



SPECIAL INVESTIGATIONS UNIT

ANNUAL REPORT 2010–2011



- LEFT–*Left to Right*: Director Ian Scott, Deputy Attorney General Murray Segal and the Honourable Clare Lewis, O.Ont., Q.C.
- ABOVE–*SIU EXECUTIVE PAST AND PRESENT, Left to Right*: The Honourable Clare Lewis, O.Ont., Q.C., Former Director Howard Morton, Former Executive Officer Mike Pearson, Executive Officer Paul Cormier, Director Ian Scott, Former Director Graham Reynolds, Former Executive Officer James Harding

1990–2010: *Celebrating 20 Years of the* SPECIAL INVESTIGATIONS UNIT

Keynote Address by the Honourable CLARE LEWIS, O.ONT., Q.C.



ABOVE–The Honourable Clare Lewis, O. Ont., Q.C. reflects on the SIU's progress during his 20th Anniversary keynote speech

In December 1988, on the heels of a police and community crisis surrounding police shootings of racial minorities, Mr. Clare Lewis was appointed by the then Solicitor General of Ontario as Chair of the Race Relations and Policing Task Force. Under Mr. Lewis' leadership, the Task Force submitted its nearly 300-page report on April 11, 1989. This Report would lay the foundation that established the Special Investigations Unit as an independent civilian law enforcement agency to ensure police accountability in cases involving serious injury, death and allegations of sexual assault.

The SIU was very fortunate to have Mr. Lewis attend its 20th Anniversary celebration as the evening's keynote speaker. In his address, Mr. Lewis reflected on his years as the Public Complaints Commissioner for the City of Toronto beginning in 1985 and the very unique perspective this afforded him in his role as the Chair of the Task Force on Race Relations and Policing.

In particular, Mr. Lewis noted the significant strides the Unit has made from a fledgling organization overcoming tensions in relationships with both the police and community to one which is generally perceived as a model in the field of civilian oversight of police.

Guests attending the celebration included past SIU directors and staff, representatives from the Ministry of the Attorney General, the Ontario Association of Chiefs of Police, and community representatives from the Directors' Resource Committee. In addition to the opportunity to reflect on the Unit's progress over the past 20 years, guests were also provided a tour of the SIU facilities and the chance to take part in sessions covering various aspects of the work of the SIU. ■

TO SEE ADDITIONAL PHOTOS FROM THE SIU'S 20th ANNIVERSARY CELEBRATION, TURN TO PAGES 10–11. ■



DIRECTOR'S MESSAGE



The SIU remains in the vanguard of civilian oversight in Canada. It is the only truly civilian agency conducting investigations into serious injury and death cases involving police officers.

On September 15th, 2010, the SIU celebrated its 20th anniversary by hosting an open house. The event was well attended with over 100 guests from community groups, policing interests, former employees and government officials. The Honourable Clare Lewis, O. Ont., Q.C. talked about the genesis of the SIU—he was the author of the 1989 Report on Race Relations and Policing which led to its creation. His original recommendation was for an independent unit of seconded homicide officers to investigate shooting cases. The SIU is now a well-established unit with civilian investigators from a mixture of former police and civilian investigative backgrounds. In its first full year of operations (1991-1992) the Unit

investigated just 68 incidents. In comparison, during the 2010-2011 fiscal year the Unit investigated 291 incidents and supports a team of 87 staff members. The Unit has survived three major reviews (Adams I, Adams II and the 2008 Ombudsman's Report) and was touched upon in five others, it has weathered sensitive relations with police and communities, and adapted to changes in investigative practices, technologies and trends. Indeed, in its 20 years the SIU has come a long way in becoming a model for other oversight agencies. Ontario citizens can be proud to have an independent investigative unit. ■

Ian Scott, Director

COURT PROCEEDINGS: Influencing How We Do Business

In the 2010-2011 fiscal year the SIU was involved in three civil cases, the outcomes of which will impact SIU operations: *Metcalf v. Scott*, *Schaeffer et al v. Wood et al.* and *Wellington v. Ontario*. ■

Metcalf v. Scott, 2011

ONSC 1292 (S.C.J.)

Peel Regional Police Chief Michael Metcalf sought a court declaration enjoining the SIU from continuing its investigation of an historical sexual assault allegation against a retired Peel Regional police officer. The police service argued that the SIU was without statutory authority to investigate incidents that pre-dated the Unit's formation in 1990 or incidents involving retired officers. On February 11, 2011, a judge of the Ontario Superior Court ruled that the SIU did in fact have the jurisdiction to investigate both incidents that occurred before the Unit came into existence and incidents involving retired police officers. The applicant has filed a Notice of Appeal, and that appeal will be heard sometime in the next fiscal year.

Schaeffer et al v. Wood et al., 2010

ONSC 2916 (S.C.J.)

In the *Schaeffer* litigation, the families of two men shot in separate incidents brought a court application that certain practices of the Ontario Provincial Police in SIU matters breached the 'duty to cooperate' provisions of the *Police Services Act*. Notably, they argued that the current policy of having one lawyer represent all involved officers, advising them on writing up their notes and permitting a first set of notes to be written that were not disclosed to the SIU due to a claim of solicitor-client privilege, breached the segregation and non-communication provisions of the SIU regulations to the *Police Services Act*. The SIU supported the applicants' position. The initial application was heard in May 2010 before The Honourable Madam Justice Low of the Superior Court of Justice. On June 23, 2010, she dismissed the application on the basis that the issues were not justiciable ones because there were other ways of bringing these matters before the courts.

The applicants are appealing this ruling. At the end of the fiscal year, no date had been set for the hearing of the appeal.

Wellington v. Ontario, 2010

ONSC 2043 (Div. Ct.)

In the *Wellington* matter, the family of a young man shot by a member of the Toronto Police Service sued the SIU for negligent investigation. The province on behalf of the SIU brought a court application to have the lawsuit dismissed on the basis that public investigators do not owe a legal duty of care to families of victims of crime in the conduct of criminal investigations. When the matter first came to court, the presiding judge dismissed the province's application and the matter was appealed to the Ontario Divisional Court. On June 4, 2010, the majority of the Divisional Court panel dismissed the province's appeal of the lower court decision. The province appealed to the Ontario Court of Appeal. That appeal was heard on February 11, 2010, and at the end of the fiscal year is under reserve.

A LOOK AT CIVILIAN OVERSIGHT

SIU & Ontario

Ontario benefits from three independent oversight agencies mandated with ensuring the accountability of police officers in the province. The SIU has developed a positive relationship with the newly minted Office of the Independent Police Review Director. Its director, Mr. Gerry McNeilly, and SIU director Ian Scott host the Directors' Resource Committee on a periodic basis to discuss policing oversight issues with community leaders. Both directors also appeared together on a panel entitled 'G20 and Civilian Oversight of Policing' at the February 26, 2011 Law Union conference. As well, both directors met with Mr. David Gavsie, the new commissioner of the Ontario Civilian Police Commission, who began his appointment in February 2011.

Across Canada

Alberta is the only other province with an independent investigative unit, referred to as **ASIRT—Alberta Serious Incident Response Team**. Unlike Ontario's model, it uses seconded police officers as investigators. Its mandate is wider than the SIU's—not only does it investigate serious injury and death cases, but also sensitive matters such as allegations of corruption. British Columbia, Manitoba and Nova Scotia have discussed implementing independent investigative units similar to the SIU, but so far none are operational. There have also been calls for an SIU-like system in Quebec by its Ombudsman as a result of a high profile inquest into the police shooting of Freddy Villanueva.

The SIU has had a long relationship with the **Canadian Association for Civilian Oversight of Law Enforcement (CACOLE)**. In 2010, the conference was held in Fredericton, New Brunswick from June 7th to 9th, and the theme was 'Civilian Oversight—Strengthening Public Confidence in Police'. There, Director Scott delivered a paper on the issue of police officers' notes and access to counsel. Joseph Martino, counsel for the Unit, spoke about the recent Supreme Court of Canada decision *R. v. McNeil* and its implications for civilian oversight agencies. And the SIU's outreach co-ordinator, Jasbir Brar, was a member of a panel discussing stakeholder engagement. These presentations and many others may be found on the CACOLE website at:

<http://www.cacole.ca/confere-reunion/pastCon/2010-eng.shtml>.

