

SIU

Annual Report 2007 - 2008

One Law

SIU SPECIAL
INVESTIGATIONS
UNIT



UNITÉ
DES ENQUÊTES
SPÉCIALES **UES**

Independent Investigations - Community Confidence • Enquêtes indépendantes - Confiance de la collectivité

October 2008

The Honourable Chris Bentley
Attorney General of Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
M5G 2K1

Dear Mr. Attorney General:

Pursuant to the Memorandum of Understanding between the Ministry of the Attorney General and the Special Investigations Unit, I am pleased to present to you the Annual Report of the Special Investigations Unit for the year ending March 31, 2008.

Yours sincerely,

A handwritten signature in black ink, appearing to be "James L. Cornish", written in a cursive style.

James L. Cornish
Director

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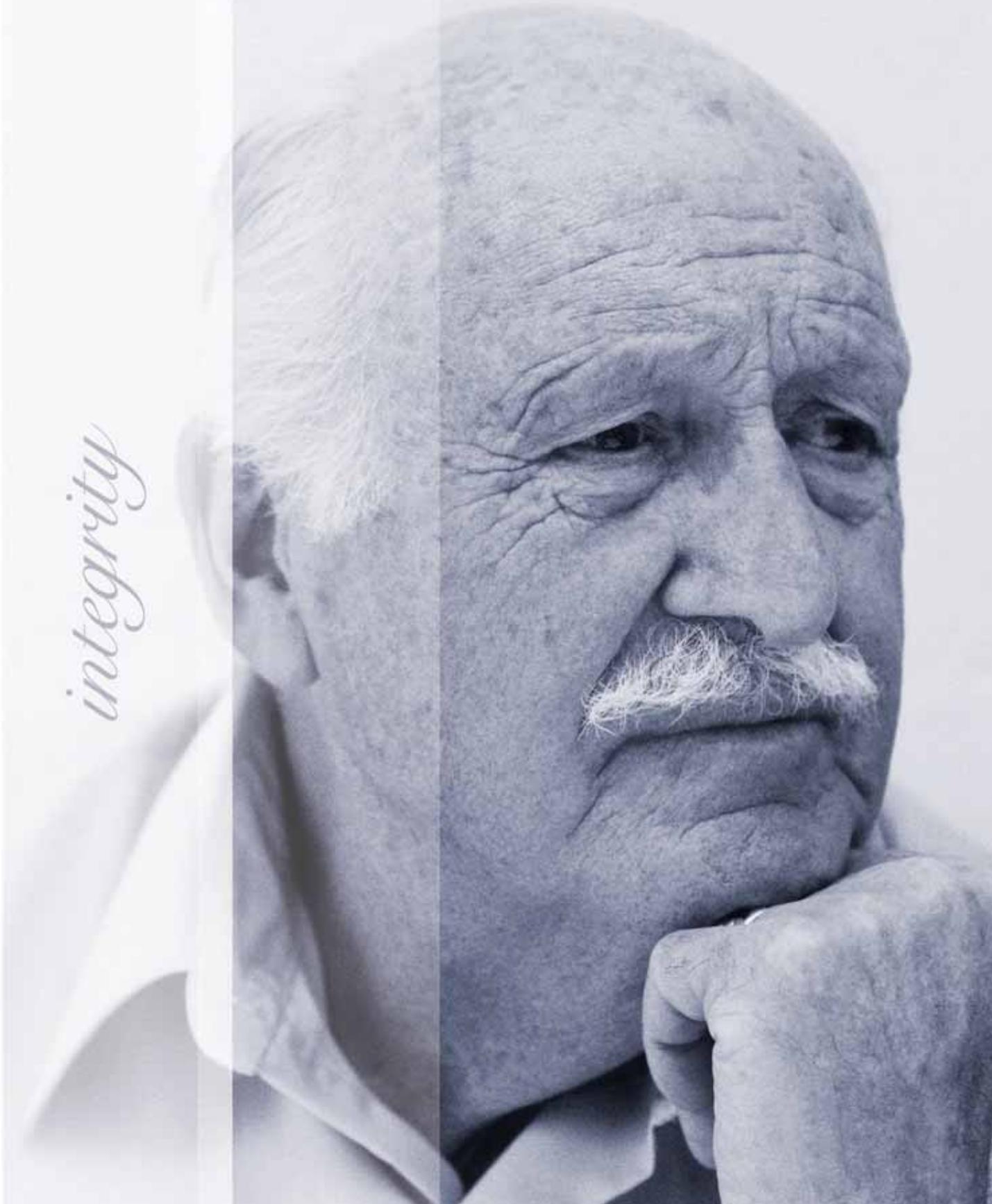
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integrity





SIU

Our Vision

The essence of the SIU is our conviction and belief in our role demonstrated by all.

We are always striving for understanding of SIU by community and police throughout Ontario;

We strive for stability through shared leadership and individual empowerment in a continually changing environment;

We believe in open, respectful communication in all directions to promote common understanding;

We inspire excellence through teamwork;

We invest where it matters: in our talent, tools and training;

We are committed to being a great place to work.

Our Mission

We are a skilled team of civilians dedicated to serving Ontario's diverse communities.

We conduct thorough and unbiased investigations where someone is seriously injured, alleges sexual assault or dies when involved with the police.

Our independence in seeking and assessing all the evidence ensures police accountability, inspiring the confidence of all in the work of SIU.

Our Values

Integrity • Teamwork • Communication • Excellence • Accountable
• Unbiased • Dedicated

Message from the Director



The past year has been a time of great challenge and great progress at the SIU. The year saw yet another record number of cases investigated by this province's civilian investigative team. It was also the year we implemented the internal renewal program entitled the Balanced Scorecard. At the same time, we cooperated with a systemic investigation of the SIU by Ontario's Ombudsman. Any of these on their own would be a significant draw on the human and capital resources of any organization. In my estimation the women and men of this Unit responded to these challenges remarkably well.

The Balanced Scorecard approach to organizational renewal is something that I have mentioned before in the pages of the SIU's Annual Report. The launch of the program occurred early in this fiscal year and commenced with a series of focus group sessions engaging all members of the Unit and some outside parties. As a result of these sessions, the Unit enunciated its Mission, Vision and Values and has determined that these statements will drive the business of the organization.

A further series of focus group sessions was held and information obtained from them was used to identify initiatives that the Unit agreed needed to be addressed. A steering committee was formed with representatives from all sectors of the Unit (investigative, administrative and management) to prioritize these initiatives and to then seek volunteers from all the staff to form teams to work on them. Here are the first nine initiatives that were identified:

1. Quality, Quantity and Timeliness in Investigations
2. Outreach
3. Learning and Development
4. Investigative Process
5. Two-Way Communication
6. Creating 'One' Investigative Team
7. Performance Planning and Appraisal
8. Empowerment
9. Enhance Transparency

Much work has been done on these initiatives by the teams. Much more needs to be done. They will constantly require review and reconsideration based upon measurement criteria. This is the nature of the Balanced Scorecard – it is a method to institutionalize and manage change. It embraces change and ensures engagement of the staff by harnessing their ideas and energy. The results so far have been outstanding but we are determined to not be complacent.

During the 2007-2008 fiscal year, we have been dealing with the challenge posed by another record number of investigations. The Unit rose to the challenge and although this was the first year since 1999 that we failed to meet one of the SIU's performance measures (i.e. 65 percent of our cases completed within 30 business days), steps were taken to better position the Unit to manage the increased caseload in the future. Principal among these was securing the immediate cooperation of the Ministry of the Attorney General to hire extra investigative staff as soon as it became clear that we were going to have difficulty meeting that target. We now have 12 investigators working out of our Mississauga headquarters in addition to the other investigators we have stationed throughout the province.

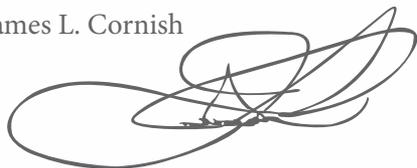
The SIU continued its commitment to training and one aspect of that training remained a focus on cultural competency for all staff. This year, with the assistance of the Director's Resource Committee and our First Nations Liaison program, sessions were run on the following topics:

- June 2007 - Aboriginal Cultural Sensitivity (Lavernius Harper - CAMH)
- September 2007 - Aboriginal Cultural Sensitivity, Ojibwa First Nation (Wes Whetung)
- March 2008 - Ontario Council of Agencies Serving Immigrants (OCASI)
- Cultural Sensitivity, Jamaican Canadian Association (Sandra Carnegie-Douglas, President)

The area of civilian oversight or investigation of police conduct continues to evolve nationally and internationally, with the SIU as a beacon for change. The SIU has remained a committed and key partner in the Canadian Association of Civilian Oversight of Law Enforcement (CACOLE). We continue to be consulted by groups in Canada and abroad about our processes. This year we were visited by representatives from China, Mexico and Alberta. We look forward to engaging with the new leader of the Independent Police Review Office (IPRO) in order to ensure that our respective organizations work well together.

With this Annual Report I bid a fond farewell as my term expires on October 15, 2008. As the longest serving SIU Director in its 18-year history, I tip my hat in appreciation of the women and men who dedicate their professional careers to the service of the people of Ontario in this challenging endeavour. Much has been accomplished by the SIU during my tenure. I leave it as a strong and vibrant organization that is able to change and embrace change. No doubt, further challenges await the Unit, but being dedicated to continuous improvement will stand this Unit and the people of Ontario in good stead in the years to come.

James L. Cornish



Director



Part One

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Introduction to the Special Investigations Unit

The Special Investigations Unit (the “SIU” or the “Unit”) conducts investigations of incidents involving the police that have resulted in death or serious injury, including complaints of sexual assault. The SIU is a civilian law enforcement agency independent of the police. The Unit maintains an arms-length relationship with the Government of Ontario.

Throughout the years, the mission of the SIU has remained clear: to ensure that there is one law. “One Law” is the SIU’s catchphrase, chosen by the SIU Director after consultation with staff to underscore the Unit’s dedication to ensuring equal justice before the law among both the police and the public. The assurance that the criminal law is applied appropriately to police conduct, as determined through independent investigations, allows the people of Ontario to have confidence in their police services.

Police officers have special powers and duties, including the power to detain citizens and to use lethal force when necessary to prevent death or serious injury to the public or to the police themselves. Civilian oversight of police services is therefore an important accountability mechanism for the exercise of police powers. The SIU, in the course of its investigations, gathers and assesses evidence, and the Director of the SIU decides whether or not the evidence leads to the reasonable belief that a criminal offence has been committed. If the Director does form such a belief, she or he must lay a criminal charge against the officer, which the Crown Attorney will then prosecute. Conversely, if the Director does not form such a belief, she or he cannot lay a criminal charge against the officer.

The SIU is unique in Canada, and Ontario is one of a few jurisdictions worldwide that has an independent civilian agency with the power to both investigate and charge police officers with a criminal offence. As such, the SIU has become a model of civilian oversight for other jurisdictions amid an international movement toward greater civilian accountability of the police.

This section of the Annual Report provides context for understanding the work of the Unit by describing the investigative process and highlighting issues that have, or will have, an impact on the SIU.

The Investigative Process

The objective of every SIU investigation is to determine whether there is evidence of criminal wrongdoing on the part of police. It is not to determine whether there is reason to believe that the officer or officers involved may have committed some lesser offence, such as the breach of a provincial law or professional misconduct under the *Code of Conduct* for police officers.

What the Unit Can Investigate

The jurisdiction of the SIU is set out in section 113 of the *Police Services Act*. Simply put, the SIU conducts investigations into police activity where someone is seriously injured, alleges sexual assault or dies. Complaints about police conduct that do not meet these criteria are referred to the appropriate police service. Some will soon also be referred to the new Independent Police Review Office, which is scheduled to begin operations in the 2009.

Notification

Police services are legally obligated to notify the SIU of incidents that may reasonably fall within the mandate of the SIU. That is not to say that notification may only be given by police services. Anyone can report an incident to the SIU. In fact, people who indicate they were injured by the police, members of the media, lawyers, coroners and those in the medical profession regularly notify the SIU of incidents they believe fall within the SIU’s jurisdiction.



The Investigation

Although the circumstances of every case are unique, the approach to most investigations is the same. The investigative process begins with the assignment of a lead investigator and the deployment of as many other investigators and resources as required. The type of case normally determines how many investigators are initially dispatched. For example, more investigators are sent to scenes of incidents involving firearms and pursuits that have ended in death.

Investigations typically involve:

- Examining the scene and securing all physical evidence;
- Seeking out and obtaining the cooperation of witnesses and taking their statements;
- Monitoring the medical condition of those who have been injured, notifying the families in death cases, and keeping them informed of the progress of the investigation;
- Consulting with the coroner if there has been a death;
- Securing potentially relevant police equipment for forensic examination; and
- Submitting an investigation brief, which is reviewed by the Investigative Supervisor, the Executive Officer (who is ultimately responsible for quality of investigations at the Unit) and, finally, the Director.

The lead investigator plays a critically important role in an investigation.

She or he:

- Manages investigative resources and develops a strategic course for the case;
- Coordinates the gathering of evidence and assesses its relevance and importance;
- Secures cooperation from involved parties, including complainants, witnesses and officers, and liaises with the involved police service, lawyers, and the complainant; and
- Prepares an investigation brief at the conclusion of the case, which is the basis upon which the Director makes his or her decision.

The SIU's in-house *forensic identification team* is a pivotal component of most investigations. It is responsible for protecting, collecting, preserving and analyzing the physical evidence. This work includes the interpretation of trace evidence and, in death cases, recording the autopsy process. Where the case calls for more complex forensic examinations of the physical evidence, such as DNA analysis or ballistics, the team liaises with scientists at the Centre of Forensic Sciences in Ontario and other external experts.

The SIU's forensic identification team is widely recognized as a professional and competent unit, with particular expertise in several areas of forensics, including collision reconstruction, scene mapping and blood-stain pattern analysis. It is managed by two supervisors and is staffed by a team of forensic investigators.

