



# MINUTES

## 2018 OFIA Annual General Meeting

---

*Date | time* 29/11/2018 08:45 AM | *Meeting called to order by* Jeff Ward, Durham Regional Police

---

### Location

---

OPP HQ Orillia, ON

---

### In Attendance – Confirmed

---

#### Executive

1. **Jeff Ward, Chair** - Detective Sergeant, Durham Regional Police, Forensic Identification Unit
2. **Brad Joice, Vice Chair** - Detective Sergeant, York Regional Police, Forensic Identification Unit
3. **Bart Gilligan, Secretary** - Staff Sergeant, Ottawa Police Service, Forensic Identification Section
4. **Liz Benoit, Conference Director** - Detective Sergeant, Toronto Police, Forensic Identification Services
5. **Brad Collins, Director of Communication**, Staff Sergeant, Ontario Provincial Police, Forensic Identification Services
6. **Rob Hofstetter, Director of Education & Training** - Detective, Peel Regional Police Service, Forensic Identification Services
7. **Thomas Greer, Director at Large**- Detective, Toronto Police Service, Forensic Identification Services
8. **Rhonda Alcock, Director of Standards** - Detective Sergeant, Halton Regional Police, Forensic Services
9. **Massimo Giuliani, Director at Large**, Sergeant, Hamilton Police Service, Forensic Identification Services
10. **Matthew King, Director at Large**, Detective, Niagara Regional Police Service, Forensic Identification Services

#### *Regrets*

11. **Todd Christie, Treasurer**, Detective Sergeant, Peel Regional Police Service, Forensic Identification Services

#### *Additional Attendees*

Refer to Annex B.

---

## Executive

---

Chair – Jeff Ward

Vice Chair – Brad Joice

Secretary – Bart Gilligan

Treasurer – Todd Christie

Vice Treasurer – Brad Joice

Past Chair - Dave Tovell

---

## Directors

---

Conference Director – Liz Benoit

Director of Communication – Brad Collins

Director of Standards – Rhonda Alcock

Director of Education and Training – Rob Hofstetter

Director at Large – Thomas Greer

Director at Large – Matthew King

Director at Large – Massimo Giuliani

---

## Opening Remarks

Insp Brad Collins

---

Introduction and welcome.

---

## Chair Address

Jeff Ward

---

- Jeff: opening welcome to attendees
- Thank you to organisers (Trevor M)
- 43 attendees representing multiple agencies across prov
- brief description of development of assoc and focus
  - shared knowledge and resources
  - training opportunities
- thank you to Exec members
  - 2018 meetings
    - 7 Exec
    - 11 conf
    - 1 regional (Kingston)
- Bill 175 Safer Ont Act
  - Forensic Lab Accreditation
    - meeting with team leads from Ministry
      - focus on primary labs (CFS etc)
      - future focus on police labs, OFIA involved in process

- Future meetings
    - FIO training main focus
      - 13 Dec - meeting with Director Training OPC
      - require membership input on training
        - OFIA training advisory committee for develop requirements
  - 2019 Training Conference
    - Toronto
  - Survey:
    - online survey tool (Mentimeter) used to poll attendees
- Outline of itinerary:

| Time  | Subject                      | Who                                  |
|-------|------------------------------|--------------------------------------|
| 0800  | Refreshments                 | Trevor                               |
| 08:45 | Welcome/Intros/Updates       | Jeff                                 |
| 09:00 | Financial Update             | Brad J.                              |
| 09:15 | Mass Casualty Incidents      | Dave Wheeler                         |
| 10:15 | Break                        | All                                  |
| 10:35 | CFS                          | Tony Tesserolo                       |
| 11:15 | Training Update              | Rob/Tom                              |
| 11:45 | Lunch                        | All                                  |
| 12:45 | Board of Directors Elections | All                                  |
| 13:15 | Forensic Epistemology        | Mike Illes                           |
| 14:00 | CPC/OPC Update               | Mike Vandergraff<br>Laura Gorczynski |
| TBC   | Crown Update                 | Michael Carnegie                     |
| 1500  | Closing remarks              | Jeff/Brad C.                         |

- **Training Update**

**Rob/Tom**

- Conducted training demand survey
  - past 2 years OFIA sponsored 9 training opportunities
    - Tom reviewed each training session
  - training has been identified as a priority
    - reqr establishment of training committee
  - Rob: reviewed state of BPA in Ontario
    - brief history

- currently OPC does not have BPA C/I
  - members have stepped up
  - only 12 analysts in prov
  - expecting to lose 2-3 in next 2 years
    - 9 members in training
  - plan to continue working with OPC in training/mentorship
    - 2 recent boards held, 3rd in Ottawa in Dec.
  - continue supporting basic courses
  - collaboration btw OPC-CPC
    - provide new Adv BPA in 2019
    - Math and Physics - May 2019
  - Rob requested each agency provide him data on current and potential candidates
    - data required to develop demand
    - [2299@peelpolice.ca](mailto:2299@peelpolice.ca)
  - Training schedule:
    - Basic
    - Adv
    - Math & Phys
    - Fabric (optional)