At CACOLE's Annual General Meeting, Director Scott was also elected to the position of secretary of the CACOLE board, and became active in the planning of next year's conference to be held in Canmore, Alberta. ■

CASES AT A GLANCE

The nature of the SIU mandate means that the Unit often deals with complex and traumatic situations involving police and civilians. Interpreting these situations and arriving at a decision is never as clear cut as it would appear. Under section 113(7) of the *Police Services Act*, the director, who under the *Act* must never have been a police officer, has the sole authority to decide whether or not charges are warranted. The director relies on many years of experience in the area of criminal law and takes into consideration all aspects of an investigation, arriving at a decision by applying established legal tests. His job is not to decide whether the police officer, who is the subject of an investigation, is innocent or guilty. If a charge is laid, the courts ultimately determine that question by deciding whether the charge has been proven beyond reasonable doubt. The director, on the other hand, is limited in his mandate to considering whether there is enough evidence to justify laying a charge. He applies a lower standard to the evidence than do the courts, namely, whether there are reasonable grounds to believe an offence has been committed.

10-PCD-111

Incident Overview

On Thursday, June 24, 2010, two OPP officers were dispatched to the Blue Mountain Residence in Collingwood regarding a call about a male behaving in an aggressive manner. The 27-year-old complainant was found sitting in a chair outside one of the buildings. Both officers attempted to speak to the agitated man, with varying success. When both officers moved in to apprehend the complainant, he got up from the chair and moved aggressively towards the subject officer. The witness officer tried to intervene to control the male, but was struck in the face with his elbow. The complainant continued to advance upon the subject officer, who responded by discharging his Conducted Energy Weapon (CEW) at him. The male was able to take a few additional steps before falling to the ground and lapsing into unconsciousness. Emergency Medical Services was contacted and responded. The male was taken to the Collingwood General and Marine Hospital where he was pronounced deceased.

The Investigation

The SIU assigned four investigators and two forensic investigators to probe the circumstances of this incident. The SIU designated four officers as witness officers and one officer as a subject officer. Twenty-three civilian witnesses were interviewed.

The scene of this incident was outside, in a yard on the south side of a group home. The area was photographed and a surveying device was used for forensic mapping purposes. The scene was examined and various items were collected. An SIU forensic investigator also attended the Collingwood General and Marine Hospital to photograph the deceased's body prior to it being transported to Toronto for a post-mortem examination. The complainant's clothing and the CEW cartridge and probes were recovered from the hospital. The uniforms worn by both officers were turned over to the SIU. The subject officer's duty belt and use of force equipment, including the CEW, were also turned over to the SIU. The CEW was taken to an independent testing laboratory and was examined to determine whether it was operating within design tolerances.

The SIU requested, obtained and reviewed the following materials:

- Copies of the Ambulance Call Reports;
- An historical asset list of CEWs that had been issued to the subject officer;
- A copy of the OPP communications recordings;
- Copies of surveillance video recordings from a coffee franchise located close to the incident scene;
- Copies of photographs taken by the OPP of the injuries to the witness officer;
- A copy of the relevant OPP shift schedules;
- Several OPP occurrence reports relating to the deceased;
- The notebook entries of all four witness officers;

All policies and training documents pertaining to:

- Use of Force;
- OPP Police Orders entitled *Emotionally Disturbed/Mentally Ill/Developmentally Disabled*;
- OPP Police Order entitled *Domestic Violence Occurrence*;
- The OPP Lesson Plan regarding Taser X26 Conducted Energy Weapons; and
- The OPP PowerPoint lesson presentation entitled *Taser X26 Conducted Energy Weapons—Operator Re-certification*.



The Director's Decision

The SIU director concluded that there were no reasonable grounds to charge the subject officer with a criminal offence in connection with the death of the complainant. He reviewed all collected OPP policies and training documents pertaining to use of force, the OPP policy regarding emotionally disturbed persons, and the OPP training and recertification requirements on the CEW.

The director also took into consideration the findings of the Report of Post Mortem Examination conducted by Dr. Michael Pollanen, Chief Forensic Pathologist for Ontario. The report listed the cause of death as "cardiac arrhythmia precipitated by electronic control device deployment in an agitated man with cardiomegaly and an SCN5A polymorphism". In his report, Dr. Pollanen commented that the cardiomegaly (enlarged heart) and SCN5A genetic anomaly could have been factors that might have predisposed the complainant to arrhythmia.

Director Scott concluded, "There are no reasonable grounds to believe that the subject officer committed a criminal offence in relation to the death. In my view, both officers had the lawful authority to apprehend the complainant under s. 17 of the *Mental Health Act*. They also had the authority to arrest him for assault. When they approached him, he was significantly resistant and struck the witness officer above the eye with his elbow. The subject officer deployed his CEW, and for the purpose of my analysis, I am accepting that this deployment caused the complainant's death."

Director Scott added, "The CEW is characterized as a less lethal or intermediate weapon both in the OPP operator recertification material and the use of force model. However, in this incident, the CEW's deployment in my view caused the complainant's death. Obviously, in this case, there is a dissonance between the post-mortem findings and the aforementioned classification of the CEW. However, the subject officer could have reasonably thought that the CEW deployment would not be lethal based upon his training. In these circumstances, and in light of the complainant's demonstrated degree of aggression, I am of the opinion that the CEW's deployment was not excessive, notwithstanding the fact that it caused the complainant's demise."

Detention area video tapes were obtained from the OPS along with booking sheets. The scene was photographed and a scale diagram was completed by SIU forensic investigators.

The SIU investigation found that at 11:00 p.m. on November 10, 2010, the complainant was arrested for public intoxication. He was lodged in the OPS cells shortly thereafter. At 7:41 a.m. on November 11, 2010 the complainant was found VSA in his cell. The SIU investigation further determined that the complainant died sometime between 4:41 a.m. and 7:41 a.m.

SIU investigators received and reviewed the following materials from the OPS:

- Computer aided dispatch;
- Deceased profile and occurrences;
- Event Chronology;
- Communication recordings;
- Scene log;
- Duty rosters;
- OPS Arrest Procedure;
- Prisoner Logs;
- OPS CPIC Search;
- Special Constable training schedule;
- DVDs containing all cell and station recordings, including booking hall, kitchen, sally port and hallways;
- Statements of fire fighters;
- CD of photos; and
- Incident Chronology.

The Director's Decision

The director concluded there were no reasonable grounds to charge any officers of the OPS with a criminal offence in regards to the custody death of the complainant.

Director Scott said, "The subject officer was in charge of the prisoners in the cells that evening, and it is clear that he did not ensure that the complainant was physically checked. The relevant sections of the *Criminal Code* are *failing to provide the necessities of life and criminal negligence causing death*. In my view, the legal proof of liability is similar for both offences – they both require a marked and substantial departure from the level of care that a reasonable custodian would have taken in circumstances where an accused recognized and ran an obvious and serious risk to life and safety, or alternatively gave no thought to the risk. In my view, the omissions of the subject officer do not support either charge. The audio recording of the cell activities that night does not disclose any utterances from other prisoners that would have put staff on notice that the complainant was in distress. Further, the dispatchers who were monitoring the cell videos thought that the decedent was sleeping. While the subject officer did have a legal duty to protect those under his custody, his omissions do not constitute such a marked departure that I can form reasonable grounds that a criminal offence took place."

10-OCD-242

Incident Overview

On Thursday, November 11, 2010, at 8:13 a.m., Orangeville Police Service (OPS) notified the SIU of the custody death of a 25-year-old man. OPS reported that on Wednesday, November 10, 2010, at 11:05 p.m., the complainant was arrested for being intoxicated in a public place and was lodged in the cells at OPS. The prisoner log indicated that he was checked at 11:15 p.m. and at 12:32 a.m. Both checks indicated that he had shown body movement. The video log for the complainant's cell shows that he stopped moving at 1:10 a.m. and there was no movement from him from that point on. The prisoner log indicated that the prisoner showed some type of movement at 4:20 a.m. but this is not supported by the video recording. The complainant was not physically checked until 7:41 a.m., when he was found to be Vital Signs Absent (VSA).