Responsiveness to Complainants and Families

Dealing in a compassionate and respectful manner with persons who have been injured and the families of those whose deaths are the subject of an investigation is a priority at the SIU. This is the concern of every member of the office. However, in an effort to promote continuity in the relationship, a single member of the investigation team, assisted by the Affected Persons Coordinator where necessary, will take the lead in liaising with complainants and families. A viewpoint from the Affected Persons Coordinator is presented in the *Communications and Stakeholder Relations* section of this Report.

SIU outreach to complainants and families often involves education about the SIU, especially at the outset. For most people, it will be their first time dealing with or even hearing of the SIU. They need to know what the SIU is and what it does. This often includes the dispelling of misconceptions. They need to understand what they can expect from the SIU in the way of information and future contact. They also need to know that the integrity of the case will largely depend on the confidentiality of information that is obtained, and that there are limits to the amount and type of information that the SIU can share.

The Unit informs complainants and families that the general findings of the investigation will be discussed with them at the conclusion of the case. However, in order to protect the integrity of related proceedings and the privacy of witnesses who provided information on a confidential basis to the SIU,

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not every aspect of the investigation can be disclosed to them. In cases where the SIU has laid a criminal charge or a charge is laid by a police service or a private individual with respect to the same incident, the SIU will explain that its ability to release information is further limited by the need to protect the fair trial interests of the accused person and the community.

Director's Decisions

Most SIU investigations lead to a decision by the Director about whether she or he has reasonable grounds to believe, based on the evidence, that a criminal offence has occurred. If the Director's decision is that no such grounds exist, the Attorney General is notified in a written report and the case is closed. If the Director decides that she or he does have reasonable grounds to believe a criminal offence occurred, a charge is laid by the SIU and the matter is referred to Justice Prosecutions of the Criminal Law Division at the Ministry of the Attorney General, which prosecutes the charge.

In some cases, there is no need for the Director to decide whether or not charges are warranted when it becomes evident during the course of those investigations that an incident actually falls outside of the SIU's mandate. For example, medical records obtained by the Unit at an early point in a case may disclose that the injury in question is not in fact a "serious injury" (see Frequently Asked Questions section of this Report for meaning of "serious injury"). In these circumstances, the SIU is simply without jurisdiction to continue with the investigation and the Director terminates all further SIU involvement without making a decision on charges. Where this occurs, other processes may be engaged to deal with the matter. For example, a police service may proceed to investigate the incident or the matter may be referred to the Independent Police Review Office, scheduled to begin operations in 2009.

After the Investigation

The SIU typically investigates incidents that are painful for those involved. People want to know what happened and why. They ask about the SIU and its investigation, including what witnesses said to investigators. While this information is often confidential and subject to privacy laws, the SIU will, to the greatest extent possible, communicate its decision and information regarding the investigation to the injured persons or the families of deceased persons.

The chief of the police service involved in the case or the Commissioner of the Ontario Provincial Police is also kept informed by the SIU.

The results of investigations are made public in SIU news releases or through the SIU's website: www.siu.on.ca.

At the conclusion of a case, the investigator who has developed a rapport with the complainant or family, will give notice of the Director's decision. The Director has also made it a practice, upon request, to meet personally with the families of deceased persons and/or their representatives to discuss the results of cases. Finally, when necessary, the SIU's Affected Persons Coordinator will keep in contact with complainants and families after a case has closed to help them to cope with the continuing effects of what are often tragic events.



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Frequently Asked Questions

Why does the SIU exist?

Prior to the establishment of the SIU, police services investigated their own officers in Ontario, or in some instances, another police service was assigned to conduct the investigation. There was public concern about a process in which police officers investigated other police officers, particularly in incidents of police shootings where a member of the public had been injured or killed. Simply put, there was a lack of public confidence in a system where police investigated themselves. As a result, the SIU was formed in 1990 under a new Ontario *Police Services Act*, which established the Unit as an independent, arms-length agency of the government, led by a Director and composed of civilian investigators.

How does the SIU receive notice of incidents?

Most incidents are reported to the SIU by police services. All Ontario police services are under a legal obligation to notify the SIU of incidents of serious injury (including allegations of sexual assault) or death involving their officers. The SIU is also notified of incidents by complainants themselves or their families, members of the media, lawyers, coroners and those in the medical profession. In fact, any member of the public can notify the SIU of an incident by calling the SIU directly at 1-800-787-8529 or 416-622-0748, or by e-mailing the Unit at inquiries@siu.on.ca.

Can the SIU investigate all complaints against police?

No. The Unit conducts investigations into police activity where someone has been seriously injured, alleges sexual assault, or has died. Complaints involving police conduct, services and policies that do not meet these criteria must be referred to other complaint processes.

Is there a time limit in relation to when incidents can be reported to the SIU?

There is no time limit. Incidents can be reported to the SIU days, weeks, months and even years after they have occurred. The SIU often undertakes investigations of historical complaints against police officers. However, the later an incident is reported, the more difficult it may be to uncover the physical and witness evidence relevant to the complaint.

What are “serious injuries”?

The SIU continues to use the definition of “serious injury” that was created by the SIU’s first Director, the Honourable John Osler. The definition was published after consultation and has withstood the test of time. Indeed, the Ontario Association of Chiefs of Police has adopted it, recommending to its members that they use this definition in determining whether a case falls within the jurisdiction of the SIU. The Osler definition reads:

“Serious injuries” shall include those that are likely to interfere with the health or comfort of the victim and are more than merely transient or trifling in nature and will include serious injury resulting from sexual assault. “Serious Injury” shall initially be presumed when the victim is admitted to hospital, suffers a fracture to a limb, rib or vertebrae or to the skull, suffers burns to a major portion of the body or loses any portion of the body or suffers loss of vision or hearing, or alleges sexual assault. Where a prolonged delay is likely before the seriousness of the injury can be assessed, the Unit should be notified so that it can monitor the situation and decide on the extent of its involvement.

The key aspect of the Osler definition is the impact the injury has on the individual’s life, health and ability to carry on in a normal fashion.

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What are the qualifications of SIU investigators?

The SIU's investigative complement consists of personnel who are based at the Unit's head office in Mississauga, Ontario and investigators who are strategically located throughout the province. This blend allows the head office to oversee and manage investigations, which are typically led by the investigators based there, while retaining the flexibility to respond quickly to incidents across the province with investigators that reside closer to the scene.

SIU investigators come from both civilian and police backgrounds. During the 2007-2008 fiscal year, there was an even split of SIU investigators at the head office from both civilian and police backgrounds.

The Unit's investigators have extensive experience investigating serious incidents, such as deaths, sexual assault allegations, serious assaults, shootings and motor vehicle collisions. The investigative experience among the Unit's investigators and forensic investigators is an average of 30 years.

How long do SIU investigations take?

The SIU has set goals for expeditious investigations. The SIU recognizes it is important to resolve cases in a timely manner. However, every investigation is different and some, due to their complexity or unforeseen circumstances, require more time to complete. It is also important to note that the thoroughness of the investigation takes precedence over the length of time it takes to finish an investigation. No case is presented to the Director for his or her decision until the investigation is thought to be complete.

What happens at the end of an investigation?

The Unit's primary focus during the investigative process is to gather the evidence. Once all the evidence is in, the Director decides whether there are reasonable grounds to lay a criminal charge against a police officer. At the end of the process, the SIU strives to provide an explanation of what happened to all those involved while recognizing the confidentiality of the information that has been gathered and the limits imposed by law. The Attorney General of Ontario, the injured persons or the families of deceased persons, and the chief of the involved police service or the Commissioner of the OPP, are notified of the investigation's findings and the Director's decision. The Director has also made it a practice, upon request, to meet personally with the families of deceased persons and/or their representatives to discuss the results of cases. Interaction with the SIU, and especially the Affected Persons Coordinator, may also continue after a case has closed.

The results of many investigations are made public in SIU news releases. In cases where the SIU does not issue a news release, it is the Unit's policy to post a case summary in the "Report on Cases" section on the SIU's website: www.siu.on.ca. News releases are also available at this web address.

Does the SIU investigate off-duty police officers?

The SIU's statutory jurisdiction does not differentiate between on-duty and off-duty police officers. Accordingly, the SIU's jurisdiction captures off-duty police conduct that results in serious injury (including allegations of sexual assault) or death, and police services are under a corresponding duty to report these incidents. However, as a matter of practice and given the reality of available resources, the SIU has historically adopted the policy that it will not normally investigate conduct by off-duty police officers unless police equipment or property is involved, or the off-duty officer's status as a police officer has been implicated in the course of the incident, such as may occur if an off-duty officer identifies himself or herself as a police officer.

What happens to police officers who get charged?

Once the SIU has laid a charge against a police officer, the Unit refers the matter to Justice Prosecutions of the Criminal Law Division at the Ministry of the Attorney General, which prosecutes the charge. The SIU, as an investigative agency, is not involved in the prosecution, although it does participate by preparing the Crown brief and assisting the Crown if further investigation is required or if witnesses need to be located. While the SIU always publicly announces when it has laid a charge against a police officer, the SIU does not release detailed information regarding the basis of that charge in order to protect the fair trial interests of that police officer and the community.



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Current and Emerging Issues

Balanced Scorecard Process

In 2005-06, the SIU announced it would implement a Balanced Scorecard (BSC) process to reinvigorate the Unit's vision and strategic course. The BSC process is a systemic change framework adopted by many leading public and private sector institutions. It works by harnessing the power of an organization's people through a series of consultations whereby they develop and affirm their *Mission, Vision and Values*. Once identified, the *Mission, Vision and Values* are in turn used to shape policies, procedures and performance standards, as well as the manner in which they are developed.

Building on the foundational work in the previous year, substantive progress on the BSC process took place this year. In Spring 2007, the SIU appointed the consulting firm KPMG to assist the Unit in implementing the BSC process. The BSC process received designated funding from the Ministry of the Attorney General, which also contributed personnel from the Human Resources and Business and Fiscal Planning Branches to ensure the initiative had the necessary support.

The first phase of the BSC process was successfully completed this year with the enunciation of the Unit's *Mission, Vision and Values* (see *Message from the Director* section of this Report).

Out of the initial work completed, it was determined that, in order for the SIU to reach its vision, on-going improvement was necessary in nine areas that were subsequently identified as initiatives:

- Quality/Quantity/Timeliness in Investigations
- Outreach
- Learning and Development
- Investigative Process
- Two-Way Communication
- Creating 'One' Investigative Team
- Performance Planning and Appraisal
- Empowerment
- Enhance Transparency

In order to sustain the momentum and ensure the success of the initiatives, the steering committee, which had been established at the outset to guide the process, recognized that it was essential that all employees felt empowered to participate and contribute. Staff members were asked to volunteer for an initiative team, with each team made up of a team champion, a team lead and at least one other staff member. The Unit's members responded enthusiastically and the teams were quickly assembled.

The initiative teams met regularly throughout the year to discuss ideas, set goals, establish performance measures and design implementation strategies. While these meetings will continue for some time, the Unit is pleased to report that the efforts of the initiative teams resulted in concrete achievements in 2007-2008.

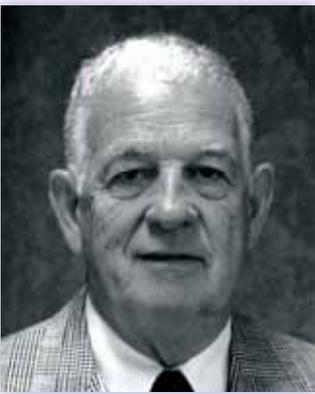
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BSC Achievements

- Enhancing the Unit's outreach capabilities by training additional staff members on making presentations, and connecting with community groups such as the Ontario Council of Agencies Serving Immigrants, the Toronto Housing Authority, the Association of Municipalities of Ontario and the Toronto Transit Commission;
- Establishing new investigative performance measures such as:
 - The time in days from the start of the SIU investigation until the designations of witness and subject officers;
 - The time in days from the date of witness officer designations to their interviews; and,
 - The time in days from the date the SIU is notified of an incident until the last civilian witness interview.
- Obtaining funding from the Ministry of the Attorney General to deal with the Unit's substantially increased caseload over the last several years. These additional funds will be used in the next fiscal year to purchase a Mobile Investigative Centre and to hire four additional investigators (including two entry-level investigators), an outreach coordinator and three additional administrative staff members;
- Improving internal communications processes;
- Developing new *performance management and learning and development* plans that are tailored to all positions within the SIU;
- Completing a needs-assessment for the Unit's first ever records management system; and
- Developing a method to gather the views of the Unit's stakeholders through surveys regarding the Unit and its investigations.

Rick Lauzon

Member of the Balanced Scorecard Steering Committee



At the beginning of this process, I was uncertain about whether it would help to bring about the organizational change and strategic direction that it was intended to do. However, as we began to seek input from staff and develop our own Mission, Vision and Values, I realized how very positive this Balanced Scorecard Process is for the entire organization. Our new Mission, Vision and Values were created by the staff themselves and the committees that worked closely on the nine initiatives to achieve the same common goal, regardless of their position in the organization.

I was elected to the Balanced Scorecard Steering Committee by my peers to represent the investigators who are not stationed at the Unit's headquarters. I was very encouraged to have been given the mandate to tour the entire province to meet with our staff, bring forward their concerns and openly discuss them with the committee. We have seen that this entire process is not management driven, but one that belongs to all of us and it will become the way we will operate in the future.

When I joined the SIU 10 years ago, the reputation of the Unit was not always a positive one among many police services in Ontario and some segments of the broader public. Over the years, we have evolved to a point where both police and the public understand us much better and appreciate our role within the civilian oversight process in Ontario. As one of our BSC initiatives, our outreach program has evolved to the point where we are getting out more into the community and we are making certain that people know about us.

