclosure requirements of McNeil.

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There continues to be new cases that are refining the requirements for disclosure under McNeil and while these cases are largely still coming from the Provincial Court level, there is no doubt they will affect us all. Ongoing attention to this issue is required and this report will provide a foundation on which to base future decisions.

On behalf of the Co-Chairs of the Professional Standards Committee, Comm. Costa Labos and D/Chief Bob Downie, the McNeil Report is attached for your review and consideration.

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Executive Director

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