After the man was discovered at 7:41 a.m., efforts were made by police officers, special constables, fire fighters and paramedics to resuscitate him. However, he never gained consciousness. The post-mortem report received by the SIU on March 16, 2011 lists the cause of death as "acute oxycodone toxicity".

The Investigation

On Thursday, November 11, 2010, at 8:46 a.m., five SIU investigators and two forensic investigators were assigned and commenced an investigation. Investigators designated one officer as a subject officer and 11 officers as witness officers. Sixteen civilian witnesses, including persons present in the cells during the complainant's period of detention, were identified and interviewed.

09-TCI-199

Incident Overview

On Monday, August 10, 2009, at 2:30 p.m., legal counsel for a male complainant notified the SIU by letter of custody injuries to his client. Reportedly, on April 24, 2009, at approximately 11:00 p.m., a 58-year-old male was walking home along Gerrard Street. He passed two Toronto Police Service (TPS) officers who were dealing with another individual. Words were exchanged between the officers and the complainant. The complainant was followed by the officers to his residence.

While outside the residence, the complainant was involved in a physical altercation with the officers and suffered injuries as a result. The complainant was taken to St. Michael's Hospital for treatment of injuries including three broken ribs and a serious cut to his scalp. The complainant was charged by Toronto Police with being intoxicated in a public place. This charge was later withdrawn.

The Investigation

On Tuesday, August 11, 2009, at 8:20 a.m., two SIU investigators and one forensic investigator were assigned and immediately commenced an investigation of this incident. The incident scene was photographed and measured, and a scale diagram was prepared. The complainant and nine civilian witnesses were interviewed. Medical records were also received and reviewed. Investigators designated two subject officers and two witness officers in relation to this incident. All officers supplied copies of their notes and were interviewed by SIU investigators.

The investigators received and reviewed the following materials from the TPS:

- Communications recordings; and
- Computer Aided Dispatch Report.

SIU investigators also received and reviewed the following medical records:

- St. Michael's Hospital Emergency Room records on April 24, 2009 and April 27, 2009;
- Family physician's record of office visits;
- GTA Diagnostics Services medical report;
- Ambulance Patient Care Report; and
- Incident reports as prepared by attending paramedics.

A blood test was ordered during the complainant's admission in hospital. The results indicated a blood alcohol concentration of zero.

The Director's Decision

On Tuesday, October 26, 2009, Director Scott concluded that there were reasonable grounds to believe two TPS officers committed a criminal offence in connection with this incident. The director caused a criminal charge of *assault causing bodily harm*, contrary to s. 267(b) of the *Criminal Code of Canada*, to be laid against both Constable Edward Ing and Constable John Cruz of the TPS.

A summons was served, compelling the officers to appear before the Ontario Court of Justice at College Park Courthouse in Toronto on November 16, 2009.

The Prosecution

Following the issuing of the summons, the case was referred to the Justice Prosecutions branch of the Crown Law Office—Criminal to take carriage of the prosecution. It is the responsibility of that branch of the Ministry of the Attorney General to prosecute SIU cases. In the Ing & Cruz matter, both counsel for the Crown and defence presented evidence and made submissions to the presiding judge, the Honourable Mr. Justice E. Allen of the Ontario Court of Justice.

On January 25, 2011, the judge rendered his decision. While delivering his verdict, Mr. Justice Allen acknowledged that the complainant was verbally abusive to the officers that night, but said that the officers did not have probable grounds to arrest him for public intoxication. He also rejected the officers' testimony that they were trying to protect the complainant from wandering into traffic.

In his judgement, the jurist stated, "There are two essential questions to be answered here. The first is, am I satisfied beyond a reasonable doubt that there was no reasonable belief that the complainant had to be arrested for his own protection. The second is, am I satisfied beyond a reasonable doubt that the force was excessive. I find the idea that this was an arrest for

public intoxication contradicted by the emphasis both officers placed on his non-deferential remarks and conduct, and the direct movement from disrespectful behaviour to apprehension. Secondly, the injuries were inconsistent with the restraint testified to by the officers. This individual was roughly manhandled so that he fell to the ground and was repeatedly struck. I am satisfied beyond a reasonable doubt that the officers intended to put the complainant in custody overnight for his lack of deference and for no other reason, and that they overcame his resistance to their illegal arrest with manhandling and blows that resulted in his extensive injuries."

At the end of the 2010-2011 fiscal year, Constable Ing and Constable Cruz were awaiting a sentencing hearing in relation to their conviction on one charge each of assault causing bodily harm.

11-TCD-009

Incident Overview

On Thursday, January 20, 2011, at 9:00 a.m., the general manager of City Taxi notified the SIU that a taxicab driver with the company had been driving a 32-year-old male on Highway 427 and was concerned about his passenger. The driver stopped at the Alderwood Plaza in west Toronto, where the Toronto Police Service (TPS) was called, causing officers to attend that location. TPS officers spoke to the complainant and were satisfied that all was in order. The driver travelled further, continued to be concerned about the complainant and stopped again. TPS were again called and attended. The complainant exited the taxicab and walked to the west edge of the Highway 427 overpass near its intersection with the Gardiner Expressway. TPS officers arrived and were approaching the complainant when he fell from the overpass.

The Investigation

The SIU assigned four investigators to probe the circumstances of this incident. Two officers were designated as subject officers and nine officers were designated as witness officers. Seven witness officers were interviewed. Two civilian witnesses were also located and interviewed.

SIU investigators attended the post-mortem examination on January 21, 2011. A digital photographic record was made of the post-mortem examination and the complainant's clothing and property. The SIU liaised with the Consulate General of Romania in Toronto, the Romanian Embassy in Ottawa and the Canadian Embassy in Bucharest, enlisting their assistance with the complainant's parents in Romania to confirm his identity before his remains were authorized by the Regional Supervising Coroner to be repatriated to Romania.

The SIU obtained and reviewed the following materials and documents from the TPS:

- Audio recording made of the TPS interview of the taxi driver;
- Communications audio recordings;
- Communications audio request form;
- Diagrams made by officers;
- Digital images made by the CCTV system inside the taxicab;
- I/CAD Event Details Reports;
- I/CAD Log Search Reports;
- In-car TPS CCTV recordings;
- Memorandum book notes of the subject and witness officers;
- Occurrence Report;
- Parade Sheet Report;
- Policy and Procedure pertaining to Memorandum Books; Provincial Investigations; and to the Special Investigations Unit;
- Property Report;
- Report Display; and
- Scene photographs made by the TPS.

The SIU also obtained and reviewed the following materials and documents from the Ministry of Transportation of Ontario (MTO) and the OPP:

- MTO CCTV images of Highway 427 at its intersection with the Gardiner Expressway;
- OPP communications audio recordings;
- OPP Event Chronology; and
- OPP Supplementary Occurrence Reports.

The SIU investigation determined that on Thursday, January 20, 2011 the subject officers had two dealings with the decedent in the early hours of that day. They were first dispatched to Alderwood Plaza to speak to a cab driver who had the complainant as a fare, and was concerned that the individual wanted to be taken to the highest bridge in Toronto. The subject officers approached the taxicab minivan, asked the complainant to step outside and conducted a consensual pat down search of his person. They made computer inquiries and asked him a series of questions in an attempt to ascertain whether he had any indication of mental illness. He appeared to be acting normally. When asked about his request to visit the highest bridge in the area, the complainant responded that he was visiting and wanted to take a photograph of the city's skyline. Based upon their observations and the complainant's responses, the subject officers left the plaza. Other officers were in attendance at that time.

Shortly thereafter, they received another call over the police radio that a male was standing on a bridge in the southbound lanes of Hwy 427 near the Gardiner Expressway. They drove their police cruiser near the scene, parked and walked onto the Hwy 427 bridge for southbound traffic merging with the eastbound Gardiner Expressway. They saw the same taxicab parked on the side of the road and a silhouette of the complainant approximately 100 metres away. After briefly speaking to the cab driver, the subject officers started to walk towards the complainant. In the meantime, he had climbed over the concrete barrier on the west side of the bridge and was standing on the bridge's ledge. When they were approximately 90 metres from the complainant, he jumped off the bridge to his death.