Although we are still in our infancy and we are still taking baby steps toward implementing our first nine initiatives, I am pleased that the Balanced Scorecard is here to stay. There have been many positive changes so far with more open communication amongst all staff being just one of them. A lot of time and energy has been invested in the BSC and we must ensure that we keep it going into the future as an internal quality assurance measure.



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Ombudsman Investigation

In June 2007, the Ombudsman of Ontario announced that his office would be launching a systemic investigation into the Special Investigations Unit. The basis of the investigation rested on complaints he had received from family members of people who had been killed or injured and their lawyers. Although we were not allowed to see these complaints, we were told that these individuals had raised concerns about the way in which the SIU investigations had been conducted, an apparent lack of information being provided to them, particularly after cases had been closed, and the Unit's independence and objectivity.

The last review of the SIU was conducted by the Honourable George Adams Q.C., whose report was released in February 2003. Mr. Adams was asked to review the status of SIU reforms that were implemented following his consultations with police and community groups in 1997 and 1998. He found that the reforms had resulted in an SIU that enjoyed a significant degree of confidence among the police and the broader public. Based on the release of the last Adams report, the Ombudsman said his investigation would be focused on cases from February 2003 and later. He anticipated that his investigation would be completed by October or November 2007.

Responding to the Ombudsman's investigation, the Director of the SIU said that the SIU would cooperate fully and indicated that the Unit looked forward to receiving the final report.

The Ombudsman's office requested only 11 case files which it would review, out of the more than 800 cases that the SIU had investigated during the period from February 2003 to June 2007. Concerned that these 11 cases, each of which apparently related to a complaint his office had received, did not adequately reflect a representative sample of SIU investigations conducted during that time frame, the SIU provided an additional 10 case files for the Ombudsman's review. It was hoped that the additional material would help ensure a more balanced investigation by the Ombudsman based on a larger sample of cases. To further assist the Ombudsman with his investigation, the SIU also prepared a detailed written submission that addressed many of the issues the Ombudsman indicated he would be exploring.

By the end of the 2007-2008 fiscal year, the Ombudsman indicated that his report was in the final stages of drafting and production.

During the preparation of this annual report, the SIU received recommendations from the Ombudsman. They concentrate on operational and administrative improvements that will enhance the SIU's investigative function and strengthen its role within Ontario's system of civilian oversight. The SIU has established an internal review committee representing management, investigators and administrators to examine those recommendations that relate to the SIU and to report back to the Ombudsman in six months.

The Ombudsman's report contains a total of 46 recommendations, of which 25 are directed at the SIU. The agency committed to a full and careful consideration of the report and to taking the necessary steps to act on the Ombudsman's recommendations where feasible.

Before the Ombudsman announced his investigation in June 2007, the SIU had already sought to address caseload pressures by requesting funding from the Ministry of the Attorney General for additional resources. Earlier this year the ministry approved new funding of approximately \$700,000, which the SIU will use to fill two new investigator positions, add two entry-level investigator positions aimed at attracting those with civilian backgrounds, hire additional administrative staff and fund an outreach coordinator position. The SIU also received one-time funding to acquire a mobile investigative centre to ensure SIU independence at the scenes of major incidents.

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The Ombudsman made several positive findings about the SIU in his report, including;

- The Ombudsman found no evidence of any cases having been tainted by improper motives or bias.
- Although at the outset of his review the Ombudsman suggested he might recommend that the SIU re-open cases, there was no such recommendation.
- The Ombudsman recognized that the SIU's consultative approach often results in the policing community taking corrective action.

The Ombudsman acknowledged the strong commitment of the skilled professionals of the SIU to their work and to public service. The SIU believes that its response to the Ombudsman's recommendations will demonstrate the agency's commitment to investigative excellence and continuous improvement.

Growth in Caseload

For the third year in a row, the SIU saw an increase in occurrences over the previous year. The Unit investigated a new record high of 246 occurrences, eight more than the previous year.

The increased caseload continues to create significant pressures on the Unit's human and capital resources. Those pressures were reflected in the inability of the SIU, for the first time since the measure was instituted, to close a minimum of 65 percent of cases within 30 business days. The final statistics showed that 38 percent of cases were actually closed within that time frame.

SIU's Contribution to Research Projects

The SIU is committed to lending its resources in the advancement of research concerning issues of policing and oversight. The Unit's continuing collaboration with the Ontario Police College (OPC) is one example of the manner in which the Unit can provide its perspective as a mature and unique model of civilian oversight of the police.

The SIU's collaboration with the OPC in a joint OPC-SIU research project regarding the use of firearms by Ontario police officers continued into this year. In July 2007, the Unit forwarded data for all firearms-related cases investigated by the SIU from 2002 to 2005.

In December 2007, the OPC instructor spearheading the research at the OPC gave a presentation at the SIU outlining some of the very interesting preliminary research results. These findings will be of significant value from the perspective of the ongoing development of best practices and training in the use of force by Ontario police officers.

Data from 2006 and 2007 firearms-related cases is currently being collected and will be sent to the OPC upon completion.

Also during the 2007-2008 fiscal year, a research collaboration was established with a regional police service. A sergeant with the Durham Regional Police Service (DRPS) made a request to the SIU for data from the Unit's files regarding deaths that occur in custody. The sergeant was conducting a research project for the DRPS concerning the number of people who died while in police custody who had drugs or alcohol in their system at the time. The goal was to assist the DRPS in safeguarding against deaths in custody. A criminology student from the University of Ontario Institute of Technology, who was on a placement at the SIU at the time, was assigned to gather the data.



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Ontario's Changing Civilian Oversight

Bill 103, an Act to establish an Independent Police Review Director and create a new public complaints process by amending the *Police Services Act*, received royal assent in the Legislative Assembly in May 2007. The government has also appointed Gerry McNeilly as the inaugural Director of the Independent Police Review Office (IPRO).

The Bill will overhaul the manner in which complaints against the police are processed. Whereas most police complaints are now filed with the police and investigated by the police, the Bill creates an independent body that will receive complaints and decide how to deal with them.

It is important to note that the Bill does not change the jurisdiction of the SIU. All incidents of serious injuries (including sexual assault allegations) and deaths in cases involving the police will remain within the purview of the SIU. When operational, the new IPRO will take charge of complaints made about the police that do not fall within the SIU's mandate.

In order to deal with the issues that will inevitably arise as the SIU and the IPRO forge a working relationship, and to help the IPRO with its start-up plans, the SIU's Director has pledged the Unit's full support and ongoing assistance.

*Independent Police Review Office
Director Gerry McNeilly with
SIU Director James Cornish*



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June 12, 2008

James L. Cornish
Director, SPECIAL INVESTIGATIONS UNIT
5090 Commerce Blvd.
Mississauga, ON
L4W 5M4

Dear Mr. Cornish:

I am writing in my capacity as Acting Director of the Forensic Science Program at the University of Toronto Mississauga to thank the SIU for their commitment and contribution to forensic science education, and in particular to our program at UTM. This year members of your staff provided an unprecedented number of lectures on subjects ranging from writing resumes and applying for jobs (Tnsh Waters, Administrative Assistant), to writing professional reports (Winslow Taylor, Investigator). Students responded positively to all speakers, and appreciated the way in which professionals from the SIU made the theoretical concepts learned in class meaningful in the context of real world experience.

In addition to lectures, students in the 4th year Forensic Anthropology class benefited from the participation of Assistant Crown Attorney Liesha Earle in our mock trial. Despite my repeated emphasis on language precision in report writing, verification, supporting statements with evidence, etc., students were shocked at how detailed a cross-examination really is, and found the exercise to be an eye-opening experience. One of our goals in developing the forensic science mentorship course is to provide students the opportunity to see first-hand how forensic science is implemented by professionals in the medico-legal community. Not all students are able to take the mentorship course, thus the participation of the SIU in a variety of forensic science classes is invaluable to student professional development. The SIU was also directly involved in our mentorship course and I would like to thank the organization, Keith Woods, and Len Shaw for their support of Ryan Cheng's research project on frozen tissue and the postmortem interval. Although only a pilot study, I believe the research has the potential to be published in a top-tier, peer-reviewed journal such as the Journal of Forensic Science, and I will be encouraging Ryan to submit a manuscript for review.

It has been a pleasure working with your people. They are professional, enthusiastic, articulate, and a true credit to the SIU. We look forward to future participation of SIU employees in our courses.

With thanks,

Dr. Tracy Rogers
Acting Director, Forensic Science Program
University of Toronto Mississauga



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Part **Two**

team communication



The Year in Review



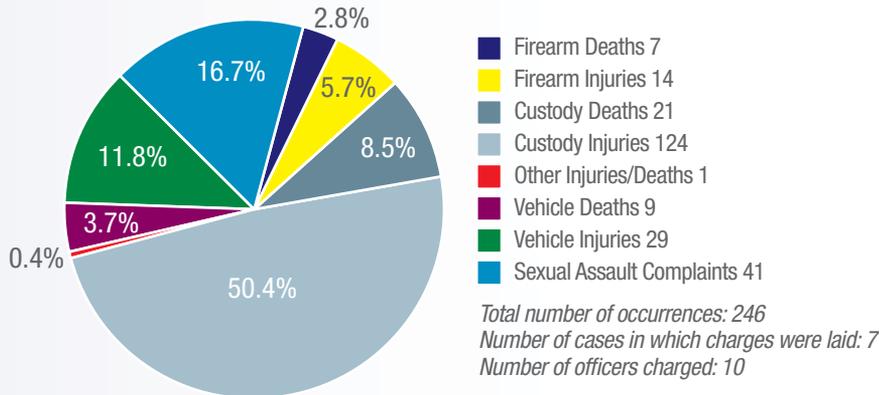
Investigations

A steady increase year-over-year in occurrences has become the “new normal” for the SIU. For the third consecutive year, the Unit saw an increase in occurrences with a total of 246, up from 238 the previous fiscal year. This constitutes a new record high level of cases in a year. The largest increases occurred in custody injuries and sexual assault complaints investigations.

While there was a decrease in custody death investigations from the previous year, custody injury investigations made up more than half of the investigations conducted during the year with 124 cases. Sexual assault complaints increased significantly this year with 17 more cases over last year, accounting for 17 percent of the total number of occurrences, followed by vehicle injuries, which made up 12 percent of the occurrences.

This year also saw the highest number of charges laid since the 1992-1993 fiscal year. A total of 10 officers were charged in seven investigations.

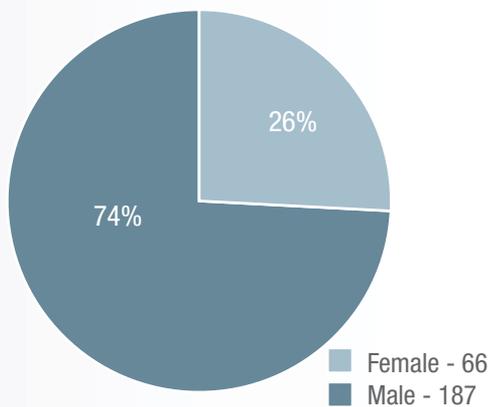
Number of Occurrences for 2007-2008 Fiscal Year



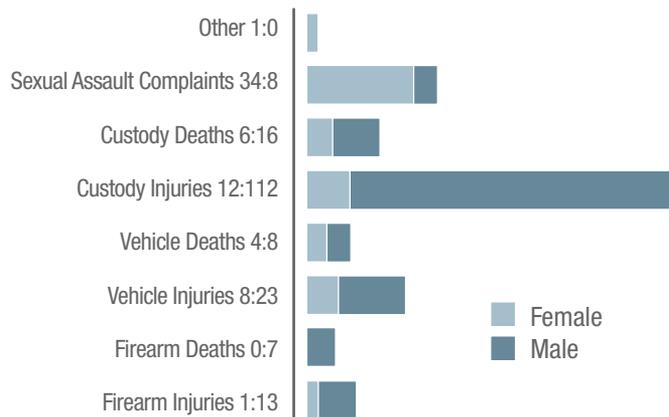
Information about Complainants

Complainants are those people who are directly involved in an incident and have been seriously injured, allege that they have been sexually assaulted or are deceased. There may be more than one complainant per SIU case. Female complainants increased from 51 to 66 over the previous year while male complainants decreased slightly from the year before.

Ratio of Male to Female Complainants



Number of Male and Female Complainants by Case Type





Initial Response

The SIU measures speed of response and the number of investigators deployed to an incident. The number of investigators, who are initially dispatched and the time it takes them to arrive at the scene of the incident, may be important in certain investigations because of the need to collect and secure physical evidence and to make contact with witnesses before they leave the scene. The initial deployment of investigators also correlates to case type.

Closure Rate

The SIU has set a performance standard of closing 65 percent of its cases within 30 business days. For the first time since its 30-day standard was established, the SIU did not meet its target. Thirty-eight percent of cases were closed within 30 business days - down from the year before - due in part to the increased caseload and the resulting pressures on staffing and capital resources.

Case Reviews

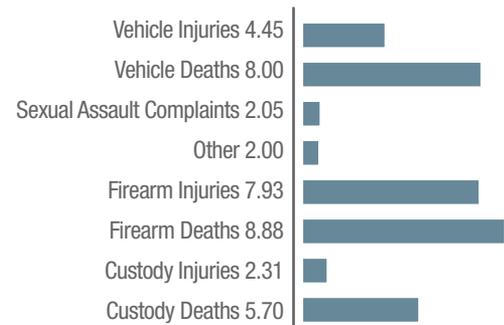
Case reviews permit a police service to offer constructive commentary about the SIU investigation at its conclusion. The purpose of these reviews is to attempt to ensure that the SIU is meeting its standards and to explore opportunities for improvement. Every year, a number of non-charge cases are randomly selected for review. In 2007-2008, the SIU initiated 12 case reviews with police services across the province and received five responses.