- Mass Disaster Exercise

Dave Wheeler

- Coordinator OPP EOD Program (2005-Pres)
  - Provide brief history of post blast response in Canada
- Post Blast Workshop Trenton On, 9-12 Oct
  - EDU, FIS, CFS (chem) to familiarize with practice/protocols
    - emphasis on rapid exam/analysis
    - OPP, RCMP, CFS, Durham, Ottawa,
  - Pilot projects:
    - blast pressure measurements
    - UAV
    - veh removal
    - electronic experts
    - auto extraction (UCERT)
    - investigative ident
    - investigative forensics
    - DNA post blast evidence
- Training necessity: explosive familiarization for FIOs

## CFS Update:

Tony Tesserolo/Jonathan Newman

- Bio
  - new reports
  - biogeographic ancestry
- Tox:
  - blood/urine for SAEK not accepted for storage
- Icebreaker:
  - Slido online survey
- demand for service:
  - 10 yr trend
  - submissions have increased between '14-'18 (15K to 23K)
  - turnaround time increasing 30-42 days
  - submission acceptance based on science
  - evidence should be submitted asap after occurrence
  - survey completed
- training:
  - survey completed
  -
- storage of crime scene DNA extracts
  - current state:
    - 275K in storage
    - 20K/yr
    - reaching capacity
  - options:
    - return all
    - retain some + destroy some
  - Retention and destruction
    - Risks
      - DNA extracts from less serious destroyed 5 yrs
      - destruction eliminates ability to retest
    - Mitigation
      - serious crimes retained
      - defence does not request retesting for less serious crimes
      - full test record and DNA profile retained
      - other items avail for testing
      -

## Financial Update

Brad Joice

- Statement attached
- Assoc in good position financially
- loan repayment to OHIA
- current balance \$32,598.96
- member agency expected to increase in 2019

## **Board of Directors Elections**

Jeff Ward

12:50: 5 positions vacant - each is 2yr commitment

### **Vice Tres**

- Drew Groves
  - 2nd by Brad J.

### **Ed & Training Dir**

- Nom: Rob Hoffsteter
  - 2nd by Mas G.

### **Comm Dir:**

- Trevor McLeold
  - 2nd by Brad J.

### **Standards:**

- Nom: Rhonda Alcock
  - 2nd by Liz B.

### **Conf Dir:**

- Nom: Liz Benoit
  - 2nd by Mas G.

12:56 Elections closed.

## **Forensic Epistemology**

Mike Illes, Trent University  
mikeilles@trentu.ca

Epistemology: Studying the theory of knowledge in areas of:

- intuitive knowledge
- authoritative knowledge
- logical knowledge
- empirical knowledge

Contributes to mitigating bias during investigation

Purpose of testing: reasoning skills of crime scene experts and methodologies to determine scientific methods in forensics

Study of learning leads to:

- better methods of pedagogy
- better scope
- better justification
- better methods of science and logic

better analysis  
better testimony  
better impartiality (mitigate bias)

### **OPC Presentation**

**Laura Gorczynki**

Nothing new to report however hopeful for next year.  
Working with Ministry for additional resources (3 new forensic investigators)  
Plan to build a modern program through a blend of new contract and seconded instructors  
Plans for OPC-CPC to standard approach to forensic training

### **Expert Evidence - Legal Update**

**Michael Carnegie**  
**Crown Attorney**

- White Burgess Langille Inman vs Abbott and Haliburton 2015 SCC
  - civil case
  - expert has a duty to Court to give fair, objective and non-partisan opinion evidence
  - impartiality is easy threshold to meet
  - only in the rare and clearest of cases = bias
    - multiple challenges incl R v Natsis 2018
- R v Mohan 1994
  - danger that expert evidence will be misused and distort fact-finding process
  - four factors
    - relevant ?
    - necessary?
    - exclusionary rules? (adducing bad character or expert based on hearsay (R v Sheriffe 2015))
    - properly qualified expert?
- R v Stitchcombe:
  - all relevant evidence is to be included
- Gouge Inquiry:
  - judge acts as gate-keeper for unreliable evidence to ensure not heard by jury
- R v Abbey (2009)
  - staged analysis
    - analysis not done in vacuum, judge unsures expert does not over-reach, judge may admit part of evidence, modify nature of opinion, edit language
- R v Natsis (2018)
  - Expert not permitted to provide opinion but evidence still entered
  - Draft reports are admissible
- R v McManus (2017)
  - Crown expert (PO) significantly involved in investigation
  - there is heightened concern with impartiality and independence of a police expert
- R v Livingston (2017)
  - breach of trust charges
  - Crown expert too involved in investigation