The Director's Decision

Director Scott said, "In my view, the subject officers correctly concluded that they did not have appropriate information to form reasonable grounds under the *Mental Health Act* that the complainant was likely a danger to himself or others for the purpose of arresting him when they talked to him at Alderwood Plaza – he simply did not exhibit any indicators to support that conclusion. Accordingly, they had no choice but to permit him to continue on his way. At the second event where they approached the complainant immediately before he jumped off the bridge, there is nothing to suggest they did anything of an inappropriate nature." Director Scott concluded, "The decedent was not in police custody and accordingly the subject officers were never close enough to have direct contact with him. Regrettably, the complainant was determined to jump, and it does not appear that anyone could have stopped him from committing this act." ■

MAJOR EVENTS: Police Accountability during the G8 and G20 Summits

As Canada and Ontario prepared for the 2010 G8 and G20 summits, the SIU also faced the responsibility of police oversight during a major political event which not only brought together political leaders from around the world but also a large police contingent from across Canada. The G8 and G20 summits held in Ontario from June 25-27, 2010 were part of the largest and most expensive security operations in Canadian history. Given the large presence of police and the possibility for protests, the Unit proactively planned for an increase in demand for SIU investigative services.

In its preparations for the G8 meetings, the SIU met with members of the OPP team responsible for security during the G8 in the Bracebridge – Huntsville area. Matters relating to the secure area and deployment of OPP and other supporting police officers were discussed. The SIU also met with members of the Toronto Police Service (TPS) team responsible for security during the G20 to occur in the downtown core of Toronto.

Based upon the security information received from the OPP and TPS, and the expectation of thousands of protesters taking part in demonstrations during the G8 and G20, the SIU's plan was developed. For both the G8 and G20, the SIU plan included one Mobile Command Unit (MCU) to be positioned in Bracebridge and one at Ontario Place in Toronto respectively. The G8 MCU, overseen by a supervisor and staffed by 11 investigators and two forensic investigators, was supported by one forensic vehicle and trailer. The G20 MCU was overseen by one supervisor and staffed by 16 investigators and four forensic investigators. Two forensic vehicles and trailers were also deployed. All staff covering the G8/G20 events were on a two shift rotation from 7:00 a.m. until 11:00 p.m. from June 23 to June 27. From 11:00 p.m. to 7:00 a.m., investigators were placed on stand-by to enable the SIU to respond quickly to investigations during the early morning hours. Calls not related to the G8/G20 summits were fielded by one supervisor at the Unit's head office, and staffed by 22 investigators and two forensic investigators.

There were no SIU investigations generated as a result of the G8 meetings in Huntsville. The G20 summit, however, generated six SIU investigations. On November 25, 2010, the Unit published a news release indicating that no charges were to be laid in any of the six separate investigations. Following the closure of these investigations, new photo and video evidence emerged in three of the six investigations prompting the Unit to re-open those investigations. On December 21, 2010 the director laid a charge of *assault with a weapon*, contrary to section 267(a) of the *Criminal Code* against Constable Babak Andalib-Goortani in one of these three re-opened investigations. At the end of the 2010-11 fiscal year, two re-opened G20 investigations were ongoing.

All SIU news releases regarding G20 investigations may be found on the SIU website at http://www.siu.on.ca/en/media_centre.php. ■

Independent Investigations.
Community Confidence.

SIU

20 Years
of the SIU
1990–2010

STATISTICALLY SPEAKING... Occurrences

During the 2010-11 fiscal period 291 cases were opened by the Unit. This once again confirms the longer term trend of an increasing caseload handled by the SIU. The figure represents a 1.7% increase from the number of occurrences in the 2009-10 fiscal year. Putting it into perspective, the Unit's average annual caseload for the last five fiscal periods is 272 cases, representing a 61% increase compared to the corresponding average of 169 cases for the preceding five-year period. In 2010-11, criminal charges were laid in 12 cases against a total of 12 officers.

A decade-long overview of the Unit's annual caseload reveals a marked increase in recent years compared to the historical average. Appendix A illustrates where incidents occurred in the province by cross-referencing the caseload data with geographical regions and police services. ■

OCCURRENCES APRIL 1, 2010–MARCH 31, 2011	
TYPES OF OCCURRENCES	# OF OCCURRENCES
Firearm Deaths	10
Firearm Injuries	12
Custody Deaths	30
Custody Injuries	163
Other Injuries / Deaths	1
Vehicle Deaths	4
Vehicle Injuries	27
Sexual Assault Complaints	44
TOTAL OCCURRENCES	291
NUMBER OF CASES IN WHICH CHARGES WERE LAID	12
NUMBER OF OFFICERS CHARGED	12

SIU Occurrences by Fiscal Year

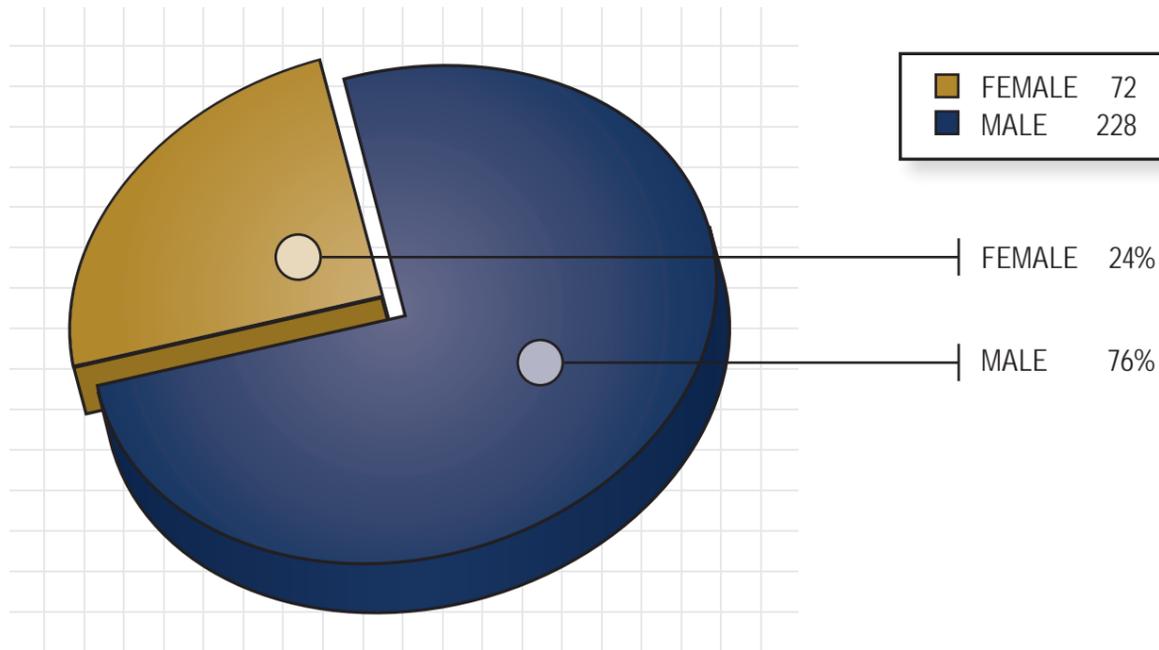
TYPES OF OCCURRENCES	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11
Firearm Deaths	5	4	1	2	8	8	6	7	4	7	10
Firearm Injuries	8	5	9	8	4	10	11	14	10	5	12
Custody Deaths	18	19	17	26	15	22	35	21	27	16	30
Custody Injuries	85	75	86	90	58	107	129	124	182	172	163
Other Injuries / Deaths	2	1	1	0	2	0	0	1	2	4	1
Vehicle Deaths	8	12	7	9	9	9	5	9	7	9	4
Vehicle Injuries	36	31	21	41	30	25	28	29	33	50	27
Sexual Assault Complaints	15	15	9	16	11	23	24	41	34	24	44
TOTALS	177	162	151	192	137	204	238	246	299	287	291
NUMBER OF CASES IN WHICH CHARGES LAID *	5 (9)	4 (5)	4	2	3 (4)	4 (4)	2 (2)	7 (10)	4	10 (12)	12

* Counted as year charge laid regardless of when incident reported
 () Number of officers charged appears in brackets