The police service completes a questionnaire about the Unit's performance, which allows for direct feedback from the services and from the officers involved in the investigations as well. Based on the response, the SIU and the police service may then meet face-to-face to discuss specific issues that arose during the course of the investigation. These meetings may be initiated by the SIU or a police service.

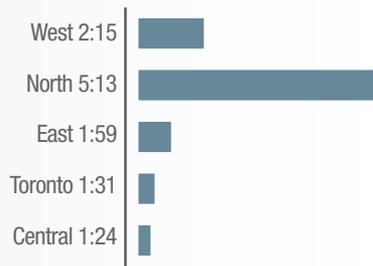
Average Number of Investigators per Case by Region



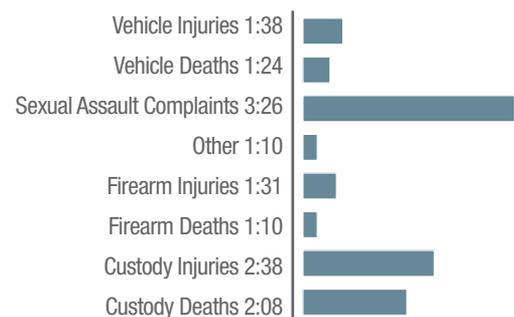
Average Number of Investigators Dispatched by Case Type



Average Response Time by Region (in hours:minutes)



Average Response Time by Case Type (in hours:minutes)



Terminations

In some SIU cases, information is gathered during the initial stages of the investigation that establishes that the incident, at first thought to fall within the SIU's mandate, is actually 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." It may also become clear in the course of an investigation that the serious injury or death in question is not connected in any way to police

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activity. In these instances, the SIU does not have any legal jurisdiction to continue with the investigation and the Director terminates all further SIU involvement. As such, the Director makes no decision as to whether a criminal charge is warranted in the case or not. Other institutions or processes must be used to deal with these incidents. For example, a police service may step in to investigate the matter.

In 2007-2008, 44 cases did not mandate a full investigation and were terminated.

Non-Jurisdictional Incidents

Non-jurisdictional incidents are those that may be reported to the SIU but never become SIU cases because it is determined at the outset that they do not fall within the SIU's mandate. During this fiscal year, the SIU received 47 non-jurisdictional complaints - 37 complaints were received from members of the public and 10 from police services. Examples of non-jurisdictional incidents included:

- In June 2007, a woman called the SIU to obtain an update on the investigation by the Toronto Police Service into her complaint against certain officers. The SIU informed her that public complaints of officer conduct that do not involve serious injury or death do not fall within the statutory mandate of the SIU. She was referred to the appropriate oversight agency - the Ontario Civilian Commission on Police Services - for information regarding the investigation of her complaint.
- In January 2008, a male contacted the SIU and complained of his arrest by London Police Service officers on December 31, 2007. He indicated that he was arrested for crimes he had not committed and suffered sore arms and wrists as a result of being handcuffed. He further complained of vulgar language used by the officers during the arrest. As the complaint did not involve a "serious injury," the matter was referred to the professional standards branch of the London Police Service.

SIU Legal Team

Zimra Yetnikoff and Joseph Martino



As the SIU's legal counsel, Joseph Martino has seen the SIU through its many stages of evolution since joining the Unit as an articling law student from 1997 to 1998. A graduate of the University of Toronto Law School, he was hired as the Unit's first full-time legal counsel in 1999. The position of legal counsel was one of the key reforms that came out of Justice George Adams' report in 1998.

Mr. Martino provides full legal advice and services to the Director, including assisting the Director in determining whether there are grounds to lay a criminal charge. He is also called upon to provide legal advice to investigators during the course of their investigations. Requests to the Unit for the production of case file materials and information, whether from private citizens, lawyers or other parties in the justice system such as the police, fall under his responsibility. A significant amount of his time is spent developing policy and procedures for the Unit.

Following the Ombudsman's announcement of his systemic investigation in June 2007, Zimra Yetnikoff joined the Unit as counsel to assist Mr. Martino. Prior to arriving at the SIU, Ms. Yetnikoff, also a graduate of the University of Toronto Law School, articulated with the Constitutional Law Branch at the Ministry of the Attorney General. Since joining the SIU in June of 2007, Ms. Yetnikoff has contributed to many areas of SIU operations, such as policy development and investigations.

The SIU's legal team sees its primary responsibility as contributing positively to the work of the Unit through the provision of timely and effective legal services and advice.



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2007-2008 Case Studies

07-OFD-063

On April 6, 2007, the SIU was notified that two Hamilton Police Service (HPS) officers had fatally shot a man outside a building. Ten SIU investigators were sent to Hamilton to probe the circumstances.

As part of the investigation, two HPS officers were identified as having discharged their firearms during the incident and were designated as subject officers. Investigators interviewed a total of 18 police and civilian witnesses. The police communication tape was reviewed and the involved officers' uniforms and firearms were examined. Six cartridge cases, a large knife and a hatchet were retrieved from the scene and also analyzed. A second knife, slingshot and small rocks were found on the man; a handcrafted copper badge was also affixed to his shirt.

The SIU investigation revealed that on April 6, 2007, at approximately 2:05 a.m., the owner of M&J Billiards and Video on Parkdale Avenue North called 9-1-1 to report that a man had entered his store and struck him on the head with a hatchet. While the owner was on the phone with the 9-1-1 operator, the man fled.

Two HPS officers arrived at about 2:09 a.m. and found the man at the front door of Taps Tavern. They exited their cruiser and started walking towards him, but stopped when he turned around holding the hatchet.

The officers ordered the man to drop the hatchet and pointed their guns at him. He stared at the officers while reaching inside his jacket and pulling out a knife. He held the hatchet in one hand and a knife in the other. Both officers repeatedly ordered him to stop and put his weapons down. He ignored their commands and started walking towards them. One officer retreated backwards around the rear of a parked police cruiser, while the second officer retreated toward the front of a cruiser to put some distance between himself and the advancing man.

The man was about 8-10 feet away from the first officer when he suddenly turned and ran towards the second officer, who was in front of the cruiser. Both officers fired several shots. The man was struck and fell to the ground. The officers removed the weapons, handcuffed him and administered first aid until the paramedics arrived. At approximately 2:18 a.m., the man was transported to hospital where he was pronounced dead.

A post-mortem examination determined he died as a result of two gunshot wounds to his torso.

The SIU Director concluded that the officers reasonably interpreted the man's actions as a clear and immediate threat to their lives, and that the use of deadly force was regrettably necessary in this incident. He said: "The evidence indicates that less than 30 seconds elapsed from the time the subject officers arrived at the scene to the time they fired their weapons. Once the police arrived, the man's actions escalated and they did so quite quickly. Nothing that the officers did or said was successful in de-escalating the situation. They did not shoot until the man had significantly closed the gap between himself and them."

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07-OCD-088

On May 12, 2007, the SIU was notified that a 37-year-old man had died while in the custody of the Greater Sudbury Police Service (GSPS).

Four SIU investigators and two forensic investigators were assigned to probe the circumstances of this death.

The SIU investigation determined that on May 11, 2007, a 9-1-1 call was made asking for an ambulance to attend Bellevue Street in Sudbury. A family member said that a man had fallen in the living room of the home and needed medical care. Paramedics went to the home and, while trying to assess the man, he became aggressive and uncooperative. The paramedics called for police assistance.

A GSPS officer arrived at the home a short time later. The man continued his aggressive behaviour and, as a result, more officers were called to assist. The on-scene officer pepper-sprayed the man who continued to resist. He was taken to the ground and unsuccessful attempts were made to handcuff him until other officers arrived. Once handcuffed, the man stopped struggling and went into medical distress. The paramedics began resuscitative efforts and transported him to St. Joseph's Health Centre. At 12:29 a.m. May 12, 2007, the man was pronounced dead at the hospital.

The SIU Director concluded: "I do not believe that the evidence discloses reasonable grounds to believe that the force used here was unreasonable or criminally excessive. Some force was obviously necessary for the officers to bring this struggle to an end and open-hand techniques, together with the application of pepper-spray, were the only use-of-force options used. The tragic outcome of this incident does not dictate that the force used was criminally unreasonable."

07-OCI-092

On May 12, 2007, Leamington Police Service (LPS) officers tried to stop a man, who was driving a truck and travelling on Marlborough Street East. The 30-year-old man was eventually arrested in a parking lot on Industrial Road and allegedly sustained two broken ribs during the arrest.

On May 17, 2007, the LPS became aware of the extent of the man's injuries and notified the SIU. Five SIU investigators were assigned to probe the circumstances of the arrest.

Based on the results of the SIU investigation, the SIU Director concluded there were reasonable grounds to believe that Constable Christopher Anderson and Constable Ryan Hutchison of the LPS each committed the offence of assault causing bodily harm, contrary to section 267(b) of the Criminal Code of Canada.

A summons was issued requiring the officers to appear at the Ontario Court of Justice in Windsor on October 30, 2007, to answer to the charges. Justice Prosecutions of the Ministry of the Attorney General has carriage of the prosecutions.



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07-OVD-167

On August 18, 2007, the SIU was notified of a fatal vehicle collision following a police pursuit. Five SIU investigators, three forensic investigators and an accident reconstructionist were assigned to investigate this incident.

The SIU investigation determined that in the early morning hours of August 18, 2007 a Hamilton Police Service officer was conducting speed enforcement duties near Main Street and Gage Avenue in Hamilton. He saw a car travelling well in excess of the posted speed limit. The officer drove onto Main Street and began to follow the car, with his emergency lights and his siren activated. The driver of the car turned right and proceeded south on Gage Street. As the officer turned onto Gage Street to follow the car, he saw that the vehicle was already approaching the traffic lights at Cumberland Road.

The officer radioed police communications to advise that he was pursuing a car, but lost sight of the vehicle as it negotiated a left hand turn onto Lawrence Road. The officer was travelling along Gage Avenue at speeds between 80 km/hr to 90 km/hr and never closed the distance between his police vehicle and the pursued car.

When the officer arrived at Lawrence Road, he could only see the taillights of the car in the distance. As the officer approached Kenilworth Avenue, he began to slow down; at Rosedale Road he turned off his emergency equipment and stopped. He advised the dispatcher that he was terminating the pursuit as he had lost sight of the car.

The car, which was travelling in excess of 160 km/h at the time the driver lost control, left the roadway, struck two trees and crashed into the wall of a townhouse. The driver and one of the two passengers were killed; the other passenger in the vehicle was taken to Hamilton General Hospital with serious injuries.

The SIU Director observed: "The officer himself decided to terminate the pursuit and communicated that fact to communications as well as to the supervisor. There is no evidence that the officer's cruiser ever made contact with the fleeing car. Also, there is no evidence to indicate that the police officer was following the fleeing motorist so closely or so aggressively as to give the fleeing driver no real opportunity to safely stop his vehicle. I am of the view that the officer's driving, as disclosed by the evidence, does not amount to a marked departure from the standard of care of a reasonable person."

07-OCD-145

On July 25, 2007, the SIU was notified of the death of a man while he was in the custody of the Niagara Regional Police Service. Six SIU field investigators and three forensic investigators were assigned to probe the circumstances of this incident.

Six subject officers and nine witness officers were designated and interviewed as were three members of the Niagara Regional Emergency Medical Services and 20 civilian witnesses. Investigators also assessed the Niagara Regional Police communication tape, the 9-1-1-call tape, occurrence reports, computer-aided dispatch reports, scene photographs and logs. The completion and review of expert reports in the fields of forensics and police use of force were important aspects of this case and also bore on the length of the investigation.

During the course of the SIU investigation, the lead investigator maintained contact with the family. The family was also offered the support services of the SIU's Affected Persons Coordinator.

The investigation determined that on July 23, 2007, a 29-year-old man left his Oakville home and made his way to Niagara Falls where he checked into a motel. On July 25 at approximately 5:30 a.m., he placed two distress calls to 9-1-1 from his cell phone indicating that he was "in trouble across from the Old Casino" before hanging up. He believed that unknown persons were chasing him. The 9-1-1 operator called him back but he did not answer. Independent evidence gathered by the SIU showed that no one was chasing him.

Niagara Regional Police officers located the man at the intersection of Bender Street and Ontario Avenue and noticed that he appeared to be "very agitated and sweating profusely." Civilian witnesses also described

him around this time as “hyperventilating, screaming, running around in circles and making incomprehensible sounds”. The officers’ attempts at coherent communication were unsuccessful and they called for backup and paramedics.

”I am satisfied that the officers had lawful grounds to detain the man in the circumstances,” the SIU Director noted. “The man was exhibiting symptoms of what appeared to be cocaine intoxication, paranoia, confusion, hyperactivity and intense perspiration, and was acting in a bizarre manner. It was decided that he should be apprehended under the *Mental Health Act* for his own protection and the protection of others.”

A violent struggle ensued with a total of six officers attempting to subdue the 5’ 11”, 313-pound man. During the event, the man broke away and jumped from a parking lot retaining wall, falling approximately six feet onto the parking lot and striking his head and face on the pavement. There the struggle continued and the officers were initially unsuccessful in gaining control over him. There was no Taser available and, although a request was made for one to be brought to the scene, none arrived before the man was brought under control.

Officers used physical force including their batons on his limbs to control the man who, as the Director noted, “...was able to shake off the combined weight of four officers on his back, including one officer who was 6’4” and 245 pounds. This was a clear indication of the incredible strength and power the man exhibited during the intense physical struggle with the police.”

After a prolonged struggle, officers managed to restrain his hands behind his back using three sets of handcuffs - one on each wrist and a third to bind them together. Aware of the risks associated with positional/restraint asphyxia and excited delirium, the officers placed him in a seated position to avoid pressure on his chest and to ease his laboured breathing. However, although handcuffed, he continued to swing his arms and legs and was spitting blood in the direction of the officers, prompting them to place him on his side and in a prone position for periods of time.