- expert witness participated in S/W, interviews, strategy meetings, advice to investigation, influenced exam of devices, strategic legal advice to officers, recommendation for charges, socializing is frowned upon
    - emails disclosed, phrases “we’re golden”, referred to self a “point-man”
  - Judge Lipson found
    - no issue with witness’ knowledge or integrity
    - that he was hand picked
    - but was biased
- R v Millard (2018)
  - impartiality was featured based on choices officer made at scene
- Expert preparation
  - delineate the opinion and the issues to which it speaks
  - simplify
  - explore foundation
  - explore limits
  - put any hypotheticals to expert well before
  - present evidence in logical fashion, geared to lay person
  - balance between ensuring you present enough evidence but do not overreach (R v Sekhon)
  - ensure disclosure provided re anything new
  - ensure expert is aware that they can and should speak to defence prior to testimony (refusal being used against expert)

#### Opinion Evidence:

- presumptively inadmissible, not every opinion is expert (lay opinion)
- concept of expert + opinion come together is there concern re: expert opinion
- distinction between opinion vs observations/factual propositions
- 

#### Steps to avoid bias/partiality:

- if engaged as expert, limit access to investigated content beyond that which is necessary to inform your opinion
- you are not a consultant or member of investigative team - steer clear of briefings or other investigative tasks to broaden exposure to info outside the scope of your requested opinion
- note and source info received and why it relates to your task
- remember, discussions btw expert and Crown is privileged - includes preps for court - however anything new arising from discussions will be disclosed
  - be aware Courts have ordered disclosure of expert notes, prior reports (other cases) draft reports, material used at conferences, PPTs, prior correspondence btwn expert and Crown
    - R v Machado (2010)
    - R v Gager (2012)
    - R v Natsis (2018)
- PCAST - potential use by Defence
  - specific reference to feature -comparison methods
  - ie. R v Bornyk



---

Closing comments

---

Jeff Ward

Thank you to presenters and attendees.

---

Budget

---

See Financial Update at Annex A below.

---

Action Items from Previous Meeting

---

Not discussed

---

Resolutions

---

Not discussed

---

Next Meeting of OFIA Executive

---

|     |  |
|-----|--|
| TBC |  |
|-----|--|

29/11/2018 16:00 PM, 2018 OFIA Executive Meeting

*Minutes prepared by Bart Gilligan, Secretary*

## **Annex A ONTARIO FORENSIC INVESTIGATORS ASSOCIATION BUDGET**

### **2018 Financial Statement – Year End**

#### **Income**

|    |  |                    |
|----|--|--------------------|
| 1. | 2017 Year End TD Account Balance                   | \$ 7,001.73        |
| 2. | 2018 OFIA Membership Dues                          | \$ 5,000.00        |
| 3. | 2018 Conference Registration (Delegate and Vendor) | \$64,474.00        |
|    | <b>TOTAL INCOME</b>                                | <b>\$76,475.73</b> |

#### **Expenses**

|     |   |                    |
|-----|---|--------------------|
| 4.  | Conference - Double Tree Hotel Charges  | \$ 34,411.57       |
| 5.  | Net Conference Expenses ( Band fee, Hospitality room, Speaker gifts, OFIA Founder plaques, etc) | \$ 1,797.01        |
| 6.  | 100 Custom Challenge Coins  | \$ 794.36          |
| 7.  | 2018 Web Site Maintenance/Domain Name   | \$ 515.45          |
| 8.  | 2019 Web Site Maintenance/Domain Name   | \$ 259.79          |
| 9.  | OFIA Banking fees (TD Bank, chequebook purchase)  | \$ 186.97          |
| 10. | Paypal Fees- Conference registrations/vendors   | \$ 1,568.20        |
| 11. | O.H.I.A. Loan payment   | \$ 4,000.00        |
| 12. | Osteology Course Accommodations – Niagara Sep'18  | \$ 343.42          |
|     | <b>TOTAL EXPENSES</b>   | <b>\$43,876.77</b> |

**CURRENT ACCOUNT BALANCE \$32,598.96** *(as of Nov 26, 2018)*

## **APPENDIX 1 – MEMBERSHIP**

### **2018 MEMBERSHIP LIST (DUES PAYMENT RECEIVED AS OF NOVEMBER 2018)**

1. OTTAWA
2. BELLEVILLE
3. HAMILTON
4. HALTON
5. ST.THOMAS
6. WATERLOO
7. PEEL
8. TORONTO
9. CENTRE OF FORENSIC SCIENCES
10. YORK
11. DURHAM
12. BRANTFORD
13. LONDON
14. SAULT STE. MARIE
15. GUELPH
16. RCMP
17. THUNDER BAY
18. COBOURG
19. OPP
20. WINDSOR
21. WEST GREY POLICE
22. NIAGARA
23. GREATER SUDBURY
24. CANADIAN ARMED FORCES
25. SIU

## **ANNEX B - 2018 OFIA AGM PARTICIPANTS**

(Attached)