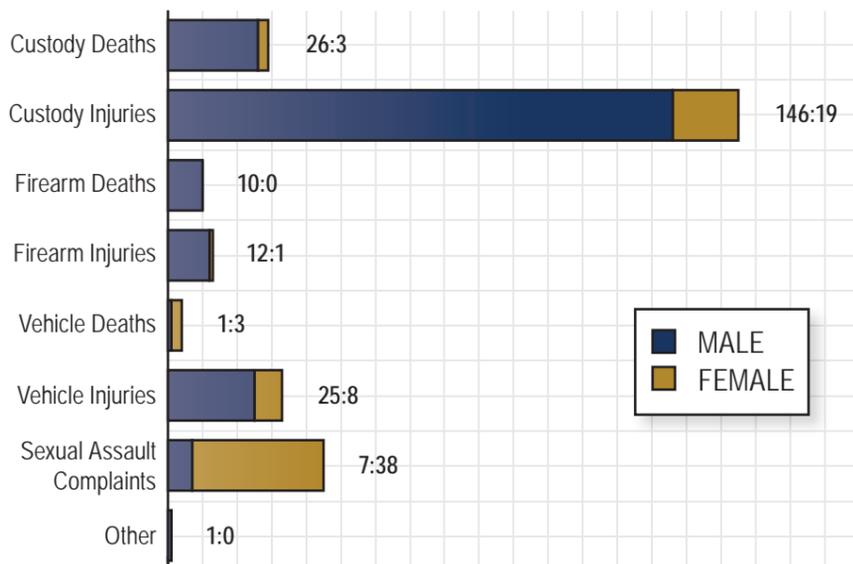
Information About Complainants

“Complainants” are individuals who are directly involved in an occurrence investigated by the SIU and have been seriously injured, report that they have been sexually assaulted or are deceased. There may be more than one complainant per SIU case. ■

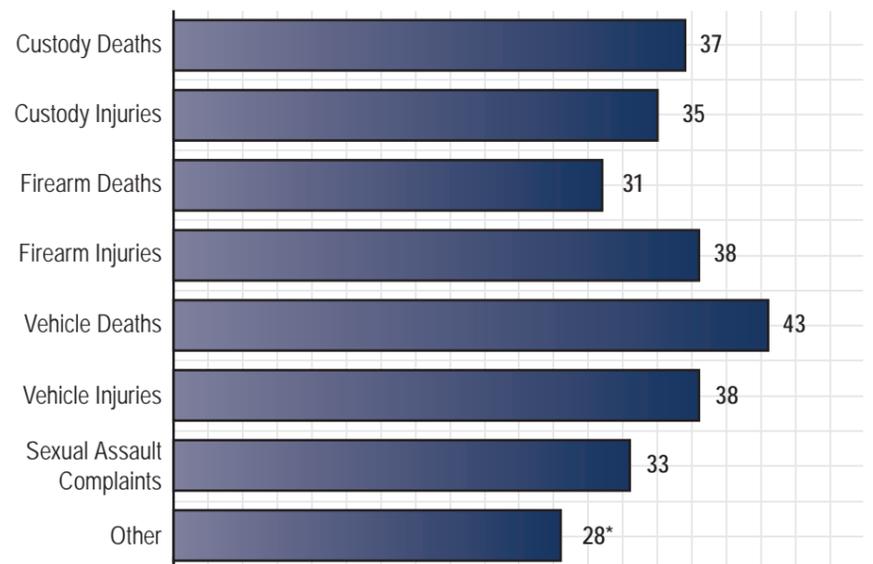
Ratio of Male to Female Complainants



Number of Male and Female Complainants by Case Type



Complainant Average Age by Case Type (in years)



* Please note– this figure is based on one case

Visit the SIU website at www.siu.on.ca for:

- News
 - History
 - Statistics
 - Media Releases
 - Publications
- ... and more

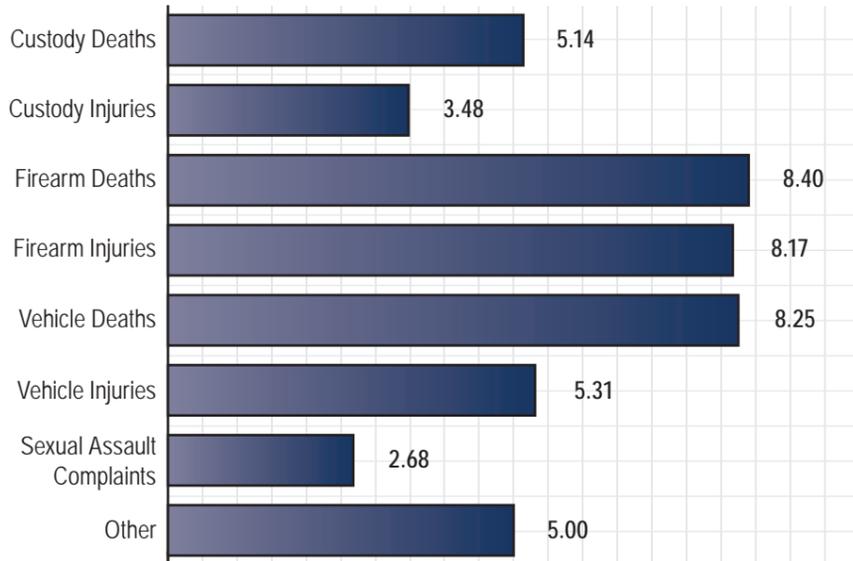
Closure By Memo

In some SIU cases, information is gathered at an early stage of the investigation which establishes that the incident, at first believed to fall within the SIU’s jurisdiction, is in fact not one that the Unit can investigate. It may be that the injury in question, upon closer scrutiny, is not in fact a “serious injury”. In other cases, though the incident falls within the SIU’s jurisdiction, it becomes clear that there is patently nothing to investigate. In these instances, the SIU director exercises his discretion and “terminates” all further SIU involvement, filing a memo to that effect with the Attorney General. When this occurs, the director does not render a decision as to whether a criminal charge is warranted in the case or not. Other law enforcement agencies may be able to deal with these incidents. Of the 268 cases closed in 2010-11, 84 were terminated in this fashion. ■

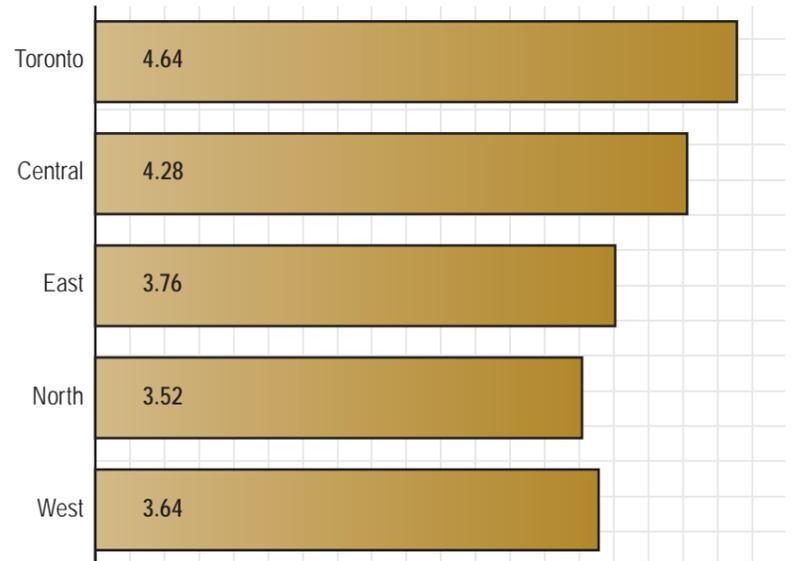
Initial Response

The SIU measures the time it takes investigators to arrive at an incident scene and the number of investigators deployed. Speed of response and the number of investigators initially dispatched to an incident are important in many cases because of the need to secure physical evidence and meet with witnesses before they leave the scene. ■