In a further effort to subdue the man, one officer directed a short burst of pepper spray at him, but it had no effect. Indeed, it is unclear as to whether or not that burst of pepper spray reached him at all. Arriving paramedics were unable to treat him because of his continued resistance, so they administered a sedative to calm him. Shortly after that, the man lost vital signs. Despite efforts at resuscitation and life-saving attempts in the ambulance while enroute to hospital, the man was pronounced dead shortly after his arrival.

The post-mortem found that he had potentially lethal levels of an illegal substance in his blood and died as a result of toxic effects associated with that drug. There were multiple superficial blunt force injuries consisting of bruises and scrapes, but none were determined to be factors in the cause of death.

”In my view, there are no reasonable grounds to believe that the force described by the subject officers, consisting of baton, elbow and knee strikes to the man’s arms, legs and torso, together with the sheer bodily force they expended while grappling with him in the parking lot, was more than was necessary to control and arrest him,” concluded the Director. “It is clear on the evidence that the man exhibited phenomenal strength in resisting the officers’ efforts to take him into custody. The mere fact that it took six officers to finally handcuff his hands behind his back, and then only by linking three sets of handcuffs together, is testament to the physical challenge that confronted the officers. I am satisfied in the circumstances that the force described by the officers was reasonable.”

With regard to the medical threat posed by positional and restraint asphyxia, the SIU Director said: “The officers were alive to those risks and took measures to mitigate that danger by placing the man on his side and in a seated position while they waited for the ambulance to arrive. Regrettably, because of his continued resistance on the ground, they also had to keep him in a prone position for periods of time. I can find no fault with the officers’ course of conduct in this regard. It was not unreasonable for them to do as they did in the face of his continued resistance.”





07-TFI-182

On September 3, 2007, the SIU assigned six field investigators and three forensic investigators to probe the circumstances of a firearm injury to a 33-year-old man in Toronto.

The SIU investigation determined that on September 3, 2007, at 10:09 p.m., two Toronto Police officers in a marked police car pursued a stolen automobile from Shuter Street to Dundas Street. Two other officers in a police car came to assist. When the two police cars attempted to block the fleeing Honda, its driver made a U-turn and accelerated. The driver attempted to manoeuvre the Honda between a streetcar shelter and one of the stopped police cars. As he did, an officer got out of the police car, drew his pistol and pointed it at the Honda. The driver did not stop but, instead, drove at the officer. The officer fired a number of shots at the car. The vehicle continued and, as it passed by the other three officers, the first officer and two of the other three officers discharged their pistols at the Honda a number of times. The Honda struck the police car and came to rest against the streetcar shelter. The driver was taken to hospital for treatment of two gunshot wounds. He recovered from his injuries.

The SIU Deputy Director concluded: "There are no reasonable grounds to believe that any of the Toronto Police Service officers involved in this incident committed any criminal offence. The officers were attempting to lawfully arrest the man who had refused to stop for them. Section 25(4)(d) of the Criminal Code of Canada speaks to the issue of lethal force in that a police officer may use lethal force if he/she believes on reasonable grounds that the force is necessary for the purpose of protecting the peace officer or any other person from imminent grievous bodily harm. The actions of the officers in shooting at the man were justified due to their reasonably held belief that the fleeing motorist was about to cause imminent grievous harm to a fellow officer by running him over."

07-TFD-219

On October 31, 2007, the Toronto Police Service (TPS) notified the SIU that an 18-year-old youth died during a confrontation with its officers, who had interrupted an armed robbery in progress in Riverdale Park.

The SIU investigation revealed that officers had been assigned to the Riverdale Park area in anticipation of an increase in robberies on Halloween night by teenagers on teenagers. In fact, by the time this incident occurred, four robberies had already been reported to police. In this case, two officers, with their service pistols drawn, surprised two men, one of whom was holding a gun. Both men, dressed in black and wearing masks, were robbing two other men of their cell phones, jewellery and other valuables. Just moments earlier, the officers had encountered another male, who told them he had just been robbed by the same two individuals. The police officers ordered the individuals to lie on the ground; one of them refused and fled on foot, but was blocked by one of the officers, who continued to carry his firearm.

While struggling to hold the man with his left hand, the officer tried to use his service pistol to strike him in order to stop him from struggling. The man did not stop. He grabbed the gun and then the struggle became one for control of the officer's service pistol. The officer could not pull the gun away and feared that he was going to lose control of it completely.

The SIU investigation determined that the officer fired one shot after failing to wrestle control of his gun away from the man. Investigators found a black neoprene facemask around his neck. A pellet gun, resembling a 9 mm. semi-automatic pistol that was carried by the man's associate, was also recovered at the scene.

The Director stated: "This was a traumatic, dynamic and quickly evolving incident that occurred without warning, escalated quickly and happened at night. I believe that the officer had a reasonable and honestly held belief that the man posed a real and imminent threat to the officer's life and safety and to the lives and safety of those in the vicinity; the use of lethal force was necessary in an attempt to end that threat. The surrender of the officer's firearm to this young man was not a reasonable option, and there appeared to be no other effective option open to the subject officer in order for him to avoid that result."

07-OSA-222

On November 5, 2007, the Ottawa Police Service (OPS) notified the SIU that a female had come forward and alleged that an on-duty OPS officer had sexually assaulted her on November 3, 2007. As a result, four SIU investigators were assigned to probe the allegations.

Based on the evidence from the SIU investigation, the SIU Director concluded that there were reasonable grounds to believe that the 38-year-old subject officer committed the offences of sexual assault contrary to section 271 of the Criminal Code of Canada and breach of trust contrary to section 122 of the Criminal Code of Canada.

The officer was released on an Undertaking before an officer-in-charge with conditions. Justice Prosecutions of the Ministry of the Attorney General has carriage of the prosecution.

07-PVD-223

On November 6, 2007, the SIU assigned two investigators, one forensic investigator and an accident reconstructionist to probe the circumstances of the death of a female pedestrian on Highway 17 in Thunder Bay.

The SIU investigation determined that at 10:15 p.m. on November 5, 2007, a woman called the Ontario Provincial Police (OPP) to report the theft of her cell phone. Two OPP officers in separate police cars were dispatched to investigate. They found the woman walking with her leashed dog along the side of Highway 11-17 near Sunny Beach Road. Both officers pulled their police cars completely off the highway, activated each police car's emergency lights, and stopped beside her.

Both officers got out of their respective police cars and walked around to the passenger side's of their police cars to talk to the woman. She appeared to be cold and she was shivering. One of the officers invited her to sit in the back of his police car and she agreed to do so. He opened the rear door of his police car to allow her and her dog to get in. As she started to move towards the cruiser, her dog pulled away and moved towards the front of the police car. She lost her grip on the leash and the dog ran out onto Highway 11-17. The woman ran by the officer and out onto the highway after her dog. Both officers were yelling at her to stop because they could see traffic approaching. Both officers ran out onto the highway in an attempt to get the woman back to safety, but a westbound tow truck struck her. The tow truck narrowly missed one of the OPP officers who had tried to pull her to safety. The dog was not injured.

The woman sustained serious injuries and she was airlifted to Thunder Bay Hospital for treatment; however, she succumbed to her injuries in the early morning hours of November 6, 2007.

The SIU Director concluded: "The officers involved in this case did not cause this tragic incident. There are no reasonable grounds to believe that any of the officers involved in this case committed any criminal offence in regards to the tragic death of the woman."



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07-OFD-245

On December 1, 2007, the SIU assigned six investigators and three forensic investigators to probe the circumstances of an incident in which an Oakville man died as a result of a gunshot wound.

On December 1, 2007, at 1:30 a.m., two citizens saw the man in a Tim Horton's parking lot located on Trafalgar Road in Oakville. He was crying and distraught. They spoke with him, but left after the man showed them a rifle and made some comments that alarmed them. The man got into his car and sped away. One of the citizens made a 9-1-1 call to the Halton Regional Police Service (HRPS) and told them what had taken place. The citizen then provided a description of the man and the car.

A number of HRPS officers responded to this call in an attempt to locate the man. Just before 2:18 a.m., they located him driving in the area of Wedgewood Park in east Oakville. The man pulled into the park and drove along a path into a stand of trees where his vehicle got stuck. The HRPS officers surrounded the car and attempted to negotiate with the man for his safe surrender. At 2:21 a.m., one of the officers flattened two of the car's tires by shooting them. This was to stop the man's efforts to flee his car.

What ensued after the tires were flattened was a concerted negotiation effort. Throughout their dealings with the man, the officers were trying to get him to put down his rifle and give up. He would not. During the attempted negotiations, he got out of his car armed with his rifle. The SIU investigation determined that the rifle was loaded and the man had more than 400 rounds of ammunition available to himself, either in the gun, in his pockets or in the car. Throughout the continued negotiations, the man held the muzzle of the rifle under his chin and, on more than one occasion, it appeared to those involved that he was trying to summon up the will to end his own life.

The negotiations continued until around 2:35 a.m. when one of the officers saw an opportunity to try to bring the standoff to a peaceful end by firing his Taser. Unfortunately, there was a very narrow target of exposed skin and the probes were not able to attach themselves to the man's body. The Taser was ineffective.

The man ripped the probes out of his clothing and, after a moment, levelled his gun at the officers. At this point, the officers fired a number of shots at the man striking him eight times. He fell to the ground and the officers rushed over to his body to see if they could possibly administer first aid. They also summoned an ambulance that was waiting nearby. The man was pronounced dead at the scene.

In reviewing the evidence, the Director of the SIU observed: "These officers were dealing with a distraught, inconsolable and depressed man, who that morning was preoccupied with self-destructive thoughts. The officers obviously had to isolate this man from other civilians given the fact that he was armed with a firearm. They could not simply retreat. That being said, they did not rush the car. Instead, they chose what appears to have been their only reasonable option - attempt to convince him to disarm and surrender. The officers carefully considered their use-of-force options and attempted to end this incident first by use of negotiation and tactical communication and then by less-lethal force through the Taser. Even then the Taser was not deployed until it appeared to the officer that there was a reasonable prospect that it would be effective and not until the man's finger appeared to be off the trigger of the rifle he was holding."

The SIU Director concluded that there were no reasonable grounds to believe that HRPS officers committed any criminal offence in connection with the death of the man. He stated: "It is my view, on the basis of the evidence in this case, that the officers were faced with a very real threat of lethal force and were legally justified in responding to that threat with lethal force."

07-PCD-246

On December 9, 2007, the SIU was notified of the custody deaths of a 46-year-old man and a 46-year-old woman.

The SIU assigned four investigators and three forensic investigators to probe the circumstances of this incident. The SIU investigation determined that at 1:40 a.m. on December 9, 2007, a shooting occurred in London, Ontario. The investigation revealed that a man had shot another man he believed was coming between him and the relationship he had with a woman. The London Police Service subsequently issued a province-wide alert for the man, the woman and her SUV.

At 4:36 a.m. a Durham Regional Police Service (DRPS) officer was eastbound on Highway 401 west of the Highway 35/115 interchange. He saw the vehicle travelling eastbound as well. The officer began to follow it and requested the assistance of other DRPS officers as well as officers from the Ontario Provincial Police (OPP), Peterborough County detachment. The SUV exited the 401 and travelled north on Highway 115 into Peterborough County.

At 4:52 a.m., the DRPS officers activated their police cars' emergency equipment to stop the SUV. The driver of the vehicle would not stop and rapidly accelerated in an attempt to get away from the police. At 4:59 a.m., OPP officers deployed a spike belt at County Road 10 and Moore Road, Highway 7A interchange. The SUV went over the belt and its tires began to deflate. Shortly afterwards, and only after striking a police cruiser that was attempting to box him in, the vehicle went off the road and stopped when it went into a ditch.

Officers immediately ran to the SUV in an attempt to apprehend the male occupant, but by the time they got to the vehicle, he had killed himself with his shotgun. Tragically, at some point (either there at the scene or earlier in the trip) he had killed the woman by shooting her in the chest with the shotgun as she sat in the passenger seat. The shotgun was recovered between the man's legs.

The SIU Director concluded: "No officer caused or contributed to the deaths of either of these two people; indeed, it appears clear on the evidence that they did all that could be expected of them as they tried to save the woman and apprehend the man."



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Communications and Stakeholder Relations

Outreach to the diverse communities across Ontario is an important component of the SIU's mandate. Increasing the understanding of the Unit helps to ensure the public's confidence in the work of the SIU. From an investigative standpoint, the advantages of effective outreach are evident by the policing and non-policing communities becoming more familiar with the work of the Unit, incidents may be reported in a timelier manner, and witnesses may be more willing to cooperate with an SIU investigation.

Outreach to the various stakeholder groups of the SIU continued to increase in numbers and important initiatives, such as the work of the First Nations Liaison program (FNL), which made significant progress during the year.

First Nations Liaison Program

Continuing dialogue between the SIU and the First Nations communities of Ontario is at the core of the success of the FNL program. This year a precedent-setting protocol was established with the Nishnawbe-Aski Police Service (NAPS) regarding SIU investigations. In essence, the protocol clarifies the working arrangements between the SIU, NAPS and the Ontario Provincial Police whenever an incident, falling within the SIU's mandate, occurs on First Nations lands. For example, the protocol sets out the process by which NAPS notifies the Chief and Council of the community involved in the incident and provides for the exchange of information by all parties to assist the SIU in its investigation.

The Unit's FNL program is an initiative of SIU Director James Cornish, who made it a priority to build a deeper and more constructive relationship with the First Nations of Ontario. Since its initiation in 2006, the FNL program's goal is to address the unique needs and concerns of Ontario's First Nations communities in particular as they relate to investigations conducted by the SIU.

Two SIU investigators work in the program and their presence has greatly assisted SIU investigations involving First Nations people or communities. Their responsibilities during the course of these investigations include interviewing witnesses, connecting with the victims and/or members of their families to provide explanations about the investigative process, and liaising with community leaders to facilitate the entry of SIU investigators on to First Nations lands. The program has been involved in 26 SIU investigations involving a person of First Nations heritage.

The FNL program is also very active in the Unit's broader outreach mission and its internal training agenda, particularly around issues of cultural sensitivity. In 2007-08, it coordinated a number of important initiatives along these fronts.

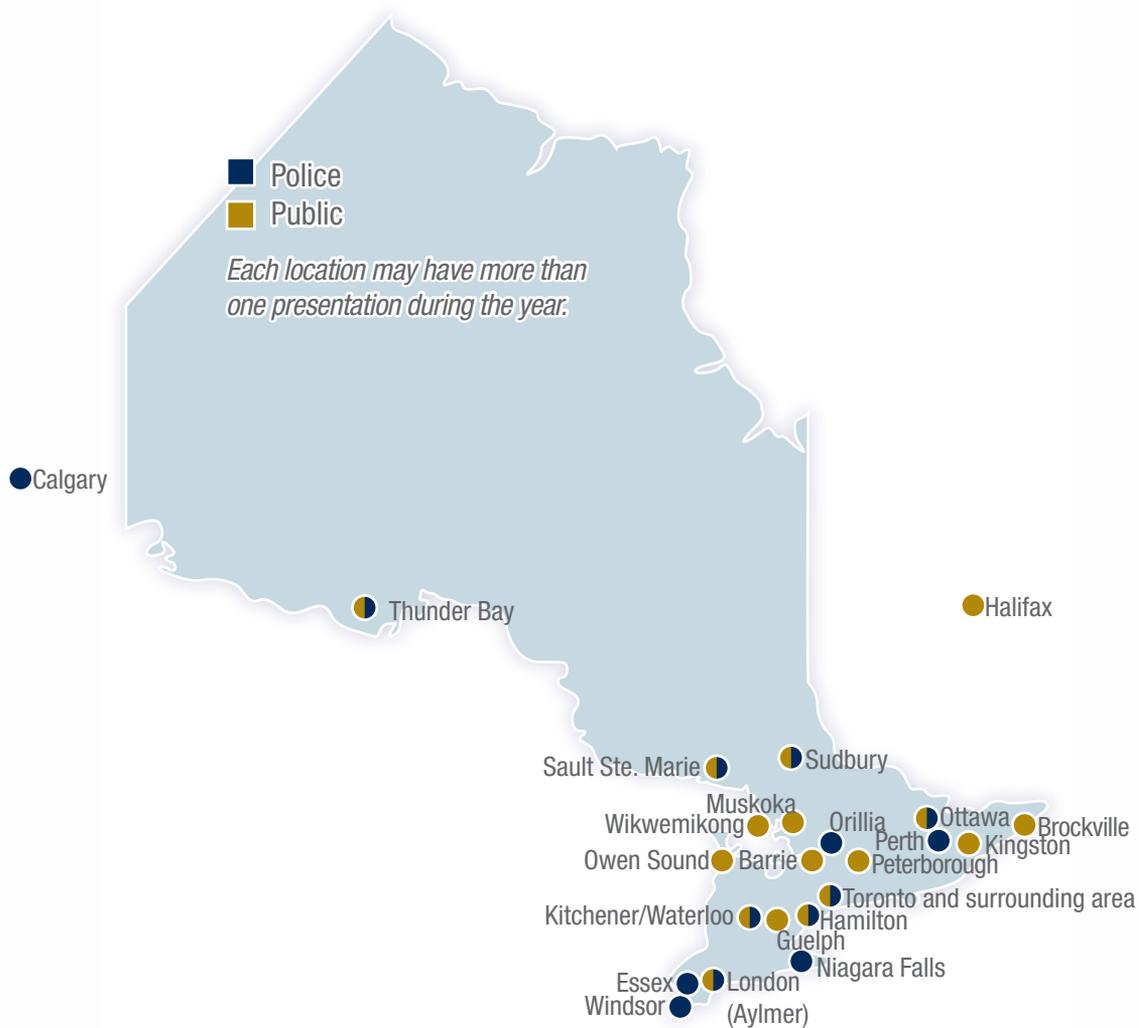
First Nations Liaison Outreach

Location	Event
Manitoulin Island	High School Career Day
Special Investigations Unit	Training session for SIU staff presented by Elder Harper
Special Investigations Unit	SIU Investigators Training Seminar relating to First Nations cases
Anishinabek Police Service	Meeting with Anishinabek Police Service Chief and Inspectors
Special Investigations Unit	Investigators' Training Seminar, Ojibwa First Nation presentation
Ottawa	National Aboriginal Policing Forum 2007 in Ottawa
Toronto	Aboriginal and Diversity Police Forum (OPC)
Nishnawbe-Aski Nation, Thunder Bay	Meeting with Grand Chief Beardy and Deputy Chief Domm of the Nishnawbe-Aski Police Service
Thunder Bay	First Nations Chiefs meeting

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Connecting with the Police and the Public

Identifying strategic opportunities to reach out to the more than 12 million residents of Ontario, in an effort to raise the awareness of the Unit's mandate and promote a better understanding of the SIU's investigative process, is an ongoing goal and challenge. The SIU outreach program is carried out by staff from all levels of the organization and can include meetings with chiefs of police and other senior officers, presentations to police services frontline officers, college and university students, community organizations, information booths at conferences and other related events. This year SIU staff participated in 59 meetings and presentations across Ontario to a variety of groups. Through the Balanced Scorecard Process, the SIU has enhanced its outreach program by offering training to staff on making presentations and exploring strategies to help reach out to community groups.



Regular meetings with senior officers and police chiefs from a number of municipal police services, including Hamilton, Toronto, Sault Ste. Marie, Essex, Perth, York, as well as the OPP, remained an important component of the SIU's outreach efforts during the year.

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Outreach Presentations

(Some listings represent repeated presentations during the year)

Location	Event
Owen Sound Brockville Mississauga Toronto	<ul style="list-style-type: none">• Ontario Association of Police Services Boards• Law and Security class, St. Lawrence College• University of Toronto Forensic Anthropology students• Osgoode Hall Law School students• Law Society of Upper Canada• International Summit for Police and Peace Officer Executives• Ontario Association of Chiefs of Police Conference• Metro Toronto Chinese & Southeast Asian Legal Clinic Symposium• C.O. Bick College• Ontario Association of Police Services Boards• York University Sociology class
Ottawa	<ul style="list-style-type: none">• Association of French Jurists of Ontario• Ontario Police College Professional Standards course• Algonquin College
Markham Waterloo and Thunder Bay Aylmer	<ul style="list-style-type: none">• Blue Line Trade Show• Ontario Police College• Ontario Police College• Media Relations Officers
Calgary Niagara Falls Barrie Halifax Essex Kitchener Orillia London Hamilton	<ul style="list-style-type: none">• Canadian Association of Chiefs of Police Conference• OPP Surveillance Teams• Georgian College Law students• CACOLE Conference• Essex Police Service• Conestoga College Law and Security students• OPP Professional Standards• University of Western Ontario Law students• Golden Horseshoe Crime Prevention Association• Rotary Club
Sudbury Gravenhurst Peterborough	<ul style="list-style-type: none">• Laurentian University 4th year Forensic students• OPP Senior Managers/Command• Sir Sanford Fleming Community College

Affected Persons Coordinator Outreach

During the 2007-2008 fiscal year, the SIU's Affected Persons Coordinator assisted in 53 investigations by providing emotional and referral support to a total of 94 individuals. The majority of cases involved deaths and allegations of sexual assault.

Affected Person Coordinator profile

Jan Reynolds

Throughout my career, I have always found the most satisfaction in being a front-line worker. Prior to my involvement with the SIU, I was a Team Lead with Victim Services in Guelph, and also co-facilitated a support group for abused women. Prior to joining Victim Services, I owned my own laser machine shop for 17 years. Being responsible for 20 employees helped me to develop management skills, insight and experience in working with people from all walks of life.



As the SIU's first Affected Persons Coordinator (APC), I have had the unique opportunity to develop the role from the ground up, and have been fortunate to work with dedicated investigators. They have embraced this position and realize the true value of having someone there to alleviate the emotional responsibility

of coping with traumatized individuals so that the investigators can focus on conducting an impartial investigation into the incident.

I cover the entire province and I work hard to develop a rapport and the trust of the individuals with whom I come into contact. The busiest time for me is usually between 10 p.m. and 3 a.m. when a person's emotional state is fragile and what they need the most is a listening ear to assure them that they are not alone. While most of my work is conducted over the phone at the initial stage of an investigation, I will often travel to meet with individuals or their families to provide them with information and referral to crisis and support services to help them cope. Being available '24/7' puts me in a position to offer immediate resources and support to those who have been impacted during an SIU investigation and, in doing so, to give them a sense of empowerment.

Although this position is relatively new to the SIU, the concept has been around for a very long time with Victim Service organizations all across North America. My involvement with directly affected individuals, who have been injured, suffered the death of a loved one or complained of sexual assault while being in contact with the police, allows the investigators to focus on the investigation and not have the additional pressure of dealing with the trauma and pain that those people and members of their families are going through as a result of the incident. I also assist those who may not be directly involved with the incident, but who may have witnessed what occurred, as they also may require assistance in coping.

I believe that no matter what the circumstances are, everyone is entitled to community resources to help them whether it is alcohol/drug rehabilitation, mental health crisis intervention or funding for funeral expenses for a loved one. SIU Director James Cornish identified the need for this program and worked tirelessly to establish the APC position. He understood the benefits of having the emotional needs of complainants addressed by a professional whose skilled intervention would assist investigators in liaising with the family in difficult circumstances.

My hope is that the position of the Affected Persons Coordinator will become a part of every investigation. The SIU's investigative and forensic team members are excellent at what they do, and by including the APC's skill set to develop a regular line of communication and support to the individuals, families and witnesses in an SIU investigation, everyone benefits.

Media Relations

A significant increase in the SIU's annual caseload has also challenged the Unit in the area of media relations. In order to maintain its timely response to news organizations across Ontario on a '24/7' basis, and in particular to those outside of the Greater Toronto Area, the SIU has provided media training to lead investigators and supervisors so that they are able to give an initial comment to the media while at the scenes of major occurrences.

The latest round of training in this area occurred in May 2007. The increased availability of SIU representatives to provide timely responses to media inquiries has both enhanced media coverage of SIU activity and improved the media's understanding of the agency's investigative processes.

When practical, the SIU's Communications Manager and primary spokesperson will either respond to the media at the scenes of major events or work out of the SIU's Mississauga office to respond to media requests for follow-up interviews and ongoing progress reports during the course of an investigation.

The Communications Manager also works collaboratively with the media relations officers of individual police services in Ontario to facilitate the release of information in respect of the SIU's mandate and any parallel investigations by the local police service.



CACOLE

The SIU continues to be actively involved in the activities of the Canadian Association for Civilian Oversight of Law Enforcement (CACOLE). This year, a three-person contingent from the SIU attended CACOLE's Annual Conference held in Halifax, Nova Scotia. The conference theme was *Challenges, Experiences and Solutions*. At the conference, SIU Director James Cornish chaired a panel discussion on the personal experiences of complainants during the course of an oversight investigation of police activity.

Representatives from agencies that deliver civilian oversight of law enforcement from across Canada and around the world were in attendance as were representatives from diverse community groups, who participated in discussions about how to make civilian oversight of law enforcement better. Valuable international and First Nations perspectives were provided on many issues.

International Delegations

In the arena of civilian oversight of police, the SIU is viewed as a leading edge model both in Canada and around the world. Over the years, international jurisdictions have sent representatives to visit the SIU offices to observe, consult and receive advice on establishing their own system of police accountability.

In October 2007, Juan Salgado, an investigator-researcher with Fundar, a police oversight agency in Mexico, toured the SIU offices. Mr. Salgado is part of an effort to set up a police oversight agency in the southern part of Mexico that would cover a wide variety of complaints against the police including corruption. Mr. Salgado spoke with many members of the SIU to gain insight into how they perform their jobs within the SIU's mandate.

In December 2007, a delegation from China visited the SIU's office in Mississauga to learn about the role of the SIU. In his presentation, Investigative Supervisor Jim Chapman provided an overview of the agency's evolution within the context of independent oversight of police in Ontario. Becoming familiar with the 'language' of civilian oversight and police accountability assisted members of the delegation, who were appointed to provide translation and cultural services during the Olympic Games in Beijing.



*Top photo
Juan Salgado of Mexico with
Director James Cornish*

*Bottom photo
Members of the Chinese delegation with
Executive Officer Paul Cormier
(back row right)*



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Training

During the past year, through the efforts of the SIU's Training Coordinator and the Balanced Scorecard process, changes were made that helped to facilitate a better understanding of the training needs of the SIU staff. The Unit's training objectives were also more clearly identified and supported through, for example, the development of a mission statement for the training department.

Staff Training Mission Statement

An environment that promotes continuous learning will:

- Support employees in gaining skills, abilities, knowledge and competencies to meet current and future business needs;
- Aid in finding new ways to achieve results and provide quality service;
- Help employees recognize and achieve their full potential on the job;
- Assist in improving the overall effectiveness of the Unit;
- Provide a stimulating, intrinsically rewarding work climate that fosters improved results;
- Encourage employees in achieving a sense of mastery in their work;
- Establish a better understanding of each employee's contribution to ministry business goals; and
- Establish a benefit that will help attract, recruit and retain talent.

A focus of the training department was to ensure that yearly performance appraisals included learning and development strategies. The Ontario Public Service Centre for Leadership and Learning (CFLL) played an important role in providing resources for those who wished to take greater responsibility for their own learning. In total, the Unit registered 14 staff members for this initiative, which offers over 400 online courses for a period of one year.

The quarterly training for the Unit's forensic and investigative staff included an Identification Training Day that preceded the Investigators' Training Seminar (ITS). Seminar presentations focused on peer case reviews, cultural diversity, health and wellness and Unit specific issues. Other training initiatives held throughout the year were Insights Team Communication, Media Relations, the Police Leadership Program at the Rotman School of Business, and Officer Involved Shootings by the Force Science Research Centre, based in Mankato, Minnesota.