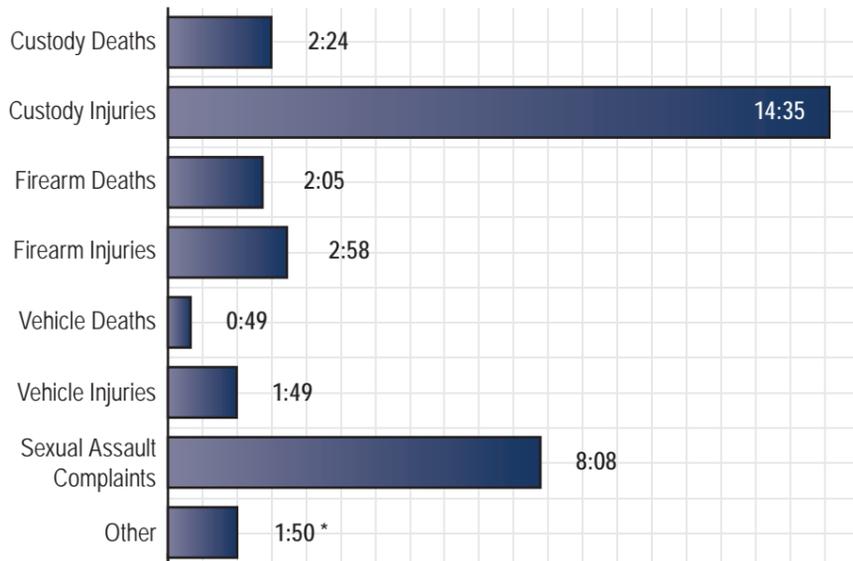
Average Number of Investigators by Case Type



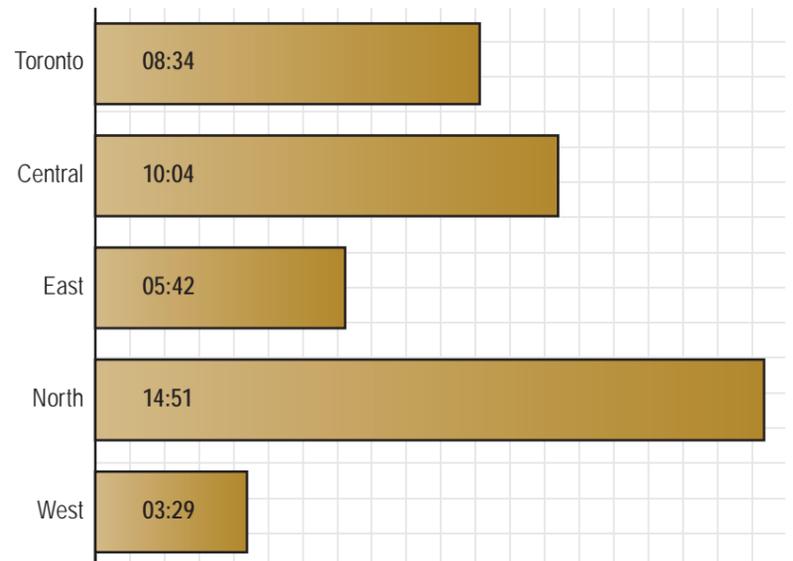
Average Number of Investigators by Case by Region



Average Response Time by Case Type (hh:mm)



Average Response Time by Region (hh:mm)



* Please note– this figure is based on one case

Closure Rate

CASE CLOSURE STATISTICS 2010–2011	
Total number of cases ¹	268
Average number of days to close ²	23
Number of cases closed within 30 business days	193
Percentage of cases closed within 30 business days	72%

The SIU has set a performance standard of closing 65% of its cases within 30 business days. In the 2010–11 fiscal year the Unit successfully exceeded this target. The Unit closed 72% of cases within 30 business days. This is up from 58.4% in the 2009-10 fiscal period. The Unit's improved performance in this area was the result of the dedicated efforts of its staff. ■

¹ The number of closed cases is different than the total occurrences in 2010-11 as it includes occurrences from the previous fiscal year that were closed in 2010-11 and does not include cases that remained open at the end of the fiscal period.

² The SIU incorporates a practice of "stop-restart dates" to calculate the length of its cases from start to finish. There are times during the course of certain cases where the SIU investigation is on hold pending some action of a third party over which the SIU has no control. This sometimes happens, for example, where an outside expert has been retained to provide an opinion regarding physical evidence and the investigation cannot proceed further until the expert's opinion has been received. In this case, a "stop date" is designated when the expert is retained and a "restart date" is designated when the opinion is received, and that interval of time is excluded from the overall length of the case. By subtracting periods of time during which an investigation is on hold pending some action by a third party, the data more accurately reflects the relationship between SIU resources, which it controls, and the length of the cases it pursues.

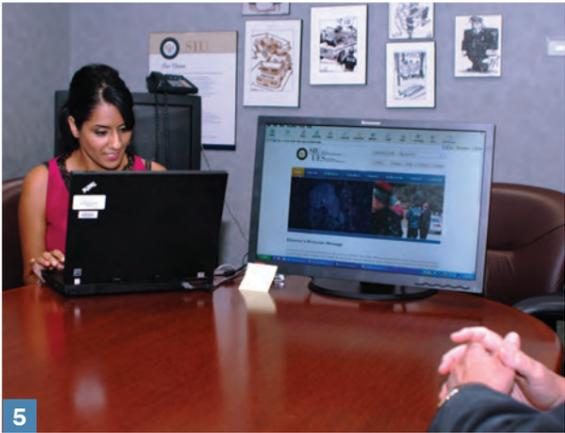
Celebrating 20 Years of the SPECIAL INVESTIGATIONS UNIT



Photo Diary SIU OPEN HOUSE / September 15th, 2010

1. Administrative Manager **Trish Waters** and Outreach Coordinator **Jasbir Brar** await the arrival of guests
2. SUPERVISORS PAST & PRESENT (*left to right*): **Bob Slack**, **James Chapman**, **Dave Matteson**, **Bill Curtis**, **Steve Gibbons**, **Keith Woods** and **Len Shaw**
3. Director **Ian Scott** welcomes SIU staff and guests
4. Deputy Attorney General **Murray Segal** speaks about the progress of the SIU
5. Outreach Coordinator **Jasbir Brar** demonstrates the new SIU website
6. Forensic Investigator **Richard DuPont** speaks about blood stain spatter analysis with members of the Directors' Resource Committee
7. Affected Persons Coordinator **Nickie Buchok** and Collision Reconstructionist **Kenneth Iliadis**
8. INVESTIGATORS (*left to right*): **Jack Coruzzi**, **Hank Thorne** (Forensic), **Dan Marshall**, **Mike Dvernechuk**, and **Curt Napholc** (Forensic)
9. Former Director and Justice **William Wolski** and Ministry of the Attorney General Counsel **Paul McDermott**
10. SIU Systems Specialist **John Benedict** with Former Executive Officer **Mike Pearson**
11. Members of the Directors' Resource Committee: **Sri-Guggan Sri-Skanda-Rajah**, Former President of the Urban Alliance on Race Relations and **Sharon Simpson**, Current President of the Urban Alliance on Race Relation
12. Directors' Resource Committee Member **Arthur Downes** speaks with SIU investigators **Emily Watson** and **Oliver Gordon**
13. INVESTIGATORS (*left to right*): **Dan Nywening** and **Claude Chapados**
14. (*Left to right*) Investigators **Barry Millar**, **Allan Eaton**, and **Jocelyn Eastwood**
15. (*Left to right*) Forensic Supervisor **Keith Woods**, Forensic Investigator **Leslie Noble**, and Investigator **Angela Mercer**
16. INVESTIGATORS (*left to right*): **Frank Phillips**, **Dan Nywening**, and **Damian Parrent**
17. Executive Officer **Paul Cormier** mingles with **Rob Watters** (Investigator), **Julie Baksh** (Administrative Secretary) and **Joseph Martino** (Counsel)
18. INVESTIGATORS (*left to right*): **Dean Seymour**, **Paul Dempsey** and **Carm Piro** stand with SIU Counsel **Joseph Martino** (*centre*)
19. (*Left to right*) Former Director **Graham Reynolds**, Former Interim Director **James Stewart**, Q.C. and Director **Ian Scott**
20. FRONT (*left to right*): Investigators **Dan Monague**, **Bernie Power**, **Nelson Andrew**, Outreach Coordinator **Jasbir Brar**, and investigator **Dan Marshall**
BACK (*left to right*): Investigator **Gary Smith**, Forensic Investigators **Karl Radix** and **Les Noble**





APPENDIX A

SIU Breakdown by County, Police and Population

COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT COMPLAINTS	OTHER
SIU CENTRAL REGION												
Dufferin	54,436	Orangeville Police Service	3	1.0%			1	1			1	
Haldimand	45,249	OPP Haldimand County Detachment	3	1.0%			1		1		1	
Norfolk	62,563	OPP Norfolk County Detachment	2	0.7%			2					
Brant County †	125,099	Brantford Police Service	6	2.1%		1	3				2	
		OPP Brant Detachment	1	0.3%					1			
Halton Regional Municipality	439,256	Halton Regional Police Service	5	1.7%		1	2		1		1	
		OPP Burlington Detachment	2	0.7%					2			
Simcoe	422,204	Barrie Police Service	6	2.1%			4	1			1	
		Midland Police Service	1	0.3%					1			
		OPP Barrie Detachment	1	0.3%							1	
		OPP Collingwood Detachment	1	0.3%				1				
		OPP Orillia Detachment	1	0.3%				1				
		South Simcoe Police Service	1	0.3%				1				
Niagara Regional Municipality	427,241	Niagara Regional Police Service	9	3.1%			7		1		1	
Hamilton Division	504,559	Hamilton Police Service	30	10.3%	1	1	15	5	5		3	
Durham Regional Municipality	561,258	Durham Regional Police Service	7	2.4%			4	1		1	1	
York Regional Municipality	892,712	York Regional Police Service	11	3.8%	1		5	1		1	3	
Peel Regional Municipality	1,159,405	Peel Regional Police Service	23	7.9%			17	2	1	1	2	
TOTAL–SIU CENTRAL REGION	4,693,982	(% OF ONTARIO'S POPULATION = 36.4%)	113	38.8% †	2	3	62	13	13	4	16	0

SIU TORONTO REGION												
Toronto Division	2,503,281	Toronto Police Service	68	23.4%	3	4	45	6	1		9	
TOTAL–SIU TORONTO REGION	2,503,281	(% OF ONTARIO'S POPULATION = 21.7%)	68	23.4%	3	4	45	6	1	0	9	0

COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT COMPLAINTS	OTHER
SIU EASTERN REGION												
Prescott and Russell United Counties	80,184	OPP Hawkesbury Detachment	1	0.3%			1					
		OPP Rockland Detachment	1	0.3%			1					
Leeds and Grenville United Counties	99,206	Brockville Police Service	1	0.3%			1					
		OPP Grenville County Detachment	1	0.3%				1				
Stormont, Dundas and Glengarry United Counties †	110,399	Cornwall Police Service	4	1.4%			3				1	
		OPP Winchester Detachment	1	0.3%					1			
Hastings County †	130,474	OPP Central Hastings Detachment	1	0.3%					1			
Frontenac County	143,865	Kingston Police Service	4	1.4%			1	1			1	1
Ottawa Division	812,129	Ottawa Police Service	16	5.5%	1		9		1		5	
Kawartha Lakes Division	74,561	City of Kawartha Police Service	1	0.3%			1					
Northumberland County	80,693	OPP Northumberland Detachment	2	0.7%							2	
		OPP Quinte West Detachment	1	0.3%							1	
Renfrew County	97,545	OPP Upper Ottawa Detachment	1	0.3%							1	
Peterborough County	133,080	Peterborough-Lakefield Community Police Service	1	0.3%			1					
		OPP Peterborough County Detachment	1	0.3%			1					
TOTAL-SIU EASTERN REGION	1,908,106 *	(% OF ONTARIO'S POPULATION = 16.0%)	37	12.7% †	1	0	19	2	3	0	11	1

SIU NORTHERN REGION												
Parry Sound District	40,918	OPP West Parry Sound Detachment	1	0.3%					1			
Rainy River District	21,564	OPP Rainy River Detachment	1	0.3%			1					
Kenora District †	64,419	Dryden Police Service	1	0.3%				1				
		OPP Kenora Detachment	3	1.0%	1		1				1	
		OPP Pickle Lake Detachment	1	0.3%			1					
		OPP Red Lake Detachment	1	0.3%				1				
		OPP Sioux Lookout Detachment	3	1.0%		1	1	1				
Nipissing District †	84,688	North Bay Police Service	1	0.3%				1				
Cochrane District †	82,503	OPP Iroquois Falls Detachment	1	0.3%			1					
		OPP Moosonee Detachment	1	0.3%			1					
		Timmins Police Service	1	0.3%			1					
SIU NORTHERN REGION cont'd OVER												



COUNTY	POP. *	POLICE SERVICE	TOTAL CASES	% OF TOTAL CASES	FIREARM INJURIES	FIREARM DEATHS	CUSTODY INJURIES	CUSTODY DEATHS	VEHICULAR INJURIES	VEHICULAR DEATHS	SEXUAL ASSAULT COMPLAINTS	OTHER
SIU NORTHERN REGION cont'd												
Algoma District †	117,461	Sault Ste. Marie Police Service	2	0.7%	1						1	
Thunder Bay District †	149,063	Thunder Bay Police Service	1	0.3%			1					
		OPP Greenstone Detachment	1	0.3%			1					
		OPP Nipigon Detachment	1	0.3%			1					
Greater Sudbury Division	157,857	Greater Sudbury Police Service	3	1.0%		1	1		1			
TOTAL– SIU NORTHERN REGION	843,801 *	(% OF ONTARIO'S POPULATION = 7.4%)	23	7.9% †	2	2	11	4	2	0	2	0

SIU WESTERN REGION												
Huron County	59,325	Wingham Police Service	1	0.3%					1			
Bruce County	65,349	Hanover Police Service	1	0.3%	1							
		OPP Bruce Peninsula Detachment	1	0.3%	1							
Grey County	92,411	OPP Grey Detachment	2	0.7%	1	1						
Oxford County	102,756	OPP Oxford Detachment	1	0.3%							1	
		Woodstock Police Service	1	0.3%							1	
Chatham-Kent Division	108,589	Chatham-Kent Police Service	6	2.1%			2	1	2		1	
Lambton County	128,204	Sarnia Police Service	2	0.7%			2					
		OPP Lambton Detachment	1	0.3%				1				
Wellington County	200,425	Guelph Police Service	1	0.3%					1			
		OPP Wellington Detachment (Mount Forest)	2	0.7%	1			1				
Essex County	393,402	LaSalle Police Service	1	0.3%			1					
		Windsor Police Service	6	2.1%			5				1	
		OPP Essex Detachment	1	0.3%			1					
Middlesex County †	423,333	London Police Service	12	4.1%			8	2			2	
		OPP Middlesex Detachment	1	0.3%					1			
		Strathroy-Caradoc Police Service	1	0.3%			1					
Waterloo Regional Municipality	478,121	Waterloo Regional Police Service	8	2.7%			6		2			
		OPP Cambridge Detachment	1	0.3%					1			
TOTAL– SIU WESTERN REGION	2,211,610 *	(% OF ONTARIO'S POPULATION = 18.5%)	50	17.2% †	4	1	26	5	8	0	6	0