Management

By the end of the fiscal year, Unit managers had participated in the *Managing Occupational Health and Safety* and the *WDHP Workshop for Managers* courses offered by the CFLL.

Administration

Having satisfied a need for updated computer training for the bulk of the administrative staff in the last fiscal year, in 2007-2008 the focus shifted to providing the administrative team with individual training initiatives offered by the CFLL.

Forensic Identification Services

The bulk of external training for Forensic Identification Services personnel continued to consist of attendance at relevant conferences, as well as at the Ontario Police College (OPC).

The Unit was fortunate to secure five positions on the *Shooting Scene Reconstruction* course sponsored by the Centre of Forensic Sciences. This training enables the Unit to have trained personnel in all four areas of the province.



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Investigations

The SIU's investigators receive most of their core training through the OPC. Inviting subject matter experts to present at the Unit's quarterly training events, as well as attendance at specifically themed workshops and conferences, will continue to represent a significant portion of investigator training.

In the next fiscal year, the Unit will continue to foster an environment of continuous learning for all SIU staff and the training department's focus will be to align both individual and group requests for training with the Unit's strategies that emerge from the Balanced Scorecard interactive training sessions.

2007-2008 Investigative and Forensic Identification Training

Course	External Provider
AED/CPR/First Aid Training (Cardiac SafeCity Program)	Toronto Emergency Medical Services
Basic Bloodstain Pattern Recognition Course	Ontario Police College (OPC)
Drafting and Reviewing Search Warrants	Osgoode Hall Continuing Education
Firearms Examiners Course	Centre of Forensic Sciences (CFS)/Toronto Police Service
Annual Conference	International Association of Blood Pattern Analysts
Introductory Project Management in the Public Sector	Performance Training Solutions
Investigative Interviewing Course	Ontario Police College
Media Relations Training	Allan Joyner Productions
Annual Workshop	Ontario Homicide Investigators Association
Search Warrant Course	Ontario Police College
Security Forum Geospatial Information Seminar	Ontario Police College
Sexual Assault Investigation Course	Ontario Police College
Shooting Scene Reconstruction	Centre of Forensic Sciences

Investigative and Forensic Identification Training – Facilitated by Unit Personnel

- Death Notifications
- Examining Safety Features of Semi-Automatic Weapons Used Within the Province
- Firearms Trajectory and Collision Analysis
- OPS Lesson Plan Information Session for Managers
- Outreach Training
- Peer Case Reviews
- Protocol for Conducting Off-Site Videotaped Interviews
- SIU Business Continuity Overview
- SIU Collision Investigation Workshop
- SIU Learning and Development
- SIU Media Relations Review
- SIU Performance Appraisals
- SIU Report Writing Overview

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Investigator's Training Seminars (formerly Quarterly Training Seminar)

- Aboriginal Cultural Sensitivity
- Accident Reconstruction: Limitations and Myths (CFS)
- Cultural Diversity (Jamaican-Canadian Association)
- Investigative Interviewing (Metacentre)
- Ojibwa First Nation
- Ontario Council of Agencies Serving Immigrants (OCASI)
- Psychological Issues Relevant to the Investigation of Officer Involved Shootings (Force Science Research Center)
- Sexual Assault Investigations (OPC)
- Understanding and Investigating Officer Involved Shootings (Force Science Research Center)

Corporate Training

- Best Practices on Engaging the Community
- Cardiac SafeCity Program (through Toronto EMS)
- Insight 2007: Liability & Risk
- National Aboriginal Policing Forum
- OACP-SIU Workshop
- OPS Security Forum & Workshop

Administrative Training

- Access and Privacy Workshop
- ARI Insights
- Campusdirect (CFL)
- Demystifying Financial Statements
- Get It Right: An Intensive Proofreading Course
- IFIS Reporting Portal Upgrade (OPS)
- Insights Discovery Training
- Managing Information in A Modern OPS
- Microsoft SQL Server Certificate
- Safety and Security Measures for Front Desk Personnel
- Showcase Ontario
- Suspicious Items Training (OPS)

Health and Wellness Training (by EAP Vendor)

- Building Bridges: Collaboration At Work
- Conflict, Strategy & You
- Maximizing Your Cooperative Zone



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Management Training

- Basics of Writing Policies
- BSC Leadership Training
- CACP Annual Conference
- Campusdirect (CFL)
- Facilitation Basics
- FBINAA Annual Conference
- Insights Discovery Training
- Insight 2007: Liability & Risk
- Manager As Coach for Performance and Development
- Managing Occupational Health & Safety
- Media Relations Training
- Metro Toronto & Southeast Asian Legal Clinic Symposium
- OACP Annual Conference
- OPS Learning Plan Information Session
- Rotman Police Leadership Program
- SafeSmart (CFL)
- The New Administrative Law
- WDHP for Managers
- 7th Annual TPS Professional Standards Conference
- 9th Colloquium On the Legal Profession: Legal Ethics in Action

Training Coordinator Training

- Canadian Society of Training and Development (CSTD) Annual Conference
- Showcase Ontario
- The Training Function: What Is Your Role (CSTD)

Affected Persons Coordinator Training

- Life Skills Coach: Level 1

Human Resources

At the end of the 2007-2008 fiscal year, the SIU had 72 members on staff.



Recruitment

During the year, the SIU increased its staffing complement by 11 including new full-time investigators.



In November 2007, four new SIU staff were sworn in as investigators. From left to right: Emily Watson, Bob Dymock, SIU Director James Cornish, John Bates and Allan Eaton. They bring a variety of experience and backgrounds to the Unit including policing, the College of Physicians and Surgeons of Ontario and the legal profession.



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Investigator Profile

Jack Corruzi

I gained a great deal of respect and appreciation for the professionalism of SIU investigators as well as a better understanding of how the SIU operated when I served as a liaison officer for the Hamilton Police Service on two SIU investigations. It soon became apparent that the investigators were well-trained and the Unit well-supported. When I retired in 2007 after almost 32 years with the Hamilton Police Service, I knew I wanted to be a part of the SIU.



Over the course of my policing career, I have held a variety of positions that provided me with invaluable experience and insight in dealing with the public on issues that were very challenging and somewhat unpopular. While working in the Professional Standards Branch of the Hamilton Police Service and investigating public complaints, as well as internal conduct and workplace harassment issues, I had an obligation to identify areas of concern and to recommend corrective action. I learned the importance of being diligent and conducting thorough investigations. From criminal investigations involving young offenders to investigating allegations of sexual assault or the sexual and physical abuse of children, I focused on ensuring that I served victims and complainants the best way that I could by preparing cases that reflected all of the available best evidence. At the same time, I developed the ability to work with victims and complainants so that they trusted me to treat them fairly and to keep them informed. I bring the same approach to my work at the SIU. People know that they can trust me, that I have no agenda and that I'm not out to "get" anyone.

With my experience and skills, working at the SIU is a perfect fit for me. My integrity and my reputation for fairness and honesty give me credibility, which is an essential element of oversight investigations. The work this Unit does is vitally important to the public and to the police, and we all have a responsibility to conduct ourselves with professionalism and objectivity.

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Financial Expenditures

Financial Expenditures

Original Budget for 2007/2008 was \$5,716,700

Revised Budget for 2007/2008 was \$6,866,700

Total annual expenditures for the year ended March 31, 2008 were \$6,782,889

2007/2008 Expenditures

Salaries and Wages	\$5,065,752	74.7%
Benefits	543,889	8.1%
Transportation and Communication	509,138	7.5%
Services	376,023	5.5%
Supplies and Equipment	288,087	4.2%
TOTAL	6,782,889	100%

Expenditures by Section

Investigative Services	4,045,592	59.6%
Identification Services	1,161,884	17.1%
Office of the Director	700,165	10.3%
Administrative Services	630,201	9.3%
Communications	119,302	1.8%
Outreach	18,747	0.3%
Affected Persons	27,711	0.41%
Training Services	79,287	1.2%
TOTAL	6,782,889	100%

Expenditures related to training in 2007/2008 were 6.9% of the SIU's total budget

Training Expenditures

Investigative Services	283,344	50.2%
Identification Services	88,397	18.6%
Office of the Director	65,298	13.8%
Administrative Services	3,243	0.7%
Training Coordination	79,287	16.7%
TOTAL	474,569	100%

The Investigative and Forensic Identification Services include expenditures related to the effective administration of cases. These expenditures include, but are not limited to: transcription and document processing services, telecommunications, travel, vehicle fleet, and information technology.

During fiscal 2007-08, the SIU encountered significant financial pressures due to workload issues caused by:

- increased caseload;
- implementation of the Balanced Scorecard; and
- the Ombudsman investigation.

In order to respond to this increase in workload, the SIU requested additional funding for fiscal year 2007-08 and future years.

In-year funding was granted in fiscal 2007-08. We are pleased to report that for fiscal 2008-09 and future years, the Government of Ontario granted financial approval for the following:

- Additional two full-time investigators;
- Additional two full-time entry level investigators;
- Outreach Coordinator;
- Additional three Administrative staff.

A request for additional funding was also approved for a "Mobile Investigative Centre" (MIC) that will:

- enhance our ability to conduct independent investigations at major occurrences that require immediate response;
- establish an on-scene and independent presence; and
- gain the attention of witnesses to an occurrence and the media.



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Looking Forward

The challenges this Unit has faced in the past will be very similar to those it will face in the future. It now has a powerful new tool in the Balanced Scorecard (BSC) process to guide it along on the journey of organizational renewal. Through the tremendous response of the women and men of this Unit, the combined energy and initiative of the staff have been mobilized to do such things as enhance outreach to civilian agencies and communities, revise performance planning and review processes, and set internal measures to allow an assessment of quality, quantity and timelines of investigations.

The BSC process will continue to yield results commensurate with the commitment of the women and men who work here. The challenge will be to keep the momentum going even in the context of an ever-increasing burden of the number of occurrences we investigate.

One key initiative that began during this fiscal year through one of the BSC teams is the development, design and initiation of a data management/records management system. This is an idea whose time has come at the SIU and efforts to implement such a system are progressing in earnest, but will require continued attention over time and commitment to its implementation.

The Unit is also experiencing the challenges associated with increased caseloads. On this front, the Unit anticipates that it will receive authority to expand its investigative complement and the administrative support that is required. This will require adjustments to the current space and a commitment of time to training, mentoring and development.

The Unit will also continue to strive to get the word out about what we do and what we do not do – to clarify the SIU’s role and manage expectations. In order to do that, the Unit has developed a need for a dedicated outreach coordinator. That person will work hand-in-hand with the Balanced Scorecard outreach team to coordinate and focus the Unit’s outreach to communities, agencies and schools. The goal is to ensure that the SIU’s limited yet significant mandate becomes common knowledge.

The First Nations Liaison program has enjoyed significant success since its introduction in 2006, and it is anticipated that the momentum generated during this fiscal year will continue to grow as more protocols with First Nations police services are established and relationship-building continues with the First Nations communities.

This Annual Report marks the last for the present Director, James L. Cornish. Many things have been accomplished under his tenure: the creation of the Unit’s first Affected Persons Coordinator; the implementation of the First Nations Liaison capacity within the SIU to enhance outreach, education and cultural competence; a renewal of the Unit’s commitment to training and continuous learning; and the establishment of the Balanced Scorecard change process to enhance the Unit’s ability to grow and adjust in an ever changing environment. Still much is left to do as the process continues. Mr. Cornish has often used the following quote to describe the process:

“Every day you may make progress. Every step may be fruitful. Yet there will stretch out before you an ever-lengthening, ever-ascending, ever-improving path. You know you will never get to the end of the journey. But this, far from discouraging, only adds to the joy and glory of the climb.”

Sir Winston Churchill

APPENDIX A SIU OCCURRENCES

Type of Occurrences	91-92	92-93	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08
Firearm Deaths	8	6	2	2	4	9	4	1	3	5	4	1	2	8	8	6	7
Firearm Injuries	13	12	14	11	16	12	10	9	8	8	5	9	8	4	10	11	14
Custody Deaths	7	15	12	14	24	24	12	18	21	18	19	17	26	15	22	35	21
Custody Injuries	12	32	84	93	54	42	52	65	60	85	75	86	90	58	107	129	124
Other Injuries/Deaths	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1	2	1	1	0	2	0	0	1
Vehicle Deaths	5	3	12	11	6	8	5	12	10	8	12	7	9	9	9	5	9
Vehicle Injuries	23	16	86	80	55	57	56	64	43	36	31	21	41	30	25	28	29
Sexual Assault Complaints	0	11	9	11	9	8	9	11	10	15	15	9	16	11	23	24	41
TOTALS	68	95	219	222	168	160	148	180	156	177	162	151	192	137	204	238	246
Number of cases in which charges were laid (Number of officers charged)	14	8	1	3	4	3	2	3(6)	6(6)	4(5)	4(5)	4(4)	2(2)	3(4)	4(4)	2(2)	7(10)

CASE CLOSURE STATISTICS

	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008
Total # of Cases ¹	142	167	117	176	221	223
Average # of days to close ²	14.68	20.71	23.93	25.51	28.8	47.79
# of cases closed within 30 days	131	132	89	119	151	85
% of cases closed within 30 days	92.25%	79.04%	76.07%	67.61%	68.33%	38.12%

¹ The number of closed cases is necessarily less than the total occurrences in 2007-2008 as a number of cases resulted in investigations that were ongoing at the end of the fiscal year. In addition, the cases in which charges were laid are not considered "closed", and were omitted from this figure, since further investigation and legal proceedings in relation to those cases may take months and even years.

² An important component of the manner in which the SIU calculates the length of its cases from start to finish is its practice of *stop-restart dates*. 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. The purpose underlying the practice, which has been in place since this performance standard was set and reported on, is the compilation of meaningful information regarding the length of SIU cases. That is, by subtracting periods of time during which the investigation was 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 cases it pursues.

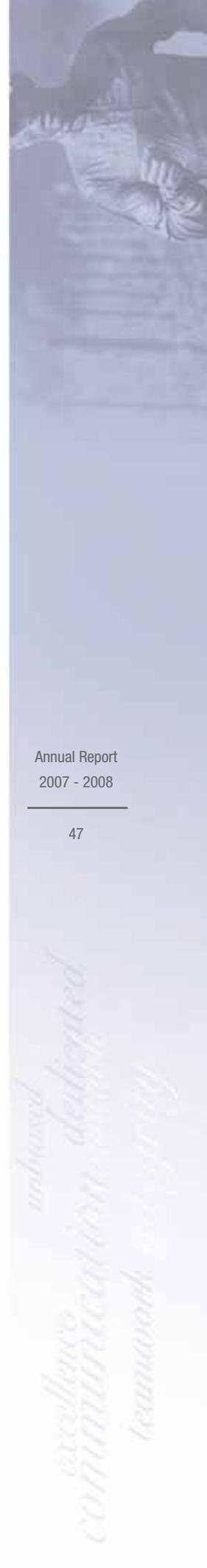
APPENDIX B SIU CASE BREAKDOWN by County, Police and Population

COUNTY	POP.*	POLICE SERVICE	Total Cases	% of Total Cases	Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicle Injuries	Vehicle Deaths	Sexual Assault Complaints	Other
SIU CENTRAL REGION												
Dufferin County	54,436	Orangeville Police Service	1	0.4%			1					
Haldimand	45,249	OPP Haldimand County Detachment	1	0.4%			1					
Brant County	125,099	Brantford Police Service	3	1.2%	1		2					
Halton Regional Municipality	439,256	Halton Regional Police Service	3	1.2%		1	2					
Simcoe County	422,204	Barrie Police Service	4	1.6%			4					
		OPP Barrie Detachment	1	0.4%			1					
		OPP Orillia Detachment	3	1.2%					1		2	
		OPP Huronia West Detachment	1	0.4%							1	
Niagara Regional Municipality	427,241	Niagara Regional Police Service	15	6.1%			8	1	3	1	2	
Hamilton Division	504,559	Hamilton Police Service	9	3.7%		1	4		2	1	1	
Durham Regional Municipality	561,258	Durham Regional Police Service	7	2.8%			3	2			1	1
York Regional Municipality	892,712	York Regional Police Service	7	2.8%			7					
Peel Regional Municipality	1,159,405	Peel Regional Police Service	15	6.1%	4		7		2		2	
		OPP Caledon Detachment	1	0.4%	1							
TOTAL SIU CENTRAL REGION	4,693,982*	(% of Ontario's population = 36.4%)	71	28.9%[†]	6	2	40	3	8	2	9	1
SIU TORONTO REGION												
Toronto	2,503,281	Toronto Police Service	63	25.6%	6	3	36	6	4	2	6	
TOTAL SIU TORONTO REGION	2,503,281*	(% of Ontario's population = 21.7%)	63	25.6%	6	3	36	6	4	2	6	0



COUNTY	POP.*	POLICE SERVICE	Total % of Total Cases									
			Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicle Injuries	Vehicle Deaths	Sexual Assault	Other Complaints		
SIU EASTERN REGION												
Lennox and Addington County	40,542	OPP Napanee Detachment	1	0.4%				1				
Lanark County	63,785	OPP Lanark County Detachment	1	0.4%							1	
Prescott and Russell United Counties	80,184	OPP Russell County Detachment	1	1.4%							1	
Leeds and Grenville United Counties	99,206	Brockville Police Service	1	0.4%	1							
		OPP Grenville County Detachment	2	0.8%							2	
Stormont, Dundas and Glenora United Counties	110,399	Cornwall Police Service	1	0.4%		1						
		OPP Stormont, Dundas & Glegarry Detachment	3	1.2%				2		1		
Hastings County	130,474	OPP Bancroft Detachment	1	0.4%		1						
		OPP Central Hastings Detachment	1	0.4%		1						
Frontenac County	143,865	Kingston Police Service	1	0.4%				1				
Ottawa Division	812,129	Ottawa Police Service	14	5.7%		5		2		3		4
Kawartha Lakes Division	74,561	City of Kawartha Police Service	1	0.4%		1						
		OPP The City of Kawartha Lakes Detachment	1	0.4%							1	
Northumberland County	80,693	OPP Cambellford Detachment	2	0.8%							2	
		Port Hope Police Service	1	0.4%						1		
Rebiffrew County	97,545	OPP Renfrew Detachment	4	1.6%				1		1		1
Peterborough County	133,080	Peterborough-Lakefield Community Police Service	2	0.8%		1		1		1		
		OPP Peterborough County Detachment	4	1.6%				2		1		1
TOTAL SIU EASTERN REGION	1,908,105*	(Ontario's population = 16.0%)	42	17.1% †	1	10	5	11	1	13	0	0

COUNTY	POP.*	POLICE SERVICE	Total % of Total Cases		Firearm		Custody		Vehicle		Other	
			Cases	%	Injuries	Deaths	Injuries	Deaths	Injuries	Deaths	Sexual Assault	Complaints
SIU NORTHERN REGION												
Parry Sound District	40,918	OPP West Parry Sound Detachment	1	0.4%			1					
Muskoka District Municipality	57,563	OPP Bracebridge Detachment	4	1.6%			1	1	1	1		
Kenora District	64,419	OPP Dryden Detachment	1	0.4%			1					
		OPP Sioux Lookout Detachment	2	0.8%			1				1	
Nipissing District	84,688	North Bay Police Service	4	1.6%			3				1	
		West Nipissing Police Service	1	0.4%			1					
		OPP North Bay Detachment	1	0.4%			1					
Cochrane District	82,503	Timmins Police Service	1	0.4%			1					
Algoma District	117,461	Sault Ste. Marie Police Service	3	1.2%			3					
		OPP East Algoma Detachment	1	0.4%							1	
		OPP Elliot Lake Detachment	1	0.4%				1				
Thunder Bay District	149,063	Thunder Bay Police Service	3	1.2%			3					
		OPP Nipigon Detachment	1	0.4%							1	
		OPP Thunder Bay Detachment	1	0.4%						1		
Greater Sudbury Division	157,857	Greater Sudbury Police Service	6	2.4%			3	2			1	
TOTAL SIU NORTHERN REGION	843,801*	(Ontario's population = 7.4%)	31	12.6%*	1	0	19	3	1	2	5	0



COUNTY	POP.*	POLICE SERVICE	Total Cases	% of Total Cases	Firearm Injuries	Firearm Deaths	Custody Injuries	Custody Deaths	Vehicle Injuries	Vehicle Deaths	Sexual Assault	Other Complaints
SIU WESTERN REGION												
Bruce County	65,349	Saugeen Shores Police Service	1	0.4%			1					
Oxford County	102,756	Oxford Community Police Service	2	0.8%					1		1	
		OPP Oxford Detachment	2	0.8%				1	1			
Chatham-Kent Division	108,589	Chatham-Kent Police Service	5	2.0%				1	2		2	
		OPP Chatham/Kent Detachment	1	0.4%						1		
Lambton County	128,204	Sarnia Police Service	1	0.4%							1	
		OPP Lambton Detachment	3	1.2%			2			1		
Wellington County	200,425	Guelph Police Service	1	0.4%			1					
Essex County	393,402	Leamington Police Service	1	0.4%			1					
		Windsor Police Service	3	1.2%			1				1	
		OPP Essex Detachment	1	0.4%			1					
Middlesex County	423,333	London Police Service	4	1.6%			4					
		OPP Middlesex Detachment	1	0.4%			1					
Waterloo Regional Municipality	478,121	Waterloo Regional Police Service	11	4.5%		1	6		1		3	
Perth County	74,344	OPP Perth County Detachment	1	0.4%				1				
		Stratford Police Service	1	0.4%			1					
TOTAL SIU WESTERN REGION	2,211,610	(% of Ontario's population = 18.5%)	39	15.9%[†]	0	1	19	4	5	2	8	0
TOTAL SIU REGIONS	12,160,780		246	100%	14	7	124	21	29	9	41	1

Note: This chart only represents police services with SIU occurrences.

* 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.

Ontario Police Services Act, 1990 Part VII

Special Investigations

Special Investigations Unit

113. (1) There shall be a special investigations unit of the Ministry of the Solicitor General. R.S.O. 1990, c. P.15, s. 113 (1).

Composition

(2) The unit shall consist of a director appointed by the Lieutenant Governor in Council on the recommendation of the Solicitor General and investigators appointed under Part III of the Public Service of Ontario Act, 2006. R.S.O. 1990, c. P.15, s. 113 (2); 2006, c. 35, Sched. C, s. 111 (4).

Idem

(3) A person who is a police officer or former police officer shall not be appointed as director, and persons who are police officers shall not be appointed as investigators. R.S.O. 1990, c. P.15, s. 113 (3).

Peace officers

(4) The director and investigators are peace officers. R.S.O. 1990, c. P.15, s. 113 (4).

Investigations

(5) The director may, on his or her own initiative, and shall, at the request of the Solicitor General or Attorney General, cause investigations to be conducted into the circumstances of serious injuries and deaths that may have resulted from criminal offences committed by police officers. R.S.O. 1990, c. P.15, s. 113 (5).

Restriction

(6) An investigator shall not participate in an investigation that relates to members of a police force of which he or she was a member. R.S.O. 1990, c. P.15, s. 113 (6).

Charges

(7) If there are reasonable grounds to do so in his or her opinion, the director shall cause informations to be laid against police officers in connection with the matters investigated and shall refer them to the Crown Attorney for prosecution. R.S.O. 1990, c. P.15, s. 113 (7).

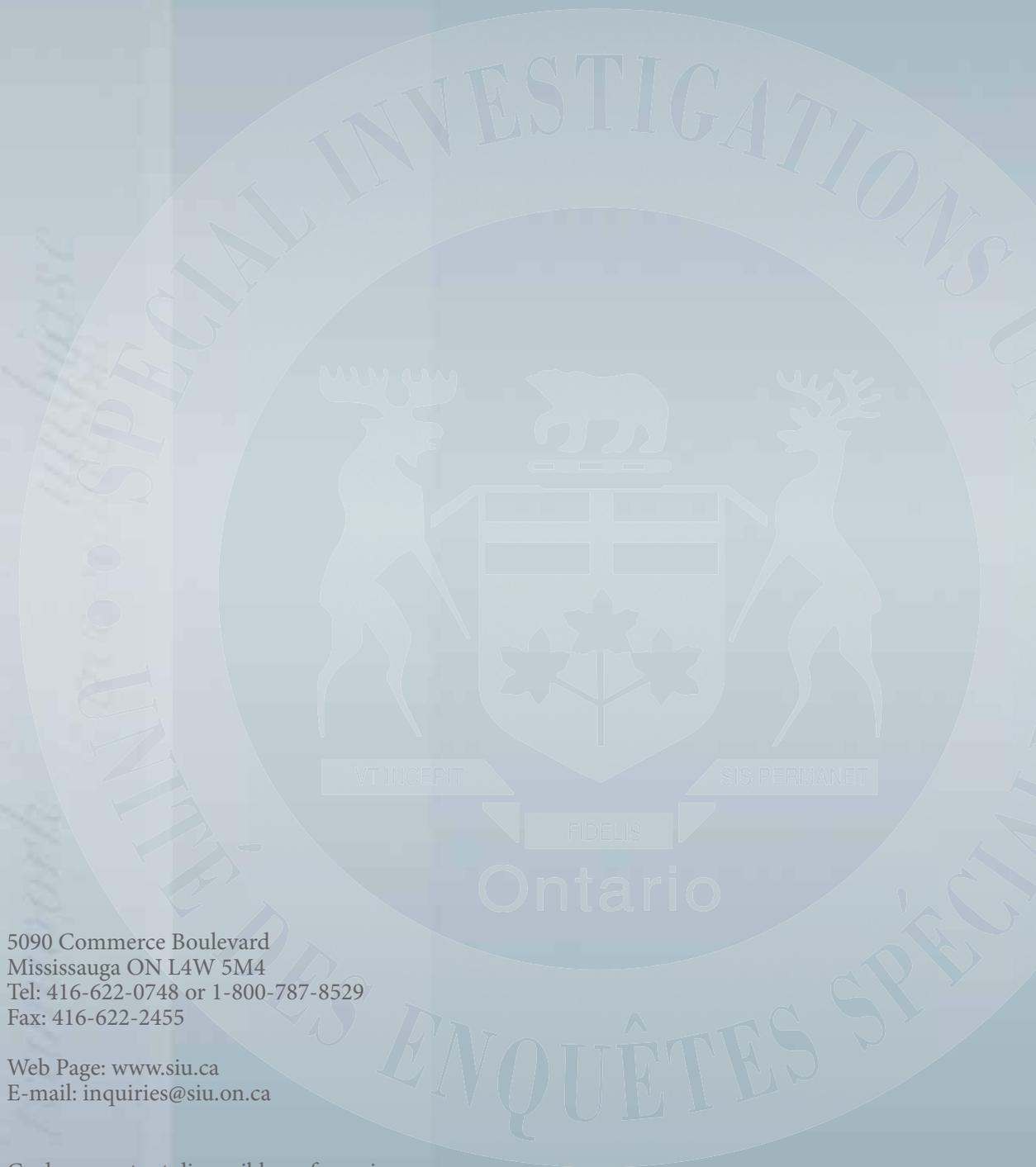
Report

(8) The director shall report the results of investigations to the Attorney General. R.S.O. 1990, c. P.15, s. 113 (8).

Co-operation of police forces

(9) Members of police forces shall co-operate fully with the members of the unit in the conduct of investigations. R.S.O. 1990, c. P.15, s. 113 (9).

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