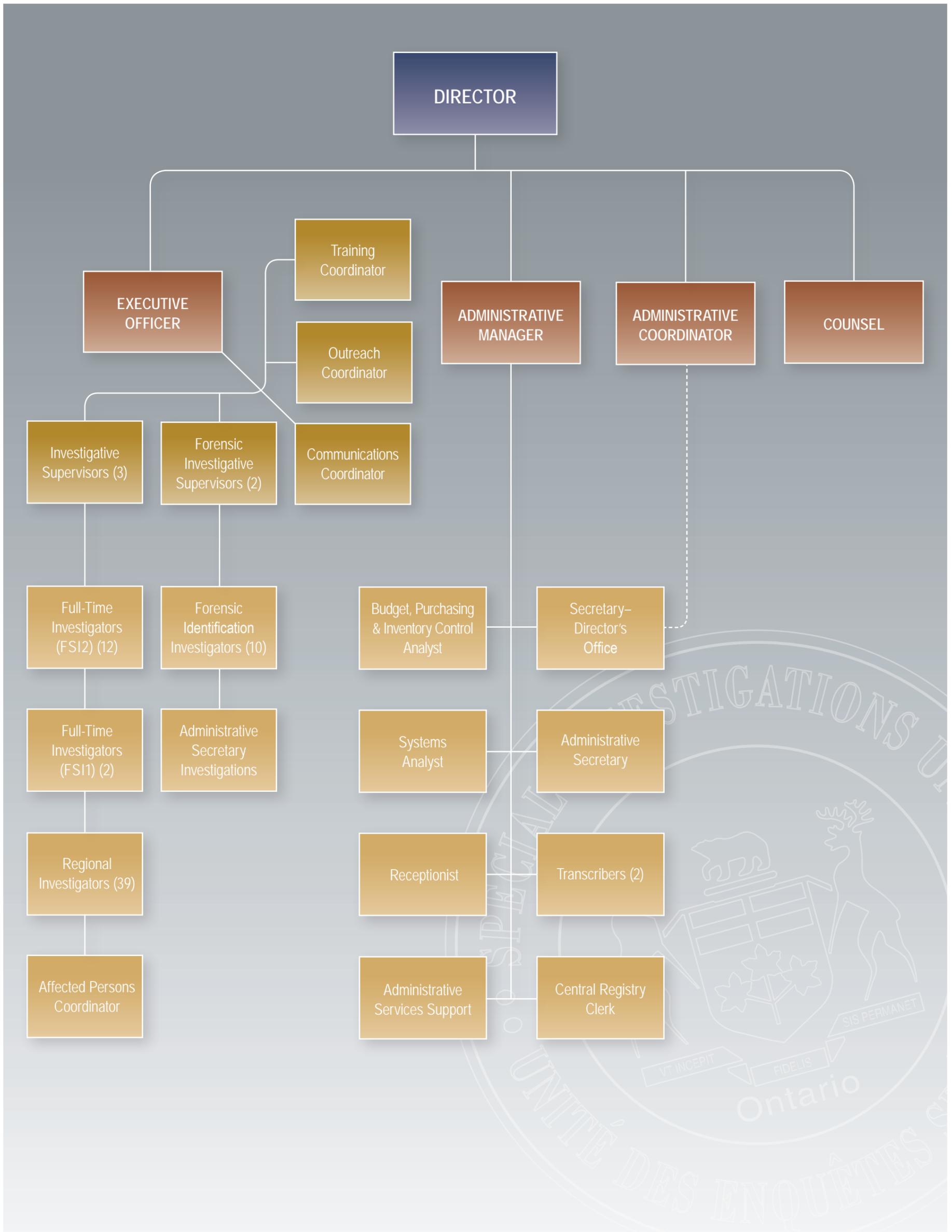
TOTAL– SIU REGION	12,160,780 *		291	100%	12	10	163	30	27	4	44	1
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* Population information provided by 2006 Census Canada. Statistics Canada excludes First Nations data where enumeration was incomplete. For further information please refer to the Statistics Canada website. The total population for each region includes a population figure for counties in which no SIU cases took place, and therefore are not listed on the chart.

† Inconsistencies in total percentages are due to rounding.

Note– Numbers do not include cases from previous years that were re-opened.

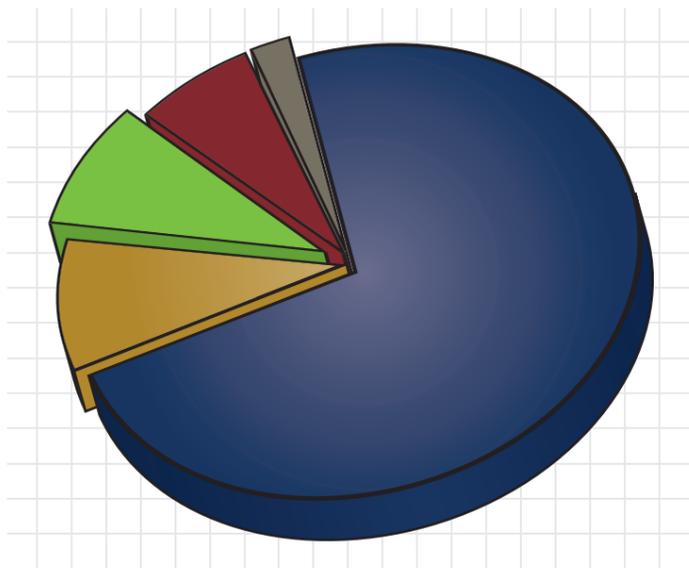
SIU ORGANIZATION CHART



2010–2011 FINANCIALS

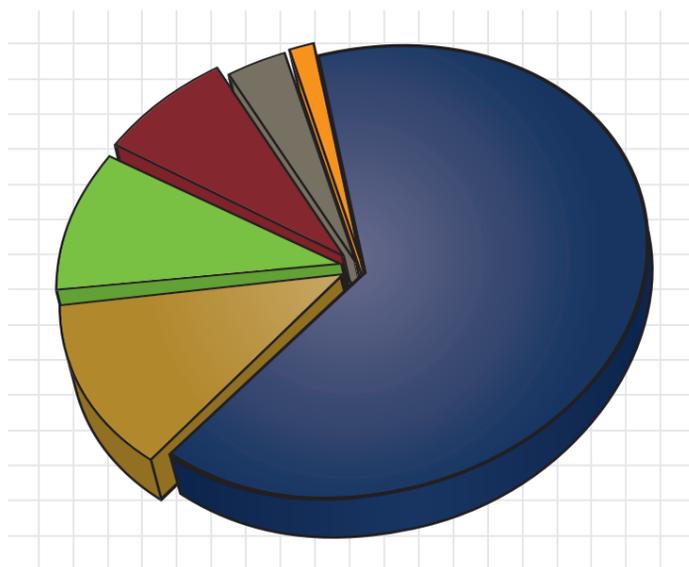
Total annual expenditures for the year ended March 31, 2011 were \$8,033,880.

Expenditures



- SALARIES AND WAGES
\$5,873,366
73.11%
- SERVICES
\$755,746
9.41%
- BENEFITS
\$701,748
8.73%
- TRANSPORTATION AND COMMUNICATION
\$537,791
6.69%
- SUPPLIES AND EQUIPMENT
\$165,229
2.06%

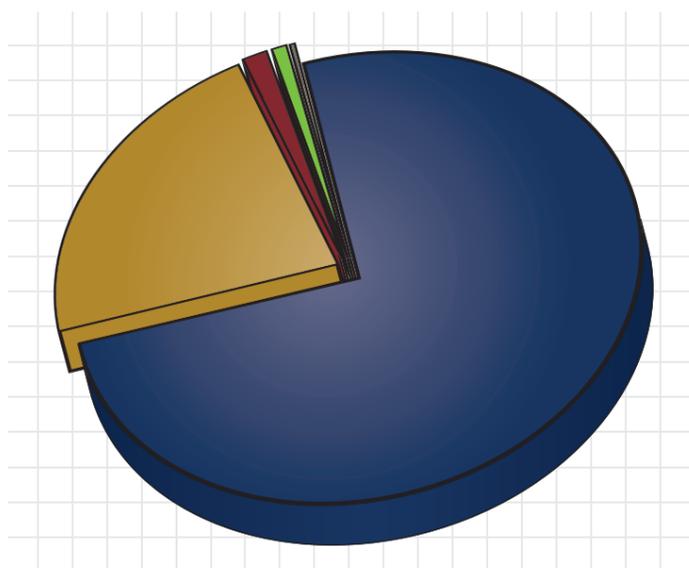
Expenditures by Section



- INVESTIGATIVE SERVICES *
\$5,241,718
65.25%
- IDENTIFICATION SERVICES
\$1,030,682
12.83%
- OFFICE OF THE DIRECTOR **
\$791,563
9.85%
- ADMINISTRATIVE SERVICES
\$610,024
7.59%
- COMMUNICATIONS AND OUTREACH ***
\$268,581
3.34%
- TRAINING SERVICES
\$91,312
1.14%

* Includes Salaries/Wages and Benefits for Transcribers, Central Registry and Investigative Secretary
 ** Includes Training Expenses for Communications and Affected Persons
 *** Includes Expenditures for Communications, Outreach and Affected Persons Coordinator

Training Expenditures by Section



- INVESTIGATIVE SERVICES
\$288,209
75.82%
- IDENTIFICATION SERVICES
\$82,586
21.73%
- ADMINISTRATIVE SERVICES
\$5,352
1.41%
- OFFICE OF THE DIRECTOR
\$3,163
0.83%
- TRAINING COORDINATOR
\$798
0.21%